



NYS Legislative Commission on Rural Resources

WINTER | 2020 ISSUE

Thoughts from the Chair

Welcome back!

I am thrilled to have the Commission re-launch its Rural Futures newsletter for 2020. I appreciate all of the thoughtful submissions from our readership across the State to highlight some of the successes and challenges our rural communities have experienced in 2019. Agriculture, tourism, high-speed internet access, health care, climate change, and infrastructure are just a handful of the diverse issues our rural regions must address. We look forward to being a resource both for legislators and stakeholders.

I want to introduce our staff who will be working diligently to promote the needs and strengths of rural New York communities:



Hal McCabe has an impressive resume of public service and a long history of advocating for rural issues. He was most recently the Director of Outreach at NY FarmNet, where he led legislative efforts to help New York's farmers survive and thrive in today's challenging economy. Prior to FarmNet, he oversaw nine counties for former Congressman Michael Arcuri. Mr. McCabe attended Ithaca College, where he received a Bachelor of Science degree in Communications and Public Relations, and then went on to graduate studies

in Political Management at George Washington University. As a native of Upstate New York, Mr. McCabe has a lifelong love for the area. He is an avid hunter and loves camping in the Adirondacks.



Lucy Shephard is a new addition to the Commission, but not new to policy or state government. Lucy comes to the Commission after completing an Excelsior Service Fellowship with the NYS Department of Agriculture and Markets, working on behalf of Commissioner Richard Ball to advance food safety and dairy policy. Lucy served as Secretary to the Dairy Promotion Order Board, implemented the federal Food Safety Modernization Act into state regulations, and led the School Milk Task Force. Lucy graduated from Cornell University,

College of Human Ecology with a Bachelor of Science degree in Policy Analysis and Management. Lucy grew up in Cazenovia, NY and comes from a long line of agriculture and dairy farming.

As we begin the 2020 Legislative Session, please reach out to the Commission with any ideas you may have for the coming year.

Thank you,

Senator Rachel May

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Winter 2020 Rural Futures

NEWS OF INTEREST ABOUT RURAL NEW YORK STATE

A Publication of the NYS Legislative Commission on Rural Resources

The NYS Legislative Commission on Rural Resources is a joint bipartisan commission of the State Legislature with a mission to promote the viability of rural communities.



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Buffalo Public Schools Achieve "30% Initiative"

Article Courtesy of Cheryl Thayer, Cornell Cooperative Extension, and Bridget O'Brien Wood, Buffalo Public Schools

In 2014, Buffalo Public Schools (BPS) piloted the Farm to School (FTS) program. By 2018, it was a district-wide initiative, benefiting over 30,000 students daily. The well-established FTS program aptly positioned the district to meet the "30% Initiative" during its inaugural year, resulting in over \$2.6 million spent on local food for the 2018-19 school year. The program also qualified the district for an approximately \$1 million increased state reimbursement for its meal program. Governor Andrew Cuomo launched the No Student Goes Hungry initiative in 2018, increasing the state reimbursement schools receive for lunches from 5.9 cents per meal to 25 cents per meal for any district that purchases at least 30 percent of its ingredients from NY farms.

The tremendous success demonstrated by BPS was achieved through:

- Collaboration with current FTS partners, school district directors, and vendors.
- Careful decision-making regarding menu planning and tracking. For example, BPS decided to remove all NY products from breakfast and afterschool meals to streamline the tracking of NY purchases, with the exception of NY milk. To assist in tracking milk purchases, which accounted for almost 50 percent of the \$2.6 million in food costs, a lunch milk tracking form was developed and was used by all individual schools. This tool was critical in passing the audit performed by the NYS Education Department.
- Unique product development with vendors, encouraging them
 to increase their use of NY raw ingredients. For example, a NY
 whole-grain pita chip became available through a partnership with
 the District, Wild Hive Farm, and Issa's Flame Baked Chips.
- Thorough recordkeeping, namely product formulation statements.
 If a company could not provide a record, products were not purchased and business was taken elsewhere.

