

UPPER DELAWARE COUNCIL MEETING MINUTES

November 1, 2018

The Upper Delaware Council held its monthly meeting on Thursday November 1, 2018 at the Council office in Narrowsburg, NY. Chairperson Aaron Robinson called the meeting to order at 7:02 p.m. The Pledge of Allegiance and roll called followed.

In attendance: Town of Hancock-Fred Peckham, Town of Fremont-Jim Greier, Town of Delaware-Harold G. Roeder, Jr., Town of Cohecton-Larry Richardson; Town of Tusten- Susan Sullivan, Town of Highland-Kaitlin Haas, Town of Lumberland- Nadia Rajs, Town of Deerpark- David Dean, Damascus Township-Jeff Dexter, Berlin Township- Alan Henry, Lackawaxen Township- Doug Case, Shohola Township- Aaron Robinson, Commonwealth of Pennsylvania -Tim Dugan, Delaware River Basin Commission-Steve Tambini, National Park Service- Kristina Heister. Staff in attendance: UDC Executive Director- Laurie Ramie, Resource Specialist-Pete Golod, Secretary-Ashley Hall-Bagdonas. Absent: State of New York-Bill Rudge; Westfall Township-Michael Barth. Media- Dave Hulse. Guests: Jessica Newbern, Roger Saumure-Shohola Township, Ginny Dudko- Town of Deerpark, Carla Hauser Hahn – National Park Service, Evan Padua- Town of Tusten.

Presentation by Jessica Newbern from National Park Service: “Status and Update on the Upper Delaware Bat Community”: Robinson introduced Newbern, a Biologist for the Upper Delaware Scenic and Recreational River National Park Service, who shared a power point presentation. Newbern has been involved with bat research since her Grad school work in 2007; specifically bats in the Upper Delaware. The bat species we have in the Upper Delaware are tree bats and roosting species. The roosting species are found to roost in trees, generally alone and do not generally gather in communities. Tree bat species are also migratory so they do not stay here in the winter; they go to south east United States or down into Mexico. Roosting bats include: tri-colored bat, Northern long eared bat, small footed bat, little brown bat, big brown bat and Indiana bat. The Indiana bat is federally endangered. The northern long eared bat is threatened. Pennsylvania is working on trying to get tri-colored, small footed and little brown bats listed as well, because of their population declines in the past 11-12 years. Roosting bats get into big colonies, mainly caves over the winter or other hibernacula. That is specifically why they are getting hit hardest with White-Nose Syndrome (WNS) because of how they roost and spread it from one to another.

Newbern showed a slide depicting the many reasons why bats are important, one being pest management in that bats eat 3.7-123 billion insects a year. Bats’ guano can be used as fertilizer. It is also very important in the cave systems as the cave-life depends on the guano. Once the bats are gone from the caves, if they are decimated it could wipe out a whole ecosystem. Newbern shared they are a fascinating animals as they live for a long time relative to their size, they are roughly the same size as a mouse, living 5 to 15 years in the wild and up to 30 years in captivity. They only reproduce once a year; This is another reason why this WNS is such a big impact. Bats use echolocation for communication, foraging and to figure out where they are at in the landscape. They are the only mammal that can truly fly. Newbern spoke about the stigma of ‘bats in your hair’. In reality bats are really incredible at figuring their landscape with echolocation. Bats don’t ever run into each other when they are in huge numbers because when they do make their echolocation calls their ears are only tuned to their frequency and not the bats flying around them. They won’t hear any calls coming back. Bats are also capable of learning relatively quickly.

It is estimated that over six million bats in Northeast and Canada have been affected by WNS. Wind energy is estimated to cause a loss of 600,000 bats a year. Wind energy is impacting the migratory bats more than the cave roosting bats. Regarding habitat loss, any time forests go away tree bats will no longer be found there. Chiroptophobia is the fear of bats which media and movies has not helped with, though Newbern does think it is now shifting because of WNS and such a great loss of bats. The chances of getting rabies from a bat are not very high. The prevalence rate varies from species. WNS initiated in New York and spread from there. Newbern pointed out there are no confirmed hibernacula in Wayne or Pike County as well as the area around the National Park Service; one of Newbern’s theories is it may be because they don’t know where the hibernacula are, there aren’t a lot of people and there is a lot of private property.

