

MINUTES
ORANGE COUNTY SOIL & WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS
March 18, 2024

The **MEETING** was **CALLED TO ORDER** by the Chairman at 9:04 AM. Directors P. DeBlock, J. Wright, P. Ruskiewicz, G. Constable and B. Cheney were present along with K. Sumner (SWCD), E. King (SWCD), M. Held (SWCD), O. Velez-Juarbe (NRCS), Erik Schellenberg (CCE), and Orion Blake (Local Farmer.)

2024-3-1 DeBlock made the Motion, Wright seconded, to approve February's Board Meeting Minutes as written. All in favor.

ACTIONS TAKEN BETWEEN MEETINGS – Some bills were paid and are listed on the Bills for Board Approval.

CORRESPONDENCE

- Bank statements, Account Analyses and collateral agreements were available for review.

DeBlock updated Wright that the State Soil & Water Committee met, but there was no ruling made regarding Sumner's permission to approve soil health practices without CCA. Sumner and DeBlock expressed their disappointment that the moderator did not read the letter that the Board wrote to the committee or mention Sumner's forty-three years of work experience. DeBlock spoke during the meeting and advocated on Sumner's behalf as to why he should receive approval authority. The State Soil & Water Committee decided to table the decision to research how many other District employees would be affected by this new policy. Per DeBlock, the Committee will deliberate on the matter at the next meeting in March.

Sumner mentioned that he spoke with Kristen Brown, a former District Technician, who was considered to work for the District since she is a CCA. Brown knows Darin Hickling who is one of the voting members on the State Committee, a Farm Bureau representative, and owner/operator at Hickling's Fish Farms. Per Brown's conversation with Hickling, the Committee is exploring a grandfather policy for employees such as Sumner. Hickling reported that there could be pushback from the legal department. Schellenberg remarked that not many CCE employees have CCA status.

FINANCIAL REPORTS

Sumner indicated that the financial report is updated to reflect the newly added funds such as the 1st Quarter County Appropriation and the Part A Reimbursement. The 1st Quarter County Appropriation totals \$219,615 and the Part A Reimbursement is \$60,000. Ruskiewicz asked if there was an explanation given for the delay in the District receiving the County Appropriation, but Sumner reported none. Sumner stated that the District is dividing the appropriation on the receipts page between the base appropriation and the portion needed for the special projects. Sumner explained that \$69,615 is listed under the base and the remaining \$150,000 is listed under the Walkill Flood Control dedicated fund summary. Overall, the County allocated \$600,000 towards the District's special projects. The Board can view this recent addition to the dedicated fund summary under number five on the dedicated fund summary. Sumner stated that the District will be taking funds from the \$150,000 for the expenses accrued on the Walkill Flood Control Project Phase 4 North. Cheney asked Sumner whether the District needs to accelerate the county payments to meet contractual obligations. Sumner does not think so because the District is in a contract for the tree cutting, which is \$37,500, and the actual construction will not begin until summer of 2024. For this reason, he believes that the quarterly payments will stay ahead of the contract payments. If the situation were to change, Cheney recommends that the District meet with the County to arrange for earlier payments.

2024-3-2 DeBlock made the Motion, Ruskiewicz seconded, to file February’s Financial Reports for audit review. All in favor.

BILLS FOR BOARD APPROVAL

2024-3-3 DeBlock made the Motion, Ruskiewicz seconded, to pay the bills as presented. All in favor.

GRANT REPORT UPDATE –

Sumner did not have a grant report, but noted that there have not been any significant updates. Sumner stated that the District is working on furthering project planning and design.

INTERAGENCY REPORTS

CCE: Schellenberg stated that CCE’s annual country fair will be from 7/26/24-7/28/24. CCE is collaborating with the Otisville County Fair to provide activities and rides for attendees of all ages. Schellenberg asked Sumner if he could borrow the District’s soil runoff diorama which Sumner agreed to. Additionally, CCE’s completed one of five stormwater training series courses. The training series concludes on 5/21/24. Schellenberg reported that he should hear from the Conservation Innovation grant by the end of March. Sumner stated that the District has not had the chance to work on the roller crimper project, but if CCE receives the grant then the District should prepare for the fall cover crop planting and the demonstrations in 2025. Schellenberg and a few DEC employees finished an official forestry management plan for CCE’s Education Center and 4-H park. CCE will implement agroforestry and cover cropping practice specifically where all the millings are. Schellenberg hopes to use the roller crimper during this process as well. Lastly, CCE is offering several logging courses from 3/26-3/28 on chainsaw safety, maintenance, and tree felling.

