

UPPER DELAWARE COUNCIL MEETING MINUTES
February 1, 2018
Re-scheduled Annual Meeting

The Upper Delaware Council held its monthly meeting on Thursday, February 1, 2018 at the Council office in Narrowsburg, NY. Chairperson Jim Greier 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 Roeder, Jr., Town of Cochection-Larry Richardson, Town of Tusten- Susan Sullivan, Town of Highland-Kaitlin Haas, Town of Deerpark-David Dean, Damascus Township-Steve Adams, Berlin Township-Alan Henry, Lackawaxen Township-Doug Case, Shohola Township-Aaron Robinson, Westfall Township-Mike Barth, State of New York-Bill Rudge, Commonwealth of Pennsylvania-Tim Dugan, Delaware River Basin Commission-Steve Tambini, National Park Service-Kris Heister. Staff in attendance: Executive Director-Laurie Ramie, Resource Specialist-Pete Golod, Secretary-Cindy Odell. Also in attendance: Ginny Dudko, Town of Deerpark Alternate, Roger Saumure, Shohola Township Alternate. Absent: Town of Lumberland. Media: Dave Hulse, Peter Becker, Rich Klein, Ken Baumel. Guests: Gregory Hoyer, Matt McPhillips, Peter Eschbach, Carla Hahn, Jim Barth.

Election of 2018 UDC Officers: Greier referenced the written ballot included in members' packets. The Nominating Committee's slate of officers was presented. Candidates were: Chairperson – Aaron Robinson (Shohola Township); Vice-Chairperson – David Dean (Town of Deerpark); and Secretary/Treasurer – Alan Henry (Berlin Township). Votes were cast and ballots were collected and presented to Ramie for tallying. Greier reported the result was unanimous for the slate of officers as recommended by the Nominating Committee. He congratulated the 2018 officers and thanked everyone for the support shown to him during the past year. He invited Robinson to take his place in the Chairman's seat. Robinson conducted the remainder of the meeting.

Swearing In of 2018 Officers: Robinson welcomed Shohola Township Board of Supervisors Chairperson Gregory P. Hoyer. The 2018 elected officers: Chairperson Aaron Robinson, Vice-Chairperson David Dean, and Secretary/Treasurer Alan Henry; took their oaths during a swearing-in ceremony officiated by Hoyer. Robinson presented Hoyer with a UDC lapel pin as a token of appreciation. Greier passed the gavel to Robinson.

Robinson thanked everyone for their confidence and support in electing him chair. He stated, "I take this position with a sense of anger, frustration and regret. I say this because the UDC is facing a very dire situation regarding our funding." He said, "Little by little, the consequences of our money situation are showing. We happen to have three of the most competent, dedicated employees I have seen. As a result of this finding issue or the lack of, the balance of our staff is changing, and not for the better." Robinson shared his frustration with the lack of help through the funding crisis. He said his regret is that "we had a deal in this valley and over the 30 years that the UDC has operated, a sense of trust has been developed. We overcame a lot of things. Everybody knows how controversial this model was in the beginning, but it persevered. My take was it reached a balance, and we developed some working relationships with the governmental agencies involved and we were able to develop a trust. I really feel that the trust is at risk." He added that for this organization to "possibly close its doors, is almost unthinkable." Robinson concluded

that he is starting his “chairmanship out on a tough note, but we’re a durable organization and composed of persevering people.” He added that if the UDC closes its doors, it will be an irreversible change.

The new representative from the Town of Highland, Kaitlin Haas, was introduced. Robinson asked for everyone around the table to introduce themselves and state who they represent.

Approval of December 7, 2017 Meeting Minutes: A motion by Peckham seconded by Greier to approve the December 7, 2017 meeting minutes was carried unanimously.

Public Comment on the Agenda: None

Committee Reports: Committee reports were provided based on the meeting minutes. They were: December 19 and January 23 Project Review by Richardson and January 23 Operations by Robinson. The January 16 Water Use/Resource Management Committee meeting was cancelled due to inclement weather.

Status Reports

Delaware River Basin Commission: Tambini referred members to the hydrologic report provided in their packets. He reported that the combined reservoirs are at 80.4% of the usable capacity. He added there is no significant snow cover in the basin and noted that ice has been an issue on the river this year.

