

UPPER DELAWARE COUNCIL MEETING MINUTES

September 6, 2018

The Upper Delaware Council held its monthly meeting on Thursday, September 6, 2018 at the Council office in Narrowsburg, NY. Chairperson Aaron Robinson called the meeting to order at 7:00 p.m. The Pledge of Allegiance and roll call followed.

In attendance: Town of Hancock-Fred Peckham, Town of Fremont-Jim Greier, Town of Delaware-Harold G. Roeder, Jr., Town of Tusten- Susan Sullivan, Town of Highland-Kaitlin Haas, Town of Lumberland-Nadia Rajs, Town of Deerpark-David Dean, Damascus Township-Jeffrey Dexter, Berlin Township-Alan Henry, Lackawaxen Township-Doug Case, Shohola Township-Aaron Robinson, National Park Service-Kristina Heister. Staff in attendance: UDC Executive Director-Laurie Ramie, Resource Specialist-Pete Golod. Absent: Town of Cochecton, Westfall Township, State of New York, Commonwealth of Pennsylvania, Delaware River Basin Commission. Media: Dave Hulse, Peter Becker (7:25 p.m.). Guests: Roger Saumure-Shohola Township; Ginny Dudko-Town of Deerpark; Carla Hauser Hahn and Andrew Weber-National Park Service; Alex Rau, Sullivan County E-911 Coordinator; Joshua A. Potosek, Sullivan County Manager; Richard Sauer, Sullivan County Commissioner of Public Safety; Freda Eisenberg, Sullivan County Commissioner of Planning and Community Development; Steve Sasso, AT&T Mobility Services, Principal Consultant, FirstNet Program; David Moses, Verizon, National Manager-Public Safety.

Presentation by Alex Rau, E-911 Coordinator: Sullivan County Public Safety Communications

Upgrade Project: Rau said he did not have a formal presentation but would speak to the efforts of Sullivan County 911 toward improving communications for public safety in the river corridor and county-wide. In 2009, the county launched an endeavor to update its 30-year-old communications system. The infrastructure was quite aged and it was difficult to find parts. Their \$10 million project involved replacing many legacy communication towers and adding in four more cell tower sites. Rau referenced a map which showed the legacy towers in red and the new towers in green. Three of the new towers were sited along the Upper Delaware River in Callicoon, outside Narrowsburg, and in the Town of Lumberland on Decker Road. The other tower was in Monticello. The mission was to provide better coverage for the river corridor. Rau noted that the National Park Service uses their frequencies as well as other emergency services and law enforcement for 911. Last year, a new radio system was launched which has put mobile radio communications at 95% county-wide. The infrastructure was built to take the county into the next 40-50 years, with extra capacity to allow the addition of more providers. They look forward to co-locating on the cell towers to increase broadband and communication capacity. Sullivan County is in lease negotiations with Verizon Wireless, which is interested in co-location opportunities for tower sites in Lumberland, Callicoon, and Tennesse Lake. AT&T has expressed interest in five tower sites. Rau said that he had invited representatives from Verizon Wireless and AT&T to attend tonight's meeting. They are working with both companies to enhance the coverage by offering their towers. Rau said that the National Park Service and Upper Delaware Council were involved in the balloon-testing that occurred during development of the towers along the river for viewshed impacts. That process went very well and the county appreciated that input.

Asked by Peckham how tall the towers are, Rau said approximately 190 feet. Rajs asked, how much coverage could be achieved if these towers were built out? Rau said he would need to defer to the cell

carriers for that answer. He is not sure of the distance. Robinson said that one of the huge deficiencies the UDC has observed is the inability for people to have a first point of contact with emergency services. While some coverage has improved in the river valley, there is a 13-mile stretch along New York State Route 97 between Pond Eddy and Mongaup with no signal. What can be done to create a way for the public to reach 911 through the county's system in this vicinity? Rau said that is a hard nut to crack because it's a challenging area. He said what frequently happens is that people stop at a house, knock on a door, and use a landline to call. It's difficult because there is an expectation that there is cell service everywhere. Even for the public safety community, it's challenging. Peckham said in the river valley, there are vast quantities of people here in the summer who aren't direct subscribers then it becomes a ghost town in winter. He asked whether the seasonal nature of the Upper Delaware is taken into consideration. It's a real safety concern. There are stretches of this corridor where you don't want to get stranded or you won't be able to call for help. Sasso said there are two sides to AT&T. A year ago, the company started the nation's only cell site builds dedicated to public safety. He can arrange a presentation for this group about that FirstNet program. Rau said that the county's radio system uses HF band. Cellular is a whole different ballgame. If their tower space can be shared, they will do that. The Department of Homeland Security has funding available and there are other grants for infrastructure, maintenance, and tower builds. The county is trying to leverage that money to continue to expand its system. The likelihood of the county building more towers in the next 2-5 years as grant money comes in is strong.