NRCS: Velez-Juarbe reported that NRCS ranked eighteen applications for the EQUIP program of Orange County. Additionally, the agency has seven preapproved contracts for Act Now. There will be a new employee starting in Middletown in either May or June 2024. This individual has already received some training with NRCS during their seasonal employment. NRCS finished submitting the needed reports filed for the effects of the storms in July 2023. These reports will determine the cost estimates from the towns. Additionally, NRCS is waiting for preapprovals from some of the buyouts in the Town of Cornwall. Velez-Juarbe will keep the Board updated on the status of those reports.

FSA: There were no updates to report from FSA.

There were no representatives from NYSS or WCC present at the meeting.

STAFF REPORTS

*Sumner emailed his written staff report to the Board prior to the meeting for review, but Held and King were unable to since they were away at training. *

M. Held (SWCD)- Held has been working on the Tier 3 planning for the Tier 4 cost share projects. The District is still looking to allocate \$40,000 to Tier 4 projects through the AEM Round 18 grant. Held noted that she learned a lot at the Water Quality Symposium, WQS. Held found the lecture dedicated to reviewing AEM Tier 3 plans very informative.

E. King (SWCD)- King reported that after February’s meeting, she reached out to various vendors requesting quotes for work needed for ongoing construction projects. King agreed with Held that the AEM Tier 3 planning course was very helpful. King noted that she has been readying materials for the District’s routine audit scheduled for the first

week of April. Lastly, King remarked that a conflict mediation course she took at the WQS was very instructive and she feels better prepared to handle any future disputes.

O.Blake- Blake introduced himself and stated that he is here to address flooding issues in the Town of Warwick. Blake is the coordinator for the Climate Smart Community Advisory Board. Blake reported that for the past two years he has grown rice in Warwick. Since rice is suited as a floodplain crop, he is interested in learning how the Celery Avenue Ledge Lowering project could affect the water table and farming in the Blackdirt. Blake's property is upstream from the Celery Avenue Ledge project. He does not own property in the Blackdirt, but intends on doing so in the future. Per Sumner, the ledge project will not impact the water table three hundred feet to the fields bordering the river. Sumner stated that the Celery Avenue Ledge Lowering project may enhance farmer's ability to drain their soils if they are intentionally draining the water table with open ditches. Sumner questions the argument that the ledge project would lower the water table outside of any on farm drainage ditches.

Schellenberg asked whether there is a clear understanding of the water table in the Blackdirt. He noted that he owns some Blackdirt in Ulster County and that he only hit water after digging three feet below the water table while installing a high tunnel. Sumner remarked that Blackdirt does not behave in the same way that sandy loam soil does. The District has placed drainage systems and augured holes directly over the drainpipe and the water comes up right to near the surface over the pipe. Sumner does not know if there is a good understanding of Blackdirt. Additionally, the wicking action is much more pronounced in Blackdirt compared to mineral soil. Sumner referred to the work a hydrologist did using a piezometer that determined the water table in the fields three hundred feet away from the ledge work is independent of the water level in the river. Studies were conducted both at the Celery Ledge and Pochuk Ledge projects which returned those same results. Sumner admitted that not everyone subscribes to the findings of the two studies.

K. Sumner (SWCD)- Review "Old and New Business" for further information.

OLD & NEW BUSINESS

Floodplain Bench Phase 4 South- Sumner met with the landowner, Chip Lain, who agreed to a conservation easement for his eleven acres. Sumner reported that he asked Paul Wiley from Real Property if he could provide an updated 'comparable sales' evaluation since the last report was in 2016. Sumner would like Wiley to focus mainly on the land involved in Phase 4 of the project. Sumner has not received an answer yet from Wiley. Ruskiewicz will speak with Wiley regarding this matter at the Agriculture & Farmland Protection Board, AFB, meeting on 3/20/24. Sumner requested guidance from the Board as to whether he should accept a contractor proposal or wait until the easement price has been determined for the north side project. Sumner has told contractors that the District aims to make an award by the Board's meeting in April out of courtesy for their own summer schedule. Sumner noted that it would be beneficial to have a set offer from the Board to provide to Bastek before the meeting in April. Sumner wants direction if we are accepting Bastek's request or making a counteroffer.

