

Watershed Agricultural Council

Agriculture ♦ Forestry ♦ Conservation Easements ♦ Economic Viability

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Minutes of the Watershed Agricultural Council October 25, 2022

I. Meeting called to order at 10:06 a.m.

Roll Call:

Directors Present:

Dwight Bruno
Dave Cammer, *Vice Chair*
James Darling
Paul Gallay, *via Zoom*
Richard Giles, *Secretary*
Wayland Gladstone, *Chair*
Karl Gockel, *Treasurer*
Jennifer Grossman
Jason Helmbold
Fred Huneke
Tom Hutson
John Verhoeven, *via Zoom*
Marilyn Wyman
John Vickers, *NYC DEP, via Zoom*

Directors Absent:

Steve Reed

Others Present:

Ryan Naatz, *Executive Director*
Amy Faulkner, *Director of Operations*
Carol Bishop, *Finance Director*
Larry Hulle, *Agricultural Program Manager*
Nate Townsend, *Whole Farm Planning Coordinator*
Elaine Poulin, *Program Procurement & Contract Coordinator*
Cindy McCarthy, *NM & PFM Coordinator*
Brian LaTourette, *Program Operations Coordinator*
Tom Pavlesich, *Forestry Program Director*
Tyler Van Fleet, *EoH Forestry Program Coordinator, via Zoom*
Serena Orleski, *Easement Program Director*
Mike Morales, *Easement Program Stewardship Coordinator*
Bill Martin, *Easement Program Acquisitions Coordinator*
Kayla Atanasoff, *Easement Program Executive Assistant*
Kristan Morley, *Economic Viability Program Manager*
Heather Magnan, *Communications Director*
John Jackson, *Database Administrator, via Zoom*
Tom Ganz, *NYC DEP, via Zoom*
Lee Harris, *NYC DOI*
Patrick Palmer, *NYS DOH, via Zoom*
Paul Kaczmarczyk, *NYS DOH, via Zoom*
Bruce Dolph, *DC SWCD Board, via Zoom*
Elizabeth DeFalco, *The Reporter, via Zoom*

II. Approval of Minutes

Motion to approve the September 27, 2022 minutes, as presented.

Motion: Dave Cammer

Second: Richard Giles

Approved

III. Additions to the Agenda

Ryan added an update on the CAT-403 extension to the *Executive Director's Report*.

IV. Executive Director's Report – Ryan Naatz

The meeting began with a welcome to the newest Board member, Jason Helmbold. Everyone took a moment to introduce themselves to Jason. Ryan also took a moment to mention, as a reminder, that Larry Hulle will be officially retiring on November 11, 2022. He thanked Larry for all his work in the Agricultural Program, and announced that there would be a brief presentation following the *Agricultural Program Report*.

A. Operational Updates

1. CAT-403 Contract Extension Update – Ryan Naatz

Ryan started by explaining that the current extension to the CAT-403 contract is operating under its fourth amendment and second extension, and is set to expire on December 31, 2022. The CAT-403 contract is typically referred to as the 'Easement contract' but it also funds 35% of administration expenses.

He continued that with uncertainties over the last couple years, as well as undergoing improvements to Finance and Governance, the CAT-503 successor contract will not be implemented. Instead, WAC and DEP have proposed a 27-month extension to the current CAT-403 contract. The motion brought forward would amend the contract language regarding procurements to match that of the CAT-487 contract, typically referred to as the 'Ag/Forestry contract,' and would authorize him to implement the amendment once there is agreement on the contract terms and conditions between himself, John Vickers, Michael Vander Werff and his team. The extension would release approximately \$9.8 million effective January 1, 2023 through March 30, 2025.

As mentioned in the September Council meeting, requests for funding should be made 45 days prior to the start of a new quarter. To receive the funding on January 1, 2023, the request would need to be submitted by November 15, 2022, but the contract extension would likely not be registered by that time. Ryan reported that DEP is currently working with the NYC Office of Engineering and Audits (OEA) and the Agency Chief Contracting Officer (ACCO) to get clarity on whether or not the request could be submitted in advance to prevent a lag in funding between contracts. Until there is a determination, WAC and DEP are also considering an amendment to the CAT-450 contract that would allow for funds to be borrowed in the event that funding between contracts cannot be expedited. He concluded by saying that there is a commitment to the 27-month extension, but that it's just a matter of when the funding will become available. He asked for any questions or comments.

