

Watershed Agricultural Council

Agriculture ♦ Forestry ♦ Conservation Easements ♦ Economic Viability

nycwatershed.org



Minutes of the Watershed Agricultural Council September 27, 2022

I. Meeting called to order at 10:04 a.m. by Dave Cammer.

Roll Call:

Directors Present, via Zoom:

Dwight Bruno
Dave Cammer, *Vice Chair*
James Darling
Paul Gallay
Karl Gockel, *Treasurer*
Jennifer Grossman
Tom Hutson
Steve Reed
John Verhoeven
Marilyn Wyman

Directors Absent:

Eleanor Blakeslee-Drain
Richard Giles, *Secretary*
Wayland Gladstone, *Chair*
Fred Huneke
John Vickers, *NYC DEP*

Others Present, via Zoom:

Ryan Naatz, *Executive Director*
Amy Faulkner, *Director of Operations*
Carol Bishop, *Finance Director*
Tom Pavlesich, *Forestry Program Director*
Gibson Durnford, *East of Hudson Agricultural Program Manager*
Kristan Morley, *Economic Viability Program Manager*
Heather Magnan, *Communications Director*
Kayla Atanasoff, *Easement Program Executive Assistant*
Michael Vander Werff, *NYC DEP*
Lee Harris, *NYC DOI*
Paul Kaczmarczyk, *NYS DOH*
Morgan Zyzik-Tarbell, *NYS DOH*
Elizabeth DeFalco, *The Reporter*

II. Approval of Minutes

Motion to approve the August 23, 2022 minutes, as presented.

Motion: Tom Hutson

Second: Steve Reed

Approved

III. Executive Director's Report – Ryan Naatz

A. Programmatic and Operational Updates

1. CAT-403 Contract Extension

Ryan presented a quick update on the progress of the CAT-403 contract extension. He explained that the current contract is in its second extension and set to expire on December 31, 2022. WAC has been working with DEP to draft a proposal for a 27-month extension in advance of the CAT-503 successor contract. The proposed budget was submitted and is currently under review.

He continued by saying that WAC and DEP are behind schedule getting the extension in place with funds available ahead of the expiration date of the current contract. Requests for funds should be made 45 days prior to the start of a new quarter; if the new extension is expected to go into effect on January 1, 2023, the request for funds would need to be submitted by November 15, 2022. It does not appear that the review period and implementation of the extension will in place before the November 15th deadline. So, an additional amendment to the CAT-450 contract will be utilized, if needed, to borrow funding based on the projected budget. He turned the floor over to Michael and Carol to make any necessary additions to his summary.

Michael added that Carol recently submitted additional data to DEP, which he will present at an upcoming meeting with his management team. They will review, and hopefully keep the extension proposal moving forward for approval. The extension will look different than the previous two; first, because acquisitions will be resuming following two years of austerity measures, and second, because the budget will now be broken out into capital and expense line items. He further explained the difference between capital and expense line items, the types of

purchases each entail, and the historical reasoning for separating the line items in the budget.

Michael also noted that he updated some of the language in the proposed extension that would allow for movement of monies to be approved by a project manager, similar to the CAT-487 contract. In the past, higher levels of approval were needed for budget adjustments.

With no further questions, Ryan shifted focus to discuss CAT-487 contract deliverables.

2. CAT-487 Contract Deliverables

Ryan began the discussion by reminding everyone that the CAT-487 contract is set to expire on March 30, 2025. He explained that there are several deliverables for the Agricultural, Forestry and Economic Viability programs that are funded through this contract and, like our other contracts, is informed by the Filtration Avoidance Determination (FAD). The midterm revision for the FAD is currently being processed and is anticipated to be completed by the end of October.

For the Agricultural Program, specifically, there are two significant metrics that inform the contract budget; the 2022 Design Metric and the 2024 Implementation Metric. These metrics were implemented based on a 2017 list of what's referred to as 'backlog Best Management Practices (BMPs)'. DEP made a recommendation to the regulators to extend the timeframe for the design backlogs by one year given financial challenges, austerity measures, COVID-19, etc. over the past two years. With that said, Ryan was able to report that WAC is on pace to hit the 2022 Design Metric sooner than the one-year extension; specifically, by March 2023. He is confident that the extension could be comfortably shortened to June 2023 and that WAC would continue working toward the original backlog implementation deadline.

