

UPPER DELAWARE COUNCIL MEETING MINUTES
Feb. 4, 2010

The Upper Delaware Council held its monthly meeting on Thursday, Feb. 4, 2010 at the Council office on Bridge Street in Narrowsburg, NY. Council chairperson Harold Roeder Jr. called the meeting to order at 7:37 p.m. A motion by Boyar seconded by McKay to approve the Jan. 7 meeting minutes was carried. Roeder made a note of special welcome to Dennis Reidenbach, NPS Northeast Regional Director; Sean McGuinness, new NPS-Upper Delaware Superintendent; and Tammy Duchesne, NPS Northeast Region Management Assistant.

In attendance: Town of Hancock-Fred Peckham, Town of Fremont-Jack Niflot, Town of Delaware-Harold Roeder Jr., Damascus Township-Dolores Keelsler, Town of Cochection-Larry Richardson, Town of Tusten-Sue Sullivan, Berlin Township-Lillian Russell, Town of Highland-Andy Boyar, Town of Lumberland-Nadia Rajsz, Town of Deerpark-Phil Chase, Lackawaxen Township-John McKay, Shohola Township-Scott Rando, State of New York-Bill Rudge, Commonwealth of Pennsylvania-Dennis DeMara, Delaware River Basin Commission-Ken Najjar, and National Park Service-Sean McGuinness. *Absent:* Westfall Township. *Also in attendance:* Damascus Township Alternate-Jeff Dexter, Town of Highland Alternate-John C. Sundholm, and Town of Fremont Alternate-Jim Rodgers.

Committee Reports: The committee reports were provided based on the meeting minutes. These included: Jan. 19 Water Use/Resource Management by Douglass; Jan. 26 Operations by Roeder; and Jan. 26 Project Review by Peckham. Rudge offered a clarification to the Project Review Committee report to indicate that the DEC does not have a lease with the NPS for temporary use of the DEC Mongaup access for a visitors center, but rather a cooperative agreement. This clarification will be officially approved at the next committee meeting.

Status Reports

Delaware River Basin Commission: Ken Najjar, Branch Manager for Planning & Information Technology, announced that DRBC representation at the Council's meetings will be rescheduled to the even numbered months in order to also accommodate participation at the Upper DeLAWARE River Roundtable meetings held in the afternoon prior to the Council meeting.

The New York City Delaware River Basin reservoir storage was as 95.1% of capacity as of Jan. 29, or 45 bg above the long-term median and 22 bg above the level of one year ago. There has been a big spike in storage in the last few days.

On Feb. 24 there will be a public hearing in Matamoras, PA regarding the Stone Energy dockets related to gas drilling in Pennsylvania. Peckham asked if that covered both permit applications for Stone and Najjar said it did.

The DRBC is working on its regulations covering gas drilling that include water withdrawals, well pads, and wastewater disposal.

The DRBC will be participating in the project that the Common Waters Partnership received a \$1.8 million grant for and will facilitate meetings with water users downstream.

Chase commented that the Town of Deerpark has been having committee meetings on hazards such as flooding. They talked about the latest DRBC study mentioned last month. The study uses the 100 and 500-year floods in 2004, 2005, and 2006 and indicates that Trenton would be flooded regardless of reservoir levels. However, we know reservoir voids could have helped Deerpark. We're concerned that there's nothing DRBC can do. Tom Brand of DRBC had said that you cannot dump headwaters reservoirs as they are not designed as flood control dams. It has been suggested by some organizations that a 20 percent void

could be done. Chase offered that he felt that after going to DRBC meetings for 15 years, as education to the UDC members, the reason why no draw downs is because New York City is running the watershed, not DRBC. The way the voting is set up, there needs to be unanimous decisions, and therefore if New York City votes “no” on something, the vote fails. This should be changed to a majority vote system so things can get done. There’s no flooding now, but we need to not forget about the devastating flooding we’ve had in the past. NYC has closed the tunnel for repairs, now our reservoirs are filling so we’re in a bad situation at this time of year. We’ve got to change things so New York City isn’t running the DRBC.