Looking ahead to the 2019-20 school year, BPS solicited requests for proposals using the geographical preference tool for raw protein and produce. Awards in excess of \$1 million were made to local farmers and food hubs. The amount of government commodity beef was reduced, as the district committed to purchasing approximately 130,000 lbs. of local beef. The focus this year will be on maintaining food costs, improving the request for proposals process, and balancing NY purchases with government commodities. In addition, product development conversations are well underway with grain and bakery partners to secure a NY roll for all that delicious local beef to be served on.

(Continued on page 3)

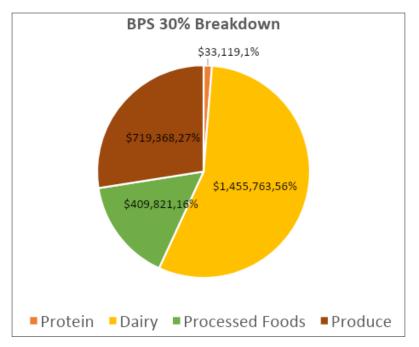


Figure 1:Buffalo Public Schools "30% Initiative" breakdown.
Processed items were comprised of concord grape juice products, eggrolls, chips, and green beans.



Buffalo Public Schools announcing its "30% Initiative" success at Waterfront Elementary. Pictured (L-R): Bridget O'Brien Wood (BPS), Becky O'Connor (CCE, Erie County), Cheryl Thayer (CCE, Harvest NY), Terrance Heard (Buffalo Board of Education), Commissioner Richard Ball (NYS Department of Agriculture and Markets), Chad Heebs (NY Chips), Dave Walczak (Eden Valley Growers/WNY Food Hub), Diane Held (CCE, Erie County), Tim Bigham (NY Farm Bureau).

Farm to Institution Initiative



On September 25, 2019, the Legislative Commission on Rural Resources hosted a roundtable session in Morrisville, NY to discuss efforts to increase the procurement of NY farm and food products to NY public institutions. In attendance were producers, buyers, facilitators, educators, government officials from the NYS Department of Agriculture and Markets, and legislators, including Senator Rachel May, Assemblyman Al Stirpe, and staff representing Senator Jen Metzger. Information shared will build momentum in developing better resources and channels to bring NY grown and raised products to state institutions.

Hamilton County: Still Recovering From Major October Storm

Article Courtesy of Bill Farber, Chairman of the Hamilton County Board of Supervisors

Halloween 2019 quickly turned into a nightmare in Hamilton County.

Torrential rains and wind gusts of more than 50 miles per hour battered communities that night and into the next morning — small, rural communities, and residents who are now reeling from millions of dollars of storm damage.

"You hear about the 100-year storm," says William Farber, Chairman of the Hamilton County Board of Supervisors. "Well, our 100th year arrived, arguably again! The damage to our roads and bridges is immense, and well beyond our abilities to pay for it alone."

Throughout the county, rivers and streams, most notably the Sacandaga River, quickly overflowed their banks. High winds crippled utilities. State Routes 8 and 30 were washed out entirely in some sections, forcing closures through major swaths of the county and leaving the towns of Morehouse, Arietta, Lake Pleasant, Wells, and Hope entirely cut off from the rest of the world for frightening periods of time.

When an inventory could finally be undertaken, the destruction revealed was dramatic. Homes and municipal infrastructure were devastated. Damage to county-owned infrastructure alone totaled more than \$3.9 million, with 13 roads and six bridges in need of major repairs. Add in the costs of repairing homes, as well as village and town-owned infrastructure, and the numbers are overwhelming.

"Critical road and bridge infrastructure maintenance has been crippled in much of the county," said County Highway Superintendent Tracy Eldridge. "The financial resources just don't exist locally to recover from this amount of damage."

New York State responded promptly with resources in the immediate aftermath of the storm. In addition, Governor Andrew Cuomo requested aid from the Federal Emergency Management Agency (FEMA), which is critical for local communities to recover. "We thank Governor Cuomo for his assistance with FEMA, and hope that he and our legislators will be committed to providing the State match, as well," Chairman Farber says.





