

UPPER DELAWARE COUNCIL MEETING MINUTES

August 2, 2012

The Upper Delaware Council held its monthly meeting on Thursday, August 2, 2012 at the Council office in Narrowsburg, NY. Chairperson Nadia Rajsasz called the meeting to order at 7:04 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 Cochection-Larry Richardson, Town of Tusten-Susan Sullivan, Town of Highland-Debra Conway, Town of Lumberland-Nadia Rajsasz, Town of Deerpark-David Dean, Damascus Township-Jeff Dexter, Berlin Township-Alan Henry, Shohola Township-Patricia Jeffer, Delaware River Basin Commission-Kenneth Najjar, National Park Service-Sean McGuinness. Also in attendance: Ginny Dudko-Town of Deerpark alternate, Jim Rodgers-Town of Fremont alternate. Staff in attendance: Executive Director-Laurie Ramie, Senior Resource Specialist-Dave Soete, Secretary-Cindy Odell. Absent: Lackawaxen Township, Westfall Township, State of New York, Commonwealth of Pennsylvania.

Approval of July Meeting Minutes: Odell noted a correction had been made to the July 5 minutes and sent out to members. A motion by Richardson seconded by Jeffer to approve the amended July 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 July 17 Water Use/Resource Management by Henry, July 24 Operations by Rajsasz, and July 24 Project Review by Richardson.

Rajsasz asked Henry to clarify the statement that the U.S. Fish and Wildlife Service is okay with the Narrowsburg fireworks. Henry read the section from the minutes that stated "Ritter said what he got out of the session is that the fireworks can continue, but the Fish and Wildlife Service wants to be part of the process including determining where the fireworks can be launched. Ramie, who was also in attendance, said at the end of the meeting that a committee was formed to represent all the interests and work on it." Ramie added the committee will choose sites and then present them to Fish and Wildlife for approval. Discussion of potential fireworks dates and sponsors took place.

Status Reports

Delaware River Basin Commission: Najjar referenced the hydrological report in members' packets which shows the status of the New York City Reservoirs. He noted that combined storage as of last Friday, July 27th, is 82.7%. Normal for this time of year is 87%, so it is a little low, Najjar added. He reviewed river flows and commented that they are better up here than down river, adding that at Montague they are at about 80% of normal for this time of year. Najjar pointed out that there were directed releases during the month of July out of the Neversink Reservoir. Releases are directed by the USGS River Master, not by the DRBC, and direction goes to New York City. Najjar pointed out that the DRBC is a five member commission for management of the river basin which consists of the states of New York, New Jersey, Pennsylvania, Delaware, and the federal government represented by the Army Corps of Engineers. The members of the 1954 U.S. Supreme Court Decree parties consist of the four states and New York City, not the federal government. That, he explained, is the difference between the decree parties and the commission. The USGS was named in the 1954 U.S. Supreme Court Decree as being the agency that would make the directions and determine how much water is needed. Peckham noted that the Pepacton Reservoir is back on-line after being off in order to clean up a petroleum mess. He said that underground tanks that have been buried there from the beginning were leaking.

Najjar reported that at the Commission's May 12th meeting, a resolution was prepared for Bill Douglass in recognition of his service. Since Douglass wasn't able to attend, Najjar asked if Council could

deliver the framed resolution to him. Najjar read said resolution in its entirety. Ramie noted that Douglass does visit us occasionally and we will be sure to see that the resolution gets to him.

Ramie said we received in the mail today a reply from Joseph J. Martens of the NYS DEC to our letter sent to New York State complaining about the reduction in funding to the DRBC. She said the letter says that NYS acknowledges that the reduction in funding results in administrative difficulties, but it cannot be changed. The state will continue to contribute to the workings of the Commission as a signatory member. Najjar thanked the Council for their letter.

Peckham asked Najjar if there is any news on natural gas drilling. Najjar told him that right now the regulations are on hold. Progress is being made, but is slow moving, he added.

NYS Dept. of Environmental Conservation: Dean commented that as a point of information, the NYS DEC is not going to go forward with the wetlands expansion without more review, notification, and hearings. Rajs asked Dean if the Town of Deepark pursued this issue with Senator Bonacic. Dean said they had.

Ramie reported that Bill Rudge had asked that the NYS DEC press release dated August 2nd entitled "DEC Seeks Participants For Summer Game Bird Surveys" be provided to members.