Boyar said he read the report saying a 20 percent void is not meaningful. That’s an incredible statement. Roeder added that it’s tough when New York City has control of things. We need to sit down with New York City and discuss the issues. Rando indicated that with the rain and thaw we had two weeks ago, the gauges in Callicoon and Barryville reached “Action Stage” even though they didn’t reach the “Flood Stage”. We were lucky; it could have been worse as the reservoirs were full. Peckham noted that Delaware County is having trouble getting information from New York City about some of its issues.

NYS Dept. of Environmental Conservation: Bill Rudge announced that due to the New York State fiscal situation, the Governor’s budget proposal includes drastic cuts to NYS DEC. DEC is struggling and will probably have to reduce its services and close some facilities. DEC will not be responding to needs as quickly so have patience.

Rudge referenced the DEC news release handed out. It covered the tree and shrub seedling sale that is underway. He commented that at one point, New York State was only 20 percent forested. It’s better now. The objective of the tree and shrub seedling sale is to provide low-cost, native planting materials from known New York sources to encourage landowners to enhance the state’s environment for future generations. Landowners can get planting advice from their nearest DEC forestry office or private forestry consultant. Orders may be placed through mid-May. To order seedlings by phone, call the Saratoga Tree Nursery at 518-581-1439.

Also, schools across New York State can now receive free seedlings for spring planting through the DEC’s School Seedling Program. For information schools should contact DEC’s Saratoga Tree Nursery at 518-587-1120.

Rudge referenced a news clip handed out that indicated that New York City has asked the state for a 10-year extension on the permit that allows it to buy land around upstate reservoirs. Rudge noted that DEC is in the process of reviewing this request and public hearings will be held.

Boyar asked when DEC would have its gas drilling regulations completed. Rudge said he would look into that for a reply and let the UDC know. DEC had originally had a goal of Spring 2010 but are now reviewing the over 13,000 public comments they received at public hearings on the issue. (Note to minutes: Following the meeting, Rudge notified UDC that at this point DEC can’t predict when they’ll complete the SGEIS.)

Chase noted that PA DEP has increased its regulatory staff for gas drilling issues and he asked Rudge if DEC was going to increase its staff. Rudge responded that the governor has proposed the 3 percent severance tax on gas to fund positions for oversight. DeMara mentioned that 68 new positions have been created by Pennsylvania. Rudge was not aware at this time of the numbers for New York State.

PA Dept. of Conservation and Natural Resources: Dennis DeMara said that on Jan. 14 DCNR announced the grant recipients for \$19 million in Community Conservation Partnerships grants. This total is down about one-third from last year due to budget constraints. Pike County received \$35,000 to develop a Master Site Development Plan for the recently purchased 89-acre Santos property in Milford Township. The Pennsylvania Organization for Watersheds and Rivers received \$125,000 to promote the 2010 River of the Year (Lackawaxen River) activities; and administer a mini-grant program for river organizations to conduct river awareness and sojourns. In Wayne County, Bethany Borough received \$36,200 to develop a Multi-municipal Comprehensive Recreation, Open Space and Greenway Plan for Bethany and Honesdale boroughs, and Dyberry and Texas townships.

The next grant round’s application deadline is April 21. Applications are on the DCNR website. On Feb. 18, for this region, there is a grant workshop at Luzerne County Community College.

DeMara announced that as a result of a congestion mitigation settlement, a new “Northeastern Pennsylvania Bicycling & Hiking Map 2009” was produced. A supply of the maps for distribution was

presented to the Council. DeMara also noted that there was a new website to check out for trails, ExplorePAtrails.com.

National Park Service-Upper Delaware: Newly appointed NPS-Upper Delaware Superintendent Sean McGuinness offered that he was looking forward to working with everyone in the River corridor and the Upper Delaware Council. He anticipated visiting each Town/Township in the corridor. He said he did attend the Upper Delaware River Roundtable meeting this afternoon and found it to be a very interesting meeting. He was glad the NPS Regional Office folks could also visit today and show support for the Upper Delaware River area. We're trustees for the American public for these natural resources. He told everyone to not hesitate to call on him about anything.

