

UPPER DELAWARE COUNCIL MEETING MINUTES

May 3, 2012

The Upper Delaware Council held its monthly meeting on Thursday, May 3, 2012 at the Council office in Narrowsburg, NY. Chairperson Nadia Rajszt 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-Jack Niflot, Town of Delaware-Harold Roeder, Jr., Town of Cohecton-Larry Richardson, Town of Tusten-Susan Sullivan, Town of Highland-Andrew Boyar, Town of Lumberland-Nadia Rajszt, Town of Deerpark-David Dean, Damascus Township-Jeffrey Dexter, Berlin Township-Alan Henry, Lackawaxen Township-John McKay (7:16 p.m.) Shohola Township-Patricia Jeffer, State of New York-William Rudge, National Park Service-Sean McGuinness
Also in attendance: Ginny Dudko-Town of Deerpark alternate. Staff in attendance: Acting Executive Director-Laurie Ramie, Senior Resource Specialist-David B. Soete, Secretary-Cindy Odell. Absent: Westfall Township, Commonwealth of Pennsylvania, Delaware River Basin Commission.

Approval of April 5 Meeting Minutes: A motion by Boyar seconded by Jeffer to approve the April 5 meeting minutes was carried unanimously.

Public Comment on the Agenda: None

Committee Reports: Committee reports were provided based on the meeting minutes. They were April 24 Operations by Rajszt, and April 24 Project Review by Richardson. WU/RM Chairperson Ritter was not in attendance at the meeting and Vice-chairperson Boyar had not attended the April 17 WU/RM Committee meeting, so he asked to defer the report to next month.

Status Reports

Delaware River Basin Commission: The DRBC was absent, however, the hydrologic report was provided. The NYC Delaware River Basin Storage as of April 27 was at a combined capacity of 91.0% with Cannonsville at 91.9%.

NYS Dept. of Environmental Conservation: Rudge referred to the press release included in the packets announcing that the NYC DEC is accepting applications for Volunteer Fire Assistance grants. He stated it is an annual program and he believes there are several communities in the Delaware River Valley that have successfully applied for the grant. The deadline is May 15th and the application information is in the press release. He added the program is a 50/50 matching funds grant up to \$1,000 and is oriented towards the rural fire companies. The monies can be used towards anything related to fire suppression.

Rudge commented about DEC's participation on the WU/RM committee. He noted it is tough for DEC staff to get here for the meetings on a regular basis. He repeated an offer he has made in the past that anytime there is advance knowledge of an agenda item that would really benefit from DEC attendance, let them know and they would be happy to try and facilitate that. DEC Region 3 Inland Fisheries Manager Mike Flaherty is the NYS UDC alternate assigned to the WU/RM Committee.

Rudge noted that he had read in the UDC April monthly meeting minutes that David Dean had reported on the Walkkill Wetland Map amendment that the DEC is undertaking. Rudge said he would be

