

Upper Delaware Council
PROJECT REVIEW COMMITTEE MEETING MINUTES
September 25, 2018

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

The UDC's Project Review Committee held its monthly meeting on Tuesday, September 25, 2018 at the Council office in Narrowsburg, NY. Vice-Chair Dean called the meeting to order at 6:34 p.m.

A motion by Robinson, seconded by Peckham, to approve the August 28 meeting minutes and the Sept. 11 special meeting minutes was carried.

There was no public comment on the agenda.

Discussion Items Report: Ramie reviewed highlights from the written report prepared by Resource Specialist Pete Golod, including:

Town of Fremont: The second phase of work on the Kellams-Stalker Bridge began on Sept. 5 and is expected to end on Nov. 15. The bridge will be closed to vehicles during this time.

Town of Delaware: The Town has introduced Local Law #3, "A local law amending Chapter 220, entitled Zoning, of the Code of the Town of Delaware." Golod has reached out to the town requesting a copy of the amendment for a substantial conformance review.

Town of Highland: On Sept. 6, Golod presented the Project Review Committee's recommendation to refer the Route 97 project to the UDC per the step laid out in the 1988 Project Review Workbook stating, "The Council makes a final effort to resolve the conflict." The UDC awaits a response from the town for additional information regarding the project or to have a meeting arranged between the town and the UDC. The full Council has asked for a response by Oct. 4.

On the subject of the Barnes Landfill, no response to date has been received from James J. Lansing, Jr, NYS Department of Environmental Conservation Regional Materials Management Engineer, regarding the follow-up letter sent by Golod on July 20. On Sept. 12, Congressman John Faso sent a letter to the Commissioner of the NYS DEC with his concerns regarding the Barnes Landfill.

Damascus Township: On Sept. 4, Golod received a variance for a pavilion in a floodplain within the corridor. Golod met with Carla Hahn and Jennifer Claster from NPS on Sept. 21 to discuss this variance. He awaits a site plan in order to conduct a Challenge/Variance review in conjunction with NPS.

Technical Assistance Grants: On Sept. 11, the Project Review Committee held its special meeting to interview the Fiscal Year 2019 TAG applicants, rank the projects, and recommend funding amounts to the full Council for action at the Oct. 4 meeting. Applications were received from: Town of Lumberland (informational brochure for the town building department); Shohola Township (refine ordinance #79 to adhere to the River Management Plan and Land and Water Use Guidelines); Town of Tusten (municipal organizer/planner software); and Berlin Township (informational town brochure).

Resource Specialist's Update:

- On Aug. 30, Golod attended the Stream Maintenance & Flood Intervention Workshop through the Wayne Conservation District in Honesdale, PA and provided a report at the Sept. 18 WU/RM Committee.
- Golod is currently attending the 6th Annual Delaware River Watershed Forum in Cape May, NJ (Sept. 25-26) and will provide the WU/RM Committee with a report on Oct. 16.
- On Sept. 28, Golod, Hahn, and Claster will meet to review the comments and edits made to the Project Review Guide by Superintendent Heister and Executive Director Ramie. Next steps to finalizing the Guide will be discussed.
- On Oct. 5 and Oct. 19, Golod and Claster will begin the Land Use Leadership Academy (LULA) training in Montgomery, NY.
- On Oct. 16-17, Golod, Ramie, Peckham, and Saumure will attend the “Water, Water Everywhere” conference in Hale Eddy, NY.

New Business

Revised 2019 Technical Assistance Grant Applications by the Town of Tusten and Berlin Township: Handouts were provided of revised application forms submitted by the Town of Tusten on Sept. 21 and by Berlin Township on Sept. 17 based on feedback received at the Sept. 11 Special Project Review Committee meeting where the 2019 grant proposals were reviewed. Hahn said that Superintendent Heister had met with officials from both municipalities to assist them with better describing their projects’ applicability to the River Management Plan. Henry recommended sending the revised applications to Heister so that she can check with the Northeast Regional Contracting Officer on their compliance with federal funding rules. This should be done in advance of the Oct. 4 UDC meeting, at which time the UDC is expected to vote on a resolution to approve 2019 TAG awards. He noted that the Project Review Committee on Sept. 11 had made its motion to approve the four applications with modifications to these two projects as necessary so as not to require any further vote now. The committee agreed on that course of action by consensus.

Robinson said for the FY 2020 TAG program, he would like to see discussion about revising this new policy over the last two years of excluding cultural resource projects. He said that our predecessor members put a high value on accomplishing historical and cultural projects through this program which might never have gotten done without these grants. Hahn said, as she remembers, that was a decision that the Council made to restrict the types of eligible projects. Robinson clarified that happened because the UDC was told by the NPS Northeast Region that cultural resource projects were no longer eligible for funding, so what could we do? We were told to limit the scope to zoning and planning. Roeder said that cultural and historical objectives are listed in the River Management Plan. Robinson said it has merit to discuss their importance. He would like to see priority restored to these projects. Dean said this was a valid point and the UDC has a long history of assisting with those types of projects. Roeder said it sometimes gets into a gray area of whether the project is taking place within the river corridor, but we don’t apply that same standard to approving zoning codes and ordinances. Greier agreed that comprehensive plans include a whole town.