Robinson said that one option that the UDC looked at is to place call boxes in that 13-mile stretch that lacks cell service. The telephone company Frontier gave a rough estimate of costs for these hard-wired call boxes, which are very plausible with the landlines running up the corridor. Robinson asked Rau whether he has any other suggestions or could the county buy into this idea? In life-threatening situations, there often is no time to continue driving to a high point to get service. Rau said he sympathizes. The towers can support all types of services. FirstNet will help with public safety and consumers. Verizon has been aggressive as well. That's why they overbuild the towers to allow carrier capacity, which also generates revenue to sustain the towers.

Rajsz asked how FirstNet works. Sasso replied that all AT&T towers are FirstNet-capable. This dedicated cellular network is for first responders, not for the public. Commercial users can also get coverage but 911 always gets priority. Sasso acknowledged that if a person has zero bars, dialing 911 doesn't matter. Henry asked whether the county has done any studies on how the cellular coverage is for the river valley from the water. Rau said yes, they have propagation maps. The feedback from the new system has been very positive for river use. Sasso said that FirstNet has also studied this issue, though he is not prepared to talk about it tonight. Peckham remarked that if some other entity puts up a tower, that provides a financial incentive for a company to put in cellular. Moses said that is true since Verizon's biggest burden is getting municipalities to agree to put up towers. Having an existing tower available cuts through the red tape significantly. Peckham said he's aware of a 25-mile stretch down from Hancock along Route 97 with no service. Greier said due to the topography of the region, he thinks they could put cell towers every few miles and still not everybody would get service. He asked whether we should be looking at satellite communications here. Rau said that is a very expensive option. He doesn't see a lot of satellite phones in operation. Moses agreed that satellite phones are in development but do not come cheaply. Sullivan inquired about hearing that AT&T won a huge contract bid with the U.S. government for a 25-year partnership valued at some \$40 billion. Sasso confirmed that AT&T is the only mobility company that has the federal government as a boss. The funding is success-based. Asked whether the contract is specifically for public safety, Sasso said yes. Sullivan asked if the federal government is targeting the places with the most need, where is that overlap for Internet service? Moses spoke about the Broadband Technology Opportunities program which had an initial goal of having libraries support towns. Some of the broadband funds were used to set up demonstration networks for public safety. The government set aside funds to build out that Internet service, but that's the landline side. This discussion is about the wireless side. Haas noted that Frontier's build-out in Narrowsburg and Bethel is almost complete. It's being broken into smaller service areas. Saumure asked if FirstNet went on Sullivan County towers, would there be unused bandwidth available for communications purposes? Rau replied yes. He said that the county owns all of the towers on his provided map. Other sites are leased.

Heister asked what coordination takes place with the other side of the river. She said if towers were erected on the Pennsylvania side between where they exist on the New York side, public coverage could be improved significantly. Is there a map that looks at the location of public safety towers across counties and states, she asked? Rau said New York had spearheaded a Safety Communications Consortium. Sullivan County belongs to both the Catskills and Hudson groups. They meet quarterly to talk about issues and sharing resources. Sullivan and Orange Counties also work closely to interlink with other counties including Pike and Wayne in PA and Sussex in NJ. It's been discussed but there is currently no map available. He assumes that Wayne and Pike Counties have their own maps showing tower sites. Heister asked if the National Park Service could get this map data in a GIS format or through coordinates so they can create a single map for the river corridor in NY and PA that shows the location of all towers and the potential for coverage with build-outs. Rau said he has no problem sharing Sullivan County's information, which is provided for a Federal Communications Commission (FCC) database. NPS would have to speak to the other counties. Robinson said there is an FCC website that provides that information in GIS format since every tower has to be registered.