"The storm also amplified the continuing need for assistance in improving cell phone coverage and Emergency Communications," said County Sheriff Karl Abrams. "When landline service went down, people without cell service were entirely cut off. This could have been much more dire had the storm hit any other time of the year. Tourists and visitors would have been totally cut off from help."

County Emergency Management Director Don Purdy agrees. "In Lake Pleasant, with landlines down, it was only a pocket of cell service that made communications possible for the County Emergency Operations Center. This made it very clear how cut off residents without cell coverage really were. Plus, this storm showcased the emergency communication gaps in southern portions of the County."

"We escaped this storm without a communications-related tragedy," Mr. Purdy adds, "But we might not be so fortunate next time."

On December 20, the federal government approved assistance to New York to help 18 upstate counties recover from the October storm. The funding will allow governments and certain non-profits in Saratoga, Warren, Chautauqua, Chenango, Cortland, Erie, Essex, Fulton, Hamilton, Herkimer, Jefferson, Lewis, Madison, Montgomery, Oneida, Oswego, Otsego, and Tioga counties to receive federal dollars to cover debris removal, emergency protective measures, and repairing and rebuilding infrastructure, such as roads, schools, parks, and hospitals.

Additionally, on January 28, the Commission looks forward to hosting a hearing in Albany to discuss the effectiveness of current flooding emergency and mitigation efforts, and to discuss the need for future assistance.





Grow-NY: Food and Agriculture Competition in New York State

Article Courtesy of Jenn Smith, Program Director of Grow-NY

The Grow-NY competition, funded by Empire State Development and administered by Cornell University, launched in May 2019. Nearly 200 food and agriculture start-ups from around the world applied to win up to \$1 million and to join the thriving start-up ecosystem in the Grow-NY region, made up of Central New York, the Finger Lakes, and the Southern Tier regions. The top 17 finalists were all ready-to-scale companies bringing innovative ideas to farming and food production. All of the finalists were connected with regional mentors and were introduced to the resources and opportunities for growth found throughout the Grow-NY region. They pitched their companies to a panel of judges at the Grow-NY Summit held November 12-13, 2019 and proposed plans for making an economic impact in their region's food and agricultural sector. Seven start-ups were awarded a total of \$3 million in prize money.

The top three winners included:

- Grand Prize, \$1,000,000 Winner:
 RealEats America Delivers fresh, healthy meals, while minimizing food waste (Geneva, NY).
- \$500,000 Winner:

 Dropcopter Leverages drones to pollinate crops and increase crop yield (Syracuse, NY).
- \$500,000 Winner:

 Tiliter Identifies products at supermarket checkouts with artificial intelligence no bar code needed (Munchen, Germany).

Applications for the next round of the Grow-NY competition will open **April 1**, **2020**. The Grow-NY Summit will follow **November 17-18**, **2020** in Syracuse, NY.

"I am very excited to welcome the Grow-NY Summit to my district," said Senator May. "Syracuse is a great location to discuss the connections between urban, suburban, and rural communities and help foster holistic approaches and innovations for our agricultural sector."



Start-up members receiving awards at the Grow-NY Summit held November 12-13, 2019.

Climate Leadership and Community Protection Act

On July 18, 2019, the Climate Leadership and Community Protection Act, co-sponsored by Senator Rachel May, was signed into law by Governor Andrew Cuomo. This legislation enacts the most aggressive emissions targets in the country and sets the State on a clean energy path to net-zero emissions in all sectors of the economy. Upon its effective date, the law requires that statewide greenhouse gas emissions be reduced 85 percent by 2050.

This landmark legislation will require necessary collaboration between government, industry, and research partners to meet the established targets. The legislation creates the New York State Climate Action Council, consisting of 22 members, including state agencies and individuals with expertise in environmental issues, environmental justice, labor, and regulated industries. The Climate Action Council will have two years to establish a scoping plan that outlines recommendations for attaining statewide greenhouse gas emissions limits and the goal of net-zero emissions in all sectors of the economy.