Tambini said there have been four public hearings on the proposed regulations regarding hydraulic fracturing activities in the basin. Two were in Wayne County, PA and two were in Philadelphia, PA. Approximately 380 people attended these hearings and there were 165 speakers. Tambini provided information on the upcoming hearings and noted that written comments on the draft regulations, which will receive the same consideration as oral comments, will be accepted until 5 p.m. on March 30.

Tambini reported that the Delaware River Basin Commission (DRBC) will hold its next regularly-scheduled public hearing on Wednesday, February 14, 2018 at the Washington Crossing Historic Park Visitor Center, 1112 River Road, Washington Crossing, Pa. and its next regularly scheduled business meeting on Wednesday, March 14, 2018 at the same place.

Tambini introduced Peter Eschbach, the DRBC’s Director of External Affairs and Communications, who was in attendance with him.

Tambini told the Council that he and Eschbach would be willing to leave when the letter to the DRBC comes up under New Business if they preferred. Members agreed that they were welcome to stay.

NYS Dept. of Environmental Conservation: Rudge referred to the press releases provided in members’ packets. The first titled “DEC Announces Statewide Survey of Freshwater Anglers”, dated December 27, 2017 provides information on a survey designed to learn more about angling behaviors, preferences, and opinions on fisheries management issues. A press release dated January 13, 2018 titled, “New York’s Plastic Bag Task Force Issues Report to Combat Bag Waste” provides information on a report sent to Governor Cuomo and NYS Legislature for consideration identifying eight possible solutions to address blight of plastic bags. The third press release is titled, “DEC Accepting Applications for Pheasant Release Program”, January 17, 2018. Applications for this program are due by March 25th. The last press release dated January 31, 2018 and titled, “DEC Announces Essay Contest for Annual Hunting and Trapping Regulations Guide” states in part, “DEC is looking for hunters and trappers to share stories about their first memorable experience afield or an experience during which they introduced a new person to hunting or trapping.” Additional information on these press releases is available on the DEC website.

Rudge reported that in Governor Cuomo’s budget that came out in January, he has proposed a reform of the state’s Forest Tax Abatement Program to encourage good forestry practices. The Empire Forests for the Future Initiative would include some significant changes to Real Property Tax Law (RPTL) Section 480-a. Rudge provided information on the Forest Tax Law and spoke of the proposed changes. He provided additional information on RPTL Section 480-b. He said that more landowners might qualify under this program, but tax relief will not be as great as that offered under 480-a. Rudge said he will provide more information as it becomes available.

Henry asked Rudge if he could look into a trail right-of-way issue at the Bouchoux Creek in DEC Region 4. Henry described the location and the situation to him. Rudge said he will look into it.

Richardson asked if there is a listing of invasive species on the DEC's website for the public to access. Rudge said they have a lot of good information available.

Dean asked if landowners will be notified of the changes to the Forest Tax Program. Rudge said they will, but it won't be until after the budget passes in April. The changes currently are just proposed.

PA Dept. of Conservation & Natural Resources: Dugan reported that winter planning and meetings are currently underway within the Department.

Dugan reported that Daniel A. Devlin, the Pennsylvania State Forester and Director of the Bureau of Forestry, has announced his plans to retire at the end of March. He spoke of Devlin's history with the Upper Delaware River designation. He added that there are a number of retirements coming across the agency.

Updating of the Strategic Plan for the Bureau of Forestry is underway, Dugan noted.

Dugan said a cooperative study to look at hemlocks a little closer was recently approved. He said researchers are seeing a fair portion of the population that seems to show resistance to the different pests. He said the consensus is to "not give up on the hemlocks." He said he is excited to see some new research coming out on this issue.

Regarding funding, Dugan said that over the past few months, he has been trying to figure out a path for the Commonwealth to provide funding to the UDC. He suggested that the UDC board draft a letter to his Secretary initially requesting that the Pennsylvania Legislature include a line-item for UDC operational funding in its budget. He said he will work with Ramie on this.

A lengthy discussion about invasive species and ways to combat them took place.

National Park Service-Upper Delaware: Heister stated that the NPS has a lot of great things planned for 2018, but she is going to put off talking about those until she receives input from the UDC on the work plan. She asked that members provide comments by or at the February 27 Operations Committee meeting where it will be discussed on the agenda. Robinson said the NPS Work Plan is worth looking at as it is an ambitious plan.