Robinson reiterated that there are tremendous resources available for 911 internal communications but very little effort made for the public to access this system to report emergencies in his observation. Why is that issue lagging? Rau said that frequencies are very scarce with the radio systems are built out. Those channels are being utilized by all levels of emergency management officials and first responders. He said to imagine what havoc would ensue if every consumer could access those from their living rooms. He likened it to having a town-wide party line. There is just not enough spectrum. Cell providers can isolate one call at a time; public safety can't do that. Robinson said the missing link that he sees is that there are no pay phones, no cell service, and no call boxes in certain areas. In the Adirondacks, it took the death of a woman in a snow bank for them to put up towers. Saumure said that several years ago, a new standard was issued for land-based mobile radios. If FirstNet can enable cell phones to make 911 calls, all the better. It's about getting cellular capabilities on the towers. Everyone recognizes the necessity of having interagency communication for emergencies. Rau said that the Public Service Commission requires every house to have landline access. There are no such requirements for wireless carriers. Technology is growing by leaps and bounds. Consider the GPS capabilities of cell phones or that your dryer can be enabled to send you a text message when your laundry is done, or to call the fire department if it catches on fire. Moses said the younger generation has become so used to texting that they will text 911 without realizing there is nobody there on the other end to connect with to answer that message. Moses said that every company has solutions for public safety. He said that 911 can be called even on an inactive cell phone.

Rajsz asked what the process is for putting antennas on the towers that Sullivan County already has up. Moses said Verizon became very interested in these towers since typically getting the environmental clearances to install them takes so much time. They are negotiating now with the county. Rau said he believes that the proposed build is in 2020. He noted that AT&T has expressed verbal interest; some of the towers of interest to the companies do overlap. Hahn asked whether the Mongaup, Callicoon, Narrowsburg, and Tennenah Lake towers are all being considered for antennas. Rau said not all of them.

Henry said he recommends asking Verizon and AT&T to come back with engineers and advise what level of coverage is currently available in the 74-miles of the Upper Delaware River and what are the plans to enhance it. Sasso said they have maps and expertise they would be willing to share. Moses agreed. Ramie requested each company representative to provide her with business cards to facilitate those arrangements. Roeder noted that when the UDC first began discussing cell towers, the federal government or whoever controlled it said you couldn't hop-scotch between the states which put a kibosh on the whole thing since the signal could not cross the river. Roeder said that type of integration is needed. Dexter said that law no longer exists. Robinson said these future presentations will hopefully be a good fact-finding process for the UDC. The guests from Sullivan County and the two wireless companies departed at 7:53 p.m. with Robinson's thanks for their attendance.

Approval of August 2 Meeting Minutes: A motion by Rajs, seconded by Sullivan, to approve the August 2 meeting minutes was carried.

Public Comment on the Agenda: None

Committee Reports: Committee reports were provided based on the meeting minutes. They were: Aug. 21 Water Use/Resource Management (WU/RM) by Peckham, Aug. 28 Project Review by Golod, and Aug. 28 Operations by Robinson. As a follow-up to the Aug. 9 train derailment and diesel fuel discussion at the WU/RM Committee meeting, Peckham said he wanted to advise the NPS that there are still areas around Lordville where fuel sheens are visible.

Status Reports

Delaware River Basin Commission: The hydrologic report was handed out. As of Sept. 5, Golod noted that total storage in New York City's Water Supply System was at 94.8%, with normal capacity at 78.2%. The Cannonsville Reservoir was at 93.5% and the Pepacton Reservoir is 95.1%. Peckham asked, what happened to leaving a 10% void in the reservoirs in case there is heavy rainfall? Golod noted that the reservoirs have remained pretty full. Peckham pointed out that the average precipitation in July was 6.65 inches and 8.99 inches in August, exceeding historical levels.

NYS Dept. of Environmental Conservation: Robinson announced that Bill Rudge wasn't feeling well and opted not to attend the meeting at the last minute. He had asked to include two news releases in the handouts: "DEC Announces Early Bear Hunting Season Open Soon; Bear Hunting Starts Sept. 8 in Portions of Southeastern New York, Sept. 15 in Northern New York"; and "DEC Announces 2018-19 Hunting and Trapping Licenses Now on Sale".