Generally speaking, WAC is looking for ways to make these programs more time effective for the best engagement with farmers and forest landowners, with all things being equal.

B. 44 West Street Office Lease Update

Ryan and Amy presented this update. Ryan started by explaining that Amy and himself had attended the DCSWCD Board meeting two weeks prior. He could report that the meeting was productive, and that the Board voted to authorize Larry Underwood, the Executive Director, to execute the lease once finalized. Unfortunately, since then, the H, H & K attorney that was assigned to review the draft lease is currently unavailable. As of yesterday, the draft lease had been reassigned and the new attorney is getting up-to-speed on the details. He ended by saying that he anticipates having a final draft for Council in the upcoming week, and to have it in place, retroactively, for October 1st. At the same time, WAC is working with the landowner directly regarding the lease for the separate storage space on-site. He asked for any questions or comments.

Amy added that two weeks ago, H, H, & K received a draft agreement from Kevin Young. The draft had some whereas clauses that WAC wasn't looking for in the agreement; particularly the explanation that the DCSWCD and WAC are in a partnership to implement best management practices for water quality within the watershed. Amy clarified to WAC's legal counsel that the organization was looking for more of a standard lease agreement as to not confuse with our sub-contract agreement with DCSWCD. Additional comments were sent with that clarification to H, H & K, and that's where the communication was paused.

Ryan ended the conversation by saying that in addition to the lease, that progress has been made to address the building's health and safety concerns previously outlined.

IV. Chair's Report – Dave Cammer

1. Board Member Updates

Dave asked Amy to present the updates.

Amy announced that Eleanor Blakeslee-Drain submitted her resignation from Council, effective September 30th. She explained that Eleanor was hoping to be able attend the September Council meeting but since she wasn't, a card will be sent to say thank you and recognize her for her contributions to the organization.

Amy also announced that Barbara Howard submitted her resignation as the East of Hudson Committee Chair. There were discussions between EoH Committee members, Governance, and Administration about selecting a new chair, and there was agreement that Leda Blumberg, a non-Council voting member for the

EOH Committee, would be a great candidate to fill that position. Governance Committee agreed that Leda would be a great fit, but that it would be good practice to appoint Council members as Committee Chairs moving forward. Leda has been appointed as an Interim Chair and invited to participate in upcoming Council meetings to gauge her interest and ability to serve given the time commitments. She concluded by saying that if Leda did not wish to become a Council member, Governance would likely reconsider the appointment for EoH Committee Chair over the next year.

V. Finance Committee – Karl Gockel and Carol Bishop

1. June Financials – Motion

Karl reported that the September Finance Committee meeting began with a presentation on the wealth management of WAC's stewardship endowment and investment policy from Aidan Hannan of NBT Bank. He explained the takeaways from the presentation and asked for any questions or comments.

He continued that Carol presented the June Financials with the depreciation and accruals included. Also, per Paul's suggestion at the previous Council meeting, she itemized the miscellaneous column on the *Statement of Revenue and Expenditures*. Karl and Carol decided that moving forward, it would be good practice to itemize *Land Acquisition Costs, Subcontracts (DCSWCD & CCE)*, and *Endowment Contributions* and leave the remaining expenses as miscellaneous. He turned the floor over to Carol for other Finance Committee updates.

Carol started by explaining that when Finance submitted August payment requests to DEP that they requested that a number of line H items be released. Most were approved, but due to a turnaround of 30 days for payments the funds were not received quickly enough to make the payments on time. Line H items for Council members and BMPs, specifically, were under review because of questions regarding conflicts of interest, but additional information was given to substantiate the release and those are expected during the next payment round in November.

Finance, DEP and DOI had a meeting regarding the Nutrient Management Credits. Carol reported that all parties have come to agreement on what was paid to farmers during the last fiscal year and what payments WAC received as reimbursement for those payments. That being said, the Nutrient Management

Credits should be reconciled in the next round of payment requests and from there Carol will begin reconciling the due to/due from issues.

