

Upper Delaware Council  
**OPERATIONS COMMITTEE MEETING MINUTES**  
**Aug. 25, 2009**

Council Members Present: Fluhr, Roeder, Bowers, Richardson, Wieland, Niflot, Shafer  
NPS Partner: Martinez  
Staff: Douglass, Soete, Coney, Ramie  
Guests: S. Schultz-NPS, D. Keesler, F. Peckham, Ch. 13 TV News

The committee chairperson George J. Fluhr called the meeting to order at 6:31 p.m. A motion by Bowers seconded by Peckham to approve the July 28 meeting minutes was carried. There was no public comment on the agenda.

**PR/Fund Raising Specialist's Report:** Ramie reviewed her written report handed out. The UDC's annual raft trip was held on Aug. 2 despite rain and high River level following consultations with Kittatinny Canoes. Rafts were used. Of the 143 advance registrations, due to the weather, 64 participated in the trip that included 58 adults and 8 children 11 and under. The River trip took in 10 miles starting at the Ten Mile River access. The Council's fall/winter newsletter should be mailed and posted on the UDC website around Sept. 1. An overview of the municipalities' projects under the NYS grants that UDC is administering was provided. The towns have been reminded of the upcoming deadlines. Ramie has provided additional forms to NYS that they required in order to get through the state process. These grants have been going through the state process since last February and March. A list of press releases issued for UDC and the Byway was listed on Ramie's report, as well as tasks she has been doing for the Byway.

**Executive Director's Report:** Douglass reviewed his written report handed out. Concerning the personnel evaluations, the only part left to do is for the Personnel Subcommittee to make staff salary recommendations. The Technical Assistance Grant applications have been reviewed and recommendations made by the Project Review Committee, and the full Council will review them at the Sept. 3 meeting. Following that, the contracts will be distributed to the award recipients by Sept. 30. The task remaining for the FY 2010 committee work plans is for the functional budgets to be determined. The FY 2010 amended Council budget will be discussed at this meeting.

**Old Business** None

**New Business**

**Summary of pending bills / financial statements:** The committee reviewed the summary of pending bills. Richardson asked why there was heating fuel expenses now that the hot water heater is not working off the furnace. Douglass noted no fuel is being used but the delivery received included a lower rate. A motion by Richardson seconded by Bowers approving the bills for payment was carried. The financial statements for period ended 7-31-2009 were handed out for review. Douglass mentioned that there should be funds available to keep the Council operating through January. He was not sure when the federal funding for fiscal year 2010 starting Oct. 1, 2009 would ultimately be received.

**Resolution - FY 2010 Newsletter Printing/Mailing Contract:** The committee was presented with copy of draft resolution to be presented to the full Council on Sept. 3 relative to extending the contract in fiscal year 2010 for the vendor that is now printing/ mailing the UDC newsletter. Ramie explained to the committee that there was a clause in the newsletter contract that allowed UDC renewal rights each year for five years without bid if the UDC was satisfied with the vendor's work. Ramie said we're satisfied. The price quote for the next fiscal year submitted by the vendor has no increase from the current year. The Council newsletter is issued two times a year around April 1 and September 1. We're moving toward electronic versions only as the committee had wanted. A concerted push to make the turnover should be done soon since the committee wants to eliminate the expense of mailing the newsletter, at least in the current quantity. The cost of mailing and production of the newsletter for another year was included in the draft 2010 budget and Douglass said he would check if that included postal costs for mailing. Ramie indicated the postage was running from \$1,500 - \$1,800 per issue. Bowers suggested since we want to

reduce our costs, we should put a coupon in the next newsletter indicating that the newsletter can be viewed on the UDC website now and requesting recipients to indicate if they have to have a mailed newsletter and return the coupon to UDC. The Council is currently mailing out about 10,000 newsletters. The cost to have the newsletter printed for another year is \$4,428.

Following discussion, a motion by Wieland seconded by Niflot to recommend to the full Council that we use the same vendor for fiscal year 2010 at no cost increase was carried with two abstentions.

**Review Request for use of UDC conference room:** The committee had been provided with information prior to the meeting concerning a request for the use of the Council's conference room from the Upper Delaware River Roundtable. There was discussion regarding the request and also establishing a policy for use of the room. Given that the Council participates on the Roundtable, and the room use was for a short period, a motion by Wieland seconded by Richardson to allow the Roundtable use of the conference room from 11 a.m. to 12:30 p.m. on Oct. 1 for a NYS SEQR process workshop for a small number of attendees was carried, with three nays. A motion by Bowers seconded by Wieland directing staff to prepare draft guidelines or a checklist for use of the conference room for discussion to be provided at the next Operations Committee meeting was carried.

**Draft FY 2010 UDC Budget, amended:** The committee was provided with a draft, amended fiscal year 2010 budget for their review. Douglass reviewed the 10 line items that he amended since the June draft was handed out. The bookkeeping rate increase of \$50 a month was included in the line item for that service. The committee discussed the draft budget with an eye toward reducing expenses since the Council has had no increase in funding from the federal government for the past 20 years. Martinez noted that he had submitted a request for an increase of \$125,000 for the Council in 2011 in the competitive process and he felt that the case made for the increase put the UDC higher up on the consideration scale. Schultz commented that usually the first year of an increase comes in lower than requested.

**Executive Session:** A motion to go into executive session was made by Richardson, seconded by Shafer, and carried. The committee went into executive session at 7:46 p.m. A motion by Shafer seconded by Bowers to come out of executive session at 8:06 p.m. was carried.

