

UPPER DELAWARE COUNCIL MEETING MINUTES
June 7, 2018

The Upper Delaware Council held its monthly meeting on Thursday, June 7, 2018 at the Council office in Narrowsburg, NY. Chairperson Aaron Robinson called the meeting to order at 7:05 p.m. The Pledge of Allegiance and roll call followed.

In attendance: Shohola Township-Aaron Robinson, Town of Hancock-Fred Peckham, Town of Fremont-Jim Greier, Town of Delaware-Harold G. Roeder, Jr., Town of Cochection-Larry Richardson, Town of Tusten- Susan Sullivan, Town of Highland-Kaitlin Haas, Town of Deerpark-Ginny Dudko, Damascus Township-Jeffrey Dexter, Berlin Township-Alan Henry, Lackawaxen Township-Doug Case, State of New York – Bill Rudge; Commonwealth of Pennsylvania-Tim Dugan, National Park Service-Kris Heister, Jennifer Claster. Staff in attendance: UDC Executive Director-Laurie Ramie, Secretary-Linda Drollinger. Absent: Delaware River Basin Commission, Westfall Township, Town of Lumberland. Media: Dave Hulse, Peter Becker. Guests: Houtan Moaveni-NYSERDA, Roger Saumure-Shohola Township, Kristin Thorpe-NPS intern.

Presentation: **“Navigating Solar in Your Community: Model Solar Energy Law”** by Houtan Moaveni, Deputy Director of NY-Sun and New York State Distributed Generation Interconnection Ombudsman at the New York State Energy Research and Development Authority (NYSERDA). Before he started his presentation, Moaveni told the Council he was compressing what is normally a three-hour presentation into 45 minutes, to accommodate a lengthy UDC meeting agenda. Moaveni opened his presentation by saying that New York State is committed to making 50% of its energy production renewable by 2030. Last year, jobs were lost in the solar sector nationwide, although 1,000% growth is anticipated in solar enterprises worldwide. Solar is the fastest growing energy technology in the world. As of May 1, there were 80,000 solar projects in progress. Moaveni concedes that 99% of proposed residential projects are not feasible because of shading, topography, natural features, lack of access to three-phase power supply, or adjacent land uses incompatible with a solar installation. It is for those reasons and others that renters and people who would like to solarize their homes opt instead for community solar. In community solar, each participant buys a number of solar panels in a large-scale utility installation. In return, participants receive the same type of discounted energy bill they would have received had they placed solar panels on their home. A chart depicting community solar projects throughout the state showed the largely rural counties of Sullivan and Orange high on the list, with Orange County first in the state, and Sullivan coming in sixth. Peckham asked, “How many megawatts does a typical household consume in a year?” Moaveni’s answer: 300-500. Peckham’s related question: “How much space is needed to produce two megawatts?” Moaveni’s answer: 10-12 acres. Moaveni circulated his agency’s publication, “New York Solar Guidebook,” which is also available on the NY-Sun website at <https://www.nyserda.ny.gov/All-Programs/Programs/NY-Sun/Communities-and-Local-Governments/Solar-Guidebook-for-Local-Governments>. Intended for use by local governments, the guidebook is a free resource for planning and zoning officials, land use planners, and anyone interested in learning about solar energy production and its implications for the community. Moaveni insisted he does not go into communities to tell them how to run their municipalities. He said he goes into communities to let them know that the state is ready, able and willing to help them learn all they need to know about solar energy production to make informed decisions about implementing solar in their communities and writing legislation that will serve the community well.

