

**Upper Delaware Council  
PROJECT REVIEW COMMITTEE MEETING MINUTES  
October 24, 2023**

Committee Members Present: Harold Roeder, Dennis Bernitt, Al Henry, Aaron Robinson, Fred Peckham (Zoom), Ginny Dudko, Larry Richardson

Committee Members Absent: Andy Boyar, Jeff Dexter

Staff: Laurie Ramie, Kerry Engelhardt, Stephanie Driscoll

NPS Partners: Lindsey Kurnath, Don Hamilton (Zoom)

Guests: Bill Dudko

The UDC's Project Review Committee held its monthly meeting on Tuesday, October 24, 2023 at the UDC office in Narrowsburg, NY. Chairperson Richardson called the meeting to order at 6:31 p.m. There was no public comment on the agenda.

**Approval of September 26, 2023:** A motion by G. Dudko seconded by Robinson to approve the 9/26 meeting minutes carried.

**Resources and Land Use Specialist Update:**

**New York State Projects**

There were no Notices of Applications Received posted by the DRBC in October in the river corridor in NYS.

**Town of Tusten:**

Kerry Engelhardt said back in July, Town of Tusten Youth Committee was going to revitalize the Narrowsburg Flats Ballfield, which would not require UDC review. The project is now a public pavilion they plan to construct. They originally planned to build a large pavilion but after getting feedback from the public have brought the size down. They were told they would need to provide bathrooms, being a public facility. The project is being discussed at the Town Board meetings. She hasn't been to the meetings or watched the recordings yet, but from the coverage by the *River Reporter* it seems there are some people aren't happy about the project. The flats are a residential area and they don't want a pavilion bringing people there. She hasn't received a formal application. Town of Tusten Supervisor Ben Johnson came to the office a couple times to discuss the project and knows they need to submit and is aware they need the UDC's approval. We have received two pieces of correspondence from the public who are not happy with the project. As of now, Engelhardt believes that plans are not finalized. She thinks they tried to put it out to bid and hadn't received any responses.

**Commonwealth of Pennsylvania Projects**

There were two Notices of Applications Received posted by the DRBC in October in the Upper Delaware River Watershed in the Commonwealth of Pennsylvania. They are not within the corridor, but Engelhardt posts them for UDC education. They are both existing approvals for renewals. One supplies water to Fawn Lake, Masthope and Woodloch communities. The other is Woodloch Springs Wastewater Treatment Plant. They are both located in Lackawaxen Township.

**Open Substantial Conformance Reviews**

Project ID	Project Name	Municipality	Action	Status
2022-03	Camp FIMFO	Town of Highland, NY	Class II – Special Use Permit	NPS issued a letter dated July 17, 2023 indicating that the project does not substantially conform to the RMP. A supporting report was also issued. Closed.
2023-08	Narrowsburg Car and Dog Wash	Town of Tusten, NY	Class II – Site Plan Review	Substantial Conformance recommended to the NPS 9/13/23.
2023-09	Green Acres Gunsmithing	Town of Tusten, NY	Class II – Site Plan Review	Substantial Conformance recommended to the NPS 9/13/23.
2023-10	The Loosey Kit, LLC	Town of Highland, NY	Class II – Site Plan Review	Substantial Conformance recommended to the NPS 9/13/23.

Engelhardt reported no new applications were received since the last meeting. Kurnath forwarded the letters she received from the Regional Director concurring with our recommendation of substantial conformance for the Narrowsburg Car and Dog Wash, Green Acres Gunsmithing and The Loosey Kit, LLC. They did note there was no wordage on signage as part of the application for The Loosey Kit, LLC or the Narrowsburg Car and Dog Wash. We have to make sure to let municipalities know if they have signage in these plans, it needs to comply with zoning. Kurnath said if we are talking about signage at the UDC meetings then it needs to be documented in the letter. The intent is to let the town/township know that we need that element listed in the application. Ramie asked if we received the final determination for 2023-09, since she and Driscoll only received notifications for 2023-08 and 2023-10. Kurnath said the email might not have gone through. Engelhardt received all three and will forward that one to Ramie and Driscoll.

**2022-03 Camp FIMFO**

Engelhardt attended the Town of Highland Planning Board meeting last month. She reported there was a big crowd at this meeting. Chairman Norm Sutherland read the entirety of Tom Shepstone's letter at the beginning of the meeting, which didn't get too much of a reaction. The Planning Board voted on whether they needed an Environmental Impact Statement from the applicant that was decided 3-2 that they would. She included some articles on the meeting from the *River Reporter* that go into detail about next steps. FIMFO is on the agenda for tomorrow night (10/25). Engelhardt won't be able to attend, but she anticipates there will be a detailed write up in the *River Reporter*.

