Cornell Cooperative Extension

Eastern NY Commercial Horticulture Program

Tree Fruit News

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New York Farm Laborer Overtime Threshold to Decline

Richard Stup, Cornell University

New York's state government took another major step toward reducing the farm laborer overtime threshold on September 30, 2022. Labor Commissioner Roberta Reardon issued a <u>press release</u> and official <u>order</u> accepting the findings of the <u>Farm Laborer Wage Board report</u>. The NY State Department of Labor will now begin a rule making process to make the Commissioner's order formally a state regulation, this process will include a 60-day public comment period. This is the conclusion of a long and controversial political process that started with the 2019 passage of the Farm Laborer's Fair Labor Practices Act (FLFLPA) in 2019, and continued through 14 lengthy public meetings and hearings of the wage board.

What changes will happen and when?

The overtime threshold for farm laborers is currently at 60 hours per week. This will not change for the rest of 2022 and for all of 2023. The overtime threshold will begin to decline on January 1, 2024 by dropping to 56 hours per week, and then it will continue to decline by four hours every other year after that until it reaches 40 hours per week in 2032. Here is the schedule:

- January 1, 2024, the threshold declines to 56 hours;
- January 1, 2026, the threshold declines to 52 hours;
- January 1, 2028, the threshold declines to 48 hours;
- January 1, 2030, the threshold declines to 44 hours;
- January 1, 2032, the threshold declines to 40 hours, and remains there.

Farm employers will be responsible for paying farm laborers 1.5 times their regularly hourly rate for any hours worked above the weekly overtime threshold. Note that overtime is only payable to those who meet the definition of "farm laborer." While this includes most farm employees, it does not include many <u>family employees</u> who are related to a farm owners, and some employees who are exempt from overtime due to their status as executive, professional, or administrative employees. Visit <u>this page</u> on the Cornell Ag Workforce website to view a <u>presentation</u> that explains this in more

Table of Contents

- 1 New York Farm Laborer Overtime Threshold to Decline
- 2 Late Sanitation for Disease Management
- 4 Cool, Fall Nights Challenge Fruit Storability
- 5 Champlain Valley Passive Bitter Pit Prediction for 'Honeycrisp'
- 6 Building Strong Trellises for Your New Plantings
- 7 Free Mental Health First Aid Trainings for Ag Communities of New York State

detail. One key point to note, just paying an employee via salary DOES NOT exempt them from overtime, they must qualify to be exempt from overtime based on their relationship to the owner or their job qualification as executive, professional, or administrative.

What about the tax credit for overtime?

With the 2022-23 Budget Act, New York state government created a new tax credit that will essentially cover the cost of overtime for farm employers. While this tax credit is technically effective now, it is not relevant because the required overtime threshold remains at 60 hours per week. Note, tax credits are only available for **state required** overtime, those employers who currently pay overtime voluntarily below 60 hours per week are not eligible for the tax credit.

Here are a few details about the tax credit:

- 1. Farm employers who are corporations (including a New York S corporation), sole proprietorships, LLCs and partnerships are eligible.
- 2. Only "farm laborers" as defined in NY labor law are eligible employees. This makes sense because these are the only types of employees for whom overtime is required; family members and certain executives, professionals, and administrative personnel are excluded.
- 3. Eligible overtime hours include those in any calendar week that exceed the overtime threshold set by the commissioner of labor, up to 60 hours in a week. This is important, only those hours between the threshold and 60 hours are reimbursable through the tax credits, any overtime hours worked above 60 will not be reimbursed to the employer.
- 4. Farm wineries and cideries who derive more than 50% of their income from beverage sales will need to follow some special rules. Only workers employed on qualified agricultural property will be eligible for the tax credit.
- 5. Only the overtime premium is reimbursable through the tax credit. For example, if the threshold is at 56 hours in 2024, and an employee whose regular pay is \$18/hour works 58 hours in one week that year, then she will be eligible for two hours of overtime pay. Overtime is 150% of regular pay so she will earn \$27 for each overtime hour worked. Only the overtime premium, the extra \$9/hour over her regular rate, is eligible for reimbursement through the tax credit.

compensation premiums also go up. Recognizing this, the overtime tax credit will allow employers to take 118% of the eligible overtime compensation to cover those additional costs.

- Advance payments of tax credits for overtime premiums paid from January 1st to July 31st are possible. To receive advance payments, employers will need to prepare their claim and submit it to the NYS Department of Agriculture and Markets.
- 8. NYS Ag and Markets will be involved in this process. They will develop an application process that employers will use to document their claim for the tax credit. Ag & Markets will then issue a certificate of tax credit to eligible employers. All of the details of this process will need to be worked out.