When Newbern and her team started research in 2008-2009, they used triple high and single high mist netting and acoustic monitoring at a number of sites in Pennsylvania. WNS was up and coming in NYS and NYS would not approve a permit for them. Newbern's team captured six of the nine species and they picked up two more species, recording eight of the nine species. Newbern and team have done emergence counts at the Upper Delaware BioBlitzes over the years. Since 2015 they have been doing the mobile acoustic transects and have compiled data. When doing the mobile acoustic transect their route is a 43 mile transect starting at Rohman's Inn in Shohola, PA following River Road up to Stalker, PA, driving at a speed of 15-20 mph with a detector hooked up to a computer that records the call and a GPS unit that is geo-tagging all of the bat calls. The triple high mist set-ups are a really fine net; your goal is to put it in a spot the bats won't see it. Often they will have to move the nets after one night because as Newbern stated bats aren't fooled more than once unless they're young. The stationary acoustic monitoring set-up is similar to the acoustic monitoring with leaving the equipment out and recording. Newbern's team also has a permanent acoustic monitoring station at the NPS office in Milanville that can be out year-round and is programmed to turn on and off at certain times of the day. They are hoping to find out if any bat species use this area as a migratory pathway that aren't known to be present in the region. In the Mobile Acoustic Transects results compiled over the years from 2014-2017, Newbern has found big brown bats are predominantly the bat they are picking up the most. She said that is common for what is being seen in other places. There is a decline in the myotis species over the years. Even little brown bats, which there are quite a few in the Upper Delaware, are showing a decline. Newbern is waiting on more of a pattern however. Mobile Acoustic Transects are done north to south or vice versa each night. Newbern thinks they are missing a lot. With the mobile acoustic transect work, they found big browns were most prevalent. The next was the eastern red bat. Hoary bats' mobile acoustic transect map is a lot more spread out. Those bats fly a lot higher, it's harder to pick up depending where you are in the car and they tend to fly in open spaces. She and her team got a new detector this past year and they wanted to see if there were any differences in the way it recorded the bat species. The detector they had previously recorded only at a 45 degree angle. The one they have now is semi-hemispherical and it can record at 180 degrees. All myotis species were tabulated as they could not be classified to a specific species. Little brown bats, one of the hardest hit bat populations in the northeast have been picked up every year. They have also picked up silver-haired and tri-colored bats every year. The only year they did not record the Indiana bat was 2017.

Robinson asked if the acoustical monitoring system distinguishes the species and quantifies the population as well. Newbern answered that it does not; the software scrubs out all noise and identifies all the calls. If it's not a good bat call and there is not a certain percentage of certainty, the call goes into an unknown folder. The software then generates an excel spreadsheet with an output of bat call data. They haven't quantified the bat population; they are just monitoring where they are spatially on the landscape. Newbern hopes to do more with the maps, having them display from one year to the next if the different bat species number of calls are expanding or shrinking based on how many calls they get in a night along the transect. That still won't give population estimates; you would need to count bats specifically. This is a big advancement from when Newbern was in Grad school and had to go through every bat call, get rid of the noise and identify it.

Newbern's team also does Maternity Roost Emergence counts. They have found a couple little brown maternity roosts in the park in the town of Tusten. The Lackawaxen Post Office is the largest little brown maternity roost that is known in the Commonwealth of Pennsylvania. Hahn asked why are the years so up-and-down. Newbern said when they do the maternity counts they see how well the maternity roosts are doing and if they are successful with reproduction, trying to start earlier in the year, as it is temperature dependent. When it's earlier in the year and the bats are just coming into the roost and they are still pregnant you are just counting the females emerging at dusk. It's just the adults at that point. That's until the babies are weaned and ready to fly on their own which is usually not until after sometime in July. As you progress in the summer the number does increase. There are usually three counts; the pre Volant count (before the baby bats fly), post Volant count (end of July-August), and one in-between because they get to the roosts at different times, so there is a staggering of times when the young are becoming post Volant. At the Cochection Train Station, big brown bats are there but they are very opportunistic. As bats have disappeared from our landscape just because we have these colonies that are bigger we are also missing any of the bats that came here for the summer and passed. The reasons we are not seeing the numbers we used to, is because we are still surrounded by a lot of WNS and have had large numbers of bats dying in our nearby landscapes. In 2018 NPS Biological Resources Division was awarded \$114,000 for WNS Upper Delaware funding. It's been over ten years as Newbern said they were not able to get into NYS last time, so none of the NPS property has been studied.