PA Dept. of Conservation & Natural Resources: No report in the absence of Representative Dennis DeMara. Ramie reported that a letter had been sent to the Pennsylvania DEP asking them to consider appointing an alternate representative to the Upper Delaware Council, a position that has been vacant since 2005. She said we suggested that having representation from both the DCNR and the DEP would be appropriate because we have issues that concern regulatory issues as well as issues covered by the DCNR. Ramie added that DeMara said that Ronald Yablonski, Watershed Mgr. for the Northeast Region, may be able to attend our meetings at times and they may have other resource folks available depending on the subject matter being discussed. Ramie said DeMara suggested notifying them five days in advance what will be on the agenda and then they would decide among themselves who would be appropriate to address any particular concerns. Ramie noted this would be difficult to do at times and we are still pushing to have an alternate appointed.

National Park Service-Upper Delaware: McGuinness reported the Park Service kiosk at Skinner's Falls had a large tree fall on top of it during last Thursday's storms. The kiosk survived and no one was hurt as the incident happened after everyone had left. A crew worked there for three days afterwards cleaning up the tree and getting the site back together.

McGuinness said he is still looking into UDC funding during the time the Park Service switches over to their new financing system.

The Park Service is finalizing a Memorandum of Understanding with the Eagle Institute and Delaware Highlands Conservancy to work closer with them. He noted some projects that are underway and some that are now possible for the Eagle Institute now that they have the backing of the Delaware Highlands Conservancy. He said he will keep Council informed of the activities the Park Service is working on with them.

McGuinness reported the Water Safety Campaign for the Upper Delaware is underway. Lawn signs have been produced reminding people to wear their life jackets and they are available through Stuart Communications and the Park Service. Anybody with property that has many visitors going by is encouraged to pick these signs up and display them in order to get the message out. Posters are being developed and will be put in places such as convenience stores with the message about wearing life jackets as they save lives. The goal is to get this message out in places that visitors frequent.

McGuinness said conversation has been going on with the Delaware Water Gap on how resources can be shared and how to better work together. The management team from the Delaware Water Gap is going to come up here and float the river with the Upper Delaware management team followed by lunch and a meeting at their office. Some possibilities that will be discussed include sharing Culture Resource Management and looking for other ways to share in order to keep doing the same job with less as may be the case with budget reductions.

McGuinness noted the summer seasonals are starting to wind down and will begin leaving in the next two weeks. He said it was a great summer with this great gang of young people.

McGuinness said there was a really good turnout for the Local Waterfront Revitalization Plan charettes. He noted it was a good opportunity to discuss visioning for the river and he was glad to see that Pennsylvania was included in these discussions.

McGuinness introduced Cinda Waldbuesser from the National Parks Conservation Association (NPCA). He added she is the Pennsylvania regional representative and the Upper Delaware Scenic and Recreational River is in her portfolio of parks. Waldbuesser said it was good to be here and explained that the NPCA was established in 1919, just three years after the National Park Service. Stephen Mather, the first director of the Park Service, was one of the founders. He felt very strongly that the national parks would need an independent voice—outside the political system—to ensure these places remained unimpaired for future generations. NPCA is headquartered in Washington DC, but there are regional and field offices throughout the country. She noted that the NPCA has been called the Park Service’s “best friend and most ardent critic.” Ramie stated members may remember that the National Parks Conservation Association filed an amicus brief in support of our position in our land use appeal which we were grateful to receive.

Rajsz wanted to take the time to thank the Park Service for the response by a couple of their interns to a situation involving a motor vehicle mishap. She said the individuals were professional and helpful.

McGuinness referenced the “Briefing Statement Regarding Motorized Vessel Use on the Upper Delaware” from Joe Hinkes, Chief Ranger, included in members’ packets. He said it is a summary of the regulations compiled by Hinkes at Council’s request made at the last meeting. He asked people to monitor the use of motorized vessels on the river and said the Park Service will continue to do the same as well. Peckham stated the river dictates what can and can’t be done on the river.

Roeder shared a story of his daughter-in-law and granddaughter kayaking on the river and coming across two adult women and an 8-year old child who was in the river without a life jacket on. The adult women asked if it was okay for the child to be in the river without a jacket despite the fact there was a sign stating to wear life jackets in the immediate area. He commented that some people just don’t get it and wondered if there may be an alternate way to make a big impression on visitors who don’t wear their jackets.