Obviously, there are many details to work out before January 1, 2024. Farm employers need to pay careful attention to their employee payroll record systems. It is important to have accurate and detailed records of employee hours worked and overtime paid in order to take advantage of this important and potentially large tax credit.

Where do we go from here?

New York farmers are intelligent, resilient, and adaptable, all of those qualities will be required in abundance for the years ahead. The best farm managers will continue to sharpen their leadership and employee management skills in order to recruit and retain the most effective and productive employees. New York farmers will adopt technologies and automation when it makes economic sense, and that automation will replace some farm labor, while it augments and increases the value of other skilled farm labor that remains. The state tax credit will shift part of the cost of overtime to the people of New York, rather than causing farm employers to bear it alone. This shift will benefit farm employees who will likely work some overtime hours in New York, rather than face the serious reductions in work hours, and weekly income, that California and Washington farm employees are reportedly experiencing.

Going forward, as it has been in the past, the theme for farm employers will be to adapt and create something new, even in the face of adversity.

By Richard Stup, Cornell University. Permission granted to repost, quote, and reprint with author attribution. The post <u>New York Farm Laborer Overtime Threshold to</u> <u>Decline</u> appeared in <u>The Ag Workforce Journal</u>

6. When pay goes up, marginal costs such as taxes and worker's

Late Sanitation for Disease Management

Līga Astra Kalniņa & Kerik Cox, Cornell University, Plant Pathology and Plant-Microbe Biology Section

Fall has finally arrived, and with it, an excessive number of rainstorms and wet weather. Such weather can greatly favor late season diseases such as fruit rots and lead to the accumulation of inoculum for apple scab and Marssonina leaf blotch. While getting tractors into the orchards is still possible, there are opportunities to do some sanitation and significantly reduce disease pressure for next

spring. It may be feasible to capitalize on any available labor that might be there for the harvest. Overall, fungal disease pressure was light in 2022, but there may still be some late season apple scab and Marssonina leaf blotch that could lead to increased disease pressure in the following spring. We've noticed that programs reliant on captan after 1st and 2nd cover with extended application intervals tend to have disturbingly high levels of Marssonina leaf blotch (Figures 1&2). The following are some inoculum reduction recommendations for both fungal and bacterial diseases.

Inoculum reduction recommendations for fall 2022.

Despite the relatively few infection periods for apple scab in the early 2022 season, late season rains may have been frequent and heavy enough to provide considerable overwintering inoculum for spring 2023. This overwintering or "primary inoculum" starts the epidemics we manage all season. Reducing this initial inoculum will delay the epidemic. In theory, if there is little rain early in the season, it could delay the epidemic to a point where it would be too dry and hot for the apple scab and Marssonina leaf blotch fungi to cause disease. Moreover, removing pruned shoots and fruit drops may greatly reduce the inoculum for fungal twig blights, and numerous fruit rot diseases, including bitter, black, and white rot. Inoculum reduction can be conducted in the spring, but if you have difficulty getting tractors in the orchard after the winter snow melt, it might be best to practice inoculum reduction during the fall. Implementing inoculum reduction in the fall affords both the fall and the early spring for decomposition of the leaf, twig, and fruit drops.

If the opportunity presents itself, take a final look at blocks that had shoot blight. While it is possible to remove fire blight during winter pruning, shoot blight and any larger cankers on infected limbs will be more visible while there are still leaves on the trees (it's easier to identify dead vs. dormant). When possible, select a cool day (< 70°F) and one where there is no rain predicted for the next 1-2 days. The pruned shoots and limbs can be left to dry in the orchard, even all winter, if necessary, but if you prune for fire blight first, you can sweep these up with the fruit drops and some of the additional leaf litter. Shoots with fire blight may also harbor wood decay fungi, including Nectria and Botryosphaeria, that can cause Nectria twig blight, and black and white rot of apples, respectively.