PA Dept. of Conservation & Natural Resources: There was no report in the absence of Representative Tim Dugan.

National Park Service-Upper Delaware: Heister passed around an article by Peter Becker which had appeared in *The News Eagle* about the NPS shared internship program with the Mill Rift Community Association for museum assistance. She said that NPS had interns working in almost every division this summer except Maintenance. Between mid-May and mid-August, the interns provided 5,612 hours of time. Between May 12 and Sept. 3, the National Canoe Safety Patrol volunteered 2,440 hours. They made 6,202 visitor contacts, 247 river rescues, and 149 boat-overs, which Heister explained is when a submerged vessel is picked up, the water is dumped out, and it is returned. With all the high water, the Law Enforcement Division was very active with many rescues, some of which resulted in news coverage. NPS UPDE rangers also assisted in the search and sad recovery of two drowning victims on the Neversink River. The special Railfest 2018 excursion on Sept. 1 was very popular with 92 passengers who traveled from Steamtown to Moscow, then were bussed to Lackawaxen, rode on the Stourbridge Line to Honesdale, then were bussed back to Steamtown. Heister reported that UPDE Natural Resources staff recovered an injured, immature bald eagle on the railroad tracks near Basket Creek. The bird had a broken wing and was extremely emaciated. Despite rescue efforts by the Delaware Valley Raptor Center, the eagle unfortunately died. Regional staff were at the Upper Delaware this month helping to update the Park Assets Management Plan. This document evaluates and ranks all assets. Those rankings prioritize and determine where money will be spent. Heister referenced a flyer in the handouts for National Public Lands Day, a community volunteer event to remove invasive plants and weeds from the D&H Canal bed at the Corwin Farm Ranger Station on Sept. 22. In staffing news, Heister said that Lauren Hauptman has been advanced from Museum Technician to Cultural Resource Specialist. She introduced Andy Weber, who is the new Aquatic Ecologist at NPS UPDE. Weber said that he was born in Pittsburgh, earned degrees in Wildlife Technology and Wildlife & Fisheries Science from Penn State in 2005, and obtained a Master's degree in Biology at Tennessee Tech, where his thesis was on freshwater turtles. After grad school, he worked for Penn State for a year before he was hired by the National Park Service Inventory and Monitoring Network in 2009. He gained experience working in the Delaware River among the nine different national park units in the Network. Testing was

done for invertebrates, mussels, fish, turtles and crayfish. Weber said he and his wife, Jess, have a 2 ½ year old daughter, Laurel, and they are temporarily residing in Honesdale, PA while searching for a house to buy. Weber said sitting at this meeting over the last 90 minutes, he is realizing how much he has to learn about the Upper Delaware.

UDC Executive Director's Report: Ramie reported that the UDC received 11 applications for Secretary by the Sept. 3 deadline. The Personnel Subcommittee met before this meeting to collectively review them and discuss the hiring procedure. They decided to set up interviews with five candidates on Sept. 14. The position has been vacant since Aug. 17.

Four 2019 Technical Assistance Grant applications were submitted by the Aug. 31 deadline from the Towns of Lumberland and Tusten, and the Townships of Shohola and Berlin. If fully funded, they would total \$11,387. The board had earmarked \$15,000 in the FY 2019 budget. Packets were handed out this evening to Project Review Committee members for review in advance of the special meeting on Sept. 11 at 6:30 p.m. Each applicant will have a representative here to answer questions, then the committee will offer its recommendation on awards to the full Council for potential action at the Oct. 4 meeting.

A couple quick construction notes were offered. The Kellams-Stalker Bridge closed for painting as of Sept. 5 and is scheduled to reopen on or by Nov. 15. This is their second phase of a spring repair project after taking a summer break, with detours set up. Also, Jeff Dexter advised that River Road between Milanville and Damascus is closed to allow PennDOT to work on erosion issues there. Dexter explained that the road is sliding toward the river. Ramie noted that, as for the construction project in this office, Dave Leavenworth Construction of Eldred began work on the installation of a permanent attic staircase Sept. 5. They expect it will take a couple weeks. It's a complicated project to make a wider opening in the ceiling, move some infrastructure around, enclose that opening, and the conference room door jamb will be moved over to accommodate the pitch of the stairs. Those three guys are generating a lot of noisy, dirty activity now but it will be a fantastic improvement to the building.

