

Agricultural and Farmland Protection Board Meeting
October 18, 2023
Meeting Minutes

Ag Board members present: L. DeBuck, D. Smith, A. Sorensen, M. Ullrich, P. Wiley, J. Wright.

Ag Board members excused via email: P. Ruskiewicz.

Ag Board members excused via phone: S. Soons.

Guests present: S. Abeles – OCLT, K. Apostolides – OC Farm market Coordinator, J. MacLeod – OC Planning.

Call to order – 7:22.

September Minutes

P. Wiley moved to accept the September minutes as presented, J. Wright seconded, unanimously approved.

Summary of Accounts

The summary of accounts reflects that the contributions to the agricultural bus tour and the farmers gathering lunch vouchers were paid. The invoices for 2022 have to be submitted soon since this money cannot be rolled over again. J. MacLeod also passed out a copy of the description of the Hudson Valley Livestock Value-Chain Manager position that the Ag Board had previously discussed. The Ag Board had agreed to use the \$10,000 allocated for the Animal Processing Logistics Program from the 2022 budget to help pay for this manager. General discussion ensued. J. Wright moved to accept the summary of accounts as presented, D. Smith seconded, unanimously approved.

Inquiries & Correspondence

The Ag Board sent a letter to the New York State Department of Ag & Markets last month supporting the pre-application for a PDR for the O'Dell farm. A copy of this letter had been forwarded to the Ag Board members prior to this meeting. Although there is no further action on this letter from the Ag Board, the New York State Department of Ag & Markets sent a response letter to the Ag Board. This response letter states that the State considered “whether the exclusion will adversely affect the farm operator’s ability to manage the Farm Operation,” “whether the exclusion would significantly restrict agricultural production options which could affect the economic viability of the farm,” and “whether the exclusion will introduce a new non-farm neighbor in close proximity to the Farmstead Area.” The Ag & Markets letter indicates that this site does not show “attributes of viable agricultural land” and that the proposed excluded homestead does not have a landscaped buffer on three of its sides. Thus, Ag & Markets stated that this site cannot be considered for the PDR.

J. Wright disagreed with Ag & Markets’ reasoning related to potential future new non-neighbor concerns. He stated that two of his neighbors bought their properties next to his farm specifically because there is no landscaping buffer and they can see the cows from their houses. S. Abeles stated that the O'Dells would need to subdivide the house from the rest of the farm lot to be able to get the PDR funding. L. DeBuck stated that the O'Dells are not going to sell their house to get a PDR. P. Wiley stated that there are a lot of farms that meet the check boxes for the PDR application. He said that Ag & Markets makes the rules and the farmers have to follow those rules to have a chance to get PDR funding, especially because there is only so much funding available. He stated

that Ag & Markets does not need to be flexible with its PDR selection since the total amount of funding sought by the applicants is more than the available funding.

J. Wright indicated that he was concerned that this agricultural land cannot be protected through a PDR. A. Sorensen stated that he could ask the County Executive and the County Legislature about establishing a County PDR program. A. Sorensen and J. MacLeod will research the Orange County PDR program and see if they can get it reinstated.

M. Ullrich stated that Chris Eachus could also try to get the blanket permission for Orange County to allow municipalities to have referendums to vote to allow for transfer taxes within their respective municipalities to allow each municipality the opportunity to set up their own PDR programs, if they want such programs. However, this would not force any municipality to have a transfer tax, as the voters of each municipality would have to vote in favor of this tax for it to be established. P. Wiley stated that the transfer tax could be at 0.25% of the property sale price. He stated that maybe it could focus only on the towns and exempt the cities and villages since there is not much open space available to protect in the cities and villages. L. DeBuck said maybe the first \$100,000 of the sale cost should be exempt from the transfer tax to minimize the impact on buyers with more limited financial resources. He said an alternative could be that the County Legislature could create a committee that will operate for ten years and receives \$3 million per year to protect open space through a County PDR program. L. DeBuck stated that this program could preserve one 100-acre farm per year. P. Wiley stated that it is more likely that two farms, or possibly three farms, could be preserved per year through a County PDR program. M. Ullrich stated that usually a PDR costs about \$1 million per farm. P. Wiley stated that he could coordinate with the County Clerk to determine the cost of the property sales in one year by municipality to get an idea of how much money could be raised to protect open space.

