



# Upper Delaware Council

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## UPPER DELAWARE COUNCIL MEETING MINUTES October 7, 2021

The Upper Delaware Council held its monthly meeting on Thursday, October 7, 2021. Chairperson Dexter called the meeting to order at 7:03 p.m. and roll call followed.

In attendance: Town of Hancock- Fred Peckham (Zoom), Town of Fremont- Jim Greier, Town of Cochecton- Larry Richardson (Zoom), Town of Tusten- Susan Sullivan, Town of Highland- Andy Boyar, Town of Lumberland- Nadia Rajsz, Town of Deerpark-David Dean, Damascus Township- Jeff Dexter, Berlin Township-Alan Henry, Shohola Township- Aaron Robinson, State of New York- Bill Rudge. Staff in attendance: Executive Director-Laurie Ramie, Resources and Land Use Specialist- Shannon Cilento, Secretary- Ashley Hall-Bagdonas. Absent: Town of Delaware- Thomas Dent, Lackawaxen Township- Doug Case, Westfall Township- Michael Barth, Commonwealth of Pennsylvania- Tim Dugan, Delaware River Basin Commission- Kristen Bowman Kavanagh, National Park Service- Superintendent- Joe Salvatore. Guests: Heather Jacksy- Sullivan County Planning, Cody Hendrix- NPS Community & Land Use Planner (Zoom), Don Hamilton- NPS Natural Resources Chief (Zoom), Ginny Dudko- Town of Deerpark Alternate (Zoom), Roger Saumure-Shohola Township Alternate, Evan Padua (Zoom)-Town of Tusten Alternate, Jane Varcoe. Media: Liam Mayo- River Reporter, Peter Becker- Tri-County Independent (Zoom).

**Presentation: “Update on the Highland River Access” by Heather Jacksy, Senior Planner at Sullivan County Division of Planning and Community Development:** Jacksy said the Highland River Access evolved from a planning process that Sullivan County coordinated: the Local Waterfront Revitalization Program (LWRP). The plan came through the New York State Department of State and is both a plan and a program. The planning document was prepared by the community. The program was established to implement the plan. Eligibility is determined by location on a designated body of water; in our case, the Upper Delaware River. There have been four LWRP grants: the 2009 plan; the six river accesses, a water trail signage plan and installation of six water trail signs in 2011; Pond Eddy parking study for proposed Pond Eddy access in 2012; and Highland Access engineering in 2015. Some critical issues in the LWRP were: hamlet and Main Street revitalization; preservation of natural resources; balancing property rights, economic development and preservation; and river access. To implement some of these they received money to do to schematics for a river access and wanted to create a unifying system that helps a visitor understand and better use the public resources, and avoid trespassing on the private lands. They got six accesses done (one in each NYS Sullivan County town). They also obtained a signage plan and Opinion of Cost in 2015 which Jacksy noted the cost for the Highland access at that time was \$213,540. They discussed what materials they wanted to use and how the river’s edge can be addressed. Sullivan County then applied for money to get the access engineered. Jacksy said many partners were at the table including NPS, NYS DOT, NYS DEC, UDC, and the Town of Highland. Sullivan County then put an application in through the National Fish and Wildlife Foundation which administers the Delaware River Program. There are two funds: the Delaware Watershed Conservation Fund and the Delaware River Restoration Fund. It is Federal money that comes from the U.S. Fish and Wildlife Services through the National Fish and Wildlife Foundation and they are funding 50% of the County’s restoration of the access. NPS is contributing and Sullivan County is also stepping up to the plate as well as the Town of Highland. NYS DOT and DEC have committed to do things for the project. Jacksy said everyone is helping to work this out. She provided schematics for the engineering and said they really want to showcase implementing green infrastructure. They will address storm water and native plants and make it ADA accessible. The slope (path to the river) at the access have been extended so it may be navigable by wheelchair or those with mobility issues. They are adding a kayak rack and a bicycle rack so you can drop your bike off at one spot and take your boat to another, which is really nice because four miles on a bike and four miles on the river is a very good day. Jacksy said this is really the trifecta of permits because the site is owned by NYS DOT, leased by NYS DEC, it is within the NPS Unit and they received their

