

Upper Delaware Council
OPERATIONS COMMITTEE MEETING MINUTES
September 25, 2018

Committee Members Present:	Aaron Robinson, Jim Greier, Harold Roeder, Jr., David Dean, Al Henry, Fred Peckham, Dan Rutledge (Damascus alternate)
Committee Members Absent:	Larry Richardson
National Park Service Partner:	Carla Hauser Hahn
Staff:	Laurie Ramie
Guests:	Roger Saumure (Shohola alternate)

The UDC's Operations Committee held its monthly meeting on Tuesday, September 25, 2018 at the Council office in Narrowsburg, NY. Chairperson Robinson called the meeting to order at 7:14 p.m.

Approval of August 28 Meeting Minutes: A motion by Greier, seconded by Roeder, to approve the August 28 meeting minutes carried.

There was no public comment on the agenda.

Executive Director's Report & Monthly Calendar:

Ramie offered highlights from her written monthly report, as follows:

Financial Status: The UDC initiated a payment request through its online federal account on Sept. 21 for \$63,143.79, leaving a balance of \$5,583.33 as the amount of the extended 2018 Damascus Technical Assistance Grant in the account. The final Fiscal Year 2018 funds needed to be withdrawn by Sept. 24 before the system shut down to close out the books through Oct. 1. Ramie referred members to a worksheet showing the outcome of expenditures and encumbrances for the UDC's FY 2018 budget. She noted that additional capital project work that we asked of the contractors hired to build the permanent attic stairs had taken care of the surplus we had remaining. There is a \$435 variance in the UDC's favor shown now on the spending plan, pending any final bills through Sept. 30. Ramie has been advised to expect a Continuing Resolution to keep the federal government operating from Oct. 1 through Dec. 7, which would enable the UDC to access 18.9% of its funding. She noted that our Request for Federal Financial Assistance package for FY 2019 must be prepared and submitted to NPS. Financial and narrative progress reports for the 4th quarter and end of the fiscal year are due to NPS by Oct. 30. Ramie provided the balance of the UDC's bank accounts. She noted that no responses have been received to the UDC's Aug. 2 letters to the governors of PA and NY appealing for state operational funding of the Council.

Administration: Ramie deferred discussion of the UDC Secretary vacancy to the Personnel Subcommittee's later report. She noted that our independent contractor Lisa Gambini was due to finalize her 160 hours of work assisting with file organization, digitizing, and clerical duties on Sept. 27 and said she had accomplished a great deal of worthwhile projects. The capital project by contractor Dave Leavenworth will wrap up by the end of this week, having started on Sept. 5. If there is any funding left, it was recommended that Ramie order additional metal rack shelves for the attic now that the storage capacity has become tremendously more accessible.

Public Relations: At 3:45 p.m. today, Ramie offered a presentation to the Sullivan County Chamber of Commerce Foundation's Leadership Sullivan class during their visit to the Delaware Valley Arts Alliance in Narrowsburg. There were 22 business representatives in the class and her talk followed one about the livery business given by Rick Lander from Lander's River Trips. She distributed informational packets, discussed the history of the Upper Delaware Council, mentioned the special anniversaries in 2018, reviewed the services that the UDC provides, and answered questions. On Sept. 12, Ramie met the deadline for submitting "The Upper Delaware" Fall/Winter 2018 issue to Courier Printing after an intense five-day period of research, layout, and writing including a full weekend. A total of 38.5 hours was invested. The newsletter is due for delivery on Oct. 1 but has already been posted on the

UDC website under Publications. Ramie noted that she will need to prepare a Request for Proposals for FY 2019 newsletter mailing and printing services, with three issues planned. Her report included a list of upcoming conferences and training that she and/or Golod would be attending now through November. Four news releases to publicize various meetings were issued since last month. In addition to the Progress Report for the NPS, Ramie will compile an annual report of UDC accomplishments for FY 2018 that will be posted on-line.

Calendar: She noted that the rest of the written report would be covered under other agenda items or can be read at one's leisure. Ramie turned attention to the October calendar handout of UDC meetings, deadlines, and activities, which also includes a November preview. With regards to a listed Oct. 18 meeting, Robinson explained that he and Ramie have been invited to sit down with the incoming National Park Service Northeast Region Deputy Director Debbie Conway and Heister. The purpose is to focus on some issues that Robinson said have hampered this organization and how we operate, such as funding and what municipal members can expect out of the River Management Plan. Robinson said this was a positive response to his request to meet after he had shared an op-ed column he had written with Regional Director Gay Vietzke and that he hopes it will lead to a better understanding of each other at the NPS and UDC.