S. Abeles stated that the O'Dell Farm did not have an application, it was in the pre-application phase. She stated that there were no other Orange County applications. M. Ullrich stated that she believes there might be another farm applying for the PDR within the County, but that the application is not through OCLT. She also stated that the American Farmland Trust indicated that Orange County is one of the counties under the highest threat for conversion within New York State. No further action taken at this time.

J. MacLeod stated that the Ag Board also received a copy of a letter from the Orange County Planning Department and several letters from Civiltec regarding the Rushmore Estate. The Rushmore Estate property was one of the properties that was added to the ag district during the 2023 annual ag district review. The Ag Board had initially recommended not adding it to the Ag District. However, the County Legislature indicated that it should be added to the Ag District and it has since been certified by Ag & Markets. Recently, the County Planning Department received a GML239 review referral for this property. A. Sorensen stated that the County expressed concern that the site plan for this project does not clearly indicate where the agricultural activity on this site would occur. General discussion ensued. No action taken at this time.

J. MacLeod stated that she received an email for the Ag Board regarding the request for nominations for the Regional Agronomic Impact from Solar Energy Specialist Committee of the Agricultural-Technical Working Group (A-TWG). This committee would provide advice and guidance to help direct solar projects "in a responsible way that supports New York State's agricultural operations, lands, farmers, and communities." General discussion ensued. L. DeBuck stated that large solar installations should be put on rooftops and parking lots, not on good agricultural lands. J. Wright moved to write a letter nominating P. Wiley for the Regional Agronomic Impact from Solar Energy Specialist Committee, A. Sorensen seconded, unanimously approved.

New Business

Ag Board Potential Allocations for Remaining 2023 Budget

Discussion ensued about the potential allocations for the remaining 2023 Ag Board budget. There is currently approximately \$12,000 available for the Ag Board to spend. J. Wright stated that he could talk with K. Sumner to see if O.C. Soil & Water needs any equipment for its farm equipment rental program. M. Ullrich stated that maybe the Ag Board could pay for a billboard sign to support agriculture. Perhaps the ad could say "Thank a Farmer" or maybe it could encourage people to go to a farmers market. L. DeBuck stated that maybe some money could be used for "Go Slow" signs to encourage the public to slow down in agricultural areas. M. Ullrich stated that some money could also be used to pay for half page flyers after the November election to describe what the transfer tax is and how it can help protect open space. P. Wiley stated that if the Ag Board does pay for a flyer to educate the public about the transfer tax, then Skoufis should be educated about the transfer tax before people start calling him. A. Sorensen stated that maybe the Ag Board could pay for a bus wrap to promote Orange County agriculture and some of its seasonal events, such as fall harvests. He noted that some of these buses go into the city and could promote agritourism. A. Sorensen stated that the Ag Board will still get \$27,000 for its 2024 budget. General discussion ensued. No action taken at this time.

Farm Bureau News

Discussion turned to the Farm Bureau news. M. Ullrich stated that the Annual Farm Bureau Dinner is scheduled for October 25 at Delancey's, in Goshen. The cocktail hour is starting about 6:30 pm. She said that the Farm Bureau Convention is also scheduled for December 5 and December 6. General discussion ensued. No action taken at this time.

