

RESOLUTION

of the

Tompkins County Soil and Water Conservation District

Resolution No.: 2016-26

Date: 5/19/2016

*Hydrilla Manager Housing/Salary Memorandum of Understanding with Fingerlakes Lake Ontario Watershed Protection Alliance (FOLLOWPA).*

**WHEREAS**, The Tompkins County Soil and Water Conservation District currently houses the Hydrilla Program Manager for the Hydrilla Task Force of Tompkins County; and

**WHEREAS**, The Tompkins County Soil and Water Conservation District will be reimbursed for salary expenses of the Hydrilla Program Manager up to \$80,000 through funds obtained via NYSDEC Contract #C304750 administered by FOLLOWPA and Tompkins County funding appropriated to the District for this purpose;

**WHEREAS**, The Tompkins County Soil and Water Conservation District is reimbursed for expenses to house the Manager up to \$4,000; and

**WHEREAS**, The current MOU has expired December 31, 2015;

**NOW THEREFORE BE IT RESOLVED**, by the Tompkins County Soil and Water Conservation District Board of Directors that,

- 1.) The Tompkins County Soil and Water Conservation District wishes to renew the MOU for reimbursement of housing expenses/administration and salary for the Hydrilla Program Manager effective January 1, 2016 until December 31, 2016.
- 2.) This Resolution shall take effect immediately.

Board Chairman Signature \_\_\_\_\_

Approvals:

Dan Carey: Present- Y( ) N ( ) , Vote- Y( ) N( )

Alan Teeter: Present- Y( ) N ( ) , Vote- Y( ) N( )

David McKenna: Present- Y( ) N ( ) , Vote- Y( ) N( )

Jim Dennis: Present- Y( ) N ( ) , Vote- Y( ) N( )

Aaron Ristow: Present- Y( ) N ( ) , Vote- Y( ) N( )

RESOLUTION

of the

Tompkins County Soil and Water Conservation District

Resolution No.: 2016-27

Date: 5/23/2016

*Approval of hiring seasonal intern for summer 2016.*

**WHEREAS**, The Tompkins County Soil and Water Conservation District is in need of a qualified person(s) to fill the position(s) of a seasonal employee to aid in its Hydroseeding program, Hydrilla eradication program, AEM, and other conservation programs; and

**WHEREAS**, The attached job description outlines the duties and responsibilities of the prospective candidates; and

**WHEREAS**, The District has budgeted at least \$20,000 for personnel costs through contracts #AGM01-C00007GG (STAIEP), #DEC01-C00094GG (Hydroseeding), #DEC01-C00075GG (Stormwater Mapping), #C011614 (AEM), and County appropriations; and

**WHEREAS**, The Seasonal employee will be employed from June 15 to October 31 at 35 hours/week depending on availability of candidates; and

**WHEREAS**, The Seasonal employee will be hired at an hourly rate of \$10-\$15/hour without any benefit package to be negotiated at time of hiring;

**NOW THEREFORE BE IT RESOLVED**, by the Tompkins County Soil and Water Conservation District Board of Directors that,

- 1.) A seasonal employee will be hired by the District Manager for the 2016 summer season
- 2.) This Resolution shall take effect immediately.

Board Chairman Signature \_\_\_\_\_

Approvals:

Dan Carey: Present- Y( ) N ( ), Vote- Y( ) N( )

Alan Teeter: Present- Y( ) N ( ), Vote- Y( ) N( )

David McKenna: Present- Y( ) N ( ), Vote- Y( ) N( )

Jim Dennis: Present- Y( ) N ( ), Vote- Y( ) N( )

Aaron Ristow: Present- Y( ) N ( ), Vote- Y( ) N( )

RESOLUTION

of the

Tompkins County Soil and Water Conservation District

Resolution No.:2016-28

Date: 5/23/2016

*District submission of NYSDEC Aquatic Pesticide Permit Applications for 2016 Aquathol-K, Sonar Genesis, and Sonar H4C applications in Cayuga Inlet, Connected Tributaries, Fall Creek, and southern Cayuga Lake in Ithaca, NY.*

**WHEREAS**, Hydrilla has infested areas of the Cayuga Inlet, connecting tributaries, Fall Creek, and the southeast end of Cayuga Lake, and the Hydrilla Task Force has elected to use herbicide treatments to control the spread of this invasive aquatic plant; and