Additionally, two biologists from the DEC will be visiting the bench project this Friday. According to our current permits, the DEC is supposed to inspect each phase before moving onto the next one. Sumner is not too concerned about the visit since they rarely conduct inspections. Sumner hopes that the river does not flood the bench before the DEC's visit. Sumner stated that all the trees have been cut down on the north side project, but the tops need to be processed. Sumner reported that it would be ideal for someone to take the logs, but since 95% of them are soft maple they are less valuable.

Floodplain Bench Phase 4 North- The District is currently soliciting contractor proposals on behalf of the sponsoring farm involved in the project. The farm in question is Sunflower Valley Farms which is owned by Brian Ford. Sumner reminded the Board that when the farm is hiring the contractor, the District is not subject to general municipal law bidding requirements. Per Sumner, the District utilizes the State Soil & Water Committee procurement policies. The

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District has requested proposals from four firms so far. Sumner tried to choose companies that were similar in their operation and size. These proposals are due on 3/21. The quotes will help the District determine whether we can afford to pay for the full construction expenses for the Floodplain Bench Phase 4 North project area. Sumner is preparing on dividing the project in half to avoid overextending the District financially. Sumner noted that the District could always commission the contractor to finish the second half of the project if their schedule allows and the District can afford it. Sumner is not concerned if construction on the project continues into 2025. Sumner asked Richard Hoyt to review the request for proposal documents he drafted for an extra layer of oversight.

Annual Flood Management of the Wallkill River Advisory Board Meeting- Sumner reminded the Board that this committee includes the towns of Minisink, Warwick, Goshen and Wawayanda. It was formed after the 1980s snagging and clearing project. The committee recently met on 3/1/24 and all the directors, except Wright, attended, Sumner has debriefed Wright on what occurred. Sumner highlighted some key points from the meeting with the town supervisors.

- 1.) All the supervisors were all in agreement to advocate that leftover funds dedicated to the river projects should roll over in the new year rather than being returned to the County. This would allow these funds to become available to the District for flood mitigation work. Essentially, the towns would automatically appropriate the maximum funding, as defined in the initial agreement, to create an additional \$60,000 in the fund at the beginning of every year.
- 2.) Additionally, the supervisors were okay with using funds to address road maintenance and riverbank repair. This would expand the current parameters of what the funding can be used for.
- 3.) Sumner felt that the supervisors expressed a shared interest in revitalizing the Celery Avenue Ledge Lowering Project. Sumner noted that Goshen supervisor, Betro, offered to help secure the easements not yet received from landowners at Pellets Island. Sumner reported that after the meeting Betro emailed him asking for additional information on the needed easements. Schreibeis called Sumner a few weeks ago to let him know that he and Betro were surveying the situation at Pellets Island. The two men requested information regarding the landowner on the Wawayanda side of the river to speak with them regarding the needed land easement. DeBlock mentioned that Betro issued fines to the suspected polluter on the Wallkill River.

Flood Control Steering Committee- This committee, which was formed in 2013, includes a number of farmers, the town supervisors, and local stakeholders. The committee is meeting on 3/20/24 at 9:00am at the CYO in Pine Island. Sumner does not know if the District's engineer, Wendell Buckman, will be attending the meeting. If he is unable to, Sumner will ask him for a report to share with the committee. Cheney asked whether Wendell could attend the meeting virtually to better accommodate him and avoid the District having to pay for his mileage reimbursement. Sumner would prefer that Wendell attend the meeting in person to better explain and have him review the work on the ground. Even though Sumner provides Wendell with reports and pictures, he primarily signs off on the work site unseen. Sumner hopes that the meeting will help the District develop a five year plan in terms of the priority projects. Sumner knows that the town supervisors from Goshen and Warwick will be at the meeting, but he is unsure if Wawayanda and Minisink can attend. Sumner feels that having the supervisors involved in that discussion will greater the chances of the project's development and success.

Hudson Valley Carbon Farming Project- Sumner reminded the Board that the District has a couple of projects in the Hudson Valley Carbon Farming Project that are waiting for reviewal and reimbursement. Sumner stated that the District allocated a fair amount of money to these projects so we are looking forward to that reimbursement. The District submitted reimbursement requests to Dutchess County Soil & Water last week. Sumner reported that Dutchess County Soil & Water is meeting this week and hopefully a decision will be made then. If so, Sumner expects that the District will receive those funds in the next few weeks.