**Other:** At next month's meeting, Engelhardt will distribute the master list spreadsheet with all of the UDC's projects and approvals to see what we've been doing over the past year. With all three committees meeting on December 12<sup>th</sup>, she thought it would be better to recap at the November 28<sup>th</sup> Project Review meeting, in case there are any longer discussions.

**FY 2024 Technical Assistance Grants**

The UDC awarded the Town of Tusten with \$10,000 for the development of an Open Space and Recreation Plan, and \$2,822 to Damascus Township for the development of an Emergency Preparedness Brochure. Engelhardt received a signed contract from Damascus Township Supervisor Steve Adams. She will walk across the street to try to and get a signature from Town of Tusten Supervisor Ben Johnson. Midterm Progress Reports will be due by February 23<sup>rd</sup>.

**Corridor Mapping Project**

Engelhardt reported there are no changes from last month's meeting. She will reach out to Wayne and Pike Counties about the printing of GIS maps for their UDC membership townships.

**New Business:**

**10/27 Holbert Quarry Meeting at Senator Baker's Office:** Richardson asked if everyone knew about the meeting taking place on Friday, October 27<sup>th</sup>. Engelhardt said there was a change in location with a larger attendance than anticipated. It will now be held at the Chamber of The Northern Poconos community room in Honesdale, PA. Richardson asked if a brief had been sent out yet and Engelhardt answered yes, today there was a 1-page summary brief sent out. Richardson said that Holbert is asking to amend their permit for mining in Lackawaxen. Ramie said the amendment is to the acreage. Kurnath said they are seeking to change two conditions, but it doesn't say how. Richardson said originally, Holbert didn't want to be restricted. They wanted to be able to open a section for mining, move to another section, then go back the previous section. They didn't want to be restricted to what we have in the RMP. Ultimately, the Pennsylvania Department of Environmental Protection's (DEP) Office of Active and Abandoned Mining Operations (AAMO) set requirements that were more restrictive than the RMP. In Richardson's opinion, Holbert probably thinks that enough time has passed and enough of the board has cycled through, that they may have a better shot now. Ramie said the letter from Wayne Holbert reads in part: "At the time of the issuance of our large Non-coal Mining Permit, a lawsuit was filed in opposition of the mine expansion. The lawsuit was won by Wayne Holbert and the Holbert Brothers Bluestone." Ramie said that does not factually characterize the lawsuit as won, since it was withdrawn. Former NPS Superintendent Sean McGuinness had a conversation in the hallway of the court house and it was worked out without having to go through with a trial. To call that a win may be a bit of a misconception. Ramie thinks it's odd that Senator Baker's office is involved; it is not the typical course for any development project. She said Kurnath wrote a message back today letting them know it needs to go through the formal proper procedure and not to look to the NPS or the UDC for any guaranteed decisions or agreements. This meeting is informational only. Engelhardt said that in January 2023 Wayne Holbert gave a letter to Robinson directly asking for a letter of support to be sent to PA DEP, which we let Holbert know that's not how it works. Holbert then approached NPS a couple of months ago directly. Kurnath said NPS told him the same thing; they need to know what they are seeking to do or change in writing. Kurnath agreed that she thinks it's unusual that Senator Baker's office is involved. Henry asked where the meeting would be and Engelhardt said the Chamber of the Northern Poconos. Kurnath said there are 21 guests invited to the meeting. Engelhardt said that includes the UDC, NPS, Holbert Quarry, the Pennsylvania Department of Environmental Protection, Lackawaxen Township, Senator Baker and possibly other politicians. Henry asked if anyone knows what Holbert is asking. Engelhardt said the letter sounds like he wants to be able to do anything he wants within the boundary of the mine, but she's not 100% sure. There will be a presentation complete with maps and visuals at the meeting on Friday (10/27). Henry asked who was attending on behalf of the council. Engelhardt said herself, Ramie, Robinson and Richardson currently.

**Other:** None.

**Old Business:**

**2022 Annual Code Enforcement Report:** Engelhardt said she had gone over in person to ask the Town of Tusten Building Clerk about the UDC's request. She indicated that she has a lot of work to get through during only 12 hours per week, which Engelhardt understands. We do need the information to complete the report. Richardson asked if she'd heard back from Cocheton and Engelhardt said yes. Since Tusten has a dedicated Building Clerk, it may have to go through her. Engelhardt may ask for a list of all the building permits and go through manually to find out which were in the corridor, like she had to do with Westfall and Highland.

**UDC-NPS Telecommunications Meeting:** Ramie reported there was a meeting prior to the full council meeting on October 5<sup>th</sup>. They discussed the staff meeting that took place on September 11<sup>th</sup> to see where we're at and maybe redirecting efforts so that we don't keep meeting monthly with no progress. There were

some follow-ups to do before the November 2<sup>nd</sup> meeting ahead of the full council meeting at 6pm. Ramie asked Robinson what the subject he was following up on was. Robinson said he is gathering information on the availability and timetable of cell-to-satellite communication service. He said he would have a report by the next meeting. Ramie said a lot of the draft position paper centers on cell towers, but maybe they are looking at the wrong kind of technology based on the way it's evolving. She said they will go further into detail about that on November 2<sup>nd</sup>.