He emphasized that the model law is designed to be customized and that it should be customized to suit the needs of each community's unique topography, architecture, industry, history, culture and traditions. He talked about aspects of solar energy production perceived to be negatives, such as solar panel glare, which is actually less than that of water or glass. "There is no glare (in third generation panels) because solar depends on energy from the sun being absorbed, not reflected. Today's panels are dark and matte, unlike the rooftop hot water panels of decades ago." He talked about local governments' fears of being saddled with decommissioning costs for abandoned installations and not knowing what toxic materials might be contained in the panels that would make environmentally sound disposal of them problematic and prohibitive. Per Moaveni, there is a small amount of plastic in them. But he advises all municipalities to require of solar utilities a surety bond, reviewable at periodic intervals, to cover decommissioning costs. When an installation has been without maintenance for one year, the surety bond may be used to clear the installation. He said the other factor that tends to deter municipalities from encouraging solar production is the state's 15-year property tax exemptions; Moaveni said municipalities are free to opt out of them. But the single biggest deterrent is visibility. For that reason, Moaveni says, visual impact assessments are required. Agricultural resource protection is a concern often cited in farming areas, and NYSERDA is addressing it with innovative solutions like growing native plants under panels and/or allowing sheep to graze under them. No long-term studies are yet available to accurately measure the effectiveness of these experiments. However, installations have been sited on what have become unusable properties, like closed landfills, brownfields and mining-scarred land. During the question and answer period that followed the presentation, the following was asked and answered. **Question (Greier):** How is land assessed after a solar installation? **Answer:** Assessment is based on return on investment. **Question (Saumure):** Who regulates solar energy providers? **Answer:** The Public Service Commission. **Question (Robinson):** In the past, zoning ordinances focused on generation capacity. Your model focuses instead on footprint. Why? **Answer:** Footprint is the largest concern because of damage to viewshed and property devaluation. **Question:** How many panels are needed for one residential household? **Answer:** 10-15. **Question (Roeder):** Renewable energies are not individually sustainable now. How can we get the government subsidies needed? **Answer:** 500 self-sustaining installations per month (residential and commercial) are being established without subsidies. This is accomplished by building in scale, which reduces costs in inverse ratio. The larger the installation, the lower the cost. Hardware accounts for only 4% of installation cost. Permitting, or soft cost, accounts for 60% of installation cost. **Question (Greier):** What is the life expectancy of panels containing toxic components? **Answer:** Plastics are not degradable, but it is the responsibility of panel manufacturers to repurpose or dispose of panels, just like batteries. **Question (Robinson):** Have there been storm water runoff problems caused by panels? **Answer:** No studies are available. **Question (Sullivan):** How have other municipalities dealt with visibility/viewshed issues? **Answer:** That depends largely on topography. Vegetation screens have proven effective, but project by project evaluation is essential. At the conclusion of the Q&A session, Robinson thanked Moaveni and presented him with a UDC lapel pin as Ramie captured the moment with a photo.

Approval of May 3 Meeting Minutes: A motion by Peckham, seconded by Dudko, to approve the May 3 meeting minutes was carried.

Public Comment on the Agenda: None

Committee Reports: Committee reports were provided based on the meeting minutes. They were: May 22 Project Review by Richardson, and May 22 Operations by Robinson. The May 15 WU/RM Committee meeting was canceled due to a power outage at the UDC office.

Status Reports

Delaware River Basin Commission: DRBC representative was absent. A copy of the June 6 NYC Current Reservoir Levels was provided in members' packets. The NYC Delaware River Basin Storage was at a combined capacity of 99.1%, with Cannonsville at 98.4% capacity. Normal for the date is 97.5%. But it was noted that the DRBC flow chart was last updated on May 31. The June 6 update was not available on the DRBC website.

