

Upper Delaware Council
OPERATIONS COMMITTEE MEETING MINUTES
January 23, 2018

Committee Present: Alan Henry, Harold Roeder, Jr., Larry Richardson, Fred Peckham, Steve Adams, Aaron Robinson, David Dean, Jim Greier
Committee Absent: None
NPS Partner: Kris Heister, Carla Hahn
Staff: Laurie Ramie, Cindy Odell, Pete Golod
Guests: Roger Saumure

The UDC's Operations Committee held its regularly scheduled monthly meeting on Tuesday, January 23, 2018 at the Council office in Narrowsburg, NY. Greier called the meeting to order at 8:14 p.m.

Election of Chairperson and Vice-Chairperson: A motion to nominate Aaron Robinson chairperson of the Operations Committee for 2018 was made by Roeder and seconded by Dean. A motion by Henry to nominate Dean as vice-chairperson of the committee was seconded by Roeder. Robinson and Dean were elected by voice votes. Members commended Greier for his work in the Chairman position during 2017. Robinson conducted the remainder of the meeting.

Approval of December 19 Meeting Minutes: A motion by Peckham seconded by Henry to approve the December 19 meeting minutes was carried. There was no public comment on the agenda.

Executive Director's Report: Ramie referred members to the written report provided in their packets. She reported that the UDC still awaits processing of its FY 2018 Application for Federal Assistance. She spoke of the 69-hour federal government shutdown which began at midnight EST on Saturday, January 20, 2018, and ended on the evening of Monday, January 22. Attached to Ramie's written report was a January 23 memo from the NPS Northeast Region Financial Assistance Program Chief Keith Zotti to the UDC canceling the January 22 suspension. Also attached to the written report was a response from NPS Acting Director Michael T. Reynolds to our June 1 letter regarding the federal funding delay experienced from April through July 2017, received on January 9. Ramie stated that a letter regarding the impact on the UDC from this latest FY 2018 funding delay was sent to Secretary of the Interior Zinke, NPS Deputy Director Reynolds, and Regional Director Vietzke on December 29th. Ramie provided an update from U.S. Senator Pat Toomey's aide Steve Meredith on the UDC federal funding delay. Meredith's findings were that, "All Cooperative Agreements over \$50,000 are still under departmental review, and there is no timetable for the completion of that review. Further, there is no recourse to expedite the departmental review. In addition to the departmental review, because UDC had an audit of the use of their funds, my liaison said that NPS would likely want to scrutinize UDC's agreement further." Ramie said this upsets her as we had been assured that this unrestricted fund probe was unrelated to the processing of our FY 2018 funding, but this says otherwise. Heister spoke about how the Department of the Interior runs. She said there is lack of process and communication between them and the Park Service. Peckham asked how much money the UDC has left. Ramie provided an approximate amount and suggested the Council consider shutting down in mid-March if funding does not become available by then. She noted the UDC Closure Plan Options will be discussed under New Business. Heister stated that the additional scrutiny that Ramie referred to is, "simply what Patrick has been doing all along." She said the plan has been and remains, "the minute it gets kicked out of DOI, there will not be additional scrutiny after that." Ramie reported that the UDC received an executed copy of Modification #6 to our FY 2016-FY 2020 Cooperative Agreement approving the personnel change of UDC's Agreements Technical Representative (ATR) to Michelle Blockberger.

Ramie noted that the three offices at the federal level that have taken an interest in the UDC's current situation are U.S. Congressman John Faso, U.S. Senator Charles Schumer, and U.S. Senator Pat Toomey. She said she will pursue additional appointments for constituent meetings with federal and state representatives when time allows and keep the board updated accordingly.

Richardson suggested writing a letter putting the elected officials on notice that the UDC office will have to close without the release of the federal funds. Ramie said her intention is to publicize the

pending closure once a date has been set. Heister suggested letting them know what won't be happening should this occur.

Henry asked what balance is left in the unrestricted fund. Ramie said she does not know exactly at this time as the UDC's bookkeeper was not in this month to do the bills because of a death in his family. Therefore, January expenses are pending. A brief discussion about the Council's monthly fixed overhead took place.

Regarding the Unrestricted Fund probe, Ramie said the UDC sent a letter re: Expense Reimbursement to Respond to National Park Service Inquiry to NPS UPDE Superintendent Heister on December 21 with no response to date. There has also been no response from NPS Financial Assistance Policy Branch Chief Heidi Sage since her December 4 confirmation of receiving the UDC's November 30 package documenting the origin of the Unrestricted Fund.

Greier asked where the problem with our funding stems from. Heister explained that the Park Service is not involved with the UDC funds right now. The reviews are held up in the Department of the Interior. Heister said this is a new process under the new administration.

Robinson said he feels the UDC should consider suing the Department of the Interior to seek relief from the current lack of funding. A brief discussion about searching for legal counsel took place. Robinson noted that the attorney would have to be qualified for federal court. Richardson shared his apprehension with going this route and added that costs need to be a consideration. Heister said the UDC would need to assume the costs without federal reimbursement. After a lengthy discussion it was decided that Ramie explore seeking an injunction in federal court to compel Department of the Interior authorization to release the appropriated Cooperative Agreement funds that are sitting in the NPS Upper Delaware Scenic and Recreational River's budget.