On Aug. 29, a Congressional Forum for the NY 19th District took place in Callicoon. Ramie noted the reason she was mentioning it is that it specifically focused on protection of the Delaware River Watershed. It was hosted by the New York League of Conservation Voters Education Fund with panelists from the Coalition for the Delaware River Watershed (Madeline Emde), Friends of the Upper Delaware River (Jeff Skelding), and the Delaware Highlands Conservancy (Steve Schwartz). The format was individual appearances by first the Republican incumbent, Congressman John Faso, and then the Democratic challenger, Antonio Delgado, with the same exact questions posed to both between their opening and closing statements. They handed out index cards for the large crowd of about 150 to jot down questions. Ramie said she was there solely as an interested member of the public and constituent since the UDC had no role in this other than the organizers asking for security advice. The funny thing was, the Congressman may have mistaken her for an official greeter since she happened to be standing at the entrance door talking to a demonstrator on the porch of the Western Hotel when he arrived; they ended up choosing the question she wrote anonymously as the first of only three they read from the public; and the Congressman called her out by name from the stage to remind him of our annual budget figure. Her question was: "The Upper Delaware Council was established 30 years ago to protect both the environment and private property rights. How will you support those dual efforts?" The other two questions from the audience were about the Aug. 9 train derailment in terms of safe transportation through the river valley and the impact of federal cuts to the Environmental Protection Agency. Ramie said while she would not offer any personal conclusions about the forum's outcome since the UDC is a non-partisan organization, she did express genuine appreciation to the NY League of Conservation Voters for selecting this Delaware River Watershed theme and bringing these candidates to the river valley to state their positions. Though they only invited the two candidates to formally participate in this forum, the organizers did introduce the Green Party nominee, Steve Greenfield, and welcomed him to work the room.

As discussed at the Operations Committee, there was a moderate surplus left in the FY 2018 budget due to careful spending throughout the year. After subtracting the Damascus Technical Assistance Grant extension and accounting for confirmed pending charges, the amount was approximately \$9,058. Since then, Ramie said that we have made an office supplies order of \$1,125; ordered Adobe Acrobat Pro software for 3 computers at \$55 each and Photoshop Elements for one PC at \$27 from the Tech Soup non-profit discount service, for a total of \$192; added one night's lodging for Golod's Delaware River Watershed conference to enable him to save on mileage by carpooling to Cape May, NJ with NPS staff; and we are earmarking \$2,744 for the tuition cost of the next course in Golod's GIS certification program. That brings it down to \$4,824. Ramie said she had stopped there temporarily because we will have some needs to fulfill after the attic stairs are installed that are of variable costs. She offered an outline of proposed expenditures by category and asked whether the board would like her to seek email approval of the new expenses after the stairs are finished or should she proceed with spending down the surplus under the categories she had just listed. A motion by Case, seconded by Henry, to authorize Ramie to handle any final spending needs by the Sept. 30 close of Fiscal Year 2018 carried unanimously. Robinson suggested that Ramie ask the contractor to build custom shelves to replace the ones that were torn down to accommodate the stairs.

Ramie referred members to the September calendar handout, showing a busy month for deadlines, meetings, and conferences, especially being short-staffed. It's also the end of the 4th quarter and fiscal year with numerous reports required and the preparation of our FY 2019 federal package. As a reminder, she noted that next month's UDC presentation on Oct. 4 will be by Jim Brewster from the National Weather Service, giving a demonstration on the Advanced Hydrologic Prediction Service.

Lastly, the Keystone Welcome Center has requested a box of the UDC's Upper Delaware Scenic and Recreational River Map & Guide brochures. Ramie said she was checking to see if anybody would be driving through the Delaware Water Gap, PA area and could drop them off. Hearing no reply, Ramie said they would mail them.

