

**Upper Delaware Council  
OPERATIONS COMMITTEE MEETING MINUTES**

**January 23, 2024**

*Meeting Zoom only due to weather.*

Committee Members Present: Aaron Robinson, Harold Roeder, Al Henry, Fred Peckham,  
Ginny Dudko, Larry Richardson, Jeff Dexter  
Committee Members Absent: Christine Martin  
Staff: Laurie Ramie, Kerry Engelhardt, Stephanie Driscoll  
NPS Partner: Lindsey Kurnath, Carly Marshall  
Guests: Bill Dudko, River Reporter- Ruby Rayner-Haselkorn

The UDC's Operations Committee held its monthly meeting virtually on Tuesday, January 23, 2024. Robinson called the meeting to order at 7:30 pm.

**Election of Committee Chair and Vice-Chair:** Henry made a motion to nominate G. Dudko for Chairperson of the Operations Committee for 2024 which was seconded by Richardson and carried. A motion by Henry to nominate Robinson for Vice-Chairperson of the Operations Committee for 2024 was seconded by Richardson and carried.

**Approval of the December 12, 2023 Meeting Minutes:** A motion by Roeder seconded by Henry to approve the December 12<sup>th</sup> meeting minutes carried.

**Executive Director's Monthly Report:** Ramie reported that the amount covering the January abstract was withdrawn, leaving a balance of just over \$69,000 in the ASAP account to cover expenses until the end of March. She is currently doing research to put together the Performance Progress Report (PPR), which is the annual report for Fiscal Year 2023. The process is tedious to go through the year's worth of information, starting in October 2022 and ending September 30, 2023. Filing an annual report is a new option; we used to be required to file quarterly reports. The PPR is due by January 28<sup>th</sup> and she hopes to have it submitted through Grant Solutions by Friday, January 26<sup>th</sup> as the 28<sup>th</sup> falls on a Sunday.

Dick Eckersley forwarded 15 bound copies of the final Fiscal Year 2023 Financial Review. They are in office to distribute at the next meeting if anyone wishes to have a hard copy, or staff can forward an electronic copy. Eckersley and his staff also prepared the UDC's NYS Charities Bureau Filing and the IRS 990 forms. Tonight's abstract includes the fee of \$75 for electronically filing through NYS Department of Law.

Town of Highland appointed Christine Martin as their UDC representative and Supervisor John Pizzolato as alternate. Jim Rodgers has rejoined the UDC as the Town of Fremont representative. He was previously the alternate for the Town of Fremont from 2004 before moving away in 2013 and has since returned to Long Eddy. His appointment was effective as of January 10<sup>th</sup>. Rodgers called the UDC office today to give us his updated contact information; an orientation packet was sent to his home last week that he is still awaiting. He would like to join the WU/RM Committee.

On December 29<sup>th</sup> a link was sent out on the sexual harassment prevention training and assessment. It takes about 45/50 minutes to watch the video and fill out the case studies answer sheet. As a reminder, we

are collecting proof of completion. You can also forward proof through another organization or municipality. Also please remember to fill out and send staff the completed Conflict of Interest Disclosure, if that's still pending.

There were 2 Staff Performance Appraisals since last month for Engelhardt and Driscoll; Engelhardt's on her annual work anniversary in November and Driscoll's six-month probation end date of January 10<sup>th</sup>. Draft Resolution 2024-02 to Grant Permanent Employee Status to Driscoll was approved at the January 4<sup>th</sup> full council meeting. The next step is for Ramie to get a memo to our bookkeeper to let him know what benefits are enacted, which concerns the Simplified Employee Pension Plan (SEP) contributions and Vacation Leave Policy. The Personnel Subcommittee was scheduled to meet tonight ahead of this meeting, but that was postponed due to weather and rescheduled for 6:30pm ahead of the full council meeting on February 1<sup>st</sup>.

Staff has been keeping up with plotting meeting dates, activities, and deadlines on the 2024 calendars.

