

MINUTES
ORANGE COUNTY SOIL & WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS
July 16th, 2025

The **MEETING** was **CALLED TO ORDER** by the Chairman at 9:09 AM. Directors J. Wright, G. Constable, B. Cheney, P. Ruskiewicz, and P. DeBlock were present along with K. Sumner (SWCD), E. King (SWCD), M. Held (SWCD), B. Jurain (SWCD), O. Vélez-Juarbe (NRCS), and E. Schellenberg (CCE.)

The Board of Directors and other attendees at the meeting introduced themselves to Bradley Jurain, the District's summer intern. Jurain reported that he is working primarily on monitoring previous phases of the floodplain bench project. He will work for the District until 8/15 and then return to his undergraduate studies at SUNY Oswego.

2025-7-1 Ruskiewicz made the Motion, DeBlock seconded, to approve June's Board Meeting Minutes as written. All in favor.

ACTIONS TAKEN BETWEEN MEETINGS – Some bills were paid and are indicated on the Bills for Board Approval. The Board approved a partial payment of \$15,000 for the Hoyt Cropland Erosion Control project in AEM Round 18.

CORRESPONDENCE

- Bank Statements
- Collateral Agreements
- Region 5 Monthly SWCC Report from Ben Luskin
- M&T Bank Notice RE: Availability of Funds from Check Deposits
- NACD: Conservation Investment Request
 - The Board made the decision not to pay the suggested dues to the NACD at this time.
- National Conservation Foundation: 2024 Annual Report
- NACD: Annual Report 2024
- Selective Insurance Policy Update: Intern
 - Details the increase to the District's personal injury limits on the auto policy due to adding Jurain to the coverage.
- Ag NPS Rnd 30: Application Denied
 - The District's request for funding through Ag NPS Rnd 30 was not approved. This application included two farm projects, a secondary containment & a mixing facility. Held notified the applicants who confirmed that they are still interested in completing the projects. The District will look for funding elsewhere.
- AEM Round 19: District Awarded Funding

- AEM Round 19 is a non-competitive, three-year grant that has a start date on January 1st, 2026. The contract has \$599,500 available in funding.

FINANCIAL REPORTS

Sumner explained that the District’s receipts were light this past month since most of the large funds are received at the beginning of the year. Sumner feels that the District’s cash flow is in fair standing. Although the District’s unobligated fund balance is ~\$10,000, this includes the combined Part C balance which totals ~\$280,000. Those project funds are often assigned to a specific project, so it does not look like the District is carrying a large unobligated balance. Overall, Sumner advises that the District should discuss where to allocate the Part C money on paper.

2025-7-2 Constable made the Motion, Ruskiewicz seconded, to file June’s Financial Reports for audit review. All in favor.

BILLS FOR BOARD APPROVAL

The payment to CEC Excavating pertained to the cleanup work done on the Bastek property on P4N. An additional culvert pipe was installed, fill was added to a field, and an overflow channel was created so high water can access the pipe under the highway sooner.

2025-7-3 DeBlock made the Motion, Ruskiewicz seconded, to pay the bills as presented. All in favor.

CONTRACT REPORT UPDATE

Per usual, any updates to the contracts report for the month of June are identified in red ink. The District still does not know when to expect reimbursement from the County for the two payments made to the contractors last month.

INTERAGENCY REPORTS

CCE: The third annual Country Fair, which CCE co-sponsors, is taking place 7/24-7/27 at the education center & 4-H park in Otisville. Schellenberg sent Sumner his correspondence with the Kinsey planter rep who quoted him \$73,807, despite having been previously quoted \$54k. Schellenberg explained to the rep that this purchase was written for a grant and asked whether he could get closer to the initial quote. Schellenberg has not heard back from them as to whether this is feasible. Schellenberg is unaware as to how he would begin the process of raising the purchase price. Sumner noted that the Board could consider allocating some of their Part C funds to help cover the difference in available funding. Schellenberg confirmed that CCE is focused on purchasing a foldable 30-foot roller crimper. CCE has a plan in place for the cover crop practice program. Sumner mentioned that the planting rate and planting date are important considerations for this program.

