

Upper Delaware Council
PROJECT REVIEW COMMITTEE MEETING MINUTES
November 27, 2012

Committee Members Present: Larry Richardson, Nadia Rajsz, Harold Roeder, Jr., George Fluhr, Fred Peckham
Committee Members Absent: Debra Conway
NPS Partner: Sean McGuinness
Staff: Laurie Ramie, Cindy Odell, Travis O'Dell
Guests: Cheryl Korotky

The UDC's Project Review Committee held its monthly meeting on Tuesday, November 27, 2012 at the Council office in Narrowsburg, NY. Chairperson Larry Richardson called the meeting to order at 8:01 p.m. A motion by Rajsz seconded by Roeder to approve the October 23 meeting minutes was carried. There was no public comment on the agenda.

Discussion Items Report: T. O'Dell noted the new format of the report and reviewed it with the committee. Highlights were as follows:

Substantial Conformance Update: T. O'Dell reported that he is currently initiating review of the Town of Hancock, following the 10-step process of the Substantial Conformance Review outlined in the Project Review Workbook. Peckham asked O'Dell how much material he has found. O'Dell listed what documents he has assembled, including Local Law 1 enacted in 2012 which refers to the Delaware overlay zone and states that "Any project regulated by this Law that is proposed within the Upper Delaware Scenic and Recreational River corridor, as defined in the River Management Plan, shall be reviewed for consistency with the Land and Water Use Guidelines contained therein, provided the Town of Hancock Planning Board shall be solely responsible for assessing such consistency and determining any site plan modifications that may be appropriate to address such criteria." He said he has contacted Hancock Supervisor Sam Rowe, Jr. to arrange an informal meeting to discuss the goals of the town and how the UDC can assist them in reaching those goals.

Project Review Update:

Natural Gas News – T. O'Dell reported that on November 13, 2012, Pennsylvania DEP and NEPA's Pennsylvania Energy Partnership (PEP) program held a series of seminars in Scranton PA to inform attendees about ongoing natural gas vehicle conversions, filling stations and technical assistance. Peckham said they just opened up their first compressor natural gas station in Towanda. The station is totally dedicated to natural gas, he added. O'Dell asked if it's a filling station and what the cost is. Peckham told him it is a filling station and \$1.99 per gallon equivalent. A brief discussion about more of these stations being opened and the process of the gas going from the pipelines to the stations took place.

O'Dell said that on November 14, 2012 he and Ramie participated in the National Park Service Marcellus Shale Conference call. Issues hovered around water availability, loss, quality and quantity. The need for baseline water studies was stressed. Pete Penoyer of the NPS in Colorado stated that nearly all pollution problems in regards to methane migration are not from the fracking process, but all have been linked to well casing failures. Richardson said that he has been doing a lot of research to put together a presentation for the Town of Cocheaton board and he has learned that there is a difference as to how fracking is defined. If you define fracking as the University of Texas does, it refers to just that process taking place underground during which time high-pressure water opens natural cracks or creates new cracks at the depths of the reservoir rock. If you define it as the E.P.A. does, it encompasses the entire process from leasing land through drilling and sending natural gas to market. McGuinness agreed there are several definitions. A discussion about natural gas drilling and methane migration took place.

O'Dell reported that the DRBC will meet on December 5, 2012. He said that although not listed in the agenda, the possibility of the DRBC discussing the status of its natural gas regulations was mentioned at the November 14th NPS conference call. Ramie reiterated that the DRBC meeting notice has absolutely no mention of that whatsoever.

O'Dell stated that New York State's Health Assessment on the effects of hydrofracking will push any decision on the issue into 2013. A copy of an article from the November 20, 2012 *Huffington Post* titled "New York Fracking Regulations Decision Delayed Into 2013, Governor Cuomo Announces" was provided in members' packets.

Millennium Pipeline Company - T. O'Dell said that on November 1, 2012 a formal application was filed with FERC (Federal Energy Regulatory Commission) to construct a 15,900 horsepower natural gas compressor station on Hungry Hill Road in the Town of Hancock. Millennium is asking FERC to approve the project by spring of 2013 and to place the proposed facility into service by November 1, 2013. Peckham said he believes that FERC approved it and that the Town Planning Board held a public hearing and no one showed up so they approved it unanimously. O'Dell said that he was at the meeting. An article in the 11/7 *Hancock Herald* states that Millennium claims the project will result in approximately \$13.7 million in revenue for the local government over the next 21 years. Complaints include the proximity to the nearest house which is less than 500 feet from the site, noise, air, and light pollution. Also present are concerns about tourism, evacuation routes, road maintenance, and the lowering of property values.

Holbert Bros. Bluestone (Lackawaxen) – T. O'Dell reported that on November 20th, he, Ramie, and McGuinness attended a meeting with PA DEP personnel Mike Menghini, Gary Latsha and Jim Andrews at the Northeast Regional office in Wilkes-Barre, PA. Holbert's mining permit conditions were reviewed and discussed. Under the terms and conditions presented in the permit, he, Ramie, and McGuinness felt that a letter from the UDC and NPS retracting the request for a public hearing would be appropriate. A draft letter has been prepared for New Business action.

Bridge Inspections – T. O'Dell reported that beginning on November 12 with a completion date of November 30, 2012, the Narrowsburg and Skinners Falls bridges have been undergoing inspections. Skinners Falls Bridge is closed between 7am and 5pm, Monday through Friday, while the Narrowsburg Bridge is restricted to periods of single lane traffic during normal business hours. The Narrowsburg inspection appears to be complete.