### New Business

**Federal and State Funding Updates:** Driscoll reported that Ramie had recent two meetings: one with Senator Fetterman's staff and another with Senator Casey's staff, where they asked questions about funding and got to know a little more about the UDC. Ramie's feedback was that they asked great questions and seemed interested in helping the UDC's funding crisis. Engelhardt said it seems like they are taking legitimate interest. Ramie had technical difficulties but was able to join the meeting at this time. On December 19<sup>th</sup> she was invited to make a presentation before the New York State delegation of the Coalition for the Delaware River Watershed (CDRW) for their consideration of advocating for UDC NYS funding. The CDRW includes individuals from Delaware Highlands Conservancy, Friends of the Upper Delaware River (FUDR), Delaware Riverkeeper, NY League of Conservation Voters, and other organizations. When she observed the UDC was not specifically listed in CDRW's issued list of priorities, Ramie was advised that those were legislative state priorities and the UDC funding advocacy is still a possibility.

There is also a possibility of advocacy from American Rivers. Former UDC consultant Chuck Hoffman (who had reached out to Ramie a few weeks ago) is a previous staff member and has ongoing connections with the organization. He was hoping to interest American Rivers in our cause and will keep us updated.

Ramie was contacted after the letter authored by Robinson went out in December by Senator Fetterman and Senator Casey's offices. Their aides requested to speak with her one-on-one about the federal funding situation. On January 18<sup>th</sup> she met with Northeast Regional Representative Cody Forgach for Senator Fetterman. From Senator Casey's office she met with Ben Gilsdorf and Leah Merick today (1/23). Those staffers have not necessarily been involved in the correspondence that's gone back and forth. They asked for a briefing on where funding stands and what we'd like to see explored and accomplished. Ramie discussed the mechanism by which we're funded, what the legislation called for in 1978, how we're structured, and what the River Management Plan (RMP) says about funding. They seemed to take a great interest in the information and were aware there are some conversations happening among the delegates for federal representatives. They wanted to get in touch with Congressman Cartwright's office to see where things stand; maybe these discussions are further along. She also advised them that the NPS through the Office of Management and Budget is looking into this, according to Kurnath's reports. She mentioned she'd like to have everyone in the same dialogue so we can stay up to date on what's happening and at what stage things are at. She explained to them carefully about our lobbying restrictions and said anything they are informed on during the meetings is not an outright request. They did want to know what we're looking for however, Ramie described that in general perhaps during the Cooperative Agreement negotiations the \$300,000 that has been flat since 1988 could be looked at. We'd also like to

see the funding tied to the Consumer Price Index or some standard method to increase accordingly in the future. Another alternative route to explore is becoming a direct allocation through the DOI rather than a line-item in the Upper Delaware Scenic and Recreational River's budget. Although, she cautioned we don't know if that would be advantageous or not since that would presumably remove the local control of the funding. Ramie sent both offices thank you emails and further information such as the UDC funding fact sheet. They pledged to be back in touch after consulting with other staffers from their offices to get more information. She commented both meetings were positive and productive.

Based on the response we got from the DOI solicitor on lobbying, we did remove our letter writing campaign from the UDC website to come up with a different strategy or figure out how to fund that through non-federal funds. If we do want to pursue lobbying with non-donor restricted funds, Ramie does have some names for that.

G. Dudko asked if the CDRW didn't advocate for the UDC or if at a higher level we were dropped off the list? Ramie said it's inconclusive at this time; the UDC isn't currently on the list but CDRW implied that the discussion is not over yet. G. Dudko asked if it's Ramie's understanding that if FUDR was the lead agency they would advocate for everyone in that Coalition. Ramie said the UDC is not a member of the Coalition since we don't fit the criteria. We are in the Alliance of the Upper Delaware Watershed but not in the CDRW since we have governmental members as part of our 501(c)3 organization.

Kurnath said she was asked to be on a call with Senator Fetterman's staff tomorrow (1/24). G. Dudko said it sounds like there's interest in the UDC's funding situation. Robinson said he ran into Jason Ohliger at the Shohola Planning Board meeting last Thursday. Ohliger hasn't received anything from either state. Robinson reviewed NYS Governor Hochul's first proposed budget and didn't see anything that tied into the Upper Delaware or Upper Delaware River. G. Dudko said we haven't heard anything from NY Senator Oberacker either. Ramie added that Forgach from Senator Fetterman's office asked her what our relationship is with the Commonwealth of Pennsylvania in terms of the lack of PA funding. After she explained that situation, Forgach asked if the UDC has a good relationship with Governor Shapiro? Ramie said we don't have a contact in that office. Forgach gave Ramie Northeast Regional Director Drew Popish's contact information and introduced them via email. Ramie has been in touch with him to send the last correspondence we had with Governor Shapiro; the letter from our solicitor that was sent on September 26<sup>th</sup> that has not been replied to yet. She also sent Popish our PA Operational Support Funding face sheet. She's hoping that yields positive results.