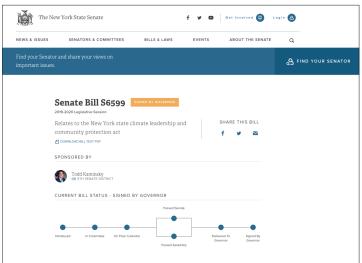
The Council must also convene advisory panels requiring special expertise in a range of designated areas: transportation, energy intensive and trade-exposed industries, land-use and local government, energy efficiency and housing, power generation, and agriculture and forestry. The purpose of the advisory panels is to provide recommendations to the Council in their respective areas.

Biological and Environmental Engineering Assistant Professor Buz Barstow of Cornell University's College of Agriculture and Life Sciences provides recommendations to legislators in a short video. Buz presents potential avenues to meet sustainable energy demands. A promising avenue includes a sustainable energy system based on a biological framework where nuclear and renewable sources predominate, transportation and electrical grids are integrated, and a zero or negative carbon footprint is achieved.

Cornell University is currently a world leader in climate technology in the areas of pyrolysis and biochar, technologies that remove excess carbon from the atmosphere by transferring carbon from plants into the soil.



Access Buz's video, "Embracing Biological Solutions to the Sustainable Energy Challenge," at https://www.youtube.com/watch?v=Ts3uHy2Koh4



Access the Climate Leadership and Community
Protection Act at
https://www.nysenate.gov/legislation/bills/2019/s6599

New York Farm Bureau Annual Meeting Highlights Collaboration

Article Courtesy of Steve Ammerman, Public Affairs Manager of New York Farm Bureau

Binghamton, NY – New York Farm Bureau members wrapped up their 63rd State Annual Meeting on Wednesday, December 4 in Binghamton, NY where Farm Bureau first began more than a century ago. It concluded with an evening banquet full of awards, State dignitaries, and celebration of another successful meeting that set the organization's public policy agenda for 2020.

This year's theme, "Growing Stronger Together," was meant to inspire members to build bridges with their communities, lawmakers, and consumers. Different speakers and workshops stressed the importance of relationships and working together as farmers, county Farm Bureaus, and agricultural organizations in advocating for food and farming issues.

"Farm Bureau is a community. It is a network of diverse, yet like-minded people who believe in agriculture. Being social, talking to fellow members, and getting involved can help the big issues not seem so daunting, knowing we are all in this together," said David Fisher, New York Farm Bureau President, during his annual address.

The main focus of the State Annual Meeting is the time-honored grassroots process where delegates from 52 county Farm Bureaus across the State discuss and vote on public policy resolutions. At the awards banquet, more than 300 members, State officials, and supporters gathered to honor a number of well deserving individuals. New York's Department of Agriculture and Markets Commissioner Richard Ball, Senate Agriculture Committee Chair Jen Metzger, and Senator Pam Helming were among the attendees.

New York Farm Bureau handed out its highest honor, the Distinguished Service to Agriculture Award, to Gary Orbaker, a fruit farmer in Williamson, NY and member of Wayne County Farm Bureau. Orbaker has been integral to membership development of the organization and continues to serve as an active voice for farmers on many of the major agricultural issues of the day.

New York Farm Bureau also recognized the winners of the Young Farmers and Ranchers competitive events. Eileen Jensen, of Branchport, NY and a member of Yates County Farm Bureau, was honored with the Excellence in Agriculture Award. Evan and Elizabeth Schiedel, of Ripley, NY and members of Chautauqua County Farm Bureau, received the Achievement in Agriculture Award. Finally, Adam Miner, of Mannsville, NY and a Jefferson County Farm Bureau member, won the Discussion Meet competition. They will each represent New York Farm Bureau at the American Farm Bureau Federation Annual Convention next month in Austin, TX.