New Business

Personnel Subcommittee Update: Secretary Vacancy: Personnel Subcommittee Chairperson Henry reported that available members met at 6 p.m. to discuss making an offer to a preferred candidate after conducting four interviews on Sept. 14, checking references, and asking the individual to attend last Tuesday's Water Use/Resource Management Committee meeting to do a trial run at taking committee minutes. Ramie received that draft on Monday and said that content was covered well. Henry said the three references all came back very positive, including from Wayne Conservation District Director Jamie Knecht who is well aware of the UDC. Henry said that Ramie had drafted an Agreement for Employment with a proposed starting date of Oct. 15 and starting salary of \$13 per hour. The contract also outlines the benefits package that is valued at over \$14,000 once the employee becomes eligible to participate in all aspects of it. Robinson noted that essentially bumps up the wage by 50%. The individual is currently a legal secretary in Honesdale and indicated wanting to provide two weeks' notice to that employer. Henry said to expedite this process and fill the vacancy, the Personnel Subcommittee would like to recommend conducting an email vote of the full Council to include the blessings of the Operations Committee as well. He asked for any questions. Greier said he had been away on vacation but had followed the Personnel vetting process by email and respects the subcommittee's judgment. Ramie added that the individual came across as very energetic, conservation-minded, and expressed that she considered this job a great opportunity to do meaningful work. A motion by Roeder, seconded by Peckham, to approve seeking an email vote to offer the UDC secretary position to the preferred candidate based on the terms mentioned carried unanimously. Henry led a round of applause for the "staff of two for keeping this ship sailing" since Aug. 17 during a particularly busy time for the UDC.

NPS Northeast Region Response: UDC Request for Advance Payment: A letter from NPS Northeast Region Comptroller Alexa Molnar dated Sept. 13 and received Sept. 17 was included in the packets and had been previously distributed to the committee. Molnar noted that she was replying to the UDC's Aug. 15 letter to Regional Director Vietzke regarding options for receiving advance payment of annual funds from the National Park Service. It states, in part, "We understand the difficulties and frustration your organization experiences when there are federal funding delays associated with approval of Appropriations bills, recent implementation of Department of Interior (DOI) review procedures, and other factors." It explains that the NPS transitioned in Fiscal Year 2013 to using the Department of Treasury's Automated Standard Application for Payment (ASAP) system. "The UDC may choose to draw down funds as an advance prior to incurring a cost or as a reimbursement after a cost has already been incurred. Therefore, the UDC can already receive advances through the ASAP system and no additional documents or procedures are needed to request advance payments," it states. There are restrictions on advances. First is the timing, in that same-day transfers are "the ideal situation" but otherwise "must be as close to actual disbursements as administratively feasible". Molnar says, "Retaining funding for 90 day periods of time, as proposed in your letter, when the funding is available within days through ASAP draw down, would likely be viewed as violating the Federal regulations regarding advance payments." Secondly, it states, "Interest earned amounts up to \$500 per year

may be retained by the non-Federal entity for administrative expenses.” Any additional interest earned on Federal advances beyond that must be remitted to the Department of Health and Human Services Payment Management System. This means that “drawing down advance payments for the purpose of earning interest would only increase the amount to be remitted back to the Federal government. It would not result in additional funds for UDC.” A third restriction is that “The UDC can only draw down funds which are already in ASAP, that is, funds which have already been awarded by the NPS to UDC.” The letter explains, “The amount of funding available to the UDC through ASAP each fiscal year is dependent on the timing of an approved Appropriations bill from Congress and the pace at which those funds move through the Department of Interior fiscal process to the NPS. Even when appropriated funds are received by the NPS, the NPS cannot award any funds that have been appropriated by Congress until the award has been approved by DOI.”

Ramie reviewed how the UDC currently handles its expenses. Our bookkeeper contractor typically comes in on the 4th Monday of the month to prepare vouchers and checks for the UDC’s bills, with the exception of the payroll which occurs every two weeks and any dated invoices that would incur penalties if late. Ramie obtains the balance from the Abstract of Bills and initiates an on-line payment request through ASAP for that total amount. The payment is made through a wire transfer into the UDC’s bank account, typically within 24 hours of the withdrawal request. The Operations Committee approves the Abstract of Bills at their 4th Tuesday monthly meeting, and payments are disbursed typically the next morning, the 4th Wednesday. Therefore, the UDC typically has the federal funding available in its account by the time the bills are paid. It is handled as a 24-hour advance. The UDC has to utilize its Unrestricted (non-Federal) Fund to float the amounts of the payroll and dated bills that occur between those monthly payment schedules, and to subsidize the Council’s operation when Federal funds are delayed for whatever reason, which has sometimes lasted for nearly six months of the year.