NRCS: Vélez-Juarbe reported that Martire, the resource conservationist, is obligating the remaining contract in Middletown. At some point members of Vélez-Juarbe’s team will help offices that are short-staffed with contract obligations.

There were no representatives from SWCC, FSA, or WCC present at the meeting.

STAFF REPORTS

*Sumner, King, and Held emailed their written staff reports to the Board prior to the meeting for review.

M. Held (SWCD)-

Roller Crimper- Held listed the farmers participating in the roller crimper project and updates to their planting. Two of the farmers used herbicide in addition to the roller crimper. Sumner confirmed that there is nothing in the grant that prevents farmers from spraying, but ideally they would solely use the roller crimper. Overall, the corn planter

rental program is winding down. Held reported that Ronne O'Dell can easily add the orange traffic flags to the no-till equipment as was recommended by the Board at June's meeting.

CRF Round 6- Held reported that Phil Johnson's cover crop was planted late last year, but the District noted substantial growth this spring. Given this approval, Held will prepare a BMP payment for Johnson's ~64 acres and present it at the next Board meeting. Sumner informed the Board that this payment will add to the potential liability of cover crop payments. This balance may fall on the District to pay if the District does not receive approval. Held has been working with Martire at NRCS to ensure that she is running the RUSLE2 program correctly.

AEM Tier Updates- Held has emailed Steven Demberg about his project, but no actions have been taken to move the project forward. The District is waiting on confirmation from Demberg as to whether there are animals on his property. The District would be funding the portion of the fencing that keeps the cows out of the creek to adhere to access control standards. If the LO does not have animals currently, then it may require the LO reapplying next year when they do have them. Alex Ronne expressed an interest in upgrading his fuel tank which could be a possible AEM project. Held completed a Tier 2 for both the Roebuck Farm LLC & Taffera Family Farms. Held is registered to retake a portion of the Certified Crop Advisor exam in August.

District Vehicle Purchase- Held reported that the Healey dealership in Goshen informed her that she is following State bid requirements by requesting three bids. Held was informed about a process in which she detailed the steps in her written Board report. She prepared a bid which needs to be approved prior to sending it to dealerships. Cheney stated that there is nothing that precludes the District from inviting a local dealer that is not on the State bid list from participating in the bid. Cheney believes that the District's procurement policy grants that ability and that the way Held is doing it is perfect.

E. King (SWCD)-

QuickBooks Online- King and Sumner met with D&A accounting firm in Goshen on 7/16 to discuss how the District would transition its finance tracking system to QuickBooks. King provided the Board with prices for the various features for QuickBooks Online, as well as the firm's setup/support fees in her written report. The firm told King and Sumner that they could have QuickBooks up and running for August '25. King has uploaded the financial documents that D&A requested to their online portal. D&A sent the District an official engagement letter which King shared with the Board. Sumner noted that the District does not need to take this out to bid since these are professional services which will not exceed \$50k a year. Sumner continued that given the total price for the QB Online setup is \$800 & subsequent training will cost \$150/ hour, he feels it is in the Board's best interest to accept the offer.

2025-7-4 Ruskiewicz made the Motion, Wright seconded, to approve and sign the engagement letter and move forward with D&A accounting & QuickBooks Online. All in favor.

NY MuniTrust- It has been a few weeks since King's last correspondence with Michelle Lens, the Senior VP, at NY MuniTrust. King asked her whether the District's investment balance needs to always remain above \$50k. Additionally, she asked Lens for motion templates that the Board can use when recording the opening of an account. King & Sumner are meeting with a County attorney to confirm whether there is a District law that bars Soil & Water from investing with NY MuniTrust.

2026 Budget- King submitted the various documents associated with the District's 2026 proposed budget to the County on 7/2. The District's budget analyst confirmed that she received them and will let us know when we are assigned a date for the County hearing.