Town/Township Relevant Meeting Updates:

Town of Hancock – T. O'Dell said he attended the Planning Board public hearing on the application of Millennium Pipeline for review of a Site Plan entitled Hancock Compressor Project on November 15, 2012 at the Town offices at 7:00 o'clock. The planning board sent a letter to FERC with recommendations addressing issues of off-street parking for construction workers, limiting arrival times during school bus hours, and also to consider a recommendation from Wayne Reynolds of the Delaware County DPW on culvert size and retaining wall placement. The board would approve the site under said terms. O'Dell introduced himself to the board and stated he hoped that as issues arise within the river corridor they consult both him and the River Management Plan during their decision-making process. He passed around business cards should they have any questions or comments and thanked them for their time.

Lackawaxen Township - Township Board of Supervisors held a special public hearing to consider amending zoning ordinances on Monday, November 19, 2012. T. O'Dell said he contacted the Township office and found out that they did adopt the proposed amendments to Section 405- Schedule of Uses, to add certain commercial and/or industrial uses in the ND and RU zoning districts; Section 504- Signs, to address signage for emergency service facilities; and Section 506- Natural Resource Uses and Open Excavations to create two subsections: Section 506 A- Natural Resource Extraction of Minerals- Open Excavations and Section 506 B- Natural Resource Use- Water Extraction/Bottling Production. O'Dell said that on December 17, 2012 the Lackawaxen Board of Supervisors will meet to vote on the proposed changes to the non-conforming use agreement on the issue of the Kittatinny Canoes livery on Towpath Road. Richardson asked O'Dell if the changes to the townships zoning affect the river corridor. O'Dell said these are the same amendments that Council staff sent a letter dated June 18, 2012 concerning. Ramie noted that O'Dell consulted with the township solicitor Anthony Waldron about this matter as well. O'Dell said the township has an overlay district that follows the River Management Plan.

Town of Tusten – T. O'Dell announced that on Wednesday, November 28th at 6:30 p.m. there will be an official public meeting at the Tusten Town Hall in Narrowsburg to discuss the Big Eddy Waterfront Revitalization project. He said that Ramie plans to attend.

Town of Fremont – T. O'Dell said that he plans to attend the public hearing on Wednesday, November 28th at 7:00 p.m. at which a minor subdivision of an original subdivision of the Red Barn Campground in Hankins, N.Y. will be considered.

TAG Update – T. O'Dell reported that we have received signed contracts from all nine of the recipient towns, townships and counties. A brief discussion about Sullivan County's contract and A.D.A. requirements took place. He noted that the mid-term reports are due to the UDC by February 28, 2013 and the deadline for project completions is July 26, 2013.

Training Update – T. O'Dell noted that he and Ramie continue to attend the Pace University Law Center's Land Use Leadership Alliance (LULA) training program that has met in Staatsburg, NY on October 15th, November 5th and 19th and will conclude on December 10th. A comprehensive report will be given upon the program's completion. On October 26th, there was a "Day 5" LULA training program held in Narrowsburg for graduates of a previous program sponsored by the Upper Delaware River Roundtable that O'Dell and Ramie were invited by Buck Moorhead to attend. A summary of topics from that day was provided with members' packets.

O'Dell said that on November 14th and 15th he attended a Penn State Center for Dirt and Gravel Road Studies workshop at the Wayne Conservation District office in Honesdale, PA. A report was given at the November 20, 2012 WU/RM Committee meeting. He said the workshop primarily dealt with environmentally sensitive road maintenance. Ramie said that copies of O'Dell's written report were available upon request if anyone was interested.

Old Business

Use of the 1988 Project Review Workbook: Members continued their page-by-page review of the workbook. Reading began on page SC-5 with Principle A, "Maintain the high water quality found in the Upper Delaware River", and continued through page SC-8. O'Dell asked the committee if a town or township has a clause like the Town of Hancock has in their Local Law 1 about following the Land and Water Use Guidelines, would that satisfy the conformance aspect of a review under the option of "other." Members felt that it would. Ramie wondered if the setbacks noted on page SC-5 3a are still accurate. Roeder said it should be looked into. Ramie said that one of the purposes of this review is to see if any updates need to be addressed. O'Dell said that as he goes to the different town and township board meetings, he is asking members to keep the Land and Water Use Guidelines in mind as issues come up in the corridor and to contact him to advise him of any projects in the corridor. Roeder noted that a lot of the principles read in these pages are already incorporated into town and township zoning. McGuinness stated that the workbook incorporates best management practices.

Other: None

New Business

Draft letter to PA DEP: Holbert permit, Lackawaxen Township: The committee reviewed and discussed a letter to PA DEP District Mining Manager Michael Menghini which withdraws the UDC's Jan. 5, 2012 official request for a public hearing on the Holbert bluestone quarry permit based on the proposed conditions discussed during a Nov. 20 meeting of UDC and NPS representatives with PA DEP. A motion to accept the letter and move it to the full Council was made by Peckham, seconded by Roeder and carried unanimously.

Other: Richardson reminded members that next month's committee will meet on December 18th.

Public Comment: None

Adjournment: A motion by Roeder seconded by Fluhr to adjourn the meeting at 8:58 p.m. was carried unanimously.

Minutes prepared by Cindy Odell, 12/3/12