They are partnering with East Stroudsburg University and Dr. Whidden, a past presenter at UDC in 2014. They will repeat mist netting surveys. The studies were clustered along the NPS corridor and she would like to see that spread out and also to include New York. They would like to attempt to find more little brown bat maternity colonies. Newbern and team would like to pilot a citizen science project as acoustic transects are time consuming. They are hoping to find enough people who would like to put the acoustic transects out a few nights a month. Newbern's team would process the data and make maps similar to the ones they have been producing to see how the population is changing. They hope to find more little brown bat colonies. They will also test the bats for exposure to fungus that causes WNS. The little brown bats don't show any evidence of being exposed to WNS. They are also talking about banding the bats. If that doesn't work out they can try radio telemetry to find the hibernacula. They have been awarded funding pretty consistently every year and there is a reason. One reason is little brown bats are up and down the Upper Delaware River compared to just two locations along the Delaware Water Gap ~80 mile transect. This is unique in the Northeast, and Newbern is very excited about this. This is also why Newbern thinks there are more little brown bat colonies up here. Newbern provided a slide on ways we can help bats. Education and outreach are important, getting rid of stigmas of bats, and educating people on what to do when they have bats. Getting the public involved in bat monitoring and activities such as National Bat Day help. So do choosing alternatives; if you know you have a bat colony in a tree, house or building and you don't want them in there choosing to not hire someone that will spray the bats to kill them or lock them in so they can't get out and die. Newbern said they will continue to monitor bats in the park for changes in species composition or WNS effects.

Richardson asked Newbern regarding the wind turbines is there any experimentation with transmitters that could be mounted and the bat could get a signal to know it has to go around it. Newbern said they talked about doing that because when they are migrating they are not using echolocation. Greier asked how did Newbern compile the figure of 600,000 bats killed by turbines. In Pennsylvania, companies for energy farms can hire people to walk a transect every morning along a turbine and pick up the bats and count them. Henry asked if they generally produce one pup. Newbern said mostly, although big browns can do two a year. Red bats have the most. When they were processing the bats from the wind turbines they found one of the red bats had four fetuses' in it. Richardson asked about the caves that bats use and if they use a particular height. Newbern said they are very picky about where they will hibernate. There are temperature and humidity requirements and it is different for each species. Newbern mentioned in Acadia, Maine they found bats in the talus slopes in crevasses. If you look around here, bluestone slopes look a lot like talus slopes. Out west climbers have been finding them on rock faces in the slits of rock. Case asked what is our most popular bat here. Newbern said based on the call data it's the big brown, but Newbern feels like a lot of data is still missing. When surveys are repeated she feels that will answer some questions. Hahn asked the origin of WNS. Newbern said they believe the fungus was from Europe because the bats there do have a resistance to WNS. They believe it was cave spelunkers from Europe that came over with contaminated gear. Padua asked if someone witnessed a bat during the day, on the river or shore, could it be injured or could that be a symptom of WNS? Newbern replied it would depend on the time of year. When they first come out at night the first thing they do is get water; another reason why we probably have a lot of bats is because of our impeccable water quality. So you can see them sort of swim and get to the side of the water to get dried off. Robinson shared 50 years ago in the Barryville area every boarding house and old barn was a habitat for thousands. At night if you walked along River Road it was in mass that they would hit the river. If you fished the river at night you would see them flop around and get the bugs; it was quite a sight. As the boarding houses went so did the bats. Robinson thanked Newbern for the presentation and gave her a UDC lapel pin in appreciation.

Approval of October 4 Meeting Minutes: A motion by Henry, seconded by Richardson, to approve the October 4, 2018 meeting minutes was carried, with Rajsz abstaining.

Public Comment on the Agenda: None

Committee Reports: Committee reports were provided based on the meeting minutes. They were: Oct. 16 Water Use/Resource Management by Peckham; Oct. 23 Project Review by Richardson, and Oct. 23 Operations by Robinson.