AEM Round 17- Sumner stated that the District is still waiting on the AEM Round 17 contract to closeout. This contract ended at the end of December 2023. Ben Luskin from the State Committee is inundated with work at this time, so the District does not know when our reports will be reviewed. Sumner is not worried about that since there

is not a lot of money involved. However, Sumner would prefer to have CRF Round 5 reviewed sooner rather than later since there is a \$30,000 final payment holdback. The District is doing well financially, but it would be ideal to have those funds available. The only completed contract that the District has received is the AEM Round 18. The District is still waiting for the three CRF Round 7 contracts and the AGNPS Round 29 contract to get approved.

Hoyt Farm Project- The Hoyt farm project, which is funded by AEM Round 18, aims to address cropland erosion. Sumner noted that the owner hopes to hire Minkus farm to install a lot of the drainage by using a drainage plow. Sumner remarked that this site is different since drainage plows are typically used in the Blackdirt. Per Sumner, the soil at Hoyt's farm is variable and mainly gravelly. This method presents the opportunity for tremendous cost savings since open trench drainage installation costs \$8-\$10 a foot. In comparison, the cost for the drainage plow is \$2.50 a foot.

Recent News from Site Near Chester Blackdirt- Sumner updated the Board on the site in Chester adjacent to the Chester Blackdirt. Sumner reminded the Board that the landowner began bringing in large amounts of soil two years ago. This action prompted complaints from neighbors. The landowner stated that the soil was needed for his Christmas tree and pumpkin plantings. At the time, the DEC considered it to be exempt from needing a stormwater construction permit. Additionally, the town was not worried about having a site plan or erosion control plan submitted. Sumner was informed last week by an employee of the stormwater division of the DEC that the town issued a stop work order to the site two weeks ago. This incident reminded Sumner of the situation at Legoland where the property owner deposited silt into the receding water for five years before he was fined. Sumner mentioned the allegations that the previous supervisor benefited personally from the site in Chester.

Aldo Leopold Award- Sumner reported that he received a call a week ago from a woman named Linda Rohleder who asked Sumner if the District could sponsor her farm for their application to the Aldo Leopold Award. The Aldo Leopold Award is an Ag & Markets program that works with the Sand County Foundation. The application has a grand total of \$10,000 awarded to the winner. The application is due May 15th. Rohleder owns thirty acres of woodland near Salisbury Mills. Rohleder feels that her farm is an ideal candidate. Rohleder still needs to provide Sumner with an explanation as to why her farm is an ideal candidate. Sumner does not know for certainty if they have some sort of forestry plan. Sumner stated that Soil and Water Conservation Districts are the appointed agencies to sponsor and submit applications. The District is not familiar with the landowner or the award. Sumner brought this to the Board for their opinion as to how he should proceed with this request. Sumner has not reviewed the application yet, but he is unclear as to how thirty acres of woodland signifies a strong importance for farming practices. Sumner shared Rohleder's application with the Board to review. Sumner feels that if the District decides to move forward with this process, then we should extend an invitation for other farms to apply. Sumner stated that due to staffing limitations, the District has fallen short in the outreach and education part of our program. Velez-Juarbe told Sumner that he believes Rohleder submitted a plan to NRCS a few years ago. Velez-Juarbe never went to the site, but he will review his files and share any information he finds with Sumner. Per Sumner's review of the Aldo Leopold award, the fund is geared more towards commercial farmers. Cheney asked whether the District is expected to help fill out the application or if the landowner will assume that responsibility. Additionally, Cheney does not know how much of the District's resources we should dedicate to this application. Sumner does not know beyond submitting the application what would be required of the District.

