

## **UPPER DELAWARE COUNCIL MEETING MINUTES**

### **October 3, 2013**

The Upper Delaware Council held its monthly meeting on Thursday, October 3, 2013 at the Council office in Narrowsburg, NY. Chairperson Jeffrey Dexter 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, Town of Cochetcon-Larry Richardson, Town of Tusten-Susan Sullivan, Town of Highland-Andy Boyar, Town of Lumberland-Nadia Rajs, Town of Deerpark-David Dean, Damascus Township-Jeffrey Dexter, Berlin Township-Al Henry, Lackawaxen Township-John McKay(7:05p.m.), Shohola Township-Pat Jeffer, Delaware River Basin Commission-Bill Muszynski. Staff in attendance: Executive Director-Laurie Ramie, Resource Specialist-Travis O'Dell, Secretary-Cindy Odell. Absent: Westfall Township, State of New York, Commonwealth of Pennsylvania, National Park Service. Also in attendance: Debra Conway, Town of Highland alternate, and Ginny Dudko, Town of Deerpark alternate.

Dexter introduced Susan Beecher of the Pinchot Institute for Conservation who was at the meeting to offer a presentation on "Adapting to a Changing Climate – Risks & Opportunities for the Upper Delaware Region." Beecher noted that she was formerly the Executive Director of the Pike County Conservation District. In that role she worked closely with the Common Waters Partnership and the Pinchot Institute on some projects in the Upper Delaware region. Beecher referenced her handout in members' packets. She asked that members take some time and answer the questions on the last page. She said the climate risk project is a collaborative effort of the Common Waters Partnership, the Pinchot Institute for Conservation and the Model Forest Policy Program Climate Solutions University. What they hope to accomplish is: examine how a changing climate could affect forests, water and communities of the Upper Delaware Region, both now and in the future; strategize ways to reduce risks and protect our resources and people; and share their findings with and hear feedback from communities in the Upper Delaware region. A Power Point presentation was displayed. Beecher said that climate change in the Upper Delaware Region looks like: increased frequency and severity of extreme precipitation events; higher average annual temperatures; more winter precipitation as rain and earlier spring snow and ice melt; increased frequency, intensity and duration of heat waves; higher seasonal drought risk; and milder winters and longer growing seasons. Risks and impacts to forests, water resources, people and economies were covered. A brief discussion about area forests took place. Existing, non-climate related water stressors were reviewed. Beecher commented that the changes in climate will add to the existing stressors. She feels that extreme precipitation events we have experienced are most likely going to be one of the biggest problems for communities in the Upper Delaware. Associated with these events there will be problems with water quality and stream bank erosion, she added. Beecher also feels there is going to be more competition for less water in the future. She said the study did not look too closely at human health, but it was hard not to. Human health implications in this region include increased Lyme disease, West Nile Virus, and waterborne pathogens. These all respond very positively to more heat and more precipitation. Peckham questioned how "Engage downstream water users who benefit from upstream forests and the waters to invest in the Upper Basin" would be accomplished. Beecher said they would like to enhance financial investments in the Upper Basin forest management and land conservation through engagement with key stakeholder groups. They would like the acknowledgment

that the forests are important to their water quality and provide funds that would be used to help landowners with forest management. Peckham said he feels stream restoration is an important issue that has been overlooked. He spoke of work being done in the Town of Hancock. Roeder mentioned a workshop that recently took place in the Town of Delaware with town officials, the NYS DEC, and Sullivan County Soil and Water Conservation Department. Sullivan spoke of a property buy-out program in Vermont. Muszynski said that New York City has put a similar program in place. Acquiring environmentally sensitive watershed lands at fair market value is one key component of the City's comprehensive efforts to protect the quality of its upstate water supply. DEP's Land Acquisition Program is purely voluntary and operates on a willing buyer/willing seller basis. The PowerPoint presentation is posted with the minutes on the Upper Delaware Council website at [www.upperdelawarecouncil.org](http://www.upperdelawarecouncil.org).

**Approval of September 5 Meeting Minutes:** A motion by Rajszyk, seconded by Peckham to approve the September 5 meeting minutes was carried.

**Public Comment on the Agenda:** None

**Committee Reports:** Committee reports were provided based on the meeting minutes. They were: September 24 Operations by Dexter; and September 24 Project Review by Richardson. There was no September 17 Water Use/Resource Management report due to no quorum at that meeting.

Members asked that the draft Conflict of Interest Policy mentioned during the Operations Committee report be e-mailed out for all to review. Richardson requested that if anyone has comments, to make them available before the next Operations Committee meeting scheduled for October 22<sup>nd</sup>. Dexter noted that the "Strides Across the Delaware" 5K Run/Walk was a "very well done event."

Boyar, in reference to the letter to the Town of Highland referred to during the Project Review Meeting report, said the letter was referred to the Town's Planning Board and that a response should be forthcoming from them. That board was scheduled to meet on October 2<sup>nd</sup>.