Sandra Schultz, Assistant Superintendent, gave her last report to the UDC since she planned on retiring March 2. She commented that since we haven't had significant snowfall the traffic procedures put in place to allow snow removal on the Roebling Bridge have not been tested. The Natural Resources Management Division has acquired new water quality testing equipment and once installed they'll be able to access data on a remote basis. They'll put the equipment up in the Lordville area and if it proves successful, they'll acquire additional equipment and establish it in other areas of the Valley. The Council presented McGuinness and the regional office visitors with the UDC's official lapel pin in recognition of the continuing partnership between NPS and UDC.

UDC Executive Director's Report: Bill Douglass commented that we'll miss Sandy Schultz tremendously. We've worked with her for over 20 years and it was a pleasure doing so. He continued that the UDC's 22nd annual Awards Ceremony will take place April 25 at the Eldred Preserve. NYS Assemblywoman Aileen Gunther will be the keynote speaker. The UDC is seeking award nominations and the Nomination Form can be accessed on the UDC website at www.upperdelawarecouncil.org. The award nomination deadline is March 15.

Old Business

UDC Resolution 2010-03, Authorizing Change to Health Insurance section of UDC's Personnel Policy: The Council members had previously received a draft resolution to make a change in the health insurance section of the UDC's Personnel Policy. This matter came out of committee, went to Council, and referred back to committee where action was taken. The UDC chairperson noted that the matter would be discussed in executive session toward the end of the meeting.

New Business

UDC Resolution 2010-02, Authorizing Audit/Accounting Services for FY 2010: The Council members were provided with copy of resolution coming out of committee for approving the proposal for audit/accounting services for fiscal year 2010 from Eckersley and Ostrowski LLP. There would be no increase in fees. A motion by Richardson seconded by Peckham approving the proposal was carried.

UDC FY 2009 Annual Report: The Council members received the Council's fiscal year 2009 annual report. This report can be accessed at the UDC's website and hard copies are available upon request.

Committee Reports Procedure at UDC Meetings: McKay offered for consideration how committee reports should be handled at the Council meetings. He noted that the meeting minutes that the reports are read from are received by members via email or postal service. He felt that reading the minutes again was not the way to go and was too time consuming. Richardson said reading the reports took too long and suggested the person providing the committee report hit the "highlights" of the meeting. McKay agreed. Roeder agreed that the highlights could be provided at the meetings; the members agreed; and Roeder said that system would start next meeting. The Council posts its complete meeting minutes on its website.

Public Comment

~ Barbara Arrindell handed out copy of email to Damascus Citizens for Sustainability from a Hickory, PA resident regarding problems with his drinking water. He had been advised not to drink, cook with or take showers in his home water supply. Arrindell noted that Hickory, PA has numerous gas wells

both vertical test wells and horizontal. She noted that gas drilling is a public health issue and water is necessary to live life.

Boyar commented that municipalities were trying to learn about all this. There is a public health and gas drilling forum with the Mayor from Dish, TX who will talk about his towns issues with gas drilling on Feb. 20 at the Callicoon Community Center. There will also be other speakers as well. Soete noted that he would be sending this forum notice to his email listserv. Peckham added he felt that there are always various different results when doing water testing.

~ Bernie Handler asked DRBC if the comments could be made on either or both of the Stone Energy Dockets at the Feb. 24 public hearing as mentioned. Najjar indicated that the DRBC website notice will indicate but probably could comment on either or both Dockets. Comments will be taken before and after the hearing.

~ Bill Manner said he's working with the Pinchot Institute and the Institute received a grant to study gas drilling and New York and Pennsylvania regulations in the Upper Delaware. He told Douglass that UDC will get an invitation to a stakeholders meeting on this project.

Executive Session (Resolution 2010-03): A motion by Rando seconded by Niflot to go into executive session at 9:03 p.m. to discuss the health insurance change as mentioned earlier in the meeting was carried. A motion to come out of executive session at 9:12 p.m. was made by Richardson seconded by Niflot and carried. As a result of the executive session, a motion was made by McKay and seconded by Russell to approve Resolution 2010-03 creating a change in the health insurance section of the UDC's Personnel Policy. The motion was carried.

Adjourn A motion by Niflot seconded by Rudge to adjourn the meeting at 9:15 p.m. was carried.

Carol Coney, Office Manager