Old Business

Potential Ag Board Members

Discussion then ensued about the potential Ag Board members. There are currently two vacancies that need to be filled. The Ag Board members listed several potential candidates, including Kasha Bialas, Garrett Stap, Dave Cole, Pete Ewanciw, and Curtis Johnson. K. Apostolides stated that Gabby Pereyra might be an option, too. She stated that Ms. Pereyra is a farmer who could bring some insight as a minority. A. Sorensen stated that Les or Tammy Kirby could also be good candidates, as they have a farm in Wawayanda. Additionally, M. Ullrich stated that Fred or Patty Kirby could also be good candidates. Their farm is right next to Les and Tammy Kirby's farm. The Ag Board members asked J. MacLeod to write a letter to these potential Ag Board candidates to see if they are interested in serving on the Ag Board. This letter should clearly state that there are two openings that need to be filled and that the Ag Board meets once a month. M. Ullrich could provide the potential candidates' contact information. If any of these candidates are interested, they would need to write a short letter of intent with their background and why they think they would be a good fit for the Ag Board. General discussion ensued. No further action taken at this time.

Agricultural Bus Tour

Discussion then turned to the agricultural bus tour, which occurred on Friday, September 22. L. DeBuck stated that this event had a good mix of people and a good mix of sites. This tour started at "The Farm" in Montgomery. Then, it went to Adams Fairacre Farms in Middletown, Crist Bros Orchards in Walden, and FlowerHouse in Montgomery. It ended at "The Farm," with a catered lunch

and a guest speaker, Cosmos Fitzpatrick. General discussion ensued. No further action taken at this time.

Public Officials Meeting

Discussion then ensued about the public officials meeting. K. Apostolides stated that she has reached out to the offices of Skoufis, Ryan, and Rolison to see when is best for them to meet during the month of January. She was told that a Friday in January would be best since they are usually at their home offices on these Fridays. K. Apostolides noted that there were representatives from Skoufis' office and Ryan's office on the agricultural bus tour. General discussion ensued. The Ag Board members expressed interest in helping to pay for a lunch for this event. M. Ullrich stated that Cornell Cooperative Extension could plan this lunch. L. DeBuck moved to allocate \$800 for a round-table lunch for the public officials meeting, D. Smith seconded, unanimously approved.

Farmers Market Update

Discussion then turned to the farmers market update. K. Apostolides stated that there were a lot of complaints about the farmers markets this year. She stated that the farmers markets in Goshen and Warwick did well. Also, the farmers markets accepting a high number of SNAP and/or FMNP coupons did well. However, the remaining farmers markets were not doing as well as they did the past few years. She is not sure if this is because these farmers markets are returning to their pre-pandemic customer levels or if it is that they are truly not doing as well. She did note that the relocation of the Middletown farmers market has likely impacted its customer turn-out. She stated that the Middletown BID has not advertised for the farmers market enough. Additionally, its new location is not at a location that is as convenient for the customers. A. Sorensen stated that a TOD project is proposed in the area where the farmers market has been relocated to. Perhaps something could do to help integrate the farmers market into the proposed TOD. General discussion ensued. No action taken at this time.

Other Business

Arm to Farm

M. Ullrich stated that the Arm to Farm event is occurring now. She stated that there are about 30 to 40 people attending, representing approximately 20 farms. They are taking courses in the mornings and doing farm visits in the afternoons. M. Ullrich stated that the participants are from around the country. Most of them are from New York, but there is one from Kentucky and one from Florida. General discussion ensued. No action taken at this time.

Labor Issues

M. Ullrich stated that some new labor issues have come up. She stated that Jeff Crist is suing the union for free speech violations because this union has been threatening his migrant workers. The union required the employees to sign a card to join the union even if they did not understand what they were signing of if they did not want to sign the document. M. Ullrich stated that Cornell Cooperative Extension used to help the farmers complete the paperwork to get the migrant workers into the country. However, CCE is not doing this anymore due to the union issues. Instead, it tells the farmers to contact a lawyer. General discussion ensued. No action taken at this time.

Meeting adjourned: 9:22 pm.