Greg Orbaker (center) receiving the Distinguished Service to Agriculture Award presented by President David Fisher (left) and John Sorbello (right).



Onondaga County farmer Dan Palladino speaking on the delegate floor.



Rural Law Initiative

Article Courtesy of Andy Ayers, Director of the Government Law Center at Albany Law School

What is the common element between starting a business, running a business, passing on property to one's children, and getting divorced? All of them require a lawyer. In rural communities, that can be a big problem. In the Rural Futures Summer 2018 issue, we announced that the Rural Law Initiative, a project run by the Government Law Center at Albany Law School, would be conducting a major study of the attorneys who practice in New York's rural counties. The results of that survey are now in, and you can find them in the Center's report at www.albanylaw.edu/centers/government-law-center/the-rural-law-initiative

The report describes a major shortage of legal services in rural New York. Lawyers are few and far between, and many people in rural communities cannot afford to hire a lawyer. Even lawyers often have trouble finding lawyers. And more than half of the lawyers in rural New York are approaching retirement, which means the crisis is getting worse.

What can be done about the problem? The report is just the first step. The Government Law Center is partnering with the New York State Bar Association on a task force that will study the shortages of legal services and suggest solutions. Stay tuned.

Farm Laborers Fair Labor Practices Act

Article Courtesy of Richard Stup, Agricultural Workforce Specialist at Cornell University

On July 17, 2019, Governor Andrew Cuomo signed into law the Farm Laborers Fair Labor Practices Act. This legislation brings major changes to farm employment.

Overtime Pay

New York farm employees will be eligible for overtime pay once they have completed 60 hours of work per week. Overtime pay is defined as 1.5 times the "regular rate of pay." The "regular rate of pay" includes the hourly pay rate plus any other non-discretionary compensation, such as incentive payments. It will be important for managers to control which employees are scheduled for how many hours and to be mindful of hours worked as they approach 60 in each week. This also may be a good time for farms to upgrade scheduling and time recording systems to provide the information, alerts, and records required. Farms should consider each production process, system, and job in the business. Farms should ask themselves the following: Where can management cut out waste and improve the efficiency and effectiveness of labor? Are there parts of the production process that could be outsourced to another business or discontinued while focusing labor on crops and processes with the highest return?

Weekly Day of Rest

The new law stipulates that farm employers must offer employees at least 24 consecutive hours of rest in each and every calendar week; the calendar week can coincide with the farm's payroll week. This day of rest should be on the employee's day of religious observance whenever possible, but it can be moved to another day in the week if crop or weather conditions

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prevent work. Employees can voluntarily waive their day of rest and choose to work. However, in this instance, employers would have to pay the overtime rate (1.5 times the regular rate of pay) for every hour they worked on their day of rest.

Collective Bargaining

The Legal Information Institute at Cornell offers the following definition: "Collective bargaining refers to the negotiation process between an employer and a union comprised of workers to create an agreement that will govern the terms and conditions of the worker's employment." Farm employees will now have the right to form or join a union in order to bargain as a group with their employer about their work. Unlike most private businesses regulated under the National Labor Relations Act, the New York law for farm unions uses a card check system. Card check means that no election is necessary if a union gets a majority of farm employees to sign dues authorization cards, indicating their desire to join a union. If a majority of employees at a farm business choose to join the union, then the farm would be obligated to recognize the union and enter into negotiations to establish a union contract with the farm employees.

There are some special limitations in the new law that will govern collective bargaining. Farm employees are not permitted to strike or otherwise slow down work on farms. On the other hand, farm employers may not "lock out" or prevent farm employees from working during the course of contract negotiations.

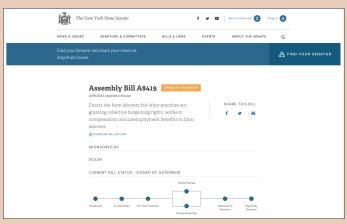
Insurance: Disability, Paid Family Leave, Workers' Compensation, Unemployment

The legislation redefined farms as regular employers, making payments to Disability Insurance and Paid Family Leave now a requirement. Disability Insurance covers injuries incurred off-the-job. Paid Family Leave covers temporary absences from work for child care or care for a loved one.