NYS Dept. of Environmental Conservation: Two handouts were provided: A May 24 news release entitled "New York State Agencies Encourage Boaters to Help Prevent Spread of Aquatic Invasive Species at Start of Boating Season"; and a May 21 news release entitled "DEC Announces 2018 I Bird NY Challenges." The first announced a collaborative effort by NYSDEC, NYSDOT and Office of Parks, Recreation, and Historic Preservation (State Parks) to prevent the introduction and spread of aquatic invasive species (AIS). Boat stewards deployed at nearly 200 locations across the state will seek to raise public awareness about aquatic invaders that could harm the health of our rivers, lakes, and streams, as well as the fish and plants that inhabit them. DOT, in partnership with the Adirondack Park Invasive Plant Program and other agencies, is hosting boat inspection and decontamination stations along state highways. Contaminated watercraft spread AIS between waterbodies. NY has more than 7,000 waterbodies that can potentially be exposed to dozens of harmful AIS. Aquatic invasive plants and animals such as hydrilla, water chestnut, Eurasian Watermilfoil, zebra mussels, and Asian clams are easily transported on boats, boat trailers, and recreational gear. To prevent such transportation, DEC encourages boaters to follow the Clean, Drain and Dry Standard. Clean boats, trailers and equipment of any debris, dispose of it in an upland area or receptacle provided for that purpose. Drain the boat completely, including bilge areas, live wells, bait wells and ballast tanks. Because many aquatic invasive species can survive in as little as a drop of water, it is imperative that all water is removed. Dry all equipment for at least five days before using it in another water body. Longer drying times may be required during damp and cool periods. Drying is the simplest and most effective way to ensure AIS are not transported by equipment. If equipment cannot be completely dried, decontamination measures must be taken. See DEC website www.dec.ny.gov for details. The birding handout announced two birding challenges for 2018 through the state's I BIRD NY program, launched by Governor Andrew M. Cuomo in 2017 to increase access to the state's vast natural resources and promote low-cost opportunities for outdoor recreation and connection with nature. Birdwatching can be enjoyed by people of all ages and abilities in every community and is one of the fastest growing outdoor recreational activities. Birders 16 years old and younger are eligible to participate in the Beginners Birding Challenge, which requires that participants find 10 common New York bird species. Prizes include binoculars and spotting scopes. Adults can participate in the Experienced Birder Challenge, which also requires identifying 10 of 50 listed New York bird species. Entries for both challenges must be completed before September 30. 2018 has been declared the Year of the Bird by the National Audubon Society, National Geographic, BirdLife International, and the Cornell Lab of Ornithology, to celebrate the 100th anniversary of the Migratory Bird Treaty Act. According to the U.S. Fish and Wildlife Service National Survey of Fishing, Hunting, and Wildlife-Associated Recreation, wildlife watchers spent \$4.2 billion on wildlife-watching activities in New York State in 2011. For information on the two challenges and birding in general, visit <https://www.dec.ny.gov/animals/109900.html>. Peckham asked Rudge if NY DEC has been working with PA agencies to contain the Philadelphia area Spotted Lanternfly invasion expected to reach the Upper Delaware next year; Rudge said that the two states have been working together to combat Lanternfly and will continue to do so. He also addressed the Barnes Landfill issue, saying the DEC is fully aware of that situation and has been monitoring it with twice-yearly water sample testing from ground wells on the property, the results of which will be made available to the UDC in a letter coming out possibly as early as next week. When Heister asked if DEC will publish results of water sample testing, Rudge said it could release results only for wells on the landfill site, that the NYS Department of Health has oversight of private residential wells adjacent to the landfill. Hulse asked if the leachate collection system is overflowing, as has been indicated by anecdotal reports. Rudge said rain water is absorbed into the ground at the landfill, collecting in leachate tanks no longer being pumped at regular intervals. Adding that heavy rains may overwhelm leachate tank capacity, Rudge noted that the absence of a responsible party limits options. Rudge said that DEC will continue to monitor the landfill. Sullivan asked if various grants available to the UDC/NPS could be used for that purpose; Rudge said yes, that DEC had tried 10-12 years ago (when there was more robust grant funding) to encourage the Town of Highland to secure funding for toxic landfills, with no success.

PA Dept. of Conservation & Natural Resources: Dugan said a new state forester has been named. Chosen from ten candidates, Ellen Shultzabarger is a 14-year veteran of the PA Bureau of Forestry.

Shultzabarger, 41, earned her undergraduate degree in Natural Resources from Ohio State University and graduate certification in Urban Environmental Planning and Policy from Tufts University. Prior to joining the bureau, she completed a stint with the Massachusetts Division of Fisheries & Wildlife. Shultzabarger's role as bureau director begins on June 11. Some of the opportunities and challenges facing the bureau in the coming decades are: mitigating impacts of invasive species, blights, and diseases; stewardship of private forest lands; assessing recreational needs and opportunities; managing activities related to energy and rights-of-ways; adaptation planning for future climate change; and elevating the values of forests and trees. Dugan's handout announced 2018 Mini-Grantees in Northeast PA - Lacawac Sanctuary, Delaware Highlands Conservancy, and Downtown Hawley Partnership among them.