Ramie reported that there are some 2018 changes to the UDC board. The Town of Highland has a new representative, Kaitlin Haas, who replaces Jeff Haas; in Shohola Township, Roger Saumure will assume the 1st alternate position and Patricia Jeffer moves to 2nd alternate, replacing George Fluhr who was with the Council for all 30 years; in the Town of Lumberland both Representative Leigh Sheman and Alternate Zoriana Gingold did not want to be reappointed, leaving both spots vacant; and in the Town of Tusten, Alternate Tony Ritter did not seek reappointment, leaving that position vacant. Ramie reminded members to return the annual Conflict of Interest statements mailed out by Odell on January 16. She said that orientation packets and appreciation letters are being sent as notifications of board changes are received.

Ramie noted that the February 1 meeting will include both the election by ballot vote and the swearing-in of 2018 officers with oaths administered by Shohola Township Board of Supervisors Chairman Greg Hoepfer. The annual board photo will be taken. Ramie said that no reception is scheduled due to the UDC's funding situation, but said if someone wants to bring refreshments they are welcome to. Ramie said that the presentation by Adam Bosch from the NYC DEP on improving the emergency downstream notifications system originally scheduled for the February 1 meeting will take place at the March 1 full Council meeting. Bosch will also provide a progress report on the Delaware Aqueduct Bypass Tunnel project. Ramie noted that the DRBC will be represented at the February 1 meeting by Executive Director Steve Tambini and Director of Communications Peter Eschbach.

Regarding office issues, Ramie reported that the on-demand water heater unit was replaced by Don Bellotti from Riverside Mechanical on January 10 after it was discovered that it was leaking. Fluorescent light bulbs were replaced by staff after being purchased at Home Depot. She added that an Outlook issue that affected her computer was resolved by Jeff Chorba from Chorba Consulting. We await Chorba's bill, Ramie noted.

Ramie stated that January is traditionally when we book our venue for the UDC Awards Banquet and send invitations out to potential keynote speakers. Despite the uncertainty of the current funding situation, she said she feels we should move forward with plans for the April 22nd event. After a brief discussion, it was decided to check on the availability of The Central House in Beach Lake and extend the keynote speaker invitation to Secretary of the Interior Ryan Zinke.

Ramie said members could review the rest of her written report at their leisure and referred to the January and February calendars of UDC Meetings, Activities and Deadlines. Ramie spoke of the timeline of activities leading up to the banquet in April. Members questioned how much time should be devoted to the details at the present time. Ramie said it's the UDC's 30th anniversary and should the funding issue be resolved, she will need to start planning in February. Peckham suggested moving forward with planning for the time being. A brief discussion about the costs took place.

New Business

Fiscal Year 2018 Federal Funding Delay: UDC Closure Options: Ramie referred to the Fiscal Year 2018 Federal Funding Delay: Upper Delaware Council Closure Plan Options report. The report includes a synopsis of the background of the issue and the current financial position as well as other information. Peckham asked Ramie when she would anticipate having to close by should the funding not be released. Ramie told him mid-March is what she would suggest. She reviewed the charts of Essential Expenses and Potentially Suspended Expenses along with the approximate monthly costs. She questioned if the office closes, would we want to keep the parking lot maintained. Members agreed the lot should be maintained. Richardson questioned if we have the signed contracts back for the Technical Assistance Grants. Golod said he received the Town of Tusten's, but has not received Damascus Township's. Richardson questioned if it would be prudent to suspend the TAG grants at this time. Dean said it is inappropriate at this time to move forward with those contracts. After a brief discussion, Golod was directed to send letters to the Town of Tusten and Damascus Township suspending their FY 2018 Technical Assistance Grant project contracts due to the UDC's funding situation. Robinson stated that if it does come down to closing the office, he would like to have enough funds retained in order to keep an employee or employees a few hours a week. A brief discussion about unemployment benefits took place. Robinson said that if the UDC is forced to close, the organization will be irreversibly damaged. He elaborated on this statement. Members shared their thoughts on what scenarios might play out should the Council cease to exist. A brief discussion about the content of the River Management Plan and the Wild and Scenic Rivers Law took place. Robinson reiterated that if the Council ceases operation, it will do irreversible damage in the river valley. Heister said they are in agreement with that.

Review of NPS FY 2018 Work Plan: Members were asked to review the Work Plan and direct any questions or comments to Superintendent Heister.

Summary of Pending Bills 1-23-18/Financial Statements: Ramie reported that when the Summary of Pending Bills and Financial Statements for January are available from the bookkeeper, they will be circulated to committee members for an email vote approval of the abstract.

Other: None

Old Business: None

Public Comment: None

Adjournment: A motion by Roeder, seconded by Peckham to adjourn the meeting at 9:28 p.m. was carried unanimously.

Minutes submitted by Cindy Odell, 1/30/18