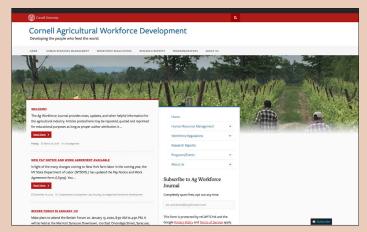
Workers' Compensation insurance is now required for all farm employees. Previously, very small farms were exempt from this coverage while most other farm employers were already providing it. Now, small farms are also required to carry Workers' Compensation. Similarly, the law removed most of the small farm exemption for Unemployment Insurance. Now farms that pay \$300 of payroll in any calendar quarter must provide Unemployment Insurance.

The Farm Laborers Fair Labor Practices Act marks a new era in farm human resource management in New York. We already know that employees will remain scarce and expensive. Our challenge is to maximize the talent and productivity of every employee while maintaining excellent employee relationships and engagement. Excellent human resource management will emerge not just as a distinguishing feature of the State's best farm businesses, but as a requirement for farm business success.

Access the Farm Laborers Fair Labor Practices Act at https://www.nysenate.gov/legislation/bills/2019/a8419



Additional information can also be found on the Cornell Agricultural Workforce Development website at https://agworkforce.cals.cornell.edu/

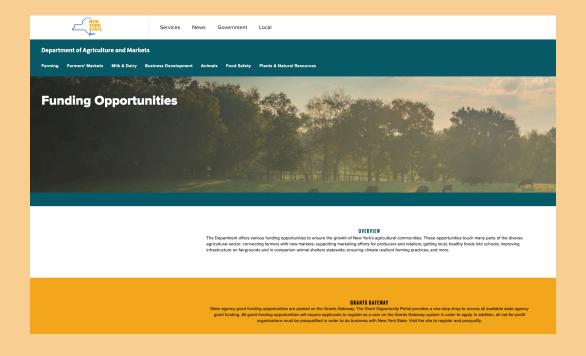


Grant Opportunities

Article Courtesy of the New York State Department of Agriculture and Markets

The New York State Department of Agriculture and Markets has launched a new \$14 million grant opportunity to help New York's farms facing increased challenges resulting from trade disputes, increasing debt, changing consumer preferences, and climate change. Through this new farmland protection opportunity — the Farm Operations in Transition Farmland Protection Initiative — proceeds from the sale of a perpetual agricultural conservation easement may provide the capital needed to transition or diversify the farm and will keep land in agriculture.

The Department is currently accepting applications for grants up to \$2 million each from eligible entities, such as land trusts, municipalities, county agricultural and farmland protection boards, and State Soil and Water Conservation Districts. There is no application deadline. Eligibility requirements and information on additional funding opportunities, including through the Climate Resilient Farming and Agricultural Non-Point Source Pollution Abatement and Control programs, can be found at https://agriculture.ny.gov/funding-opportunities

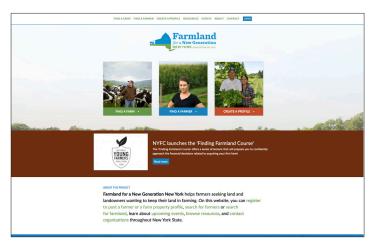


Celebrating Five Years of Bringing Together Farmers and Farmland Owners in New York's Hudson Valley

Article Courtesy of American Farmland Trust

Five years is a short time to go a long way. It's half a decade full, the difference between welcoming a new child and sending them off to kindergarten. This fall, American Farmland Trust (AFT) is celebrating the big "five" for the Hudson Valley Farmlink Network. When it launched in 2014, the Hudson Valley Farmlink Network brought an innovative and comprehensive approach to tackling the challenge of keeping land in farming and farmers on the land across 13 counties in New York.