A brief discussion about the draft letter to the NYS DOT took place. Ramie said that issue will come up under New Business.

### **Status Reports**

**Delaware River Basin Commission:** Muszynski referred to the hydrologic report provided in members' packets. He noted that according to the protocol of the Flexible Flow Management Plan (FFMP), releases from the Cannonsville Reservoir have been reduced from 375 cfs to 225 cfs, however, the Rivermaster has directed releases to make up the flow differentials at Montague and that is ongoing. He said the USGS did look at the Montague gage and found there was some vegetation that was affecting the readings.

Muszynski spoke of meeting the 2,500 to 3,000 cfs target at Trenton. He said when required, releases are made from two U.S. Army Corps of Engineer reservoirs -- Beltzville and Blue Marsh -- in the Lehigh and Schuylkill River Basins, respectively. He added that these two reservoirs that the DRBC has water purchased in, are multi-purpose reservoirs.

Muszynski reported on rainfall totals in the basin.

Muszynski referred to the September 12 press release announcing that DRBC Executive Director Carol Collier will be retiring on March 12, 2014. Information about the search for a new executive director and an application are posted on the commission's web site at [www.state.nj.us/drbc](http://www.state.nj.us/drbc).

The next commission meeting is scheduled for December 3<sup>rd</sup> and 4<sup>th</sup>. He said the two-day format allows the commissioners to have extra time to review the dockets if necessary.

Muszynski shared copies of the annual report on progress toward achieving the Key Result Area (KRA) goals of the *Water Resources Plan for the Delaware River Basin*. The report includes information relating to the Upper Delaware region including the Stormwater Filtration System installed by the NPS UDSRR and continuous water quality monitors.

Muszynski shared information about the William Penn Foundation. He said this year the Foundation launched a new place-based investment strategy to integrate monitoring and research with active restoration and protection activities. Eight watershed clusters were chosen within the Delaware River basin. A potential total of \$33 million in funding over three years could be available. He also reported that

the Coalition for the Delaware River Watershed will be holding a program on October 28<sup>th</sup> and 29<sup>th</sup> at the Academy of Natural Sciences in Philadelphia. It will be a facilitated, focused discussion on critical issues facing conservation and restoration work in the watershed. Kim Beidler is the contact person for this conference.

Peckham asked Muszynski if there was anything new to report on the natural gas regulations. He said that has not changed and noted that the commissioners are meeting regularly on the issue.

**NYS Dept. of Environmental Conservation:** NYS DEC was absent, however, copies of a press release were provided at Bill Rudge's request. The press release, dated September 10<sup>th</sup> titled "DEC Seeks Hunter Support to Keep Chronic Wasting Disease Out of New York". Also included in members' packets was a press release regarding DEC Commissioner Martens' appointment of Martin D. Brand as the new Region 3 director.

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

**National Park Service-Upper Delaware:** No report in the absence of Superintendent Sean McGuinness due to the government shutdown.

**UDC Executive Director's Report:** Ramie referred to the press release in members' packets "84 Make Strides Across the Delaware 5K Successful UDC 25<sup>th</sup> Anniversary Race" which included the results of the race. She shared photos from the day and comments received from a couple of participants after the race. She reported on the final accounting of the event which included donations to Equinunk Watershed Alliance, Equinunk United Methodist Church, Equinunk Volunteer Fire Co, and Damascus Ambulance Corps., and thanked the volunteers for their help that day. Volunteers included Jeff Dexter, Al Henry, Fred Peckham, Debra Conway, Pat Jeffer, Carla Hahn, Jamie Myers, Linda Dexter, and Bernie Handler. We also received assistance from NPS (Vince Pareago), NYS Troopers, and the Equinunk Historical Society.

Ramie reported that *The Upper Delaware* Fall-Winter 2013 newsletter was delivered today. She shared a color copy with members, which is available for viewing on the UDC website.

Ramie said she received word on September 30 from Dennis DeMara, our Commonwealth of Pennsylvania UDC Representative, that he is retiring effective October 4<sup>th</sup>. She will direct a letter requesting an appointment to the Governor's office. She noted the Pennsylvania alternate position has been vacant since February of 2005. Ramie said the Commonwealth has the option to appoint individuals from PA Department of Conservation and Natural Resources or Department of Environmental Protection.

Ramie noted that the Flexible Flow Management Plan (FFMP) Listening Sessions took place on October 1<sup>st</sup> at SUNY Sullivan. She said that Delaware Rivermaster Robert Mason and Deputy Rivermaster Marie Stewart from the USGS were both in attendance. It was emphasized that they were there as private citizens and not federal employees in light of the government shutdown. She said Bob Tudor of the DRBC spoke about the distinction between the DRBC and the Decree Parties. A more detailed report will be given at the October 15 Water Use/Resource Management Committee meeting.