Richard asked how the lag between contracts would affect the organization's operations, barring the use of an amendment to the CAT-450 contract. Ryan explained that the gap in funding would primarily affect Easement programming and would result in another acquisition pause until the new CAT-403 extension were in place and funding received; personnel and OTPS costs would not be affected. He also clarified that part of the reasoning behind setting the expiration of the new extension to coincide with that of the CAT-487 contract is to give WAC and DEP time to reassess how the successor contracts will be structured.

Motion to approve CAT-403 Amendment #5, contingent upon the satisfactory resolution of outstanding terms and conditions, as determined by WAC's Executive Director, Ryan Naatz, and to be executed immediately thereafter.

Motion: Dave Cammer

Second: Tom Hutson

John Vickers recused himself from the vote

Approved

2. Communications Update – Heather Magnan

Heather discussed the specifics of the *Q3 Communications Dashboard*. She began by explaining that WAC is concluding its event season, and for Communications, the contract deliverables are the *Delaware County Fair* and the *Delaware County Clean Sweep*, both of which have been completed.

She continued by discussing contract services. WAC put out RFPs for web, videography, and graphic design services this year and has since entered into contracts for all three services. Communications will be working with the web services provider to revamp the WAC website later this year, and the videography has begun filming for promotional videos.

In addition, Communications is currently in the process of compiling the 2022 Annual Report. The deliverable date for the Annual Report is December 31st but she anticipates its completion by early December.

She concluded by highlighting the quarter's *Agricultural Tours*, and asked for any questions or comments.

3. Information Technology Update – John Jackson

John started by explaining the *Q3 Information Technology Dashboard*; namely a breakdown of time spent in five main categories for each employee. The Dashboard also indicated their DEP deliverable, which is a GIS data transfer that occurs bi-annually. The last time data was transferred was in July 2022; the next transfer will take place in January 2023. He also reported that the position for *GIS Coordinator* was recently filled by Ben Hendee, who was previously a WAC *Conservation Planner*. He concluded by giving a quick update on the WIT project; he anticipates the program going live in December, barring any delays with the server upgrades. He asked for any questions.

4. Operational Updates – Amy Faulkner

Amy touched on certain updates pertaining to the *Q3 Human Resources/Administration Dashboard*. She began by giving an update on the East of Hudson (EoH) office building lease. As presented at the June Council meeting, the previous lease was due to expire on June 30, 2022 and a new lease was drafted as a license agreement to allow for broader property use by WAC staff. When last presented, the draft lease was under review by Westchester County. Amy reported that WAC received the approved licensing agreement from the County last week, and is in the final stages of entering into the agreement.

Amy also gave a quick update on DC SWCD lease agreement. As presented during September's Council meeting, communications were paused with an H, H & K attorney regarding draft lease revisions. Since then, WAC has been

assigned a new attorney to pick up where things were left off and an updated draft should be ready soon.

She continued with procurement updates. WAC put out a Request for Proposal (RFP) for auditing services for FY23. All proposals were received and are currently being reviewed by Carol, Wendy and herself. WAC also put out an RFP for services for a network and server refresh; proposals are currently being received.

She concluded by saying that since the Q3 Dashboard was completed, one new employee has been hired – Bill Martin joined the team as the *Easement Program Acquisition Coordinator*.

B. Programmatic Updates

1. Economic Viability Program – Kristan Morley

Kristan began by introducing the motions for the closed round of *Economic Viability Micro-Grant* applications (included under *Economic Viability Committee*). The applicant pool for the July grant round was smaller than anticipated; she's hoping for a larger pool over the winter months.

She continued by summarizing the Economic Viability Program's event deliverable; all events for the deliverable have been met. The *Q3 Economic Viability Dashboard* outlines the attended events, as well as sponsorship and donation totals.

She concluded by saying that the program is currently working on the *Holiday Gift Guide*, and will print paper copies to circulate this year ahead of holiday shopping.