The website www.hudsonvalleyfarmlandfinder.org connects farmers and landowners, provides access to events, and offers resources for farmers seeking to find or transfer farmland, as well as farmland owners who want to keep their land in farming.



The Network evolved out of the glaring major demographic changes threatening agriculture as aging farmers approach retirement. When transitions of farmland from one generation to the next are on the horizon, that's when the land is most vulnerable to development.

According to the Census of Agriculture, approximately onethird of farmers in New York are 65 or older, a majority of whom do not have a known successor to take over once they retire from the land. Recent research from AFT showed notable trends among non-operating landowners, too, whose median age is 65. Though 95% see "keeping land in farming" as a primary motivation for land management decisions, 20% do not know who the next owner of their farmland will be.

At the same time, new and beginning farmers looking for an opportunity to farm face tremendous obstacles to finding appropriate farmland at prices they can afford. Those factors increase significantly for farmers who face systemic, cultural, language, and financial barriers to find suitable land and resources.

These shifts are a big deal in a state like New York where agriculture serves as the backbone of rural communities and helps to feed millions of New Yorkers, but has already lost more than 5,000 farms to development.

The critical task of ensuring the availability of farmland for all farmers, now and into the future, is not one that can be tackled alone. Knowledge of local needs and conditions paired with expertise in land conservation, agricultural support services, legal and other technical counsel, among other areas, ensures farmers and farmland owners receive the support they need while professional capacity continues to grow in the region.

Coordinated by AFT with primary support from the Doris Duke Charitable Foundation, the Hudson Valley Farmlink Network is rooted in partnership, building upon a strong and growing professional network of organizations while providing shared resources through the Hudson Valley Farmland Finder website.



The impact these partners have had over the past five years has demonstrated the potential of a collective and

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sustained effort. Over that time, the Network and its partners have helped more than 175 farmers find and secure farmland in the Hudson Valley. Furthermore, they have trained nearly 10,000 farmers and farmland owners through events and personalized assistance. We are so grateful for this leadership and partnership.

Thanks to the success of the Hudson Valley Farmlink Network, AFT launched, in partnership with the State of New York, Farmland for a New Generation New York. Launched one year ago, the Statewide program is modeled after the collaboration in the Hudson Valley and includes a comprehensive website with farmer and farmland listings along with a professional network of Regional Navigators at www.nyfarmlandfinder.org.

Thank you to all of Hudson Valley Farmlink Network partners. From 2014-2019, partners include:

- Agricultural Stewardship Association
- American Farmland Trust
- Capital Area Agriculture and Horticulture Program
- Columbia Land Conservancy
- Cornell Cooperative Extension Dutchess County
- Cornell Cooperative Extension Orange County
- Cornell Cooperative Extension Ulster County
- Dutchess Land Conservancy
- GrowNYC FARMroots

- Glynwood
- Hudson Valley Agribusiness Development Corporation
- Mohawk Hudson Land Conservancy
- New York FarmNet
- Orange County Land Trust
- Saratoga PLAN
- Stone Barns Center for Food and Agriculture
- Westchester Land Trust
- Watershed Agricultural Council



COVER PHOTO: Senator Rachel May (left) and Senate Majority Leader Andrea Stewart-Cousins (right) at Brady Farm located in Syracuse, NY. Brady Farm offers affordable, fresh, and locally grown produce to the City of Syracuse through weekly CSA box shares, market shares, market stands, and donations.

NYS Legislative Commission on Rural Resources

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2020 Agricultural and Food Business Outlook Conference

January 17, 2020 8:30 a.m. to 3:30 p.m. Cornell University, Stocking Hall, Ithaca, NY 14850 More information can be found at

https://dyson.cornell.edu/outreach/economic-outlook-conference/upcoming-conference/

Empire Farm Days

July 29-31, 2020 9:00 a.m. to 4:00 p.m. 2973 NY-414, Seneca Falls, NY 13148 More information can be found at https://empirefarmdays.com/

If you have any suggestions for upcoming editions, please email the Commission at RURALRES@NYSENATE.GOV