Sumner asked the Board if they think the District has an obligation to verify the information outlined in the application. DeBlock suggested that the District be transparent and state in the cover letter that we have not done

any projects with Rohleder. DeBlock recommended this to protect the District from receiving any scrutiny from the award committee. Sumner agreed with DeBlock, but stated that he would choose his words carefully so as not to impact Rohleder's likelihood of being chosen. Cheney recommended that either Sumner or Held visit the property to validate what is written in the application. Cheney asked whether Rohleder should contact Greg Albrecht to learn whether they qualify for the award. If Rohleder does not get back to Sumner, then the District will not move forward with advertising the Aldo Leopold award. However, if Sumner hears from Rohleder then he will have Rohleder fill out the application. Afterwards, Sumner will speak with Albrecht to see if she can contact him, and the District would possibly visit the site. Cheney suggested that Sumner email Rohleder and let her know that the Board met and determined that the onus is on her as to whether she wants to proceed with the application. Cheney proposed that the District make a conscious effort in 2025 to make farmers aware about this award.

Celery Avenue Ledge Lowering Project- Sumner reminded the Board that they authorized hiring B&L to refile the permits for the project at February's meeting. Sumner wants to know if the Board thinks that they should be taking further actions to advance the funding plans. Ruskiewicz spoke with Schreiberis who stated that the department is reviewing funding options. Cheney stated that he will follow up with Eric Denaga from OCDPW to see if he knows of any updates. Sumner does not know if this would be addressed in the county appropriation. Cheney explained that ARPA funds need to be dedicated to a project by 12/31/24 and spent by 12/31/25. Per Sumner, the CRF grant would be the most ideal fit for the ledge lowering project, but round eight has not been released yet. Sumner noted how time consuming those applications can be and is not expecting to have the funds until next year. Wright confirmed with the Board that they are interested in pursuing this project in some regard. Sumner expects the project to be a subject of discussion at the flood control steering committee meeting this week. Sumner mentioned that there are new advocates for the projects now. Sumner stated that ideally the farmers would help mediate the situation with the adjacent landowners and assist in securing those easements.

Reviewal of Policies- Cheney told the Board that he shared his proposed changes with King and Sumner prior to the meeting. Cheney recommended that King make track changes to the list of policies and provide it to the Board prior to April's meeting for review. Sumner mentioned that Cheney felt that \$50,000 is too high for the District's limit on professional services. Sumner asked that the rest of the Board consider this and let him know what they think. Sumner stated that to his understanding general municipal law does not require setting a limit for professional services. Per Sumner, if it is a professional service then it is not subject to a limit procurement. However, Sumner believes that out of fiscal responsibility, most public agencies do set a limit. Per Cheney, if B&L were to exceed \$50,000 it would be fine and not a problem. Sumner assured the Board that B&L has not come close to surpassing the \$50,000. Cheney suggested that the District institute a master services agreement with B&L. Cheney stated that the District would field a request for qualification every three to four years. Sumner stated that the District has not done that since hiring B&L in 2013. The District currently hires B&L on a year-to-year basis. Wendell spoke with Sumner a few months ago informing him that his upper management wants to have a formal written agreement with the District. The two discussed major projects that B&L is expected to help the District with, but Sumner has not received an update. Similarly, Cheney wants the District to have their bases covered in the event the comptroller's office audits us. Cheney recommended the District add a list of requests to the procurement policy that asks for a firm's rate, their qualifications, and experience. This would provide the District with the tools to make an informed decision for the hiring process. Cheney stated that these requests could be sent out to ten firms that fit the capabilities, but even if the majority decline to provide the requested information it shows that the District tried. Cheney suggested that this process occurs in September or October of each year. Moreover, if it is a firm we have experience with, Cheney recommends that the District factor in how long they worked with us and our overall satisfaction with their performance.

Next meeting date: April 22nd

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Wright asked the Board for their input regarding a concern he has with the Agriculture & Farmland Protection Board. Wright reported that Rick Minkus left the Board for unknown reasons. Wright worries that the Board is not being as productive as they could be which led to Minkus' resignation. Wright mentioned that the Board discusses issues, but rarely formulates a plan to address them. Wright is hesitant to express his concern since he represents the Board of Directors. DeBlock stated that she sees "no action taken" listed often in the AFPB's meeting minutes and wonders why that is. Ruskiewicz is unsure as to what he and Wright should do as well. Sumner thinks that the AFPB should consider having sub-contracts with more than one person so that individuals strong in various ag sectors might be able to improve accomplishments. For example, farm markets, livestock, commercial field crops.