money through the Federal Government. After the slew of permits to complete, COVID hit. Now, the project has gotten to a point where the county can issue a bid for a contractor. They issued a Request for Proposals (RFP) earlier in the year, but the timing was poor. Only one bid was received and came in significantly over budget. Jacksy said the current plan is to reissue the bid sometime this month, likely within the next few weeks. Once a bid is received, the county will try and start work as early as possible in the spring. It is expected that the river access would be completed a month or two after the ground is broken. There was a brief question and answer session after Jacksy's presentation.

**Approval of September 2<sup>nd</sup> Meeting Minutes:** A motion by Rajsyz seconded by Henry, to approve the September 2<sup>nd</sup>, 2021 meeting minutes carried.

**Public Comment on the Agenda:** None.

**Committee Reports:** There were no questions regarding the following meetings: September 21<sup>st</sup> Water Use/Resource Management, September 14<sup>th</sup> Special Meeting and Sept. 28<sup>th</sup> Project Review, and September 28<sup>th</sup> Operations.

### Status Reports

**Delaware River Basin Commission:** Ramie said Kristen Bowman Kavanagh had a conflict tonight. A press release was provided welcoming Elizabeth Koniers Brown as DRBC Director, External Affairs and Communications to replace Peter Eschbach, who is retiring at the end of the month. The Hydrologic Conditions Report was also provided in the meeting packet.

**NYS Dept. of Environmental Conservation:** Rudge provided a 10/5 news release "DEC Announces 10/16 Opening of State's New Catch-And-Release Season in Trout Streams", saying most are aware DEC underwent a Trout Management Planning Process in the past year and one of the results of that planning process was to open the trout season year-round. The new season, which runs from 10/1-3/31, requires anglers to use only artificial lures and immediately release the trout they catch. The catch-and-release season applies to trout streams only. Cilento said she would share that on UDC's social media. Henry asked if this was a closed season for PA as well or NY only. Peckham asked if the border waters were included. Boyar suggested reviewing these questions at the October WU/RM committee meeting.

**PA Department of Conservation & Natural Resources:** Dugan relayed he had a conflict and could not attend the meeting tonight.

**National Park Service-Upper Delaware:** Superintendent Salvatore said he knows the Project Review Committee reviewed the 9/16 NPS Memo: UDC Definition of Substantial Conformance. Salvatore sent it to Region and they were confused and had some questions. It's currently under review of NPS solicitors and he plans to provide a report on that at the next full Council meeting. Salvatore acknowledged that the consultant for the UDC's Long-Term Fiscal Sustainability Plan, Michael Crane, was told to file a Freedom of Information Act (FOIA) request regarding information on Commercial Use Authorizations. Salvatore hopes he satisfied that request by sending those numbers instead. Salvatore thanked Cilento for providing more details supporting the Technical Assistance Grant for Fiscal Year 2022 and tying it to the River Management Plan (RMP). With the change of administration, the process has become a little more rigorous. Cilento explained that she did ask the Town to reference the RMP and all of that information had been provided to NPS simultaneously. She asked for trust in the UDC's TAG process.

**UDC Executive Director's Report:** Ramie said as Fiscal Year 2022 began on 10/1, Congress approved a stop-gap Continuing Resolution to enable federal government operations to proceed through 12/3 without a shutdown that will allow spending at 17.53% of FY 2021 budget levels. Fortunately, we were notified by Grant Solutions on 9/13 that our FY 22 1<sup>st</sup> quarter funding application was awarded. Ramie checked ASAP on Monday and found that the \$75,000 has been released to our account. That will carry us through 12/31 without any reductions. After that, we need to apply for the balance of FY 22 funds or whatever amount will be allowed. We appreciate that the Upper Delaware National Park Service essentially advanced that 1<sup>st</sup> quarter funding from their FY 21 budget. Ramie is also