**WHEREAS**, the District has contracted with Sölitude Lake Management for 2016 hydrilla treatments; and

**WHEREAS**, Sölitude Lake Management is a NYSDEC Registered Pesticide Applicator to apply Aquatic Herbicides in waters of the State of New York; and

**WHEREAS**, the NYSDEC Bureau of Pest Management is responsible for the administration of the Aquatic Pesticide Permit Program in New York, under the authority granted by Article 15-0313(4) of the Environmental Conservation Law (ECL) and Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (6 NYCRR) Parts 327, 328 and 329

**WHEREAS**, ECL Article 15 states that an Aquatic Pesticide Permit is required for the direct application of an aquatic pesticide(s) to surface waters of the State of an acre or more in size; and

**WHEREAS**, the Tompkins County Soil and Water Conservation District will act as agent of the riparian owners (City of Ithaca and the NYS Canal Corporation) and obtain the appropriate Aquatic Pesticide Permits before Sölitude Lake Management is allowed to conduct herbicide applications in the Cayuga Lake Watershed; and

**WHEREAS**, the Tompkins County Soil and Water Conservation District will obtain the appropriate NYSDEC Wetlands and NYS Canal Corporation permits before Sölitude Lake Management is allowed to conduct herbicide applications in the Cayuga Lake Watershed; and

**WHEREAS**, the Tompkins County Soil and Water Conservation District, acting as agent of the riparian owners (City of Ithaca and the NYS Canal Corporation) and in conjunction with the Hydrilla Task Force, will ensure that all necessary riparian owner and public notification requirements of the Aquatic Pesticide Permits are fulfilled before/after herbicide treatments; and

**WHEREAS**, the District will pay appropriate permit application fee(s); and,

**WHEREAS**, the Tompkins County Soil and Water Conservation District will submit for payment of Aquatic Pesticide Permit application fee(s) to Finger Lakes – Lake Ontario Watershed Protection Alliance (FLOWPA) via the Oswego County Soil and Water Conservation District who administers a Federal grant to reimburse the Hydrilla Eradication efforts in Tompkins County;

**NOW THEREFORE BE IT RESOLVED**, by the Tompkins County Soil and Water Conservation District Board of Directors that,

- 1.) The Tompkins County Soil and Water Conservation District shall submit all necessary NYSDEC Aquatic Pesticide Permit and NYSDEC Wetland Permit and NYS Canal Corporation Permit applications, in order to apply Aquathol-K, Sonar Genesis, and Sonar H4C in: Cayuga Inlet (Allan Treman Marina, Cascadilla Creek, Linderman Creek, Sixmile Creek, Cayuga Inlet main channel), Fall Creek (golf course lagoon, Fall Creek Cove, Stewart Park Pond and feeder stream, wetland NW of golf course, and main channel of Fall Creek), and the southern end of Cayuga Lake.
- 2.) The Board Chair is able to sign for the permit applications.
- 3.) The Board Chair, District Treasurer or Assistant Treasurer is authorized to pay for any associated fees pertaining to permit applications. These fees will be approved on the abstract of the following months District Board of Directors Regular Meeting.
- 4.) This resolution will take effect immediately.

Board Chairman Signature \_\_\_\_\_

**Approvals:**

Dan Carey: Present- Y( ) N ( ), Vote- Y( ) N( )

Alan Teeter: Present- Y( ) N ( ), Vote- Y( ) N( )

David McKenna: Present- Y( ) N ( ), Vote- Y( ) N( )

Jim Dennis: Present- Y( ) N ( ), Vote- Y( ) N( )

Aaron Ristow: Present- Y( ) N ( ), Vote- Y( ) N( )

RESOLUTION

of the

Tompkins County Soil and Water Conservation District

Resolution No.:2016-29

Date: 5/23/2016

*Entering into Memorandum of Understanding with NYS Office of Parks, Recreation and Historic Preservation (PARKS) for Hydrilla eradication services up to \$60,000.*

**WHEREAS**, pursuant to Article 3 § 3.02 and § 3.09(15) of Parks, Recreation and Historic Preservation Law, PARKS, shall operate and maintain the state park, recreation and historic site system to conserve, protect and enhance the natural, ecological, historic, cultural and recreational resources contained therein and to provide for the public enjoyment of and access to these resources in a manner which will protect them for future generations, and enhance the natural resources within the state park, recreation and historic site system by providing habitat for various wildlife species including endangered and threatened species of fauna through practices such as ecological restoration, wetland conservation and the planting of trees, shrubs and herbaceous plants indigenous to the area which act as food and protective cover for fauna.