A motion by Wieland seconded by Bowers that the salary recommendations by the committee are forwarded to the full Council was carried.

As to the draft budget, Bowers reported the "Salaries" line item was to be reduced from \$178,000 to \$175,000; and an additional line item was to be inserted for \$3,000 for "Health Savings Account Deductible". A motion by Wieland to recommend that the draft budget as amended go to the full Council was seconded by Shafer and carried, with one nay.

**Resolution - Supporting Mandatory Life Jacket Use During High Water Conditions:** The committee was presented with copy of draft resolution to be presented to the full Council on Sept. 3 relative to mandatory life jacket use during high water conditions on the Upper Delaware River. Peckham asked why the 6 foot criteria. Martinez noted that the canoe liveries use that mark as criteria to use only rafts on the River instead of canoes. Schultz added that 17 feet at the Barryville gauge is flood stage. The River changes at 6 feet, and as mentioned in the resolution, hazardous river conditions are exacerbated during high water including swifter and stronger currents, strainers form, floating debris is present, there's high turbidity, lack of visibility, and the presence of more bacteria. She mentioned that the liveries are still putting people on the River at 10 feet. NPS is working on a skill level scale for River heights over 6 feet.

Martinez indicated that NPS has no mechanism to enforce life jacket use currently. He said he has received confirmation that as Superintendent he does have the authority of the surface water from Hancock to Sparrowbush. Bowers offered that during the WU/RM Committee meeting when Martinez discussed the matter with them, Serio had indicated that 6 feet at Barryville is not the same as 6 feet at Hancock. Peckham and Bowers also mentioned that fishers in the East and West Branch wouldn't wear life jackets, but these branches might not be at the same height as the main stem.

Wieland thought the mandatory life jacket use was a good starting point and any changes could be made next year and he made a motion to approve the resolution. Bowers mentioned that other areas don't put restrictions on swimmers and waders. Martinez explained that he has seen the River at 6 feet and what happens. The policy Delaware Water Gap has includes all river users.

Richardson was concerned how river users and the general public would be notified when the mandatory river level threshold was reached. Martinez explained news media and liveries would be contacted to communicate this. NPS will have to do as much outreach as possible to get the word out. Martinez said he wanted to know if the UDC would support this concept first, and he would work on the process after that. He said it was the intent of the Service to go through an educational process with the river users first and not run out first thing and issue fines. The intent is to save lives. NPS is also relying on the liveries that hold a Commercial Use License for river use to provide hazardous conditions information to their customers.

Roeder wondered if there would be any room in the implementation of the policy if nothing is happening upriver but the mandatory PFD policy is put into effect downriver. Schultz said geographic areas for mandatory PFD use could be different. Richardson seconded Wieland's motion for discussion purposes.

Richardson was wondering if some type of "red flagging" could be posted on the River to show PFDs are mandatory on that section, since not all river users go through a livery rental. Shafer suggested using a River Hotline with a message indicating dangerous river conditions and PFD use is mandatory. Martinez said he was hearing the committee about the "process" but wasn't hearing they were against the mandatory PFDs. He said he'd work up the process and bring that back for committee review. Schultz referenced the resolution and the role of the UDC where it stated "the River Management Plan for the Upper Delaware Scenic and Recreational River calls on the Upper Delaware Council to advise the National Park Service on river recreation management" and she pointed out there will be dialog on this issue. She said you gave us some ideas tonight. Keesler wondered if the liveries could provide an informational packet to their customers showing the River areas that needed more vigilance especially including swimming issues and PFD use.

Martinez indicated that the liveries are included in the Safety Committee meetings. Our river safety message has to be consistent. We've talked about staging Rangers at different drowning "hot spots" to patrol and ask people to put on their life jackets. We've done that but people are not using their PFDs, and they have to take ownership of the importance of wearing their PFDs. Bowers said he'd find it easier to support the resolution if the wording could be changed to "be it resolved to develop a policy to make life jacket use mandatory." Wieland said he had no objection to changing his motion. Martinez explained he was asking for support for the concept since he has the authority to implement. Bowers didn't feel it should be mandatory for swimmers. Shafer indicated he supported the concept since the public needs to know when the River is up. If this is implemented, in a year or two, it would be more widely known that life jackets should be on. Richardson asked that NPS come back with a policy for review. He said he'd like to see in writing how this mandatory policy would work, such as giving warnings first. Richardson continued that a mandatory ruling would also apply to local residents as well and he'd like to see the mechanics of the policy. Martinez offered that it could be done on a case by case basis, such as a warning first and if the person is belligerent or physical, it may come to a fine. Shafer commented that we're at the end of the season. We have time to think this through for next spring. Martinez agreed but said he is getting feedback from constituents complaining why isn't NPS doing something on the River. He said the liveries are supporting the NPS position and he did follow the UDC suggestions to discuss this matter with the liveries. He was hoping UDC would step up to the plate and support the concept. As Bowers said at the WU/RM meeting, you cannot legislate for stupidity, but we have to take a first step to prevent loss of life and also consider that emergency personnel are being put in harms way trying to save people that are not wearing a life jacket.

Wieland asked for a vote on the motion. The draft resolution was approved to be recommended to the full Council; with one abstention.

**Public Comment** None

**Adjournment** A motion by Roeder seconded by Bowers to adjourn the meeting at 8:41 p.m. was carried.

Carol Coney, Office Manager