McGuinness said the garbage issue is beginning to become problematic especially in the heavy use areas. Skinner’s Falls in particular is really becoming inundated. He had conversation with Rick Lander of Lander’s River Trips and they are going to try and work together to come up with a solution. Dean asked McGuinness if the Park Service is allowed to fine people for littering. McGuinness said yes, on the river and the immediate banks. It was discussed that the fine for littering is \$300. Members agreed it should be more. Dean wondered how many tickets have been written this summer. Rajsz commented that littering is a problem in the river valley. McGuinness agreed and suggested it is something that could be worked on together to come up with a solution.

UDC Executive Director’s Report: Ramie referred members to the calendar in their packets. She noted the charette for the Local Waterfront Revitalization Plan took place. On Tuesday, July 31 site visits took place to four different design areas that are not currently being explored for other projects. Those sites were the Lordville Access, Long Eddy Access, the Boy Scout property in Old Tusten, and the NPS Corwin Farm property outside Barryville. Consultants from Synthesis of Schenectady and The LaBerge Group of Albany offered conceptual designs for the areas to show how they could be enhanced for public use. Tuesday evening a public visioning workshop took place which was very well attended and a lot of input given, Ramie said. Assets and liabilities of the river valley were looked at and much open and honest discussion took place. Focus groups were held on Wednesday from 8 a.m. until 12:30 which was an invited panel of stakeholders of approximately 30 people. Wednesday evening a wrap up was held and the consultants shared what they had learned. Findings will be incorporated into the LWRP that Sullivan County Planning is preparing as a state-grant project. The report will be available on the Sullivan County website. She explained the river corridor from Hancock to Port Jervis is included in this plan and that Sullivan County is the agent for the Department of State grant that was received. The importance of having a plan is that it qualifies the area for all sorts of different grant opportunities that it may not be eligible for otherwise. Ramie is not sure of the timetable for the report, but said it will be shared when it becomes available.

Ramie reported that four grants that were all secured by NYS Senator Bonacic come due in August. These are the last state grants coming down the pike, Ramie noted. Two Upper Delaware Scenic Byway (UDSB) grants of \$25,000 each for the Visitor Center Feasibility Study and a Byway Marketing Campaign coordinated by Sullivan County Visitor's Association were recently finalized with reimbursement payments received. For NYS TM09050 in which the UDC's eight NYS towns had equal \$3,125 shares of \$25,000, Ramie said she had been waiting for documentation from Tusten, Highland, and Delaware, which she has now received and will be processing the reimbursement claims through the state. The second grant that is outstanding is NYS M060091 which funded the Upper Delaware Scenic Byway for beautification projects along Route 97. Ramie reported she is still waiting for documentation from Highland, Port Jervis, and the Village of Hancock. The grant contract expires on August 15 with no extensions possible. Ramie added she does not want any municipality to lose out on any of the funding.

Ramie stated the Upper Delaware River Roundtable met this afternoon. Carla Hahn from the Park Service gave a presentation about the River Management Plan and Ramie discussed the UDC's Five-Year Plan which the Roundtable members had received electronically. Written comments on the plan will be accepted until August 15th. Those comments will be shared with the committees and it is the intention to adopt the plan at the September 6th UDC meeting. Ramie noted the Roundtable members offered a few comments about it.

Ramie reported that reservations for the UDC's 24th Annual Family Raft Trip were due by Friday, July 27th, but we would certainly accommodate anyone who would like to go. Odell noted that 70 people have signed up for the trip to date. Ramie said the trip is ten miles from Callicoon to Skinner's Falls and a deep discount is being offered.

Ramie mentioned we should be busy in the office next week as two contractors are scheduled to come in. Computer installation and fluorescent lighting upgrades are tentatively scheduled to take place. As previously reported, the computers are being funded in part by a Norcross Wildlife Foundation grant.

Ramie noted that two ads have been placed in various newspapers. The Scenic Byway is conducting a search for a corresponding and recording secretary. Ramie said she would still be tasked with the grants administration. The deadline for applications for this position is August 23rd. The second ad is the result of the continuing search for a Resource Specialist to replace Soete upon his retirement. There were 16 applications received during the first round of advertising and the committee felt that they really needed someone who has strong background in land use planning and zoning reviews. The new ad says we are looking for a Resource Planner and the deadline for applications is August 24th. A full position description is available on the UDC website. In addition to advertising in the newspapers which took place this week and last week, the job is posted on the UDC website and the ad is being circulated by e-mail to the five river valley planning offices. Ramie said she is hopeful that interviews can begin in late August. Soete's last day of work is September 28th. She hopes the new employee is able to start in time to do some training with Soete.