Status Reports Delaware River Basin Commission: The hydrologic report was handed out. Tambini noted that the reservoir levels were well above normal. The 30-year curve shows it's about 45 billion gallons above normal for

this time of year. As of October 29th the reservoirs are at 95.2%. The city is making significant releases to try to get back to the original seasonal storage objective for this time of year. Regarding DRBC meetings: Nov. 8th at the Wallenpaupack Learning Center there's a Subcommittee on Ecological Flows (SEF) to the Regulated Flow Advisory Committee meeting; they will look at the issue of rapid flow changes from reservoir releases and thermal mitigation. RFAC group is meeting on November 27th in West Trenton. The next DRBC business meeting is December 12th in Washington Crossing, Pa. Peckham asked for an update regarding the Barnes Landfill. Tambini said that the DRBC corresponded with NYDEC. That agency has primary responsibility for the landfill. DRBC expressed their concern about the information they saw coming from the monitoring of the landfill. DRBC has not received a response. They also offered to help with monitoring. Based upon the data they are not seeing any impacts on the main stem but clearly there could be localized issues. Tambini stated clearly there are issues that need to be followed up on. Tambini feels DRBC is in the same boat as the UDC and NY's congressman; asking for more information from DEC and providing a willingness to help. Peckham asked if the DEC is responsible. Tambini said from a regulatory perspective it's the DEC. Tambini said UDC and DRBC saw the sampling results. There is something in the ground water. How that's hitting the NY streams and eventually making its way to the river, DRBC would like to follow up with that as well. Peckham asked if DRBC would be willing to monetarily help NY come to a conclusion in terms of how to reclaim the landfill which has been an issue for at least twenty years. Tambini said DRBC's funding story is not that different from UDC's; typically, the states fund DRBC. DRBC can help from an in-kind perspective with monitoring and professional help. Tambini said he thinks all are trying to do the same thing: have DEC take responsibility and plan the next steps in terms of dealing with the landfill. DRBC doesn't usually deal with landfill issues/landfill closure issues; however, they will provide their expertise as they can.

NYS Dept. of Environmental Conservation: Ramie highlighted a press release stating that the Spotted Lanternfly has now spread to Suffolk County.

PA Dept. of Conservation & Natural Resources: Regarding the Wayne County land acquisition he previously mentioned, Dugan believes it did close in October; however, it's outside of his district so he will be getting the details and update everyone at the next UDC meeting. It's fall and hunting season is underway in Pennsylvania. We are in the midst of big game, it's the combined archery season for bear, deer and turkey; and small game season is open for ruffed grouse. This is the second year for the ruffed grouse hunting season that there's been a reduction in the season. Typically, it would be a three-tiered season: early fall; a short stint right before Christmas; and a January late season. Most of the grouse hunters did a lot of hunting in the late January season. Last year they took that late season away in an effort to monitor ruffed grouse populations in Pennsylvania due to impacts from West Nile Virus to the pullets. The Game Commission presented data to the Ruffed Grouse Society and sportsmen's groups about how the grouse numbers have been going decreasing. The birds that are typically harvested in that later season are full adult birds that also breed. Whereas a higher percentage of birds harvested now in the fall season and right before Christmas may still be young in the year or they are not hardy enough to make it through the whole winter. Begrudgingly, the Ruffed Grouse Society and sportsmen's groups did say "ok". The Game Commission did not give a time line. They will look at a couple of cycles of years and see what the data shows overtime. Dugan remarked on the great fall foliage colors right now. The rain stopped for a short enough period of time that some colors really popped out in the last week or two. A lot of the early season species fell. Everything is about two weeks behind. Fall fire season is coming around, be fire wise and prepared. Grant announcements from have been feathered out since late September. After November 6th the rest will be announced. Workshops for next year's grant applications are starting. Dugan talked about the demand for Spotted Lanternfly information and suggested everyone to look at the Department of Agriculture's website as well as DEP's website for trainings. The most recent incident came from a nursery coming from Pennsylvania. Egg mass laying season is done in the heavy population areas. Now it's time to look for egg masses. They become gray and brown and can be on anything from a lawn chair, a grill, a piece of firewood or a train car. Dugan said keep your eyes open and try to notify the agency when you find them. Dugan said he would support UDC funding letters to Pennsylvania state representatives, Senators and the Governor. Robinson asked what was the timeframe for the state to review the budget. Dugan said DCNR has already produced some of their forecast for the July 2019 - June 2020 fiscal year. By November or December, they will have already submitted their initial requests. Dugan said the governor typically does his review and address in January or February, then it goes to caucus, then to House and Senate, and most of the work happens the last two weeks in June. Robinson asked if approaching the governor's office now would be premature in terms of having a sit-down