Heister said, "I've been here almost four years. I have been working with most of the people around this table for that period of time. I like and respect you as individuals. I think the Park Service as a whole recognizes and values the work that the Upper Delaware Council does. We are fully aware of the concerns you have. We share those concerns about the delay in federal funding and we as an agency and I personally, are doing everything we can do to get the Upper Delaware Council's funding package through the DOI process as fast as we can. I personally feel confident that we are going to see a resolution to this very soon." She added, "We're in this with you. I also want to say that the loss of one of the staff members here really saddens us as the Upper Delaware team." Heister said the "Upper Delaware Council is more than a group of people. It's an idea. It's something that is not going to perish. We can't function the way Congress intended us to function without a group like this. And it is the board of supervisors, it is the planning board, it is the communities up and down both sides of this river that are the heart of the River Management Plan. And that is not going to go away."

UDC Executive Director's Report: Ramie acknowledged Matt McPhillips from Congressman Faso's Delhi office and the media in attendance. She thanked them for coming.

Ramie reported that Odell has tendered her resignation effective February 16. Odell said it was with a "heavy heart" that she tendered her resignation, but was prompted to seek employment elsewhere as a result of this second round of funding uncertainty. She said she appreciates all the friendships that she made over the years. Ramie said she would like the Council's input how to handle this pending vacancy. This will be discussed under New Business.

Ramie welcomed Kaitlin Haas, the Town of Highland's new Representative and Roger Saumure, Shohola Township's first alternate. She said the Towns of Lumberland and Tusten are advertising to fill their newly-vacant UDC positions and hopes that will occur quickly. Ramie reminded members that we need to receive back the annual Conflict of Interest disclosure statements from all town and township representatives and alternates as soon as possible. She said if anyone has an interest in joining or departing any of our three standing committees, please let us know for the establishment of quorums. Ramie reported that Damascus Representative Jeff Dexter is not in attendance tonight as he has been deployed by FEMA to

California in the wake of the recent fires and mudslides. Adams stated that Dexter was due back home later tonight, but he received word on his way to the airport, that they wanted him to stay for five more days. Ramie referred to the copy of the February 1 news release titled, "Upper Delaware Council Elects 2018 Officers" provided in members' packets. She said it contains background information on the elected officers. Ramie thanked Greg Hoepfer for administering the oaths tonight. She also thanked an anonymous donor and Richardson for providing cakes for the reception immediately following the meeting.

Regarding upcoming events, Ramie said that The Central House in Beach Lake, PA is available Sunday, April 22 to host the UDC's 30th Annual Awards Banquet. She added that she booked it with a disclaimer that it will only happen if we're still in business. She said she will begin soliciting for award nominations this month and asked members to start thinking about ideas. Ramie stated that Ken Baumel from the *Pike County Dispatch* did a nice article about George J. Fluhr's 30 years with the UDC for Shohola Township. Ramie referred to a flyer in members' packets containing information on the Delaware River Sojourn to take place June 15 – 23, 2018. This year's theme is "Still Wild After All These Years". Ramie noted that an event that is returning after taking place in 2013, 2014, and 2016 is the Upper Delaware Bioblitz. Scientists and volunteers gather to collect, identify, and catalogue every living thing in a 24-hour period, then present the results of that biodiversity check to the public. It is scheduled for June 29 & 30, and will return to the original site from five years ago, the Wayne County property owned by the Norcross Wildlife Foundation in Starlight, PA, about a mile south of Hancock at the junction of the East and West Branches of the Delaware River near Pennsylvania Routes 191 and 370. Steve Schwartz from Equinunk is the 2018 coordinator and the Delaware Highlands Conservancy is the fiscal sponsor, Ramie added.

Ramie reported that she received a call on Monday, January 29, from the NYS Department of Transportation advising us of a fall 2018 contract that is being developed to clear overgrown vegetation and remove litter from the Hawk's Nest section of the NYS Route 97 Upper Delaware Scenic Byway. They are currently negotiating with the private property owner for temporary occupancy and expect to award the contract to an outside bidder in May, but won't be able to begin the clearing work until October 1 to avoid disturbing eagles and bats. The job should wrap up by November 30. This contract does not include the removal of graffiti along the rocks. They hope to deter this action through increased law enforcement.

Ramie noted that the latest round of New York State Regional Economic Development grants was announced in December. In the river valley, the Town of Highland was awarded \$624,750 to construct a new enclosed salt and sand shed. The Town of Delaware will receive \$393,995 for that same purpose, and another \$30,000 to complete an engineering report on the relocation of the Callicoon wastewater treatment plant outside the flood zone. Also awarded was a private company, the Doetsch Family LLC, which received \$900,000 in total to establish an eco-friendly craft hard cider manufacturing facility and tasting room to be known as Seminary Hill Ciders in the Town of Delaware hamlet of Callicoon. Ramie said this project has been through our Project Review Committee and motivated us to write a position paper in collaboration with the National Park Service to address this new land use in the river corridor.