Dwight asked what qualifies as a line H item, and Carol clarified that line H items are unapproved DEP reimbursements and are called such because they appear on line H of the form.

Motion to accept the June Financials, as presented.

Motion: Tom Hutson

Second: Dwight Bruno

Approved

2. CAT-433 Bank Account – Motion

Carol explained that CAT-487 was preceded by CAT-433, and there were Nutrient Management Credits that were advanced from the CAT-433 contract. As part of the reconciliation previously mentioned, DEP has requested that CAT-433 funds be placed into a separate bank account to make it easier to track payments moving forward. Eventually, the funds would be depleted or expired and the account would then be closed.

Motion to authorize Carol Bishop to open a checking account at Wayne Bank to house unspent CAT-433 funds dedicated for the payment of awarded Nutrient Management Credits. The signatories for this account shall be consistent with all other accounts at Wayne Bank.

Motion: Jim Darling

Second: Jennifer Grossman

Approved

VI. Governance Committee – John Verhoeven

1. Board Member Recruitment Update

John announced that Governance Committee met following the interviews of three candidates for Board members. He continued that Council's by-laws allow for only four 'at-large' Board members; in other words, members that do not reside within the Catskill/Delaware Watershed. Considering that three at-large members currently sit on the Board and that all three candidates do not reside in the watershed region, Governance could only propose one candidate for election at this time.

With that in mind, Governance made a recommendation based on Council's greatest needs for areas of expertise; their recommendation to elect Jason Helmbold stemmed from his education in Fisheries & Wildlife at SUNY Cobleskill, as well as in biology and business at Cornell University, and his experience creating and managing a financial planning firm.

John added that Directors might consider expanding the number of at-large members permitted in order to get the desired candidates. With Eleanor leaving, Council is still in need of additional members and Governance Committee will continue its search in the meantime, but would like to keep the two other candidates in mind pending a determination on the number of at-large Board members.

2. Board Member Recommendation – Motion

Motion to elect Jason Helmbold as a Watershed Agricultural Council Board Member for the term of October 1, 2022 through December 31, 2023.

Motion: Karl Gockel

Second: Marilyn Wyman

Approved

Following the approved motion, Amy added a quick update to the Board member orientation process. The Board Orientation Working Group met and developed an orientation checklist, from which an orientation presentation was put together by Heather, Kristan and herself. The working group will determine which working group members will be responsible for each portion of the presentation. Jason's appointment needs to first be approved by DOI and DEP ahead of any orientation. With no foreseen issues, she anticipates Paul and Jason completing their orientations by mid-October.

She concluded by indicating that the beginning portion of the orientation contains general information, and the working group suggested inviting all Board members to join a Zoom meeting to participate in that portion.

VII. Easement Committee – Tom Hutson

Tom announced that Easements has a new *Stewardship Specialist*, Brent McKeon. Brent transferred from the Agricultural Program where he was a *Nutrient Management Specialist*. Additionally, Tom announced that Bill Martin will be joining Easements as the *Acquisition Coordinator* on October 11th.

VIII. Agricultural Committee – Steve Reed

1. Program Approvals

Steve asked for any questions or comments on the Committee minutes before moving on to motions for Whole Farm Plan Revisions.

**Note that Whole Farm Plan Revisions in relation to Richard Giles, Karl Gockel and Fred Huneke were included among the following presented to Council for approval. Richard and Fred were not in attendance, and Karl recused himself and exited the meeting for the vote.*

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

Summary Review:

***(DEP-328) Revision #6 – 2022 Cover Crops
(DES-011) Revision #10 – 2022 Cover Crops
(DEC-139) Revision #15 – 2022 Cover Crops
(DEC-098) Revision #18 – 2022 Cover Crops
(DEC-269) Revision #8 – 2022 Cover Crops
(DEC-171) Revision #13 – 2022 Cover Crops***

Motion: Tom Hutson

Second: John Verhoeven

Approved

IX. Forestry Committee – Dave Cammer & Tom Pavlesich

Dave asked Tom to go over program updates. Tom announced that the Forestry Program received final approval for the \$50,000 Forest Server Grant for 2022; this grant is used primarily for logger training and urban/rural education initiatives. He also explained that at the Committee meeting there were discussions about program deliverables for the year. He reported that the program anticipates completing all deliverables, except one - *Green Connections*. This deliverable was not met in Spring 2022 due to logistical issues associated with COVID-19.