Once any remaining fire blight and fungal shoot blights have been pruned and swept, leaf litter can be targeted to reduce overwintering inoculum of apple scab and Marssonina leaf blotch. The two best options for inoculum reduction are to apply the urea to leaf litter or use a flail mower to shred leaves. These practices hasten the decomposition of the leaf litter. In the case of flail mowing, leaves should be first swept or raked from underneath the canopy into row middles, as most of the apple scab and Marssonina leaf blotch inoculum is present on litter under the trees (Figure 1). Subsequently, go over the row middles with the flail mower set to scalp the sod. If urea is used, apply 40 lbs. of feed grade urea per acre in 100 gallons of water to the herbicide strip (5% solution). Dolomitic lime applied at a rate of 2.5 tons per acre can be used in place of urea. Of the various options, applying urea is the simplest approach, but take care to flush the sprayer pumps with water afterward since the urea is caustic and can corrode a pump over time. As suggested above, the use of orchard floor urea may also reduce inoculum of other diseases (e.g., Bitter rot and Black rot) as it hastens the decomposition of leaf litter, fruit drops, and pruned shoots that harbor the pathogens causing foliar diseases, fungal shoot blights, and summer fruit rots. If orchard floor management

was practiced in the fall with flail mowing or urea sprays, it wouldn't be necessary to repeat the practices this spring. Research from the University of New Hampshire has demonstrated that there are diminishing returns for practicing inoculum reduction in the fall and spring. Also, it's possible to safely apply urea when the trees are at 20% or more leaf drop. Urea is not an effective fertilizer and will not stimulate new growth or delay dormancy. If this is practiced, it would be exceptionally important to rinse the sprayer pump.

Summary

Late season inoculum reduction should begin before leaf drop by removing any remaining shoot blight and fire blight cankers while it's still possible to identify them. Secondly, sweeping and chopping to remove pruning and any remaining apple drops may reduce overwinter inoculum from many other late season diseases such as fungal tip blights and fruit rots. Finally, appling urea or using a flail mower will reduce leaf inoculum for apple scab Marssonina leaf blotch.



Figure 1. Advanced marssonina leaf blotch symptoms of yellowing just before leaf drop on leaf of 'Red Delicious'. Photo: Srdjan Acimovic 2020.



Figure 2. 'Jonagold' Tree with severe defoliation from Marssonina leaf blotch 6 weeks prior to harvest. This tree received no single-site fungicide applications after petal fall and was on 14-21 day intervals for summer fungicide applications.

Cool, Fall Nights Challenge Fruit Storability

Randy Beaudry, Michigan State University Extension; with additional comments by Mike Basedow, CCE ENYCHP

The highly desirable Honeycrisp apple is also one of the most tender apples we grow. It has an extreme sensitivity to low temperature that we usually see after harvest following some weeks of cold storage. However, if the temperatures in the orchard are low enough (beginning around 37°F, and worsening around 34°F), we can have fruit injury even before growers have a chance to harvest the fruit (Photo 1). Unfortunately, we do not know how many hours at these temperatures is required to trigger this disorder development in the field.

There are numerous anecdotal reports that low temperatures in the orchard can cause chilling disorders before harvest. On Sept. 18, 2020, the skies were clear and the National Weather Service predicted temperatures in the 30's, and a high probability of

Michigan's first frost of the year. At that point of the season, most of the Honeycrisp crop was still in the orchard and fruit just beginning to ripen. On an average year in the Grand Rapids, Michigan area, Honeycrisp are usually ready for harvest and storage by Sept. 15. Unfortunately, a ripening Honeycrisp is more susceptible to chilling injury.

To better understand how nighttime air and fruit temperatures changed during the predicted frost event, Michigan State University Extension personnel instrumented a Honeycrisp apple tree at a commercial orchard north of Grand Rapids with thermocouples. Thermocouples were either placed in the air 3 feet above the ground or were embedded into fruit. Fruit temperatures were collected for fruit at the top of the canopy (8 feet above ground), at the middle of the canopy (5 feet above ground) and at the base of the canopy (2 feet above ground). Thermocouples were placed just under the skin of the fruit to collect fruit surface temperatures. For the fruit at the



Photo 1. Honeycrisp fruit chilling injury can be found in the field before harvest. Left panel: soggy breakdown. Right panel: ribbon scald. Photo by Randy Beaudry, MSU.

top of the tree, we also inserted a thermocouple into the fruit core to track inner fruit temperature.

The expectation was that the fruit at the top of the tree would be warmest during the day, but would cool to the lowest temperatures at night as they lost heat to the clear night sky. The question was how cool they would get relative to the night air. We found that those fruit at the top of the tree cooled to lower temperatures than those fruit in the middle or at the bottom of the canopy (Photo 2). In fact, these fruit cooled to temperatures 1 or 2 degrees below air temperatures due to radiation cooling.