Ramie referred members to the February calendar of UDC Meetings, Activities and Deadlines provided in their packets. She said the Water Use/Resource Management Committee will have a presentation on the Pike County Hazard Mitigation Plan at its February 20 meeting that all are welcome to attend. At the March 1 full Council meeting, Adam Bosch and engineering consultants for the New York City Department of Environmental Protection will give an update on their strategies for improving the public notification process for any emergencies with their reservoirs and Bosch will also provide a progress report on the Delaware Aqueduct Bypass Tunnel construction.

Old Business: None

New Business:

Draft Resolution 2018-01: Authorizing Signatories for the Council's Bank Accounts in 2018: A resolution to allow the UDC 2018 officers and Executive Director to sign the corporate resolutions and signature cards for the accounts at Jeff Bank was presented. A motion by Henry seconded by Greier to approve the resolution was carried unanimously.

2nd Draft Letter to Pamela Bush, Commission Secretary, DRBC: Special Regulations Part 440 Hydraulic Fracturing in Shale and Other Formations: Ramie stated that this is the second draft and members did receive it in advance for review. A motion to send the letter was made by Richardson. He feels this second draft incorporates the concerns that were expressed at the committee level. The motion was seconded by Adams. A vote was taken and the letter passed with Roeder and Greier voting no and Barth and Dugan abstaining. Roeder shared his reasons for voting against the letter. Members voiced their opinions on the letter and drilling in general. Robinson thanked everyone for their input.

Fiscal Year 2018 Federal Funding Delay: UDC Closure Plan Options Report: Ramie referred members to the copy of the report provided in their packets. She noted this was also sent out in advance for review. The report contains background information along with the current financial picture. She recommends that the Council set a firm closure date this evening in order to establish a plan going forward. Ramie suggested setting a closure date of March 30 and provided the balance of funds anticipated at that time. Henry asked if the report accounts for one less staff person. Ramie said it does not as that was new information. Robinson stated he is not sure the balance projected for March 30 is enough to wind down an operation. A motion to accept the Plan as presented by the Executive Director was made by Richardson and seconded by Henry. A vote was taken and the motion carried with Dean voting no. A motion to advertise immediately for the Secretary position was made by Henry and seconded by Richardson. After a brief discussion, a vote was taken and the motion carried.

Other: Robinson reported that Pike County is currently not being served by any private ambulance service. He said it is a crisis that has been addressed at the Shohola Township meetings. He asked Heister if she could look into whether the NPS could provide any assistance with this situation as it affects the health and safety of residents and visitors in the affected river valley townships.

Henry asked if there has been any news regarding the UDC's unrestricted fund probe. Heister said she had shared with Ramie that the people that have been working with the Department of the Interior on the process for moving the cooperative agreements through the approval process are the same people conducting that review so it has been slowed up as a result.

Greier shared his frustration with the UDC funding delay and the lack of communication regarding it. Heister said she does not have a good answer regarding the communication piece of it. Barth asked if there are other organizations in a situation similar to the UDC. Heister said she does not know if there is anyone in a similar situation, but noted that in the Northeast Region of the NPS, there are 800 Cooperative Agreements.

Public Comment: Saumure spoke of conditions of the UDC's Cooperative Agreement.

A group photo and reception for the new officers will follow the business meeting, Ramie announced.

A motion to go into Executive Session to discuss legal options after the group photo and reception was made by Henry and seconded by Richardson and carried. Robinson stated that the Session will be for members and staff.

A motion to come out of Executive Session at 9:42 p.m. was made by Henry, seconded by Adams and carried.

A motion to contact the UDC's federal representatives and members of the Appropriations Subcommittee to provide them with information on the delay in the UDC's federal funds; prepare a sample letter of support for the UDC's funding to present to river valley towns, townships and counties for consideration; and to continue exploring legal options to compel the release of the federal funding was made by Henry, seconded by Richardson and carried.

Adjournment: A motion by Adams, seconded by Henry, to adjourn the meeting at 9:47 p.m. was carried unanimously.

Minutes prepared by Cindy Odell 2/12/18