X. East of Hudson Committee – Gibson Durnford

1. Program Approvals – Motion

Gibson gave presentations for two new Whole Farm Plans; introducing the farms and discussing specific water quality issues to be addressed, as well as projected cost guidelines. He then presented Whole Farm Plan revisions to Council.

Upon the recommendation of the East of Hudson Committee, motion to approve the following:

EoH New Whole Farm Plans

Salinger's Orchard New Whole Farm Plan – Muscoot Reservoir Basin

Motion: Paul Gallay
Second: Dave Cammer

Approved

Bluestone Stables New Whole Farm Plan – Cross River Reservoir

Motion: John Verhoeven
Second: Tom Hutson

Approved

EoH Whole Farm Plan Revisions

(WETI-309) Revision #2 – Heavy Use Area Protection, Fence

(DUEB-337) Revision #1 – Heavy Use Area Protection

(WENC-001) Revision #6 – Agrichemical Handling Facility

(WEAM-330) Revision #3 – Access Road, Watering Facility

(PUED-026) Revision #6 – Vegetated Treatment Area

Motion: Steve Reed
Second: Paul Gallay

Approved

XI. Economic Viability Committee – Kristan Morley

Kristan gave a few program updates. She started by explaining that Economic Viability closed a grant round at the end of August; motions will be presented for approvals at the October Council meeting. She also explained that the program has been and continues to be involved in many regional events; staff were in attendance for the Cauliflower Festival the previous weekend, they will be present at the upcoming Delhi

Harvest Festival, and the Taste of the Catskills the following weekend. She concluded by announcing that she will be presenting website changes to Committee later that day.

XII. Human Resources Committee – Marilyn Wyman

As newly designated chair of the Human Resources Committee, Marilyn explained that she recently met with Amy to get up to speed on the interim HR audit and issues with the Employee Manual. She concluded by saying that there is an HR meeting scheduled tentatively for the end of October, at which time Committee will start working on addressing the issues discussed.

XIII. NYC DEP Report – Michael Vander Werff

Michael touched on some updates that John Vickers submitted to Ryan, Amy and Bud; some items were discussed earlier in the meeting.

In addition, he explained that John, Tom Ganz, and himself participated in an Easement Program stewardship inspection over the Summer. The inspection included a site visit with the Watershed Inspector General to discuss the materiality of amendment proposals pertaining to the use of portable toilets for rural enterprises and recreation, as well as Tentrr camping. He continued by discussing other DEP program participation.

Michael concluded by letting everyone know that John will be on vacation October 7th through the 20th, with limited access to phone or email. While he's away, Michael will be available to address any questions or concerns.

XIV. NYS DOH, US EPA Reports

Dave asked if there was anything to report from DOH or EPA. Morgan and Paul explained that Patrick Palmer was not in attendance, and that Ryan had already covered everything they could report on.

XV. Other

Paul took a moment to say thank you to everyone involved in helping him prepare to bring his Columbia University students to the watershed for tours and presentations.

Jennifer touched on the Climate Smart Commodities Grant application. She talked about what was learned from the process and how it will inform similar endeavors in the future. She explained that it was a highly competitive grant opportunity, and although WAC was not awarded any monies, NYS DEC and NYS Agriculture & Markets did receive monies and they will be looking for programs and organizations across New York State

to fund. She concluded by saying that the working group will continue to meet to search for outside funding opportunities, and thanked everyone for their involvement.

XVI. Adjournment

Motion to adjourn the meeting at 11:33 a.m.

Motion: John Verhoeven

Second: Steve Reed

Approved

The next meeting will be held on October 25, 2022 at 10:00 a.m.