with his director and representatives. Dugan said now would be a good time to start with another effort to submit a request asking for the 2019-2020 fiscal year funding, understanding that process, then in January would be time for the next set of letters or contacts. Saumure asked if the request would be in the form of a line item on a budget somewhere. Robinson said he hopes. Saumure said if it's a line item it could be cut. Robinson said there would be more discussion on this because UDC needs to devise a strategy to penetrate the political layers. It's no reflection on DCNR but UDC has not been successful in penetrating the bureaucracy to get the right funding. Robinson is looking at it as a chain of title, the governor of Pennsylvania in '89 and Gov. Mario Cuomo in '93 signed Executive Orders. These Executive Orders have been renewed by every successive governor. The fact that they recognize their participation in the UDC should come with a check but they have somehow separated their philosophical commitment from financial commitment. Robinson would like face-to-face dialogue to straighten finances out. Greier mentioned page 22 of the RMP references the four direct sources UDC should be receiving funding from: NPS, Commonwealth of Pennsylvania, New York State, DRBC. It breaks down what funds from each source. On the topic of Chronic Wasting Disease, Peckham said last year when he was in Pennsylvania and went back to NYS, DEC was at every bridge, checking game to make sure it wasn't coming in from Pennsylvania. Peckham asked Dugan if this was reciprocal. Dugan said he does not know what NYS's regulations are but advised you can check NYDEC's website. He also directed him to a handout about Chronic Wasting Disease. If you are in Pennsylvania and are hunting in an area where Chronic Wasting Disease is known to exist, you must follow certain guidelines. Greier said all these regulations are good but what's going to stop the deer from swimming back and forth across the river? Dugan said just like the Spotted Lanternfly, or any disease and invasive, awareness if their first effort to control. If the community knows, then they will hopefully understand the risks. Dugan said in Pennsylvania there are three disease management areas. The closest one is Lancaster/Berks County line area. Golod said he had spoken with Bill Rudge. Golod asked Rudge if the DEC had any reported cases of CWD in Region 3 or 4; Rudge said fortunately there have not.

National Park Service-Upper Delaware: Heister received all the input from the park staff for the annual reports which she will compile and will send out before the next full council meeting. She is also preparing their Fiscal Year 2019 Work Plan and will provide it to the UDC for review. NPS has decided to invest in high-performance team building. That workshop will be November 6-8th for the management team within the Upper Delaware. They are bringing in someone from Colorado who is highly recommended and has worked with Steamtown and Delaware Water Gap. A second workshop will take place in March for training on strategic thinking. The outcome will be a five-year strategic plan for Upper Delaware Scenic and Recreational River to focus energies on things that are most important. Heister will be on vacation from Nov. 19 through Nov. 28th, then again on December 20th through January 1st. Saumure asked Heister if the strategic planning was within the Park Service. Heister confirmed it was, based on a series of evaluations underway since 2013. Cultural resource experts also came in and are about to complete their long range interpretive plan.

UDC Executive Director's Report: On Oct. 29, UDC received notification from Heister of a message she got from the NPS Northeast Region Contracting Officer Patrick Reidy. He relayed that while he hadn't started reviewing UDC's Fiscal Year 2019 federal funding package that was submitted on Oct 15, if the documents pertain to the full year (\$300,000 allocation), they will be rejected. Reidy just became aware of a Department of the Interior Office of the Inspector General finding from "a number of years ago" which states that submitting a budget for more money than is actually being awarded violates the Anti-Deficiency Act. Under the current Continuing Resolution for the federal government's operation, the UDC is eligible to receive 18.63% of its funding for Oct. 1 through Dec. 7. Therefore, UDC's request can only cover \$55,890. This requires preparing an entirely new budget, narrative and work plan detailing how and what we will fund for this arbitrary figure. That will need to be done all over again as of Dec. 8 and for any future Continuing Resolution periods until a full budget is finally approved. The problem is that UDC's budget is predicated on \$300,000 of income that is not spread equally over the course of 12 months. UDC has certain fixed operational expenses each month like personnel, electricity, phone, Internet, office cleaning, and member fees; then we have payments that come due at specific times such as insurances, grant reimbursements, our newsletters, and special events; and lastly, there are variable costs more difficult to predict and expenses UDC does not assume until we see how our funding is faring toward the end of the fiscal year. Robinson spoke about how 90% of UDC's budget is recurring, it's recurring expenses year after year only it's not recurring in the same quarter. When the Department of the Interior applies these restrictions on quarterly disbursements it's without consideration that organizations spend their money on an irregular basis. Many businesses have the same problem