National Park Service-Upper Delaware: Heister said May was Water Safety Month, celebrated with the Water Safety Partners Meeting on May 4 and Wear Your Life Jacket to Work Day on May 18. NPS has been doing water safety programs in the schools and has several public service announcements running on local radio stations. NPS met with the Sparrowbush Fire Department to discuss emergency services on the river. NPS participated in a Dam Emergency Meeting in Matamoras that highlighted the need to streamline emergency procedures for dam breaches, as very few emergency services are currently equipped to do so. Very few fire, ambulance and emergency services attended that meeting, but a tabletop exercise is planned by NYC DEP for late 2018. She reported that the May 15 storm damaged four vehicles as well as the NPS headquarters building in Beach Lake, PA and surrounding property. Saying the good news is that NPS was closed for only one day after the storm, Heister said the bad news is that the headquarters building and property still look exactly the same as they did the day NPS reopened. A tree that punctured the building's roof came down in her office. Total storm damage is estimated at over \$70,000, at a time when NPS is gearing up for a busy summer season. In addition to Honesdale native Kristin Thorpe, a GIS intern introduced by Claster, who is matriculating at Shippensburg University, six seasonal staff members and 14 interns, including two safety interns and cultural services interns, have been hired. Richardson noted that, in the past, UDC has been invited to provide an orientation for newcomers, seasonal workers and interns. Heister said this year even she did not make it to orientation. To rectify that, she spoke with Ingrid Peterec, who is in charge of new hire orientation, and asked that Ramie be invited to the new-hire meet-and-greet brown bag lunch. As for permanent personnel, Hillary Head has been hired to replace seasonal law enforcement officer Ron Babus. Head is a graduate of Santa Rosa Junior College Law Enforcement Academy. A Nationally Registered Emergency Medical Technician, Head comes to UPDE from Fort McHenry and Gateway National Recreation Area. Bat boxes have been installed near the Lackawaxen Post Office. The area is home to a colony of 363 brown bats, a number expected to increase dramatically when their young emerge. Installed in part to attract bats away from Zane Grey House and the Lackawaxen Post Office, the boxes seem to be effective; Heister reported that no fresh guano has been found at Zane Grey House. Richardson announced that NPS Biologist Jessica Newbern will present a program about bats for the Cocheton Preservation Society on July 10. Heister next referenced her June 7 letter to Ramie informing her that full reimbursement for expenditures incurred during the Unrestricted Fund investigation would be granted, per UDC request, in recognition of the good faith effort begun by the UDC in recent weeks to identify and develop projects that require funding. Heister's letter also acknowledged the reimbursement as benefitting budget planning, as Ramie prepares to submit Modification 9 of the NPS/UDC Cooperative Agreement. Claster provided an update on the status of the Project Review Guide in progress since 2016. Claster is reviewing it to make recommendations, which will be subject to subsequent review by Hahn and Golod, and then Heister and Ramie. Noting that the May 31 deadline for online publication was unmet, Richardson said the project must wrap up soon; issues not covered in the guide now can always be addressed later. Dudko said she appreciated Heister's decision to reimburse UDC for all costs associated with the Unrestricted Fund investigation, though she didn't know why that investigation came about in the first place, since the UDC has always been transparent with its financial records. She said this decision would go some way toward making amends with the UDC.

UDC Executive Director's Report: Regarding solar, Ramie reported that UDC is arranging a tour of the Delaware River solar array on Baer Road in Callicoon (Town of Delaware) and will inform the council when that informational visit is confirmed. A June monthly calendar handout with UDC meetings, deadlines and activities was provided. Ramie noted that Golod is vacationing in Cancun from 6/4 – 6/11,

returning to the office on 6/12. She was interviewed by Sharon Davis for a monthly syndicated column as part of the Scenic Wild Delaware River initiative. "A River Unites Us" will be running in various newspapers in the three-state region over the next few weeks and is posted on the UDC website as "News." Last Friday, Barbara Demarest from WJFF public radio came in to interview Ramie for her hour-long show, Radio Chatskill, on the topic "A Day on the River." Also featured are Peterec from NPS, Rick Lander, Tony Ritter and Dr. Peter Kolesar, among others. Ramie didn't know the air date. Special events happening in June are Delaware River Sojourn (June 16-18); Upper Delaware BioBlitz (June 30); and "Green Infrastructure in the Delaware River Watershed" which will take place from 10-3 at the Monticello Library (June 20).