***Ruskiewicz left the meeting at 10:34am**

DeBlock suggested writing a letter to the AFPB that there is not enough action being taken. Due to the unused funds, AFPB sometimes allocates fund to the District at the end of every year. Sumner suggested that the AFPB could create a funding opportunity of \$3,000-5,000 for farmers to apply that want to enhance their farm in non-environmental ways. Sumner stressed how important it is for the AFPB to have a member that will advocate for motions to be passed and execute projects. DeBlock noted that Sumner has written letters before on behalf of AFPB, but it is often unclear whether or when they get mailed. Cheney recommended that Wright have an off the record discussion with Leonard DeBuck to express his concerns. Wright reported that the AFPB receives funding from the County and that the amount awarded has decreased over the years. DeBuck corresponds with a member from the Planning Department to receive their funding. Cheney offered to speak with Allen Sorensen to discuss Wright's concerns. Wright feels that county agencies are used to things not getting done, but for farmers that is not the case.

ADJOURNMENT

2024-3-4 DeBlock made the motion, seconded by Cheney, to adjourn the meeting at 10:42AM. All in favor.

Minutes Prepared By:

Emily King, Secretary to the Board

Report to Board KMS

March, 2024

Walkkill Flood Projects –

Floodplain Bench Phase 4 South – Met with landowner about project close-out and compensation for land consumed by project. I will discuss in more detail at the meeting.

Floodplain Bench Phase 4 North

All trees have been cut, to beat the 3/31 deadline. Processing of tops has not been completed yet.

We are soliciting contractor proposals on behalf of the sponsoring farm – Sunflower Valley Farms. Proposals were requested from four firms: 1) Brian Elman Excavating (Howells/Middletown); 2) TJ Sobiech (Westtown); 3) KEM Excavating (Marlboro); and 4) CEC Excavating (Pine Bush). All four firms are similar-size Owner/Operator firms. Proposals are due Thursday, 3/21. RFP was set up to allow for inclusion of the entire P4 N project or to just award half the job. Once proposals are in, prices can be reviewed and a decision made on whether to award the whole job or just half. My goal is to have things ready for starting construction soon after the April Board meeting. I had our attorney Rich Hoyt review the RFP documents.

Per last month's meeting, I contacted Paul Wiley at OCRP to request updated 'comparable sales' report they prepared for us in 2016.

Other Flood Control Items

Walkkill Flood Advisory Committee of County and Four Towns met. The current town supervisors were very supportive of our management of and goals for the Agreement. See meeting summary.

The flood control steering committee we formed in 2013 will meet this Wednesday, with the four town supervisors invited.

NYSDEC is coming here on 3/22 to visit the floodplain bench projects. Our current permits call for DEC to 'inspect' each phase before proceeding the next phase. I believe this visit will satisfy that condition, but appears to be more of an opportunity for two new DEC biologists to become more familiar with this work.

Carbon Farming Project – There has been some movement on the close out and reimbursement due for the Southway and DeBuck projects, but still no payments received.

AEM Round 17 – We are waiting for feedback on project close out materials submitted. We have been told that review will not happen before the State's 'black out period'. (same status as last month).

AEM Round 18 – Executed Contract documents were received. We are in process of completing initial Claim for Payment.

CRF Round 7 – Work Plan materials for all three projects has been submitted to NYSSWCC – awaiting contracts. All staff are working to advance these projects while we await funding. (Same status as last month.)

Other

I spent a lot of time since the last meeting on the Hoyt Farm cropland erosion control project being supported by AEM 18 Tier 4 funding. It looks like the farmer will hire Minkus farms to use their drainage plow to

install subsurface drain components of the project. This method offers potentially large cost savings over open trench installation. We will be evaluating the use of the plow on these upland soils as opposed to its more typical use on black dirt/organic soils

‘Sign Offs’ on Soil Health Practices – We called in to the NYSSWCC meeting where our letter was discussed. We will report on the discussion at our meeting.

I was contacted by an owner of ~30 acres of woodland around Salisbury Mills who wants to nominate themselves for the Aldo Leopold award sponsored by NYSSWCC. SWCD’s are ‘designated’ to make nominations to NYS for this award. I would like to discuss this matter at our meeting. Applications are due May 15th.

Update on site in Chester accepting fill

We received multiple complaints about this site over a year ago. No site plan was submitted/approved for the site and DEC indicated the site did not come under Stormwater Construction Permit requirements based on ‘agricultural exemption’. I was notified last week by DEC that the Town issued a Stop Work Order. Unfortunately, the runoff issues cited in the SWO have been going on for a long time, so much of the damage has been done already.