of fixed overheads that are consistent, just not equally distributed over the fiscal year. It's a case where the government lacks knowledge on how organizations function. Rajs asked what was the explanation regarding UDC's Fiscal Year 2019 federal funding. Heister said there was an OIG report. Henry said the person from the government who is supposed to steer UDC through this didn't find out about this until a week ago, and now the UDC will have to spend an inordinate amount of time to re-do its paperwork. Henry's recommendation is just come up with 18.63% of the total \$300,000 and tell them that's what UDC's going to submit. Henry also suggested letting every person we can think of from the director of the Park Service, to the Secretary of the Interior, to all of our congressmen realize that once again, UDC is getting raked through the coals by people from NPS and the government who should know these things. Tambini said it seems like the principle that you're being pushed back on is the Continuing Resolution date and not exactly the number. UDC must put together a budget that represents spending through that date which is a challenge. Heister said the Continuing Resolution date is irrelevant. Dec. 7th is just a date that the Continuing Resolution expires. The budget that Ramie and Heister are going to put together will equal the 18.63%, whether that's January, February or July. So, forget Dec. 7th, she said, since that is just that date the Continuing Resolution expires.

Bookkeeper Mike Poska has calculated our minimum operating cost for the period in questions is \$39,724 – which is \$16,166 less than we are entitled to receive with this first award, technically. Ramie said she doesn't know the implications of filing for less in order to preserve UDC's funding for when it's needed. Ramie has asked Heister to relay that question. This finding has introduced another administrative burden for UDC of additional paperwork, time, and perhaps cost if UDC's part-time contractual bookkeeper charges extra for his part of this unknown quantity of multiple filings for what will ultimately be the same \$300,000 in the end. UDC is already required to file quarterly reconciliations. This greater frequency complicates accounting considerably. Heister has set aside time on 11/5 to sit down with Poska and Ramie to hash out the numbers and tie figures to work plan tasks. Ramie will then need to translate the budget into a narrative report explaining a breakdown of budget categories. This is all being done ASAP since UDC will see no money until it's processed and authorized. Heister doesn't see why there would have to be a new work plan. She recommends keeping the full year work plan, the narrative, and the full year budget, and adding a month-by-month budget percentage as required under the next Continuing Resolution, which will not be hard for Poska to do. This can be done every year. Heister believes that's a good solution and she ran this by Reidy. Dugan suggests if there are typical annual payments, try to parse them down and get the UDC as close as possible to the \$58,000 mark. Henry said it's still dismaying and asked if Reidy has rethought his position about this new requirement. Heister said we can do what Reidy is asking of us in a different way than he is asking us to do it. Henry said he is glad Heister is willing to help UDC but is frustrated with how Reidy is telling UDC to spend money since our allocation is in NPS budget. Henry asked if NPS was at full budget and Heister said no, they are at 18.63% as well. Henry recommended sending a letter to the director of the National Park Service and Secretary of Interior regarding the OIG finding's impact.