The air temperature dropped below the temperature known to cause chilling injury in Honeycrisp for about 8 to 10 hours on the night of Sept. 18 and about 6 hours on the night of Sept. 19. More importantly, the temperatures of the fruit skin and core dropped below freezing for about 4 to 6 hours on Sept. 18. While apple tissue does not freeze until it is cooled to about 26° F, the extreme low

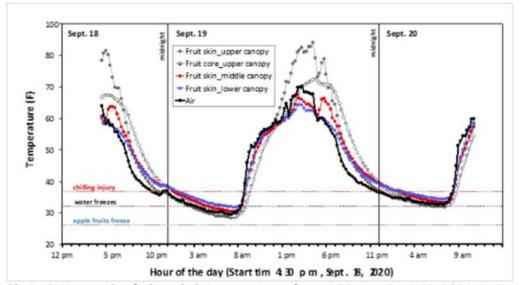


Photo 2. Honeycrisp fruit and air temperatures from 4:30 p.m. Sept. 18, 2020, to 11 a.m. Sept. 20, 2020. The fruit at the top of the tree (upper canopy) had both skin and core measurements. Those in the middle and lower portion of the canopy had only skin measurements.

| Treatment | Observation |
|-----------------|-------------|
| Bitter | pit |
| Non-conditioned | 8% |
| Conditioning | 12% |
| Chilling I | njury |
| 0 days | 1% |
| 1 day | 1% |
| 2 days | 2% |
| Non-conditioned | 3% |
| Conditioning | 0% |
| UTC | 0% |
| ReTain | 3% |
| 32 F storage | 11% |
| 37 F storage | 2% |

temperatures were a worry for this sensitive variety.

To see if the affected fruit would develop injury, fruit were collected before and after the chilling event, and were then placed in storage for 2 months at either 32° or 37°.

The results showed there was more chilling injury in fruit that experienced 2 days of chilling, suggesting that *low field temperatures slightly enhanced fruit sensitivity to chilling in storage*. Conditioning reduced chilling, but increased bitter pit incidence. ReTain increased the incidence of chilling. Storage at 32° F increased chilling injury relative to fruit stored at 37°.

What does this mean for us in New York?

In the Champlain Valley this year, there are still many Honeycrisp to

be picked. On September 30, we recorded temperatures of 34° and 35° in some portions of Peru. 30° was reached on Monday October 3 in some parts of Peru, and Tuesday October 4th saw temperatures near 32°. We don't have a good understanding of how much risk this fruit has for chilling injury, but we may see some following these temperatures.

With these conditions in mind, we urge storage operators to be vigilant for developing symptoms of chilling injury on Honeycrisp. Pre -conditioning of Honeycrisp prior to storage is already a common recommendation. With this exposure to cool temperatures while hanging on the tree, it will be even more important to follow preconditioning guidelines to help lessen losses to chilling injury.

Champlain Valley Passive Bitter Pit Prediction for 'Honeycrisp' Mike Basedow, CCE ENYCHP

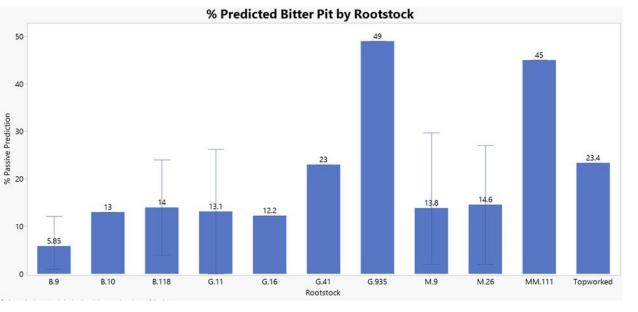
While bitter pit can cause serious losses for 'Honeycrisp', there are a few tools that can help us predict the extent of bitter pit damage we might see, allowing us to make informed decisions of where to put fruit from particular blocks. One such method is the Passive Method.

Three weeks before anticipated harvest, members of the ENYCHP collected 'Honeycrisp' samples from 33 orchard blocks ranging from Saratoga to Clinton counties. We placed 100 apples from each block in bushel bins at room temperature for 3 weeks, and subsequently rated them for bitter pit presence. This "passive method" was developed by Chris Watkin's lab, and can be used as a rough predictor of the percent of bitter pit one can expect coming out of storage when fruit are conditioned and stored at 38°F. The results

In general agreement with our previous work, Bud 9 blocks around the region tended to have lower bitter pit predictions, while one MM.111 had 45% predicted bitter pit. One block of G.935 also had a high prediction of 49%, but this block is young, and we anticipate this block will likely moderate after a few more years. We also saw somewhat elevated levels in one top-worked block, and in a G.41 block. Most of the other rootstocks averaged between 10 and 15%, however the ranges show there can be a wide degree of variability even within an individual rootstock, depending on other environmental and management factors.

for Northeast NY show the average incidence of bitter pit across the value is roughly 15%. That being said, there is a great deal of variation between blocks.