relieved that the NPS Region financial office relented after initially telling us we had to prepare and upload a retroactive, cumulative final report for the last five-year Cooperative Agreement term that ended 9/30/2020 in a completely new format. After we protested that we had already submitted quarterly performance progress reports for each of the 2015-2020 years that were accepted before this Grant Solutions system ever came online, they researched it and found that there is actually no regulatory language that specifies that type of cumulative report. It had been based on interpretation. That would have taken Ramie a tremendous amount of time to go back in time to produce. Ramie thanked Upper Delaware Administrative Officer Michelle Blockberger and Superintendent Salvatore for handling our complaint with the Regional office. Now that Fiscal Year 2021 has ended, we will make use of the new, goals-oriented narrative format compared against our work plan for the annual Performance Progress Report that is required within 120 days, along with preparation of an annual Federal Financial Report. That has replaced the prior quarterly reporting schedule.

At the 9/21 Water Use/Resource Management Committee meeting, we decided to send a letter to the Federal Railroad Administration on a couple topics, one of which is the issue of old railroad ties left along the tracks. We are going to inquire about what the policies or regulations are pertaining to their removal, how often that is done, and proper disposal methods. Ramie sent around a memo on 9/23 to the UDC board and our town and township members asking everyone to give her specific information by today on where they may have witnessed piles of these ties or any other railroad-related concerns while we're at it. Ramie heard back from a few people but only to say either that they haven't seen any or with conflicting information on whether they consider it to be a problem. Boyar had some thoughts on it he was writing up and Don Hamilton told Ramie that he reached out to this EPA contacts from the Delaware Basin Federal Interagency Team about it simultaneously since it's of interest to them. A couple days ago the railroad company was doing work along the tracks here in Narrowsburg and all of the sudden there was a pile of spent railroad ties that showed up along Kirk Road which Ramie turned her car around as she was driving home to stop and photograph. Discussion continued. Ramie said the original focus of the letter was to seek an investigation into a potentially damaged culvert under the railroad tracks in Hankins, which we will do as well as seeking answers to policy/regulation questions regarding railroad ties. She will prepare a letter for preliminary review at the 10/19 WU/RM Committee meeting. Therefore, if you have any input to provide, please email her with it before then.

Ramie wanted to share a few relevant activities that Friends of the Upper Delaware River are hosting. This Saturday at 11 a.m., there will be a wrap-up event for the Knotweed Management Demonstration Site at the Skinners Falls Access where Steve Schwartz and others will share the outcomes of their five different treatment methods. They are also conducting a survey to gather information on what other people battling knotweed have found to be most effective. On Tuesday and Thursday of next week, 10/12 and 10/14, is their annual conference called "Water, Water Everywhere" for which the virtual agenda is now posted on their website. Lastly, FUDR is conducting surveys of both landowners and recreationists that includes the Hancock, Buckingham and Manchester region to assist with the development of a Recreational Plan for the Upper Delaware River Tailwaters. We had reviewed those draft survey questions at WU/RM and provided feedback. We'd be happy to provide more information and links for any of those activities upon request.

Packets include the announcement of 2021 grants of \$9.52 million under the Delaware Watershed Conservation Fund through the U.S. Fish and Wildlife Service. We had written support letters for the Neversink Watershed Management Plan in Sullivan County which won \$500,000 and for the Delaware River Basin Commission's \$499,126 project for Water Management Studies to Inform Basin-wide Resource Planning. Ramie said it's interesting to see the scope of other projects that will be underway throughout the four-state basin region.

One of the focus areas that came out of our 5-Year Strategic Plan session was a goal to improve communications technologies for the Upper Delaware River Valley, by which we mean cellular and broadband service. On the New York side, we learned about Governor Hochul's launch of a mapping survey to examine the quality and availability of broadband and included a news release with more information on this Public Service Commission project. It has a link on page 3 for the survey and a speed test for your information.