Old Business:

Emergency River Access at Pond Eddy Bridge – Ramie referred to the Aug. 3 letter that the UDC had sent to PennDOT District 4-0 Executive George J. Roberts after the last meeting. It asks for the Council to be kept in the loop of the response to the Sullivan County Legislature's request to install a permanent emergency access to the Delaware River at the foot of the under-construction Pond Eddy Bridge on the New York side to offer a gated access road that would be used by the Lumberland Volunteer Fire Department for emergency response purposes. Rajszt said that she, County Deputy Manager Dan Depew, County Fire Coordinator John Hauschild, and members of the Lumberland Volunteer Fire Department subsequently met with PennDOT on this issue. She said the agency did not appear to favor the request to leave that access road in place although they said they would discuss it with the NYS Department of Environmental Conservation (DEC) and the National Park Service (NPS). The current contract requires removing all of that stone work along with tearing down the old bridge in an October-November timeframe. Rajszt said that the NPS position is to return that area back to its natural state before the construction. The DEC said they would look into it but noted that there was no full environmental review done of this project because it had been intended as a temporary road. Rajszt reiterated that this entry point was never intended for recreational use; it would be used exclusively by the fire department since they have a 4 to 5-mile drive to Barryville or Knights Eddy to gain river access otherwise. That presents a safety issue. Hahn asked whether the DOT talked about having an access road downstream of the bridge. She said although that property would not be an optimum place to launch boats, it could be ok if they just wanted to pump water there. Robinson confirmed that the alternative property is very shallow and weedy. Rajszt said the concern seemed to be how public access could be prevented and that they need to remove the rocks to get their money back for the materials. She said that the county had been willing to pitch in to assure that it would be gated access. Robinson said he thinks the cost of removing and transporting those rocks would exceed the value of the rocks. Dean disagreed, saying he does not foresee anybody leaving the rocks there which would realistically affect the people working for the contractor. Hahn said that topography is the issue in Pond Eddy. When this was discussed originally, it was intended to be a temporary road. A bend in the river could hydrologically direct water to wash out that road. They would need to go back to the DOT

and the U.S. Army Corps of Engineers to re-examine this. Robinson said it's literally a federal case. Rajs said they thought this would be an easy request. Ramie noted that the UDC was contacted by Dave MacEwan at NY DOT after this letter went out. He said that NY DOT would respond to it because it involves a site on that side of the river, even though the Pond Eddy Bridge is under jurisdiction of PennDOT through the NY-PA Joint Interstate Bridge Commission. Henry asked if the NPS Corwin Farm Ranger Station could be used for emergency vessels since it has served previously as a staging area. Heister said that's not very close to Pond Eddy; Robinson clarified that it's probably 5 miles away. Heister said that the bottom area of the access is not actually on NPS property.

Town and Township Responses to River-Related Law Enforcement Survey – Ramie provided copies of the Aug. 13 memo that went to all UDC member towns and townships requesting their completion of a survey on the topic of federal funding for river-related law enforcement, as well as the responses received by our requested return date of Sept. 5. Surveys were submitted by five municipalities: Lumberland, Shohola, Deerpark, Highland, and Hancock, while Westfall had asked for more time so they could discuss this at the Sept. 10 Board of Supervisors meeting. Dexter said that Damascus decided not to respond. Sullivan said she would check in with Tusten about their status since they have been discussing whether a constable force is needed in the town. Ramie said she fully expected that the UDC would need to extend the time since many boards only meet monthly. She proposed sending out a reminder memo and setting an Oct. 1 response date to have additional surveys to share at the Oct. 4 UDC meeting. In the meantime, she encouraged everyone to read the surveys so far to review the information provided.

Other – Henry asked Heister whether it would be possible for the NPS to incorporate into their Commercial Use Authorization permits for fishing guides a request to experiment with cellular signals along the river to obtain additional research on gaps in coverage. Rangers could contribute to this informal study too. They could be asked to list which provider they have and where they can or can't obtain get cell service. The Water Use/Resource Management Committee had offered this recommendation previously. Heister noted that the fishing guides are primarily concentrated in the Hancock to Callicoon cold water section. While Robinson said there are free apps that test signal strength to add to a database, Henry said having "a real, live person" involved could provide useful information. He noted that the large liveries here tell people not to bring their cell phones on their river trips.