happy to make a presentation to the group if the state moves forward with the amendment. A significant grant from the U.S. Environmental Protection Agency (EPA) was received to map wetlands in the Wallkill Watershed which includes almost all of Orange County, a small portion of Sullivan County, and a portion of Ulster County. They are just about done reviewing the draft maps. New York State passed legislation back in the 1970's that created Environmental Conservation Law Article 24, which is more commonly known as the Fresh Waters Wetlands Act, that requires the DEC to map and protect wetlands greater than 12.4 acres. He said the next logical step to take now that the mapping is complete is to undertake an amendment to make the existing maps that are used to regulate wetlands in New York State more accurate for everyone. Peckham asked if the 12.4 acres is consistent with the Army Corps of Engineers. Rudge said the Army Corps of Engineers regulates wetlands down to an acre or less. Rajsz questioned how the re-mapping affects individual landowners at this point. Rudge said that now the DEC has more accurate maps of the existing wetlands. He said that if the DEC were to take jurisdiction of these wetlands for protection under Article 24, the law outlines the process by which this is done. Rajsz asked about building on wetlands. Rudge said that all wetlands in New York State have some degree of protection. If the wetland is protected, you have to get a permit to do anything in the wetlands. This is true if it is an Army Corps wetland or a DEC wetland. The legislation that the DEC has to protect wetlands includes a 100' buffer around every regulated wetland. Rudge reiterated that he would be willing to give more information to the group when a decision is made that the DEC is going to move forward with the amendment process. By law, DEC is required to delineate those wetlands for landowners upon request. The law is structured to try to get people to avoid building structures, or otherwise affecting the wetlands, because the value of wetlands is many fold. Peckham asked if there would be a grievance period. Rudge said the law proscribes that every landowner would be notified by registered mail, public meetings would be held in the area where the proposed changes would take place, and landowners could attend those meetings or reply in writing or by e-mail. If the landowner had a reason to believe that the amended map is inaccurate, a field check and meeting would be set up. Rudge noted that the main way of mapping wetlands is done through aerial photography. Some field checks are conducted and that would be done if a landowner felt there was a discrepancy. Rajsz asked what the projected time is for completion of the amended maps. Rudge said no decision has been made on whether the next step of actually amending the maps will be taken. Richardson asked if the DEC has now mapped a wetland that was not on the original map, would that property fall under the regulations as the maps are not at this point amended? Rudge said the law is very specific that the department can not take jurisdiction over a wetland that is not mapped. The maps have to be filed in the town and county in which the property lies and the landowner has to have notification first. He added that he is just speaking for the DEC and not the Army Corps of Engineers. They have a different system of taking jurisdiction. Rajsz questioned how an individual would know if the Army Corps of Engineers designated property as a wetland. Dean said that anyone who is going to develop a piece of property should hire someone to delineate the property. Rudge added you could rely on department staff. Dean noted there is a lot of criteria behind wetlands. He asked Rudge if he knew how much the proposed maps could increase wetlands in Orange County. Rudge said it will be thousands of acres although he was not sure of the exact number. Dean said he understands that it will be 16,000 acres and that does not include the 100' buffer. Discussion of property values took place. Rajsz noted that decreased assessments could impact severely on towns overall worth. Henry questioned Rudge what he means when he says "New York State gains jurisdiction". Rudge explained that if you have a piece of property that is on the wetlands map, DEC has jurisdiction over it and there is a list of activities that can not happen on the property without a permit, the most common being building a building. Henry wanted to clarify that meant the DEC has some authority, but does not own the property. Rudge said they have the approval process, but they do not own it. Dean asked if there is going to be any bundling of wetlands. Rudge said they can't, that the law is very clear on that. He added that if there is a connection, however, then it is all one wetland. A discussion about connections took place. Dean said he appreciates the value of wetlands, but he feels that increasing them will have devastating consequences. He added it would not be as heinous if there wasn't the 100' buffer. Rudge agreed it will have an impact. Discussion took place about whether or not Rudge would need to address this subject specifically at a meeting in the future. Rajsz asked Rudge that when he knows what effect the amended maps may have on the river corridor, if it could be discussed further at that point.

Rudge commented that he thought the UDC's Annual Awards dinner was terrific. Rajsz thanked him for attending.

PA Dept. of Conservation & Natural Resources: No report in the absence of Representative Dennis DeMara.

National Park Service-Upper Delaware: McGuinness, based on a previous Council request, reported on public use. In the month of April there were 6,328 visits to the Upper Delaware Scenic & Recreational River area, including 1,488 boaters, 3,000 to the Roebling Bridge, 13 to the Zane Grey House, and 1,200 to the access areas. He noted this number is up significantly from last year.

McGuinness said he had a meeting with the Pennsylvania representative from the National Parks Conservation Association which is an advocacy partner. Their Board of Directors out of New York and the Philadelphia area are planning on coming to do a tour of the area. He looks forward to the opportunity of showing them the Delaware River and the corridor. He added Cinda Waldbuesser, Senior Program Manager, Pennsylvania is interested in attending a UDC meeting and introducing herself. McGuinness said they plan on being in the area September 28th and 29th. He noted an agenda will be out in the future.