**UDC Awards Technical Assistance Grants:** Ramie said the UDC news release in the handouts included the completion of the FY 2023 round of TAGs and announcement of FY 2024 awards. Ramie mentioned when we did the resolution on 10/5 to approve the grants, we had mistakenly used the wrong numbers. We asked Robinson today to sign the same resolutions for the TAG and newsletter contracts with the corrected numbers.

**Other:** Robinson said while he was at a local diner, someone told him about the "Know FIFMO" Facebook page. He read a post from it aloud: "Thankfully, the Environmental Impact Study of the proposed FIFMO project is now a reality, but this story is far from over. There remain many questions, not least of all, why would the UDC hire a compromised engineer - who has worked for both Northgate Corp and the Town of Highland - to write a report shilling for the camping industry, which only serves to further inflame tension between the National Park Service, the UDC, and the Town of Highland? And why was this one single report read out loud at the recent planning board meeting as the lone example of "correspondence," when other legitimate correspondence from the Delaware Riverkeeper Network, and letters from the public were not even mentioned? Nor was their mention of the letters received from local clergy members, writing in protest of the applicant's threatening and offensive language, and all with pro-environmental messages. Why is this and other important correspondence being buried? Weeks after the meeting where the Impact Study was ordered, no minutes, or correspondence have yet to be posted on the Town's website. Your voice is being buried, and the river cannot speak for itself." Robinson said he couldn't find any names affiliated with "Know FIFMO"; they are anonymous. He said there was no substance in any of their posts. If the UDC or Tom Shepstone failed technically, they should state it. We would want to know if there was an element of the project we hadn't considered. "Know FIFMO" criticizes Tom Shepstone personally. From the RMP in 1986 there are references to Shepstone. He read an excerpt from his resume: "Mr. Shepstone chaired and provided professional leadership to the federal, state and local planning team that prepared the innovative land and water use guidelines adopted by the Secretary of The Interior in the Upper Delaware Scenic and Recreational River. These guidelines represented a new, flexible approach to federal involvement in protection of valuable natural resources." Robinson read Shepstone's contributions prior to 1986. He said that in response to why the UDC hired him, no one knows the RMP better than Shepstone. "Know FIFMO" didn't attack Shepstone's work, they attacked him personally. Robinson said if you have a problem with someone's work, you should tell them, not attack them personally. He's bringing this to the committee since it's in the public eye. He said he feels that a lot of the information distributed by "Know FIFMO" is reckless. G. Dudko said she was getting some of their emails for a while. She felt the messages were emotional, not factual. Robinson thinks "Know FIFMO" is turning a technical process into a charade. He'd like to know who is behind the anonymous group. Richardson said the Upper Delaware Scenic Byway experienced the same thing with the Callicoon Depot Visitor Center project. An anonymous group is still attacking the project. B. Dudko said that they are personally attacking board members. Engelhardt said that "Know FIFMO" has been around since the beginning of the FIFMO project. Ramie said we have received correspondence in our records from "Know FIFMO". She said that Shepstone did disclose his involvement with Kittatinny and Northgate from the beginning, so that the UDC would be fully informed of his past associations. It's only a conflict of interest if you don't disclose that information. Ramie said the UDC didn't ask the Planning Board to read the letter from Shepstone out loud. Also, she understands that the Town Planning Board has posted all correspondence publicly online to be transparent that anyone can read. Engelhardt said that Chairperson Sutherland has read every piece of information the UDC has sent out loud so he was just staying consistent. Robinson said they did not

find anything in Shepstone's analysis to criticize specifically. Henry asked if "Know FIMFO" has a contact. Engelhardt said there were individuals with the group distributing signs and stickers at the meeting and The Delaware Riverkeeper is affiliated with the group. Robinson just wanted to make the Project Review Committee aware of the page and the comments being made about the UDC. Henry asked if the Town Planning Board is aware of the Facebook page and the comments being made. Ramie said it's a Facebook post. Richardson said it isn't addressed to the town. Henry asked if they are aware of the post and the comments. Engelhardt said yes, they are aware of it. Robinson said people are free to express themselves but he's suspicious of an anonymous group. He believes the UDC did its best through the process and we understand the outcome is beyond our control.

**Public Comment:** None.

Adjournment: A Motion moved by G. Dudko, seconded by Bernitt to adjourn at 7:10 p.m. carried.

*Minutes prepared by Stephanie Driscoll, 10/26/2023*