2. East of Hudson Program – Gibson Durnford

Ryan reported that Gibson was not present at the meeting because he was on vacation. He plans to present programmatic updates at the next Council meeting.

3. Forestry Program – Tom Pavlesich

Tom drew everyone's attention to a few highlighted areas on the *Q3 Forestry Program Dashboard*. He started by discussing 'education and training' program deliverables. He explained that the Forestry Program would not meet the *Green Connections* deliverable for 2022 because the program is implemented in the springtime and it could not feasibly be carried out with the COVID-19 safety measures that were in place earlier this year. The program is, however, currently recruiting for the next *Green Connections* and he feels confident that this deliverable will be met in 2023.

He continued by discussing 'forestry implementation' program deliverables. For the *Management Assistance Program* deliverable, the contractual goal is 60 projects and the program has accomplished 56 projects so far. He anticipates having enough projects completed by the end of the year to meet that deliverable. Likewise, 30 out of the 40 projects required for the 'Erosion Control' deliverable have been completed so far, and it is anticipated that the goal will be met by the end of the calendar year.

With no questions on deliverables, he touched on other programmatic updates. First, the NYS DEC approved a modified *Forestry Handbook*; staff will be meeting soon to discuss implementation of new guidelines on January 1, 2023. Second, he reported that staff attended a 'forestry meeting' with DEP forestry staff a couple weeks prior; the day was spent giving presentations and discussing respective work. It went well and he anticipates participation every year moving forward. He answered follow-up questions.

4. Easement Program – Serena Orleski

Serena presented a few items on the *Q3 Easement Dashboard* and *Success and Challenges Report* included in the packet materials; specifically - staffing, contract amendments and program deliverables. Over the last few quarters, lack of staffing has been a consistent challenge for the program. She reported that Brent McKeon joined the team as a *Stewardship Specialist* in September and Bill Martin joined as the *Acquisition Coordinator* in early October.

She touched on the previously discussed contract negotiations, then explained that the program deliverable is the annual monitoring visits. By the end of the third quarter, 54% of total ground monitoring and 98% of secondary monitoring was completed, for a total of 76% completion so far for the calendar year. In

addition to the annual monitoring visits, *Stewardship* also processes landowner activity requests as they arise. She touched on some of the requests processed so far this year.

Along the same lines as the meeting mentioned by Tom, staff conducted a joint monitoring visit with John Vickers and Michael Vander Werff of the NYC DEP, and they were encouraged by their interest and engagement with the program.

Serena concluded by reporting recent progress with the lack of communication with Putnam County for the Tilly Foster Conservation Easement indicated on the *Successes and Challenges Report*. She explained that Mike Morales, Dennis Heinz, and herself conducted a joint site visit in early October, and made some headway with the county's *Director of Parks*. She asked for any questions or comments.

There were some questions and discussion around the NYSEG eminent domain determination, and interested applicants for acquisitions following a years-long pause.

5. Agricultural Program – Larry Hulle

Larry started by giving a quick staffing updates for the program; Zach Wildenstein joined as an *Engineering Specialist* on October 17th.

He then touched on BMPs going out to bid and timelines for implementation. He projects completing the extended 2022 Backlog BMP Design Metric sooner than originally anticipated; the program had over 70% of the workload completed at the time of the meeting, with the goal of 90% by the end of the calendar year, and 100% by the end of January 2023.

The program was able to take over 1,200 soils samples this year with the help of summer interns. This was the first summer since the financial crisis that interns were hired to assist with sampling.

He reported that the *Conservation Innovation Grant Proposal* was submitted by the September 22nd deadline; WAC and DC SWCD should know by the end of December if the \$3 million ask will be awarded.

He concluded by highlighting the recent *Agricultural Tour*, and thanked everyone for their participation. Since this was his last Council meeting ahead of his retirement, he also presented a photo slideshow with inspirational quotes.

V. Chair's Report – Bud Gladstone

Bud started by highlighting that the Council was on shaky ground this time two years ago, and he took a moment to say thank you to Lee Harris and Cynthia Irizarry from the NYC DOI as well as John Vickers, Michael Vander Werff, and Tom Ganz from the NYC DEP for their support in helping WAC move forward so quickly.