B. Jurain (SWCD)- Jurain's work pertains mainly to monitoring the completed phases of the floodplain bench projects. He records the survival rates of the trees that were planted and tracks invasive species like the tree of

heaven or Japanese beetles. The information that Jurain collects in a day is then entered into the data summary on the District's ShareDrive. Jurain shared a treatment plan for tree of heaven with Sumner that he learned during his time at NYC DEP. Sumner asked Schellenberg if he thinks it is feasible for the District to implement a control program for the tree of heaven. Schellenberg noted that the most economical control approach is to cut a hole into the tree and spray herbicide into the pocket so that the herbicide can be absorbed by the tree's cambium. Schellenberg clarified that you do not need to be a certified sprayer to do so and can use a spray bottle. Schellenberg will share the study done by Peter Smallidge with Sumner. Regarding the Japanese beetles, Schellenberg commented that putting down milky spore can disrupt their underground lifecycle and could help curb the population.

K. Sumner (SWCD)- Sumner provided the following reports and discussions to augment and add to his written staff report. Review "Old and New Business" for further information.

OLD & NEW BUSINESS

Floodplain Bench P4N- Sumner reported that per Jurain's inventory, there was a 95% survival rate for the trees planted in the fall '24. This phase of the bench was completed in the fall of 2024. These survival rates reinforce to Sumner that healthy trees were planted which survived the first winter and were able to plant roots. Sumner feels that if the survival rate were to diminish over the years, then the problem lies with the site not with the quality of the trees or the way they were planted. The District has transitioned to planting larger pots for the portion of the planting plan that is not 2-inch caliper trees. Per Sumner, the two-inch caliper trees have fared better compared to small potted trees. The District has transitioned from #2 pots to now #5 or #7. The District is planting fewer trees now and is instead planting larger pots. Sumner stated that the initial planting plan for the bench included live stakes on the riverbank, on the bench and on the cut slope, but those did not fare well. The cut slope refers to the section going down from the native ground to the bench. The willow live stakes planted along the cut slope did well, but none of the stakes planted on the bench or on the riverbank did well. Sumner explained the challenges of planting the live stakes, even when making pilot holes with an excavator. They are supposed to be planted to a depth of 2/3 the stake length. The District is considering trying some Sycamore posts in this fall's planned bench re-planting project.

Conservation Easements- The conservation easements are progressing well on the Bastek property. The Basteks are no longer as concerned about stretching the payments out over five years. The family wants to add a provision in the agreement that would allow them to accelerate the payments. The District is not opposed to this provision but will need to be cognizant of this change in terms of the District's future budget.

Simpson Leachate Treatment- Sumner informed the Board that this project, which is currently in AEM Round 18, does not have any construction activity to report. This project has received activity deadlines already and currently has one set for the end of August '25. Simpson indicated that he wants to do the project, but work has been delayed due to personal matters. Sumner noted that there are bid requirements that Simpson needs to address that are still unsatisfied. The District will consider reallocating the project funding to another farmer should the August '25 deadline not be met.

Walkkill Maintenance Agreement- Sumner commented on how much easier it will be for the District if the County forwards Agreement funding from the county and the 4 towns and allow us to manage the funds.

Balbach Dairy Farm- The District was approached by Balbach Dairy, who shared that their milk inspector is claiming that their well and barnyard are too close together. Given that the District did a project with the Balbachs in the past, they were hoping for some help with this matter. They ideally want to avoid having to move their barnyard or drill a new well. Per Sumner, this feels like a pre-existing issue for a lot of dairy farms. The District researched this situation with State Committee and found that there is no strict regulation, but rather based on the inspector's discretion. Sumner recommended that Balbach test the nitrate levels in his well, even twice yearly, if it will appease the

inspector's demands. Sumner lamented that he forgot to advise the Balbachs to test for coliform as well. The District has not heard from Balbach as to the status of the water testing.