**Revised Policy Proposal for UDC Employee Vacation Leave:** This topic was moved until after the Personnel Subcommittee meeting ahead of the full council meeting on February 1<sup>st</sup>.

**Summary of Pending Bills 1/23/2024:** Motion by Henry seconded by Robinson to approve the bills and pay them in the normal fashion carried.

**Financial Statement 1/31/2024:** No comments were made. The statement was included for review in the packet.

**Other:** None.

#### Old Business

**Follow-up on UDC 12/7 Lobbying Questions Letter to DOI Solicitor:** Kurnath sent an email with her written response that summarizes what she learned from the DOI solicitor to Ramie late today, after work hours. Ramie said she unfortunately didn't see it yet. Kurnath said the news from the DOI solicitor isn't new; the UDC isn't allowed to use federally appropriated money for lobbying as defined in 18 US Code

1913. The solicitor was not the person to answer questions 5, 6 and 7. Kurnath verified the answers to those questions with subject matter experts in the Regional Office which are in her written response. Ramie will review it tomorrow and send it to the committee members to discuss at next month's Operations Committee meeting.

**Fiscal Year 2023 Financial Review and Federal/State Filing Status:** Ramie had discussed this in her report earlier in the agenda. There are hard and electronic copies available and if anyone would like a copy, let staff know.

**Donation Tally form UDC T-shirts:** Driscoll reported a total of 29 t-shirts were sold, 11 more since the last update. From the sales was a total profit of \$480. Currently the price is \$15 per shirt picked up and \$17 per shirt mailed. She asked if the committee would agree to raise the mailed price to \$20 to cover postal shipping fees. A motion by Henry seconded by Richardson to raise the price to \$20 for mailed UDC t-shirts to cover postal fees, carried. Driscoll said we ordered more t-shirts through Platform Industries in Honesdale to have in-stock at the office.

**Other:** (1) Henry asked Kurnath if she could ask her contacts if under 26CFR (self-defense exemption for non-profits) we could use that for lobbying efforts. Kurnath said she can look again, but every person she's spoken to about this has said that lobbying tied to federal funding is defined in 18 US Code 1913. You can do anything with other money, but federal money cannot be used for lobbying. She can check again, but there hasn't been any exception that she's heard. Henry thanked her.

(2) Robinson said he'd like to see federal and state funding updates as an item under New Business until the UDC's funding issue is resolved.

(3) Robinson said since we've removed the option for people to write letters on the UDC's behalf from our website, maybe we could ask FUDR to put that campaign on their website. We could also ask the towns/townships to put the campaign on their websites as well. Could we send an email to the towns/townships about it? He also asked if it makes sense to do a press release to advise people about the removal of the letter writing campaign. Could the public engage in this issue? He thinks it would be helpful. Kurnath advised it's not something you would want to draw attention to. Robinson said we don't have to mention that we removed it, just that we are financially struggling and we are looking for public support via letter writing. Engelhardt said that's exactly what we were told we can't do; that's lobbying. Ramie agreed; she thinks that would still be using staff time (and federal funds) to write a letter asking to have the campaign put on town/townships or FUDR's website and a press release about it. Robinson said maybe the chairperson could send the letter. G. Dudko said she doesn't know how that would be different than the organization sending it. Robinson said he's written letters requesting assistance and since he isn't a UDC paid employee, he doesn't consider that lobbying. Richardson said maybe we need one of our reporters to question the chairperson about the letter writing campaign being removed from the website. Henry said one of the definite exemptions is education; the IRS says it's exempt if you use the word "educate". Kurnath said the IRS doesn't matter in this situation and it's not an exemption. If you were to educate and lead into advocating for some kind of policy change, that's where you cross the line. Henry said IRS is in charge of lobbying, not the NPS or DOI. Kurnath said it's up to the UDC members on what they choose to do; she and the NPS can only give advice on the laws, policy, and regulation they are getting from DOI solicitors. Henry said we should have our solicitor look at these issues.

**There was no Public Comment.**

**Adjournment:** A motion by Roeder seconded by Dexter to adjourn the meeting at 8:08 p.m. carried.