He also took a moment to thank the Agricultural Program staff for their hard work in putting together the *Agricultural Tour*; it was a successful tour and it brought to light how much technology is involved in modern farming. For those who didn't attend, the tour ended at the Albano Farm. He continued by saying that their operation is impressive and continues to grow, which brought about an important discussion regarding WAP guidelines for Concentrated Animal Feeding Operations (CAFOs). Under NYS Environmental Conservation Law (ECL), a farm operation with 300+ animal units is considered a CAFO, and that designation changes the level of assistance provided by the Watershed Agricultural Program (WAP) under current guidelines. Bud stated that in discussions with fellow Board members and Tom Ganz of the NYC DEP, that there was agreement that WAP should have continued communications and involvement with the Albano's after their operations outgrow the scope of the program seeing that there is a shared commitment to water quality between all parties. Ryan added that he was approached by Tom regarding those discussions, and as first steps, Larry will put together an outline for how the current guidelines came to be in order to further these discussions.

VI. Finance Committee – Karl Gockel and Carol Bishop

Karl explained that the Finance Committee recently discussed the Payment Request status, Nutrient Management Credit (NMC) analysis and line H items, and the CAT-403 contract extension. He asked for any questions on the minutes or financial statements included in the packet materials.

A. July and August Financials – Motion

Motion to accept the July and August Financials as presented.

Motion: Dave Cammer
Second: Wayland Gladstone
Approved

VII. Agricultural Committee – Dwight Bruno

A. Program Approvals – Motion

Ahead of the vote for the motion presented to Council, Dwight gave some background information to the presented Whole Farm Plan Revision; (1) the projects proposed in the revision would not be implemented for 4-5 years but was brought forward because of the *Backlog Design Metric*, and (2) the design will be reviewed once again prior to its implementation.

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

(DEP-285) Revision #2 – 2022 Backlog Revision

Motion: Marilyn Wyman
Second: Karl Gockel
*****Wayland Gladstone and Dave Cammer voted 'nay'*****
Approved

VIII. Economic Viability Committee – Richard Giles

A. Grant Approvals – Motion

Motion to approve the Economic Viability Micro Grant Application for Brookside Mountain & Maple in the amount of \$5,000.00.

Motion: Jennifer Grossman
Second: Marilyn Wyman
Approved

Motion to approve the Economic Viability Micro Grant Application for Crespell in the amount of \$5,000.00.

Motion: Karl Gockel
Second: James Darling
Approved

Motion to approve the Economic Viability Micro Grant Application for Dear Native Grapes in the amount of \$947.70.

Motion: Dave Cammer

Second: Marilyn Wyman

Approved

Motion to approve the Economic Viability Micro Grant Application for Jeff Wilson Horsemanship in the amount of \$1,650.00.

Motion: Fred Huneke

Second: Tom Hutson

Approved

IX. NYC DEP Report – John Vickers

John had nothing to report apart from information on the CAT-403 contract previously discussed. He asked for any questions.

X. NYS DOH, US EPA Reports

Patrick gave a quick update on the Filtration Avoidance Determination (FAD). The determination is in the final stages of review. He couldn't give an exact timeline, but he is hopeful that the determination will be available by the end of December.

On another note, Patrick took a moment to say thank you for having DOH at the *Agricultural Tour*. He asked for any questions.

XI. Other

Before entering Executive Session, Dwight added that it would be helpful, as the Board possibly reconsiders its guidelines, to have a presentation on CAFOs for those who may not be familiar; the definition, history, and implications for the industry.

Since Gibson wasn't present, Fred took a moment to highlight the East of Hudson Tour that was hosted a few weeks prior.

XII. Executive Session

Motion to enter Executive Session at 11:46 a.m. to discuss a FOIA request.

Motion: Karl Gockel

Second: Jennifer Grossman

Approved

Motion to come out of Executive Session at 12:00 p.m.

Motion: Dave Cammer

Second: Karl Gockel

Approved

XIII. Adjournment

Meeting adjourned at 12:00 p.m.

The next meeting will be held on Tuesday, November 22, 2022 at 10:00 a.m., via Zoom.