McGuinness reported that seasonal staff started at the end of March and two are conducting a lot of the educational programs including Water Snapshot and water safety programs. They intend to reach out to all the fifth grade students in the river valley to promote water safety. In the last two weeks, students from Sullivan West School District, Hancock Central, Lakeside Elementary, and Damascus have participated in the Water Snapshot program where they learn about water quality sampling among a number of other topics. Rajs asked McGuinness if he could see that the Eldred School District students be included in these programs. McGuinness assured her that he will look into it. Roeder asked McGuinness to elaborate on the water safety topic. McGuinness said students are being taught about life jackets, swimming, boating, and how to act near and on the water.

McGuinness said the Park Service will be holding their introductory meeting/luncheon on Thursday, May 31st, with all the seasonal staff. He invited Rajs and Ramie to attend and talk about the Upper Delaware Council. The venue has not yet been determined.

McGuinness referenced two Park Service press releases included in members' packets. The first concerns the 4th Annual High School Paddle and River Clean Up that will take place on June 9th. Students that participate can earn eight community service hours while experiencing the river and learning about our watershed, wildlife, and recreation. The clean up is open to all area high school students but is limited to the first twenty who register. Registration is required. The second release concerns what is a very serious issue, McGuinness said. Large blooms of didymo, aka "rock snot", have been discovered in the Upper Delaware River. McGuinness noted that didymo has been present in the river for years, but recently is becoming a great ecological concern as it can significantly alter the physical and biological conditions within the river. He said the Park Service is making a lot of information concerning this issue available. Peckham asked if the Park Service can outlaw felt-soled waders on the river as he understands that is the biggest avenue for transfer of the didymo to and from other water sources. McGuinness said they can not, but they highly discourage their use. They are trying to educate people how to inspect, clean, and dry items in order to reduce the risks of transfer. Peckham said he feels the absence of anchor ice in the river over the past several years may be a factor in the increase of the didymo. Richardson asked if the didymo survives in a dry state. Didymo can survive outside of water for over a month in cool, dark and damp conditions. After cleaning, items should be dried thoroughly for at least 48 hours before using in another body of water. McGuinness said that although didymo is referred to as "rock snot", it is not slimy, that it feels more like sand paper. He added that a press conference would be taking place on May 4th in Bushkill at 11:00. Officials and scientists from the Park Service, the Delaware River Basin Commission, Pennsylvania Fish and Boat Commission, and other organizations and agencies will be present to talk about the didymo problem. McGuinness said the key to preventing the spread of didymo is cleaning and drying equipment before one goes to the next waterway.

UDC Acting Executive Director's Report: Ramie said she regretted to announce that Dave Soete has decided to retire from the UDC effective September 30, 2012. She reported that he has been the UDC's Senior Resource Specialist since October 1, 1989. A copy of his letter that was also presented to the Operations Committee on April 24 detailing his reasons for retiring was provided. Rajs thanked Soete for all his years of service and said he will be a "very hard act to follow, very hard to replace".

Ramie said that Bill Douglass is going to be honored by the Delaware River Basin Commission at their meeting on May 10th at 11:00 in their office in West Trenton. They will offer a resolution noting his UDC retirement along with that of Gary Paulachok who retired as the U.S.G.S. Rivermaster. Douglass is not able to attend the meeting, but they are going to send it to him afterwards. Ramie has asked that a copy of the resolution be sent to the office as well.

Ramie noted that Tony Ritter, the chairman of the UDC Water Use/Resource Management Committee, is also being honored. He is the Town of Tusten's honoree for the Sullivan County Pride Awards which the Sullivan County Chamber of Commerce sponsors. That event takes place May 6th at the Club at Villa Roma outside Callicoon at 11:00 a.m. She noted that Richardson was the recipient of that award in the past as well.

Ramie referenced the press release in the packets about the UDC WU/RM Committee seeking advisory members. She noted a deadline of June 12th has been set for anyone to submit a letter of interest stating what their specialty is that they could "bring to the table". She encouraged members to pass along the information if they had anyone in mind that might be appropriate for that committee or might be interested. The release is a blanket invitation to anyone who is interested in getting involved in a non-voting capacity.