Ramie reported that applications for the FY 2013 Technical Assistance Grants are due by August 31st. There is \$30,000 available and Ramie said she is hopeful we can give it all away as it is one of our best member benefits. It is open to the municipalities and the counties.

Ramie referenced the FY 2012 budget status handout. She reported that with the current level of spending, by September 30th, there will still be a surplus. Ramie said there are several projects that are worthwhile and will serve the Council well in the future if they can be accomplished. Some of these projects have been deferred from previous years when funding did not allow. Ramie reviewed each proposal. Much discussion took place about the proposed goods and services. Many members feel having the electrical service in the Council office evaluated should be a priority. Ramie said we will see that is looked at by the electrical contractors that will be here to perform the lighting upgrade. She told members we welcome any suggestions on people who could provide any of the services listed in the report. Ramie noted she is bringing this issue to the full board as opposed to waiting for the Operations Committee meeting where it would normally be covered as any work needs to be completed within the fiscal year. After much discussion, a motion to authorize the purchase of items 1, 3 – 7, and 9 on the list, was made by Peckham, seconded by Henry and carried. Richardson made a motion for the Council to authorize the Operations Committee to make any final decisions on the rest of the goods and services expenditures. The motion was seconded by Henry and carried.

Old Business: None

New Business:

Draft letter: Town of Lumberland ZBA – Arcott area variance request: Soete shared a map of the property for which a variance has been requested and reviewed details with members. He said at this time it is just two area variance requests for the setbacks. After much discussion about building in floodplains and floodways, a motion to approve the letter was made by Dean, seconded by Niflot and carried.

Coalition for the Delaware River Watershed Steering Committee Invitation: Ramie mentioned this issue was tabled from last month's UDC meeting. She said she did not have anything new to add, except that she sent around the governance document again just to refresh member's memories. She noted that the National Parks Conservation Association is a member of the steering committee and asked Waldbuesser if she had any insight that she would like to add. Ramie said that Waldbuesser was actually auditing the first call that Ramie did too, and her group decided to join. Waldbuesser confirmed that the NPCA had joined and said that the Delaware River Coalition was formed loosely after a coalition called the Choose Clean Water Coalition which is dedicated to the Chesapeake Bay and the NPCA has been a part of that since the very beginning. Waldbuesser said she sees the Delaware River Watershed Coalition as being very beneficial in trying to raise the profile of the Delaware River. She said the river is such a precious resource and she feels it does not necessarily get the attention outside of the basin that it needs. She said that because of the Coalition, the river will have national voices, local voices, and regional voices. She also sees the Coalition as an opportunity to share information. She pointed out that any letters that come from the Coalition are "sign on" letters so if any issues come up that you don't want to take a position on, you don't have to sign on and your voice is not attached to that letter or position. It is Waldbuesser's opinion that joining in the very beginning is beneficial in that you have a say in how things are developed. She said much consideration is being given to making sure that concerns are addressed and everyone is comfortable with how the coalition is forming and how things are moving forward. She is hopeful this is how things will continue and they are on board now. Peckham said he would like to know who all the members are. Ramie and Waldbuesser named the members that they knew of. Peckham thinks it is important to know who is on the coalition. Henry asked if the information could be accessed without becoming a member. Ramie believes one could participate in the calls. Henry recommended going that avenue and seeing if joining would be beneficial. Peckham commented that the UDC is very unique. It represents municipalities along the river and you're getting into environmental groups and you're getting into agendas and he says the UDC has their agenda and it is the river, the corridor, and he feels that is what we should stick with. Rajs said it is her understanding that the coalition would support us in some of the issues that affect the river. Dexter fears that by signing on, it will put increased pressure on us to do things we are already doing. Dexter said he read from the packet that there is a great danger to the increased forest cover removal and he knows for a fact that Wayne County's forest cover is increasing by a lot. Conway asked Dexter what would be the problem having Ramie represent that concern in these types of conversations. Sullivan asked if this group does any legislating. Ramie said no, at most it is advocacy. Sullivan said that Ramie is the Executive Director and she respects her opinion on things and she feels the Council should support her if she is willing to invest her time with this group. She added that after six months, it could be reviewed and Ramie could report and it could be decided whether to continue or not. Peckham said he could go for a non-participatory type situation, sit in, listen, no vote, no nothing, bring it back to the Council and then it could be decided whether it is worth doing. Henry urged members to read the information that Ramie sent out and look at all the stuff that this group is advocating. He feels members should read the information before making a decision on it. Dean asked if the coalition lobbies for legislation. Waldbuesser said it is still in its infancy. She added it is her understanding that when an issue arises, a letter would be sent out to all the members of the coalition, each group decides whether they want to add their name to the letter or no; it may be a letter that lobbies Congress for something or it may be a letter for something else, but each group decides for themselves to sign on or not sign on. Ramie noted the UDC is not allowed to lobby. Waldbuesser said she was just giving those scenarios as an example, it is not something that would necessarily come up. Dean feels Henry's point should be well taken. Do six months of observing and then make a decision. A motion to allow Ramie to observe the Coalition conference calls for a period of six