Ramie had reported at the Operations Committee about the delivery fail of the U.S. Postal Service in not getting our 2021 awards souvenir programs to us until two days after the banquet and how Curcio Printing saved the day by printing a new order of 100 booklets and driving them to us from Vestal on that Friday. That is all to say that we

have plenty of extra programs if you didn't receive one and would like to read the profiles and see the photos of the winning individuals and projects.

The October calendar handout with a November preview was provided. Our final two presentations of this calendar year are actually three. We have the Microplastics Study by Jake Bransky from the DRBC on 11/4, then Hamilton arranged for Daryl Pierce from the PA Fish and Boat Commission to attend the 12/2 UDC meeting to discuss the latest on the Northern Snakehead fish. That is also the meeting at which our consultant for the UDC's Long-Term Fiscal Sustainability Plan, Michael Crane, is due to share his report recommendations.

### **Old Business**

#### **9/24 Notice of Resignation from Resources & Land Use Specialist Shannon Cilento and Position Vacancy**

**Outreach Report:** As of 10/15 Cilento will no longer be at the UDC. She has accepted a position in November with Sullivan Renaissance, directing their Community Development Programs. UDC staff, members and partners expressed sadness at losing Cilento and their gratitude for the work she had accomplished with UDC. Ramie said, "We are deeply regretful that we only had Shannon with us for 15 months. She has set a really great foundation for the Resources and Land Use Specialist position but she is destined for great things in her new position at Sullivan Renaissance." Hall-Bagdonas said, "Shannon going to the Town/ships was huge, letting municipalities put a face to the position and conducting and education and outreach about the UDC has been a major boon." Salvatore said that Cilento mentored NPS Community Planner Hendrix and he greatly appreciates that as it's been a great partnership and she will be missed. Sullivan said, "Working with you on Land Use Complaints, irate neighbors and everything, you handled it so well. Your presence calmed people, and gave them trust that their concerns were heard and were being managed". Greier said, "I really appreciated working with you during the time that you were with us. You brought new techniques and new procedures with you that made this council grow." Greier added, "You very skillfully mended some fences that this council was not able to do." Saumure asked if there are any plans for knowledge transfer. Cilento said she is working on a transition document and all of her files are organized for the person stepping in. If someone is hired in the next few months, she has no problem having a Zoom meeting or meeting in person to provide guidance. That's what the previous NPS Community Planner Jennifer Claster had done for her and that was beneficial. Rajs said Cilento was a great loss for the County and an even greater loss for UDC, and we will miss her.

Ramie reported that she drafted an advertisement, asked Cilento to take a look at the position description to make sure it accurately reflects the job which Cilento agreed that it is fine as is along with the job title. In addition to newspaper ads (which start publishing the week of 10/8 with a deadline of 10/25) it will be sent out through our membership and contacts at the five county planning offices. Last time we were doing this search NPS Land Use Planner Jennifer Claster found planning departments at universities and sent the job description out to them to post. The job was also posted on Indeed.com, Department of Labor for NY and PA and the American Planning Association chapter websites. The job posting will go out to those same places and any others we may have found.

**10/4 Meeting with Thomas Caffrey, PA Governor Wolf's Northeast Office Regional Director:** Ramie said we were very pleased to have the interest of Thomas Caffrey who represents Governor Wolf's Northeast Office. She included in the meeting packets the appreciation letter that we sent naming all who attended. The meeting was about an hour on 10/4. The third paragraph of the letter summarizes what was discussed at the meeting and that focused on UDC's funding situation. Caffrey listened politely and intently, and mentioned a few programs that may be worth exploring. Caffrey spoke of Governor Wolf's Legacy Projects, Litter and Public Recreation Program, and the American Rescue Plan Act which has brought around \$250 million to the Commonwealth. Ramie said ultimately, UDC is looking for long-term sustainable, line-item type funding. It was mentioned that we received first ever PA funding through our PA Department of Community and Economic Development (DCED) grant that Senator Baker and Representatives Mike Peifer and Jonathan Fritz had obtained for us. That will come to an end at the end of this calendar year. Ramie said it would be great to secure again because we shared  $\frac{3}{4}$  of that with our PA Townships. Ramie said she is thankful to all those who took time out of their schedules to attend the meeting. An introductory letter to Gov. Kathy Hochul regarding Fiscal Year 2022 Executive Budget Considerations was sent in its abridged form on 9/13 and acknowledged by Regional Representative Pavan Naidu on 9/14, who noted, in part, "I will review it and move the documents up the chain." The day after the Caffrey meeting the National Parks Conservation Association (NPCA) reached out to Ramie saying they would like to support UDC's efforts to pursue state funding. NPCA has many contacts throughout the country and are savvy in these matters. Their goal is to bolster the efforts