On Oct. 31 Ramie received a call from Melanie Boyer. Ramie had sent a letter to Central New York Railroad on Oct. 26 offering to take a lead role in updating the 1997 Emergency Response Guide for the Southern Tier Line. CNYR spokesperson Boyer acknowledged UDC's letter and reiterated the company's intent to participate in the revision of the booklet with a timeframe that was "over the winter". Ramie also was in contact with Boyer regarding the feasibility of restoring passenger service to this railroad route which Robinson brought up at the Operations meeting. Boyer asked if Ramie was referring to regular service or special occasion excursions. Ramie said both but more emphasis on whether these tracks are rated to handle passengers. The answer is technically yes; there is no differentiation in gages or capacity of the infrastructure. Boyer stated that it could not happen however. As operators of this line on behalf of New York, Susquehanna & Western Railway, Central New York Railroad is barred by the system's owner, Norfolk Southern Corporation, from running passengers on this line. Norfolk Southern is in the business of transporting freight cargo, they don't have the necessary equipment or the liability insurance, the Federal Railroad Administration regulations for passenger service are considered onerous, and it would not be a profitable investment. Boyer said most tourism excursions are struggling to survive unless they're able to run on their own tracks like the Stourbridge Lion does in Honesdale. Another negative factor is the topography of the Southern Tier line doesn't lend itself to efficient passenger service, which would be slow due to the curves and layout. Boyer is aware there is a lot of nostalgia for train trips and did point out that Port Jervis is not that far away. Ramie also referenced a recent article by Peter Becker in the *News Eagle* to get passenger service along the Pennsylvania tracks. They have a Nov. 12th meeting set up with the railroad to proceed further.

Ramie went over the November calendar. Auditors from Eckersley and Ostrowski, L.L.P. will be in starting Nov. 5th to work on the FY-2018 financial review. There are three presentations set up for the next three months. Dugan will be presenting on Dec. 6th on the Delaware State Forest Resource Management Plan's 5-10-year update. Keith Pierson from Wayne Conservation District will speak on Erosion and Sedimentation Control and Mitigation on Jan. 3rd. On Feb. 7th Heather Leach from Penn State College of Agricultural Sciences will present an update on Spotted Lanternfly Invasive Pest. Ramie is still pursuing Verizon and AT&T for wireless cellular presentations. Ramie asked for the Council to read the rest of the calendar at their leisure.

Old Business

Town of Highland/UDC Subcommittee Parcel #27.-9-1 Project Oct. 26 Meeting Report: Greier reported that on Oct. 26 he, Richardson and Dean went to Highland Town Hall and were graciously received by the Town of Highland. Greier felt they had a productive meeting. Supervisor Jeff Haas assured them that they are 100% behind supporting UDC. Town officials informed them that everything right now is at a standstill due to the fact that there are discrepancies on property lines. NYDOT is supposed to come in and do an extensive survey as some of the deeds go back to the canal and towpath markers. That's as much as Greier feels comfortable reporting on as everything depends on the information that comes back. Richardson relayed NYDOT put a stop-work order on the project until the state NYDOT and the property owner resolve any differences. Dean asked Representative Kaitlin Haas if NYS did the survey, would they approach the developer with a possibility of buying the land that he may or may not be encroaching on. Haas said she thinks there are a couple of options. One would be granting a variance based on the deed description. The other option would be potentially buying or selling the property in question. Hahn asked if anyone talked to the Town of Highland about when they submit projects for review to the UDC, what a complete package looks like. Robinson said there is a brochure Highland produced that UDC helped fund regarding how an application proceeds. It stipulates that an applicant has to review all the zoning and also comply with the RMP. Richardson made a motion to table the matter seconded by Greier. The motion carried. Robinson suggested this be an ongoing agenda item. Henry recommended that it stay on the full Council agenda and that the Project Review Committee report back if there are updates.

Sullivan County/NYS DEC Oct. 18 Barnes Landfill Meeting Report: Rajs reported that they had a meeting on October 18th, involving the Supervisor of the Town of Highland, several county officials, Rajs invited Golod, and there were three representatives of DEC. Rajs said they did mention they have over 2,000 such landfills that have been abandoned throughout the state. There is money to oversee a landfill like this if it impacted on the drinking water of the residents surrounding the landfill. Rajs said the question was, is it impacting on the wells. The Department of Health ran studies but Rajs does not have that information. Golod agreed and said the DEC would not share that information with the UDC. Rajs said we have heard from the DRBC that they have not received a response. Rajs received an email from the manager of the county, which read: "I just spoke with Matt McPhillips from Congressman Faso's office. He wanted me to inform the county that the letter Congressman Faso's office sent to NYS DEC several weeks ago has gone unanswered. Congressman Faso is going to be personally calling the DEC commissioner about this issue. He will be reiterating their position from the letter, that the state should be declaring this landfill a superfund site." McPhillips will keep Rajs informed. Golod shared that NPS had not received a response from their letter from July 25th to NYSDEC either. Golod spoke with James Lansing, person of contact for UDC regarding the landfill. Golod asked Lansing if he was going to respond to the July 22nd letter from the UDC, which was the second letter to him, that had follow-up questions on the report they supplied and the water quality assessment. Lansing said he would follow-up with the UDC and also NPS, but he did not give a timeframe. Roeder asked if the DEC could not react until the private wells were impacted. Rajs said someone said they were negative with no toxins found but she doesn't have any data in hand. The DEC does have money to oversee this landfill and monitoring only if these drinking wells are contaminated. Roeder said the DEC comes after a group of people or a farmer and says, "You can't do that here because you *could* impact something." This is saying we're not going to release any money until it does impact something. Rajs said there will be another meeting as the DEC was tasked with answering a number of questions. Rajs said neither the Town of Highland nor the county should be responsible for taking over this landfill. It's in "no man's land", and doesn't belong to anyone. Rajs is hoping to have this next meeting sometime in December. Sullivan asked about the DOH testing and not sharing results. Rajs said property owners were told the results presumably but she doesn't know for a fact. Lansing from DEC has the