Ramie also referenced the thank you letter from Congressman Hinchey for bestowing upon him the Distinguished Service Award and the letter of appreciation that the UDC sent to Congresswoman Hayworth for serving as keynote speaker at the Awards Ceremony. Ramie added she was very grateful for the Congresswoman's enthusiasm for the day. There were 77 guests at the Awards Ceremony. Ramie shared the group photo of award winners.

Ramie reported that Soete discovered a water leak in the Council office April 22nd on his way home from the Awards Ceremony. The leak was the result of a faulty pressure tank that was subsequently replaced by Don Bellotti. The carpet in front of the copy machine was stained as a result and in order to try and eliminate the possibility of mold, Odell contacted Pro Jan Services and arranged for them to clean and deodorize the carpets on May 2nd. The bill for this service is \$125 and will appear on the May abstract.

Ramie said we are in the process of compiling our FY 2013 budget and work plans that the National Park Service is requiring from us by June 11th, which is a month earlier than usual. She said that time will need to be devoted at the May committee meetings to review each work plan and at the Operations Committee the budget will be gone over line by line. She noted the major challenge she is having with the budget is that there are many unknowns, particularly personnel. She has contacted Council's health insurance broker to try and get some indication concerning any rate increases anticipated for the December renewal. Ramie said another unknown is the Technical Assistance Grant funding. She said the amounts awarded the past couple of years has decreased. She would like to see the amount go back up to the \$20,000 level as she feels it is one of the best services provided to the member municipalities. She said she has a meeting set up on May 15th with the Council's bookkeeper, Mike Poska. She suggested that the Personnel Subcommittee meet before May 15th to try and decide on some of the outstanding issues that will impact allocations for salaries and benefits. Richardson suggested meeting briefly after adjournment as all the members of the committee were present.

Ramie referenced the May calendar of events provided. It includes deadlines and upcoming meetings. She noted that May 16th is the annual meeting of the NY-PA Joint Interstate Bridge Commission which staff attends every year to get an idea of what is coming up for capital construction and maintenance on all ten bridges. A press release is generated after the meeting and it is generally well-received. The meeting is being held in Binghamton this year. Rajsz questioned if the Pond Eddy Bridge will be on the agenda. Ramie said it will be. McGuinness said it has been determined that the Pennsylvania side of the Skinners Falls Bridge has the same problem that had been discovered on the New York side which warranted its closure weeks ago. He feels it may be closed longer than originally anticipated.

Old Business: None

New Business:

Draft letters to NY Governor Andrew Cuomo and PA Governor Tom Corbett: UDC Funding

Rajsz referenced the two draft letters to the Governors of NY and PA requesting \$100,000 each in operational funding to the UDC in 2013, as outlined in the River Management Plan, but never fulfilled.

Ramie noted that both letters were sent out in advance in order for everyone to have a chance to review them. She said it is a second draft based on the Operations Committee's changes. A motion to send both letters was made by Peckham, seconded by Dean and carried with Rudge abstaining.

Other: Henry recommended there be a water turn-off that is accessible in the Council office to avoid having to call in Town Water Department officials in emergencies as occurred on April 22.

Public Comment: Sandy Long of *The River Reporter* announced that on April 17th Dick Rhodes lost his battle with cancer. She noted that he was one of the co-founders of the National Canoe Safety Patrol (NCSP) and a great partner for the National Park Service in terms of keeping people safe on the river. His death is a huge loss to the river and river community, Long said. The National Canoe Safety Patrol has established a scholarship in his memory. There is information in the May 3rd edition of *The River Reporter* and on-line at the NCSP website. Ramie noted that the UDC worked with Rhodes on the Delaware River Sojourn Steering Committee for years. McGuinness said there will be a memorial service on June 8th in Rowland, PA. He added Rhodes was a good man.

A motion to recess the meeting at 8:06 p.m. was made by Roeder and seconded by McKay.

A motion to go into Executive Session to discuss litigation was made by Roeder and seconded by Dexter at 8:06 p.m.

A motion to come out of Executive Session at 8:36 p.m. was made by Boyar and seconded by Roeder with no action taken.

Adjournment: A motion by Peckham, seconded by Roeder, to adjourn the meeting at 8:36 p.m. was carried unanimously.

Minutes prepared by Cindy Odell 5/9/12