Ramie reported that she inquired about the status of the UDC's application from August to join Congressman Chris Gibson's Watershed Advisory Group. She said she received an e-mail response from Steve Bulger, chairman of the group, which stated, "The WAG is primarily an information gathering process that provides the Congressman with opinions/insights from our constituents. There's no formal membership or meeting schedule, but we do include anyone who has submitted info to us as part of the group advising the Congressman."

Ramie said the October calendar of UDC meetings, deadlines, and activities was included in the packets. She noted that October 9<sup>th</sup> marks the one-year work anniversary for T. O'Dell.

Richardson commented that the USPS sorting and distribution center in Newburgh, NY was recently closed. As a result, the mail you now post in Sullivan County has to be driven from Newburgh to Albany to be sorted, before it goes on to its destination resulting in the delay of some mail delivery.

### **Old Business:**

**New Business:**

**Impact of Federal Government Shutdown on UDC Operations:** Ramie referred members to her written report in their packets which included an accounting of the UDC's finances as well as a letter from Jennifer A. Fleming, NPS Agreements Officer. She provided members with the amount the UDC has in unrestricted funds noting the source of these funds is entirely non-federal. Ramie said it is the opinion of our auditor that we are in a safe position to continue operation, but she is seeking the Council's direction. Boyar suggested sending a letter stating that the uncertainty happening currently is disruptive and is diminishing the Council's ability to do the job we were charged with. He said the letter should be sent from the Council to the governing bodies. A brief discussion took place about who to send the letter to. Henry said a reply should be requested. A motion to send a letter was made by Boyar, seconded by Richardson and carried unanimously.

**Draft Resolution 2013-15: Resolution Approving FY 2014 Technical Assistance Grants:** A motion to approve the resolution was made by Rajs, seconded by Henry and carried unanimously. The approved projects and awards were:

<u>#</u>	<u>Applicant</u>	<u>Project</u>	<u>Amount</u>
01	Highland (Town of)	Purchase Topographic Maps	\$492.00
02	Delaware (Town of)	Update the Town's Assessment Records	\$3,000.00
03	Tusten (Town of)	Create Comprehensive Emergency Management Plan	\$3,500.00
04	Cochecton (Town of)	Purchase Topographic and Soil Maps	\$656.00
05	Lumberland (Town of)	Map Glen Spey Cemetery	\$1,500.00
06	Lumberland (Town of)	Provide Estimate of Tourism Visitation to the Upper Delaware Scenic Byway	\$5,000.00
07	Shohola Township	Produce DVD & Indexed Pictorial Library to preserve History of Shohola Township	\$5,000.00
08	Berlin Township	Obtain Tax Maps of Wayne County, PA & File System	\$683.99
09	Hancock (Town of)	Complete Economic Study on Improved Releases from NYC Water Supply System	<u>\$5,168.01</u>
TOTAL			\$25,000.00

**Draft Resolution 2013-16: A Resolution of Appreciation to Dennis J. DeMara:** A motion to approve the Resolution of Appreciation was made by Rajs, seconded by Henry and carried unanimously.

**Draft Letter to NYS DOT: Request to Designate Access Highways:** McKay suggested changing the word "vetted" on the first page under "The Upper Delaware Council's comments and suggestions to this proposal are as follows:" to "reviewed". Dean questioned if anyone knew the process to get a special use permit. Richardson spoke of his experience on a town level. Sullivan spoke of her experience with over-sized vehicles on Route 52. A motion to send the letter with McKay's suggested change was made by Boyar, seconded by Rajs and carried with Peckham and Dean abstaining.

**Other:** Richardson stated that the Personnel Subcommittee met earlier and elected Debra Conway as the Chairperson of that committee. Conway noted O'Dell's one-year evaluation prepared by Ramie was reviewed. She said the evaluation was very favorable and his raise was approved.

**Public Comment:** Bernie Handler suggested the letter being drafted regarding the government shutdown should also be sent to the minorities of each house.

A motion to go into Executive Session at 8:45 p.m. to discuss personnel issues was made by Richardson, seconded by Rajs and carried.

A motion to come out of Executive Session at 9:02 was made by Rajsz, seconded by Boyar and carried.

Boyar made a motion to continue UDC operations until October 25<sup>th</sup> and directed the Executive Director to come up with a closure plan in the event that the federal budget issue is not resolved by then. He noted that members had evaluated the UDC's financial position and decided that if there is no resolution to the federal budget issues by that date, the UDC would shut down in order to avoid drawing down to no reserve. The motion was seconded by Henry. Dean said that if it gets to the point that the building closes, it would need to be winterized. Peckham noted there would have to be a means of paying the monthly bills. Discussion of holding a special meeting took place. After more discussion, a vote was taken and the motion was carried.

**Adjournment:** A motion by Henry, seconded by Jeffer to adjourn the meeting at 9:10 p.m. was carried unanimously.

*Minutes prepared by Cindy Odell 10/11/13*