of the Upper and Middle Delaware River Park Units and to provide assistance to groups like UDC, partners, and Cooperative Agreement holders. NPCA previously helped us with the Project Review Workbook rollout and training. Ramie said they are on standby to help and we will keep that in mind as we move forward. Rajszy said she would reach out to Naidu regarding the 9/13 correspondence to Gov. Hochul.

**9/23 Skinners Falls-Milanville Bridge Project Advisory Committee Meeting Notes:** Ramie said this was discussed at 9/28 Project Review Committee and is being shared now with the full Council. This second Skinners Falls-Milanville Bridge Project Advisory Committee meeting happened on 9/23. Ramie participated virtually on UDC's behalf. Her notes are provided in the meeting packet which includes the timeline, which studies have taken place and status of the project. PennDOT is currently putting together all of the public comments they received. They collected 286 survey responses and 192 email comments, including anything that came through the mail between the end of March through September. PennDOT is in the stage of drafting a Purpose and Need Document. The issuance of that document will come with a 30-day comment period. The estimated timeframe for its release is by the end of this year, then they will evaluate the comments and finalize it. After that comes the consideration of what to do with the bridge in terms of developing alternatives, meaning repair, replace or remove. Ramie said there is no timetable now for when the ultimate decision will be made. Ramie said one important part of this meeting was discussion of the public comment process. They assured everyone that if you submitted a comment via email, called the hotline, or mailed them, PennDOT received the comment and will be responding to all of them in a comprehensive summary document that will be posted to the project webpage in the near future. Ramie provided in the meeting packet the 8/24 letter from Damascus Citizens to PennDOT titled "PEL Study Faulty Public Comment Process". Ramie passed around a comic from the *River Reporter* provided by Jane Varcoe about the Skinners Falls-Milanville Bridge. Sullivan noted that since comments are still being accepted, she is going to comment that none of the roads that feed into the bridge are in excess of 10 tons. She doesn't know how they can ignore that fact.

**Other:** None.

#### **New Business**

**Draft Resolution 2021-16: Approving Technical Assistance Grant for Fiscal Year 2022:** A Motion by Henry seconded by Rajszy to approve the Technical Assistance Grants for Fiscal Year 2022 carried unanimously. Salvatore asked for a week to mull it over. The new process is for it to go to the Regional Office. He said after correspondence with Cilento he feels pretty comfortable and he has asked Hendrix to do a Briefing Statement. Salvatore explained through this new process he needs to get it approved at the Comptroller level. Ramie said this Draft Resolution can still be approved tonight by UDC because it says "subject to the availability of funds". It is UDC's position that we are recommending the approval of Draft Resolution 2021-16 and the Town of Tusten grant application.

**Consulting Services Agreement for Interim Project Review and Substantial Conformance Tasks:** Ramie said we previously had a Consulting Agreement with Tom Shepstone during the last Resources and Land Use Specialist vacancy and these are the same terms; opened-ended and on-call as needed. A Motion by Henry seconded by Rajszy to approve the Consulting Services Agreement for Interim Project Review and Substantial Conformance Tasks carried. Ramie will present it to Shepstone to request his return of a signed copy.

**Other:** None.

**Public Comment:** None.

**Adjournment:** A motion by Rajszy, seconded by Henry, to adjourn the meeting at 8:49 p.m. was carried.

*Minutes prepared by Ashley Hall-Bagdonas 10-27-2021*