As our work with Dan Donahue has shown, rootstocks can make an important contribution to the percentage of bitter pit incidence in 'Honeycrisp'. Here we see predicted bitter pit incidence separated by the rootstock of each block. Numbers above



the bars represent the mean incidence of bitter pit by rootstock, while error bars show the variation between blocks we saw for each rootstock. Where bars are not present, we only had one sample of that rootstock. Figure 1. Percent bitter pit predicted by the passive prediction method by rootstock. Numbers above the bars represent the mean incidence of bitter pit by rootstock, while error bars show the variation between blocks we saw for each rootstock. Where bars are not present, we only had one sample of that rootstock.

(Continued on page 6)

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Given these results, we can make more informed storage decisions.

- Blocks with a low bitter pit prediction are likely good candidates for conditioning and long-term storage at 38°F. They are also good candidates for immediate marketing.
- Do not market fruit with higher than 10% bitter pit risk within the first month as it continues to develop over time, with negative effects in the marketplace (conditioning this fruit will cause rapid development of bitter pit, and is recommended to allow bitter pit to express before marketing).
- If bitter pit risk is greater than 30%, fruit can be cooled rapidly and stored at 38°F. Note that this will increase your risk of soft scald development, so take your block history and risk of scald into account when making the decision whether to skip conditioning or not. Cold temperatures preceding harvest increase the risk of soft scald in storage, so be mindful of this when choosing whether or not to skip conditioning.

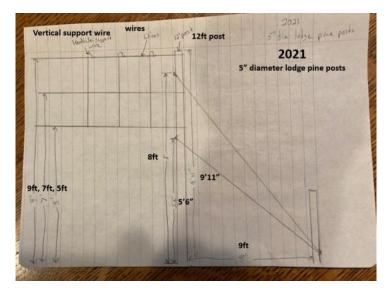
Building Strong Trellises for Your New Plantings Mike Basedow, CCE ENYCHP

Over the last month, I have seen and heard reports of trellis failures throughout the Champlain Valley. Unfortunately, our heavy crop loads and wet soils have created a perfect storm situation for trellis failure.

If you would like to beef up your support systems for your future plantings, but aren't quite sure where to make improvements, I recommend reviewing the Trellis Panel Discussion we held at our 2021 Winter Fruit Meeting. This panel includes Kelly Snide (Chazy Orchards), Rusty Lamb (Yonder Fruit Farms), Ted Furber (Cherry Lawn Fruit Farms), and Robert Brown III (Orchard Dale Fruit Co.).

The economic info during the discussion contains 2021 prices, so these are no doubt out of date. However, the construction principles remain sound advice.

You can find the recording on the ENYCHP YouTube page here: <u>https://www.youtube.com/watch?v=60rfrffJm5Q&t=6s</u>













Free Mental Health First Aid Trainings for Ag Communities of New York State

Did you know that farmers are more likely than the general population to die by suicide?

NY FarmNet is collaborating with county Cornell Cooperative Extension offices this fall to offer free, full day, in person Mental Health First Aid (MHFA) courses. Farmers, agribusiness workers, and anyone who interacts with the agricultural community in New York is encouraged to attend. Trainings run from 8am to 5pm, and lunch will be provided from a local eatery with a one hour break.

Mental Health First Aid teaches you how to identify, understand, and respond to signs of mental health and substance use challenges among adults. You'll build skills and confidence you need to reach out and provide initial support to those who are struggling. You'll also learn how to help connect them to appropriate support.

After the course, you will be able to:

- Recognize common signs and symptoms of mental health and substance use challenges.
- Understand how to interact with a person in crisis and connect them with help.
- Use self-care tools and techniques.

The instructors for these courses are part of a recently trained cohort that work within the NY agricultural community. They include representatives from NY FarmNet, Cornell Cooperative Extension, Farm Bureau, Young Farmers Coalition, NY Center for Ag Medicine and Health (NYCAMH), and Black Farmers United NYS.