Upcoming deadlines: NPS has been asked to provide documentation on its contracts with local governments for law enforcement and trash removal by June 22, to fulfill a review and reporting responsibility assigned to the UDC. The UDC seeks a historic overview since implementation of the provision and current status. After council members had an opportunity to see the condition of the attic stairs, Ramie told them bids for replacement of steps are due by 4:30 on June 25. To date, no contractors have come to inspect the stairs. June 27 is the deadline to renew the UDC's annual registration with the federal government's funding vehicle, System for Award Management (SAM). Due to fraudulent activity, each registrant has been asked to provide notarized Entity Administrator proof of identity via snail mail. Ramie's letter was mailed on June 5, but Michelle Blockberger of NPS advises that there is a 60-day backlog of letters. Ramie expressed disappointment that UDC had not received information from the U.S. government about this new requirement when it went into effect on April 27. The two-month backlog could have been mitigated. Heister said NPS doesn't use SAM, but many of the vendors serving NPS do. That is how landlords renting to NPS seasonal employees receive their rent checks, and they are also unhappy with this new requirement. Assuming that SAM falls no further behind in letter processing, UDC would receive access to its funding, at the earliest, in late August. Blockberger confirmed that NPS has the UDC funds available but will be unable to disburse them without SAM approval.

Handouts: Ramie provided a timeline of projects by the NY-PA Joint Interstate Bridge Commission which she obtained at the May 16 annual meeting of that agency in Binghamton. Heister added that the Kellams-Stalker Bridge will be reopening earlier than expected, on June 8. Also included as a handout was Ramie's updated "Economic Impacts of Tourism Statistics" synopsis that captures 2017 data from NPS Visitor Spending Effects Report and other available sources. An editorial piece by a member of the Coalition for the Delaware River Watershed tying together the various initiatives underway in the watershed, some of which have funding behind them, was provided. Also included was a flyer for the Upper Delaware Scenic Byway presentation mentioned during an earlier report by Richardson, "The Dollars and Sense of Preserving Community Character," to be held at the Narrowsburg Union on July 21. Ramie reported that Robert Kuhn McGregor, author of "The Story of a Forest: Growth, Destruction and Renewal in the Upper Delaware Valley," had declined her invitation to present at a UDC meeting, due to his inability to travel. She proposed asking Newbern to give a bat presentation at the July 6 Council meeting; the Council was agreeable.

Old Business:

NPS Response Re: Emergency Medical Services in Upper Delaware Corridor: A copy of the April 20 letter from Shohola Township Board of Supervisors to NPS Superintendent Heister and Heister's May 10 reply to Supervisor Raser were included in the meeting packet. Heister said that NPS could not reasonably be expected to take responsibility for the health, safety and welfare of everyone in the river corridor, visitor and resident alike. Robinson said that wasn't the goal of the letter. He said the letter was just to make UPDE aware that a crisis has been created by the sudden, recent dearth of emergency medical transport services in Pike County townships. Several New York volunteer ambulance corps will no longer go into Pennsylvania. Eldred used to respond regularly to Shohola calls, but that's no longer true. Henry said Tusten still responds to calls in Beach Lake, but they have special dual-state certification that allows them to serve in PA. Private ambulance services were mentioned, but Robinson said they have all pulled out of the area. The much longer response times now needed for ambulances dispatched from Dingmans or

Milford have created a dangerous situation. Heister said NPS should not be the first resource leveraged, and Robinson said it isn't, that the situation is being addressed at the county level. He said the purpose of the letter was just to warn NPS that any river-related medical need will likely be faced with a long response time.

New Business:

DRAFT Letter: Substantial Conformance Review, Town of Highland. A copy of a June 7 draft letter from Project Review Committee Chair Richardson to Highland Supervisor Jeff Haas was included in the meeting packet. Kaitlin Haas said that the letter had been prompted by a misunderstanding, that the required permits referenced in the letter had been granted in December 2017 by the town's former code enforcement officer and that is why the town's present code enforcement officer was unaware of them. She also said she had copies of the permits and would submit them to UDC. Henry reminded her that it is the town's responsibility to furnish the required permits to the UDC in a timely manner and that New York State law requires a professional engineer's stamp on the permit. Haas said the project was to repair and replace a storage shed, that it is within the former building's footprint and, in response to questioning, that there is no septic system on the property. But Haas acknowledged that Golod did not find the permits posted at the site during his site visit, and said that omission in itself constitutes an infraction of the zoning code. She said she would furnish the permits to Golod via e-mail. Asked if property lines are shown on the work plans Haas has, she said they are not. Richardson recommended holding off on sending the draft letter until Golod returns from vacation and can sort out the details. The draft was withdrawn until Golod has had a chance to review the permits Haas will furnish.