**WHEREAS**, pursuant to the mission of the Tompkins County Soil & Water Conservation District, established by the New York Soil & Water Conservation Districts, Article 2 § 5 Creation of Soil and Water Conservation Districts, to provide assistance to citizens and units of local government in making sound decisions on the management of soil, water and related natural resources based on their needs, and assist in the implementation of decision by seeking and coordinating technical and financial assistance from federal, state, and local governments, and private sources, SOIL & WATER is authorized to undertake management activities, research studies and make reports relating to conservation and to participate and cooperate with other public and private agencies having mutual interests and purposes in appropriate programs and projects intended to preserve and improve the natural resources of the state.

**WHEREAS**, SOIL & WATER has the capability to provide for the application and implementation of multi-agency and multi-organization projects and undertakings which may be necessary and has performed such services in the past for state agencies in cooperation with PARKS; and,

**WHEREAS**, PARKS, has requested SOIL & WATER to provide such services in order to expedite and facilitate the implementation of its Hydrilla eradication project.

**WHEREAS**, contract C003198 offered an initial term of April 1, 2013 to March 31, 2015 with three (3) optional annual renewals.

**WHEREAS**, the first renewal extended the contract term for C003198 from April 1, 2015 to March 31, 2016;

**WHEREAS**, the current term contract C003198 expires on March 31, 2016 and both parties wish to execute the second renewal as a zero cost item extension.

**NOW, THEREFORE**, be it resolved by the Tompkins County SWCD Board of Directors:

1. The term of this MOA agreement will is hereby extended from from April 1, 2016 until March 31, 2017; pending approval by the NYS Office of the State Comptroller.
2. No considerations for the 2015-16 obligations were requested by SOIL & WATER. As such, SOIL & WATER and PARKS both agree to forgo the sum of \$60,000 for NYS fiscal years 2015-16 and forward it for use in fiscal year 2016-17, which shall represent Hydrilla eradication costs within PARKS property.
3. Payment from PARKS to SOIL & WATER shall be paid upon the execution of this MOA (pending approval of the Office of the State Comptroller) and on the following schedule.  
Fiscal Year 2016-2017 – May 1, 2016
4. SOIL & WATER will contract with such qualified herbicide applicators and monitoring specialists who will perform various duties related to PARKS goal of Hydrilla eradication within Allan H. Treman State Marine Park. Service provision under this contract shall include, but not be limited to, the sufficient application of herbicides at the time of year most efficacious for Hydrilla eradication.
5. Neither SOIL & WATER nor PARKS shall be obligated beyond the terms of this MOA.
6. This MOA may be amended only upon mutual written agreement of SOIL & WATER and PARKS, pending approval of the Office of the State Comptroller.
7. This MOA may be terminated upon thirty (30) days written notice by either party.
8. In the event that this MOA is terminated, all disbursements which have not been earned and are not expended shall revert to PARKS.
9. SOIL & WATER is fully qualified to perform the work in accordance with the terms of this MOA.
10. The MOA sets forth the entire understanding of the parties relating to the subject matter contained herein except as to those matters or agreements expressly incorporated herein by reference. No covenant, representation or condition not expressed herein shall be effective to interpret, change or restrict the express provisions of this MOA, which supersedes any and all prior agreements, whether written or oral, relating to the subject matter contained herein.

11. The Appendix B incorporated in the original contract is now superseded by the attached Appendix B revised May 2015. All other terms and conditions of Contract C003198 remain in full force and effect.

12. The District Manager is able to sign for this MOA.

13. This resolution shall take effect immediately.

Board Chairman Signature \_\_\_\_\_

**Approvals:**

Dan Carey: Present- Y( ) N ( ), Vote- Y( ) N( )

Alan Teeter: Present- Y( ) N ( ), Vote- Y( ) N( )

David McKenna: Present- Y( ) N ( ), Vote- Y( ) N( )

Jim Dennis: Present- Y( ) N ( ), Vote- Y( ) N( )

Aaron Ristow: Present- Y( ) N ( ), Vote- Y( ) N( )