Scheduled full day MHFA trainings for this fall include:

Tuesday, October 18th in Hudson/Columbia County Wednesday, October 19th in Cortland/Cortland County Friday, October 21st in Ithaca/Cornell University/Tompkins County Tuesday, October 25th in Middletown/Orange County Wednesday, November 2nd in Binghamton/Broome County Monday, November 7th in Lockport/Niagara County Tuesday, November 8th in Fonda/Montgomery County

To register, go to <u>www.nyfarmnet.org/trainings</u>. If we don't yet have a training scheduled in your area, check back soon, or contact NY FarmNet at 1-800-547-3276 or <u>nyfarmnet@cornell.edu</u>.

These free trainings are made possible by funding from the United States Department of Agriculture's National Institute of Food & Agriculture. They have invested nearly \$25 million in addressing farmer behavioral health on a state by state basis as part of the Farm and Stress Assistance Network (FRSAN) through state Departments of Agriculture.

This work is supported by 7 U.S.C. 5936, Section 7522 of FCEA of 2008, Farm and Ranch Stress Assistance Network (FRSAN), Grant No. 2021-70035-35550, from the U.S. Department of Agriculture, National Institute of Food and Agriculture.





How Profitable Will My New Orchard Investment Be?

Elizabeth Higgins, CCE ENYCHP, Farm Business Management

Should I stay or should I go now? If I go there will be trouble. And if I stay there will be double. So you gotta let me know. Should I stay or should I go? – The Clash

Tree fruit farmers who are looking to the future always have an array of potential investment decisions for new orchard systems to choose from. Do you invest in new varieties, new planting systems, robotics, more labor, new equipment? How do you decide?

Sometimes there are projects that are obvious winners or obvious dogs. But unfortunately, most of the time there isn't a single solution that is the best solution for every farm. For example, your choice could depend on your planning horizon, a farmer looking to sell and retire in the next 5 years might make different investment decisions than a farmer planning to transfer their farm business to their next generation during that period. The farmer looking to sell only wants to make investments that will enhance the final sales price but the farmer looking to transfer the business will be making investments that will allow the business to thrive in the future. Some farms have a lot of cash on hand or have had an unusually good income year and are looking for longer term capital investments. Other farms need to finance capital projects with loans and are concerned about cash flow. Labor may be more of a constraint on some farms than others.

The one thing that <u>all</u> farmers looking to make investment decisions need is the tools and skills to make financial projections. The Eastern NY Commercial Horticulture Program and the Lake Ontario Fruit Team will be holding a series of one-hour lunchtime webinars in December, that will cover the key financial concepts a manager should understand. All webinars will be recorded and additional supporting information will be provided.

Schedule of Webinars, all webinars from 12:30-1:30

12/2 Friday: Using Excel for Financial Analysis and Class Resources for this Program.

12/5 Monday: Best Practices for Using Financial Data for Financial Analysis.

12/6 Tuesday: Farm Financial Statements.

12/7 Wednesday: Calculating Profit.

12/8 Thursday: Common Financial Ratios Based on Financial Statements.

12/9 Friday: 5 Step Decision Making Process for Managers.

12/12 Monday: Cost Volume Profit Analysis. As you change your prices, volume of sales or costs of production how does your profit change?

12/13 Tuesday: Operating Budgets and Strategic Planning

12/14 Wednesday: Enterprise Budgets and Sensitivity Analysis

12/15 Thursday: Decision Making and Relevant Information – we will explain which costs and benefits are relevant and which are not—and how you should think of them when choosing among alternatives. 12/16 Friday: Capital Budgeting - the process of making long-run planning decisions for investments in projects.

The webinars will be followed by a one-day, in-person class held at 5 locations around the state this winter to practice applying the concepts learned in the webinars, using tree-fruit scenarios. Using tree-fruit farm scenarios from the region, you will practice applying the financial management skills you learned in the webinars. Participants will be able to test various new orchard scenarios with different varieties, orchard systems, and risk-reducing technologies for profitability, payback period, and return on investment.

You will leave the class with a set of Excel spreadsheets that you can use with your own farm data, a workbook with resources, and a better understanding of how your farm's financial information can be used to make better management decisions.

The dates and location for these classes will be set this fall. For more information: Contact Liz Higgins, ENYCH Farm Business Management (<u>emh56@cornell.edu</u>)

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The Eastern New York Commercial Horticulture Program is a Cornell Cooperative Extension partnership between Cornell University and the CCE Associations in these seventeen counties: Albany, Clinton, Columbia, Dutchess, Essex, Fulton, Greene, Orange, Montgomery, Putnam, Rensselaer, Saratoga, Schenectady, Schoharie, Ulster, Warren & Washington.