New Business:

Referral of Highland Rt. 97 Project from Project Review Committee to UDC – Golod reviewed the steps that have been taken to obtain the necessary information to conduct a substantial conformance review of a construction project located on NYS Route 97 just as one enters the Town of Highland traveling up the corridor. He did a site inspection of the project in May and reached out to the planning board chair, who said that it's a town permit issue. Golod spoke with the code enforcement officer to ask for documentation but none was received. On June 14, the UDC sent a letter to the town supervisor asking for any information on the project in question. On June 21, two building permits, a half-completed application, and a sketch were provided, along with a letter from the town advising the UDC to submit a Freedom of Information Law request if they wanted anything more. On July 12, Golod sent a letter to the code enforcement officer requesting additional information for the substantial conformance review and explaining the UDC's review responsibilities. The code enforcement officer called on July 23 with some anecdotal information but did not commit anything to writing. On Aug. 3, Golod reached out to the town again with an invitation to meet. There had been no reply to date. He shared this update with the Project Review Committee on Aug. 28, which supported his recommendation to take this to the full Council since he's been unable to make any headway with the town. Golod referenced the flow chart handout from the 1988 Project Review Workbook that outlines the project review procedures and stated that this is between Step 3: Project Review Committee Tries to Resolve Differences, and Step 4: UDC Negotiates to Resolve Differences. If unresolved, Step 5 is: UDC Notifies NPS of Potential Clear & Direct Threat and Step 6: NPS Takes Action Required by Law. He said since the Town of Highland is represented here tonight, he'd like to find out where we are with this project.

Peckham said he understands that the Town of Highland considers this a Class I project which wouldn't have to be reviewed when the town is in substantial conformance. If it's a Class II project, they should be honest and submit it. Golod said our policy has been to review all projects so that the UDC can make the determination of whether it's Class I or Class II. Often they don't rise to the level of requiring review and that's the end of it. In this case, we don't have enough information to assess that. The project has continued to advance through construction of a shed building on the site. Golod displayed a photo from May and recently to show the progression of work. Heister confirmed that the expectation is for municipalities to submit everything for our determination of whether the project is Class I or Class II.

Sullivan asked Haas if she would comment since she feels there has been a breakdown in communications. Haas said she brought this up with the town. Sullivan asked Golod whether he has enough information to review the project or what is the stumbling block? Golod said he does not and read off the list of requirements in the Town of Highland Code for what must be submitted, including a plot plan drawn to scale, site specifications signed by a licensed engineer or architect, a percolation test, and other documentation. Nothing was submitted to Sullivan County Planning for its standard GM-239 review either.

Henry recommended asking Haas if she can try to find out by the next meeting what the town is doing with this project. It's come to a situation where the town does not seem to be enforcing its own zoning. Clear language in their code outlines a procedure to file a formal complaint with the code enforcement officer. Before considering that step, he'd like to ask the town's representative to investigate and report back. Henry said he has been approached and asked how the UDC is allowing this to go on with no intervention and why should anyone comply if everybody doesn't have to follow the same rules. Henry made a motion which Dean seconded to request Haas to find out what the town's plans are and bring back that information by the next meeting of the full Council. Robinson said this puts the UDC in an awkward position. He noted that the project developer in question happens to be his brother but, for the record, he has absolutely nothing to do with him. There is a protocol for these reviews that we just can't ignore. That could set a precedent. We have reviewed similar projects so why not this one? He'd hate to see a member town buck the UDC and possibly the NPS. He'd rather see it negotiated than rise to a crisis. Greier said as a former town supervisor himself, the buck stops with the supervisor. He said this is putting the UDC in a terrible position if the town won't communicate about this. Robinson agreed that we need some kind of dialogue. If the town has an issue with the UDC, we can work on correcting it. He suggested that maybe Haas could set up a meeting in the next 30 days. Greier seconded that approach, saying he wants to see discussion occur and offering an example of a neighborly zoning dispute he had successfully negotiated in the Town of Fremont. Henry said he would amend his motion with Dean's approval to request that Haas set up a meeting between the UDC and the Town of Highland. He said nobody wants a legal or "big brother" solution but we can't sit on this any longer. Roeder said that meeting should occur before the Oct. 4 UDC meeting so a report on its outcome can be provided. Robinson said the town officials can meet with whoever they feel comfortable with from this organization. Henry said we should try to have Golod as the primary contact. Robinson agreed he should be part of the dialogue and reiterated that we want to facilitate this meeting to take place. The motion carried, with Peckham opposed.