Miller Farm Conservation Easement- Sumner informed the Board that the Miller Farm in Montgomery was one of the first farms in the County to undergo a PDR, Purchase of Development Rights. It is now owned by Aden Land Holdings, ALH, whose president is Nick Fitzpatrick. ALH has brought in outside fill and covered six acres of the property so far. They have a farm improvement plan that aims to cover 18 acres with outside fill. The premise for this plan is to improve the gradient of the land for agricultural use. There are no SPECS in the plan as to what material they will bring in or where they will source it. The plan discusses stripping topsoil but there is no evidence that this was done before placement of the fill that has already been brought in. Town of Montgomery Councilman Mark Hoyt brought this matter to the District's attention. Hoyt reports that he does not see any evidence of stockpiling topsoil and estimates that some of the fill is 10 feet deep. Sumner visited the site himself and feels that Hoyt's estimates are reasonable. Sumner stressed the importance of halting any further activity and setting a precedent that such actions on protected ag land are not permissible. This farm was selected based on the rich soil quality for agricultural purposes and public funds were used towards the conservation easement. There is a Teams meeting scheduled for this Thursday with representatives from the Town of Montgomery, Ag & Markets, NRCS, and the District in attendance. One of the key points of the easement outlines that all agricultural activities on the property must be done according to a conservation plan prepared by NRCS & approved by the District. Sumner told Hoyt that these standards are often included in plans, but not implemented. Even though the Town of Montgomery issued a stop work order to ALH, the issue of what should happen with the fill already brought it remains unresolved. There is a concern that the fill will never be removed given the tendency for these matters to turn into a legal battle. Per Vélez-Juarbe, NRCS would only take an active role in enforcing the easement if the Town fails to do so. Sumner explained that the Town is looking for NRCS to help build their argument that there is no conservation plan in place. Sumner feels that the LO should have to ask NRCS for help drafting a conservation plan. If NRCS determines that the LO's actions are not in accordance with their standards, then that could bolster the Town's case. Vélez-Juarbe confirmed that ALH did not request a conservation plan from NRCS. Sumner feels that the Town should share the farm improvement plan with the attendees before the meeting on Thursday. Sumner reported that Rob Schreibeis, from the County Executive's office, asked if the District could help ALH. Fitzpatrick also spoke with Sumner who provided him with Vélez-Juarbe's contact information. Sumner intends on participating in the meeting and offer input from the standpoint of Soil & Water RE: farmland preservation.

Cash Flow Analysis: Sumner prepared an informal cash flow analysis to help determine if the District could maintain a \$50k investment in MuniTrust if need be. He did so by reviewing the District's cash balance at the end of January, which tends to be the leanest time of the year, from the past few years. Sumner compared those numbers to the District's "available balance" midyear. Sumner clarified that this "available balance" refers to the funds the District can invest and excludes any of the State grant funds. There was only one point in the past few years where the District's cash balance was close to the \$50k threshold. Sumner does not feel it will be an issue for the District to invest in NY MuniTrust, especially with proactive financial planning.

County Budget: Sumner shared the one-page proposed 2026 District budget document with the Board that he and King prepared. Sumner explained that the paperwork submitted to the County is derived from the one-page document. The document includes the 2025 adopted budget, the projected end of year balances, and the proposed budget for 2026. The key number is the 2026 County appropriation request of \$765,494 which the Board voted on at June's meeting. Sumner noted that the proposed revenues and disbursements for 2026 are both close to \$1.3 million. A large undetermined factor in the budget is the \$450k allotted for the Celery Avenue project. If the District is awarded the funding from the Department of State, then the District would deduct the \$450k from the budget before the County Executive hearing. Sumner asked the Board to review and approve the proposed 2026 budget either today or at a later date.

2025-7-5 Constable made the Motion, DeBlock seconded, to approve the District's proposed 2026 budget. All in favor.

Next meeting date: August 18th

ADJOURNMENT

2025-7-6 DeBlock made the Motion, Constable seconded, to adjourn the meeting at 10:37 AM. All in favor.

Minutes Prepared By:

Emily King, Secretary to the Board