months without becoming a member and then revisit the possibility of membership was made by Henry. McGuinness said the Park Service is following the Coalition as well. Ramie noted it is a non-governmental group. McGuinness said if he could be a member, he would because of the advantage to protect the river. He told members he can understand their caution because the Council's main concern is such a small percentage of each town, but stated their willingness to let Ramie sit in on the calls for six months is really reasonable. The motion was seconded by Dexter. Conway asked if Ramie would be able to ask questions. After a brief discussion it was determined that she would participate, but not make any decisions on the Council's behalf. Henry again urged members to read the information that Ramie had sent out. Niflot asked if this organization is staffed. Ramie said they just hired an individual to coordinate it. Ramie told members the committee that she would report to about the coalition would be the Water Use/Resource Management Committee. The motion was carried by a vote of 8 ayes to 3 nays. Richardson said that he has been involved with a lot of organizations over the years and he feels it is better to be on the inside and be part of the decision-making than to be standing on the outside waving your hands saying, "You can't do this". He added that when you have organizations looking at our area, we want to know what is going on. Peckham said he is going off of experience. He has been to a lot of conferences and it is always about saving the forest up here and making sure it doesn't get developed. He added that basically it is "taking everything away from up here for the benefit of down there" and he can see that with some of the groups involved, that is why he voted no.

Deputy Delaware River Master Reply – Procedures for Emergency Reservoir Releases: Ramie noted that our letter concerning this matter was addressed to Gary Paulochock, and then we found out that the person who signed the reply letter Marie Stewart, was hired as Deputy Delaware River Master, eight weeks ago. Ramie said she received a call from her on July 20th to say that this written response was forthcoming. It is in response to a letter initiated by the WU/RM Committee to ask what are the procedures for getting emergency releases for thermal events specifically, but we wanted to know in general who to actually direct the request to, Ramie added. Marie Stewart said she is in training now with Gary Paulochock and that at this time the office is understaffed and they would not be able to attend one of our meetings to give a presentation until the office is fully staffed. Stewart told Ramie there is a decree party work group that is trying to come up with criteria for release requests. Ramie told members to read through the letter provided at their leisure and that it will be shared with the WU/RM Committee this month.

Other: Ramie noted that the additional handouts in members' packets are the resolutions of the three New York towns, Town of Hancock, Town of Delaware, and Town of Fremont, regarding their positions on natural gas exploration and a copy of a July 26th Pittsburgh Post-Gazette article pertaining to Pennsylvania Act 13 for informational purposes.

Niflot suggested looking into purchasing new desk plates for Council members.

Public Comment: Ginny Dudko said she was in New York City for a Delta Kappa Gamma international convention last week with women educators from all over the United States and 17 foreign nations and in conversation describing where Sparrowbush was, people commented they couldn't believe how good the water was in the big city. She told them she lives in the watershed and shared with them some of the work being done by the Council and a number of them said to tell that "wonderful group of people how well they're doing in protecting this water." Richardson tagged on that with his story of Paul O'Neil, a former New York Yankee and now New York Yankee analyst, who when asked why he thought New York City pizza was the best, commented he thinks it is because of the water. Members commented "that's our water".

Adjournment: A motion by Roeder, seconded by Dexter, to adjourn the meeting at 9:12 p.m. was carried unanimously.

Minutes prepared by Cindy Odell 8/15/12