Henry said he recommends that the UDC doesn’t “give one penny out of our Unrestricted Fund” to the federal government. He said he found the letter confusing with regards to the interest restrictions. The objective in seeking quarterly advance payments would not be to glean interest from those funds. It would be so that the UDC could invest a portion of its own monies and earn interest free and clear on that. After their investigation of the UDC’s Unrestricted Fund, the NPS determined that the handling of interest that the UDC previously earned up until the reimbursement system of payments was instituted had been in full compliance with the established formula. They never specifically ruled on whether that Unrestricted Fund is the UDC’s money.

Ramie said that she could foresee this advance payment system as more cumbersome and time-consuming to administer than the current system. She believes that the core of the problem as the unexpected and inconsistent delays in the UDC’s ability to access its federal funds, which Heister had said in a subsequent conversation about this letter is beyond the control of NPS as well. That is up to Congress and the Department of the Interior. Henry said that federal employees still get paid when Continuing Resolutions are in effect and the UDC is essentially a federal contractor through our Cooperative Agreement. If the NPS Upper Delaware Scenic and Recreational River budget has the UDC’s \$300,000 appropriation in it, why can’t the Council access it? Hahn said the UDC could go into ASAP every two weeks to withdraw the funds for the payroll as a consistent fixed expense. Saumure said his interpretation of this letter is that the UDC can withdraw funds at any time from ASAP if the funding is appropriated, but does that mean the funding is available? There should be no blocks if so. Does NPS control the availability of the funds? Hahn said no, Congress controls that. Under the anticipated Continuing Resolution for Fiscal Year 2019, for example, the UDC could spend up to the appropriated amount, which is 18.9%, for operating expenses. Robinson observed that equates to approximately \$56,000, which would cover two months of average UDC expenditures. Hahn added that the funds must be spent as closely as possible to when they are requested. Greier said that the UDC’s Unrestricted Fund should not be part of the operational function of this Council. That’s just good business. He suggested that the UDC could put in for a funding drawdown every week. Robinson said that the UDC would have to be accountable for reporting on all those “mid-stream” requests, which would be “a pain in the neck”. Henry said we may need more assistance from the bookkeeper in that case.

Greier said it appears that the UDC has been given a lot of misinformation or omissions in the past regarding finances. Robinson said that he will come up with some hard-core scenarios to present at the Oct. 18 meeting with the NPS Northeast Region deputy director to try to further clarify the UDC’s funding options. Henry said whatever results, it should not include spending down the Unrestricted Fund. The UDC should not have to comingle its monies with the federal funds to operate. The objective as he sees it is to be able to invest the UDC’s

funds and get paid as much up front as possible. The UDC can't have these closure threats hanging over the organization.

River Clean-up Grant Approval: Town of Deerpark: A motion by Henry, seconded by Roeder, to approve the \$1,480.29 payment to the Town of Deerpark for completion of its second authorized clean-up at the Hawks Nest under the UDC's 2018 River and Shoreline Clean-up Grants program carried unanimously.

Summary of Pending Bills: A motion by Henry, seconded by Greier, to approve expenditures as noted on the Sept. 25, 2018 Abstract of Bills handout carried unanimously.

Financial Statements 09-30-18: Financial Statements prepared by Bookkeeper Mike Poska were provided for review.

Other: Greier congratulated Ramie for letters that she has written which have proven successful in getting answers.

Old Business

Final Report: 2018 River & Shoreline Clean-up Grants Program: A copy of a final report showing \$5,370.58 in actual expenditures was provided in the packets. Ramie noted that it also offers historical tallies for each year since the UDC started these grants in 2014. Ramie said that she will issue a news release about the outcome of these river clean-ups and the Technical Assistance Grant for 2018.

Federal Funding for River-Related Law Enforcement Surveys due by 10/1: Ramie reported that three additional Federal Funding for River-Related Law Enforcement surveys were received since the first five that were handed out at the Sept. 6 UDC meeting. Responding to date were: Lumberland; Shohola; Deerpark; Highland; Hancock; Damascus; Westfall; and Delaware. The UDC had extended the deadline to Oct. 1.

Other: None

Public Comment: None

Adjournment: A motion by Roeder, seconded by Greier, to adjourn the meeting at 8:03 p.m. was carried.

Minutes prepared by Laurie Ramie, 10/3/18