Discussion of Follow-ups Needed to Aug. 9 Train Derailment and Diesel Fuel Spill – Ramie noted that the Water Use/Resource Management Committee had initiated discussions on what follow-ups are needed to address the emergency response to the Aug. 9 train derailment and diesel fuel spill which occurred in Deposit and impacted the main stem of the Delaware River. She referenced handouts that included communications from NPS Upper Delaware Scenic and Recreational River Chief Ranger Larry Neal and Superintendent Kris Heister, the latest update from Aug. 17 by Friends of the Upper Delaware River, and an Aug. 15 article by Anthony Morgano from *The Walton Reporter* headlined "Flooding Leads to Train Derailment in the Town of Deposit". Saumure commented that there was clearly a breakdown in communications that needs to be addressed. Heister agreed that the communications were horrendous, even at the accident site. She had difficulty obtaining information from the NYS DEC and the railroad company. Henry pointed out that the National Park Service was not notified for many hours that the river was at risk because the Broome County Emergency Management Agency did not have the NPS Dispatch phone number in their Computer Aided Dispatch (CAD) system. He said the NPS should make sure every year

that every emergency response entity along the East and West Branches of the Delaware has their number. He would like to find out how the whole communications network works. How are people downstream notified when there is an accident like this? Heister said while the impact of this spill was limited, it's about the next one and the one after that. She confirmed that the NPS Dispatch number is now in all systems. She has reached out to Central New York Railroad and the Delaware Riverkeeper Network about updating the content of the "Emergency Response Guide for the Upper Delaware River Valley: Port Jervis to Deposit, NY" that Conrail, the UDC, NPS and DRN collaboratively produced in 1997, and they are interested. She also asked for their inspection protocol and communication procedures. Peckham asked who is responsible for the maintenance of the tracks which Norfolk Southern Corp. owns and New York, Susquehanna & Western Railway leases, with Central New York Railroad operating the Southern Tier line. Heister added as a question, and who is told when States of Emergencies are declared in the Town of Deposit? She said NPS was not aware of that. Saumure said any communications plan must be tested to verify that the process works. Sullivan asked if that can be accomplished through a tabletop exercise. Heister said that idea has been suggested and Central New York Railroad is amenable to it. Heister said there should also be a review of each county's Emergency Management Plan. Sullivan said that the National Park Service is the lead agency for the river and has the expertise to resolve these issues. She asked Heister to keep the UDC apprised. Heister said this is something we can do collaboratively.

Subcommittee to Analyze and Make Recommendations on River Management Plan Concerns –

Robinson explained that the UDC had solicited its member towns and townships back on March 16 to identify any areas of concern with the River Management Plan and the Land and Water Use Guidelines. Two responses from Damascus and Shohola Township were flagged for further analysis. Henry said that this could be a special part of the Project Review Committee, if enough time could be blocked out to discuss it. Ramie said this topic has already been on the agenda of that committee since the responses were received. It's a matter of how to handle them. Robinson said the concerns specifically involve cell towers and the square footage for minor commercial developments. It depends on whether there is any will to make changes to the Plan or Guidelines. Henry said changes require a minor amendment or letter of interpretation. Dudko asked whether this memo had gone out to the general public to solicit feedback. Ramie said no, it went to the 13 municipalities. Dudko said she had been at a recent picnic where she met up with some early participants in the River Management Plan drafting. They are upset over the different route they feel has been taken from the original intentions of the Plan and the vibes they are getting from the National Park Service. The public might want to comment. Robinson said this particular inquiry was more about issues related to zoning from a municipal perspective.

Other – Golod asked Haas what the status is of the Town of Highland's Draft Zoning Law that was reviewed more than a year ago? Haas said they just received a grant to complete the rewrite. It's still in draft form. Asked by Golod if there is any timetable to approve it, Haas said they haven't scheduled any hearings yet. Saumure clarified, if there is no revised zoning code approved, is what the town has still in effect? Golod replied yes.

Public Comment: None

Adjournment: A motion by Roeder, seconded by Rajs, to adjourn the meeting at 9:40 p.m. carried unanimously.