Letter from Congressman Faso to NYS DEC: Barnes Landfill Concerns: A copy of the Sept. 12 letter from Congressman Faso to NYS DEC Commissioner Basil Seggos was included in the packets. Ramie said that Matthew McPhillips from the Congressman’s 19th District Delhi office has been closely following this subject in particular and consulting with the UDC for updates. One excerpt from the letter states, “As the agency with primary oversight of this landfill, NYSDEC has been contacted by several local and federal stakeholders, many of whom have offered to assist NYSDEC. Despite these requests and public reports on this matter, NYSDEC’s course of action to address these concerns remains unclear. The environmental and economic importance of the Delaware River cannot be overstated. NYSDEC must provide stakeholders and the public at large a better understanding of any testing it has conducted in the past and provide a detailed plan for the additional testing it will undertake to ensure that we can find resolution to these issues and concerns with the Barnes Landfill.” Roeder said he is glad to see Congressman Faso standing up and supporting the UDC in this endeavor, noting that he has been a great help to the Council.

Other: None

Old Business

Delaware River Basin Commission August 2018 Project Dockets: Golod had reviewed the water withdrawal requests in PA that were subject to the DRBC's Aug. 15 public hearing as a follow-up from the last meeting. None of the five dockets that were unanimously approved by the DRBC on Sept. 13 impacted the Upper Delaware River. Hahn added that each of those withdrawals represents a renewal of an existing project. Golod included a list of those five dockets in his Discussion Items Report, and provided a color map downloaded from the DRBC website which plots the locations and jurisdiction for all 27 dockets reviewed by the Commission in August.

UDC 2018 TAG Extension Letter for Damascus Township: A copy of the letter to the Damascus Township Board of Supervisors granting an extension on TAG 2018-02: Comprehensive Plan Update (\$5,583.33) for an additional six months was provided. Rutledge thanked the Council for their decision.

River Management Plan Concerns – Damascus and Shohola: Henry said that he had made a motion at the Sept. 6 full Council to kick this back to the Project Review Committee with the idea that we could discuss these items in the future. He noted that Damascus Township has raised issues about cell towers. The UDC might be able to gather additional information on that subject through the more in-depth presentations by Verizon and AT&T that were proposed after the Sept. 6 presentation on the Sullivan County Public Safety Communications Upgrade Project. Asked whether those arrangements had been made, Ramie said she had emailed the two representatives from those wireless carriers to express the UDC's interest in hearing from their engineers as they had offered as early as the Nov. 1 meeting, but neither had replied. The committee suggested that she ask Sullivan County E-911 Coordinator Alex Rau to help arrange that follow-up presentation since he had invited those individuals to the UDC's meeting. Both companies are in negotiations to co-locate antennas on Sullivan County cell towers. Peckham said that any UDC member who wants changes to the River Management Plan has the ability to formally request it in writing. Robinson said the feedback that the UDC received from Damascus and Shohola were the result of a March 16 memo that the UDC had sent out requesting whether member municipalities have any issues with the River Management Plan and the Land and Water Use Guidelines. It wasn't framed as requesting formal amendments to the RMP. Shohola picked up on its concerns over the square footage in the Minor Commercial Development definition while the planning commission has been conducting reviews of projects in the township. Peckham asked what they want done about it. Henry said he recommends setting up a special committee and waiting for the cell towers presentation. There have been a lot of technological advances in this field and priority shifts, such as considering what's more obtrusive to the river valley scenery: a new house or a cell tower? He said that perhaps Congressman Faso can write a letter encouraging the companies to return for a UDC presentation if we aren't able to catch their attention. Saumure wondered, if they are going to co-locate, can the emergency capacities of the antennas be used for consumer bandwidth until they need to be prioritized for emergencies? Henry said that the company representatives indicated that having existing structures in place has minimal costs for them. Robinson said that all towers must accommodate co-location. Henry noted that the National Park Service was going to query the system for GIS purposes to map cell tower infrastructure on both sides of the river. That would be a helpful presentation. Dean asked whether there is a clearinghouse for that information. Robinson said yes, the Federal Communications Commission has a map system. Hahn said that NPS has a good start on collecting information on emergency towers, but they have not been successful in getting the data from all of the counties and to have it presented in a standardized format. She said they may come back and ask for the UDC's support to obtain the missing data.

Other: None

Public Comment: None

Adjournment: A motion by Roeder, seconded by Peckham, to adjourn the meeting at 7:10 p.m. was carried.