DRAFT Letter: Support for Sullivan County Application: Highland River Access Grant. A copy of the June 7 draft letter from UDC Chair Robinson to Kenneth Smith, New York State Department of State, was included in the packet. It's Sullivan County's second attempt to secure funding to implement improvements at the Highland Access. A motion by Richardson, seconded by Henry, to approve the letter was carried unanimously.

Capital Projects Discussion and Budget Adjustments: A copy of Ramie's draft list of projects was included in the meeting packet. Topping the list is replacement of the UDC Office attic pull-down steps. Richardson has replaced a frayed cable that made raising and lowering the steps impossible, but a second cable is also fraying. Ramie recommended replacing the current steps with a permanent staircase that will allow staff to safely carry 30-lb boxes up and down. Council members were urged to look the steps over and try them before the meeting. Ramie said there is approximately \$12,465 in the budget to allocate to various projects, but as no contractor has yet responded to her advertisement, she has received no estimate from which to work. The deadline for competitive bids on stairs replacement is June 25. Per the Procurement Policy, expenditures over \$3,000 require sealed, competitive bids. However, there are three projects ready for funding: (1) Narrowsburg Beautification Group planting of the building's flower beds (\$149.50); (2) Part II of the Deepark River Cleanup Grant (\$1,480.29); and (3) GIS Certification training for Golod, postponed from fall 2018 to winter 2019 (\$2,600). Henry said the UDC is risking considerable liability with the current attic steps and recommended their replacement. He also recommended the purchase and installation of smoke and carbon monoxide detectors for the UDC office, which currently has only one non-working smoke detector. A motion by Roeder, seconded by Greier, to approve going forward with stairs replacement, the three recommended expenditures and the purchase and installation of smoke and carbon monoxide detectors passed unanimously. Richardson agreed with Ramie and Henry that the steps, which he thinks will support 200-250 pounds, are inadequate for transporting heavy boxes. He recommends installation of a cargo lift system that would cost about \$2,000. But he also favors setting up a workstation with scanner in the attic, so that a part-time employee or intern would be able to digitize archival records stored in the attic. Robinson asked if UDC had digitized records previously, and Ramie confirmed that certain time periods of newsletters and minutes have been digitized. Richardson didn't think the minutes had been digitized back to the conception of the UDC; Ramie said she would see how far back the digitized minutes go. Heister recommended using a service to digitize records, saying that it would take a thousand years for one person with a scanner to complete the task. She mentioned a firm NPS has used,

and Ramie said that was the same firm that digitized the UDC newsletters and minutes. But as the attic records are not yet organized by type and date, she was unsure if it would be appropriate for this project. Robinson agreed with Heister that the project should be handled by a service, recalling that the previous digitization project was accomplished quickly and for about \$1,000. Heister said files must be organized prior to scanning; Claster said there is now software that can organize scanned material chronologically or by indexed subject. Richardson said he thought digitization is important because it makes for ease of historical research, using the Barnes Landfill as an example. He said he could do a word search of digitized documents that would turn up everything UDC has on record pertaining to that topic. Henry said maybe an intern interested in records management could do the necessary organization, and Robinson suggested a teacher or librarian on summer vacation might be right for the task. Robinson then asked the council to decide if other projects on the list had merit. Since some members were in favor of adjournment, Ramie said she would circulate the list and ask members to assign weighted voting to each project; the council agreed. Ramie said these determinations are needed to allocate the balance of UDC funding for FY 2018, which the UDC must provide to NPS by July 3.

Other: None

Public Comment: None

Adjournment: A motion by Roeder, seconded by Greier, to adjourn the meeting at 10:10 p.m. carried unanimously.

Minutes prepared by Linda Drollinger 06-13-18