private citizens' well water samples but whether legally they can share that or they won't share that, is to be determined. Golod said the UDC did write a letter in early September to the DOH respectfully requesting those results without any privacy information so that they could find out whether the private drinking wells were impacted. Unfortunately, we have yet to hear back from DOH. Sullivan asked are any of the landowners the people with adjacent wells. Do they know what's going on? Are they up for suing about this? Rajsasz said she's going to make the assumption they know the results of the well sampling. Dugan said the crux of the matter is you're speaking of no man's land. The DEC is going to drag their feet until their legal team can figure out if they can pin the cost on someone else. Ultimately water quality and monitoring fall back to the state. They are going to take as much time as they possibly can until it arises to an imminent threat or someone else can get hung on it. Golod was surprised and disheartened by a question both the UDC and NPS had asked but framed differently, regarding the leachate and the leachate that is overflowing, especially during heavy rain events. One of the questions was whether surface water is going to be tested and if so will there be a periodicity, and will that information be shared. The answer flat out was "No". Golod had to ask whether or not the individuals know if contaminants are coming out of that leachate. They know from the ground water tests that were offered from Sept. 2017 that there were over 119 constituents (contaminants), nine of which superseded DEC and EPA standards. They didn't realize that this leachate potentially or has in the past flowed into the Beaver Brook, which is a tributary to the Upper Delaware. Golod shared that Rajsasz asked at the meeting "Would you want to live next to that?" and nobody had a resounding "yes". Rajsasz understands that there are 2,000 such landfills but said you cannot wait until the ground water or drinking water is contaminated to fix the problem. Robinson read over the Executive Orders going back to Gov. Mario Cuomo and it stipulates that NYS will cooperate and contribute to the RMP. If the RMP is structured for water quality and land use guidelines, wouldn't that be part of it? How can a Governor ignore this? That's another avenue to be debated. Henry said he would urge UDC to go through Congressman Faso because he feels it needs federal review, especially if they are thinking about turning it into a superfund site. He would like to request Faso to meet with the DEC commissioner face to face to get the ball rolling because there have been no responses from the letter writing campaign. Richardson shared as he listened to this discussion that it's not equal to Flint, Michigan, but he can't help but think there are some similarities. Officials there are beginning to pay the price of what actions were done in Flint. Richardson said he's not threatening anyone in the state but if there are state officials aware there are pollutants, is it really a good idea to wait until people are consuming that water through their wells and begin to get sick?

Other: None

New Business

Appointment of a Nominating Committee for UDC 2019 Officers: Robinson appointed the following individuals to serve on the Nominating Committee to develop a slate of UDC officers for the calendar year 2019: Al Henry (Berlin Township), Jeff Dexter (Damascus Township) and Harold Roeder Jr. (Town of Delaware). The Nominating Committee will issue its report at the December UDC meeting, with the election taking place at the January 2019 meeting.

UDC Resolution 2018-05: Approving FY 2019 Budget, Narrative and Work Plan: Richardson asked if UDC is prepared to submit the Budget or must it be reworked. Ramie said it was already submitted but Reidy hasn't looked at it yet so UDC will be supplementing it with a new Budget. Ramie felt it was valuable that UDC have an annual plan for ourselves for internal use. Henry moved to approve the FY 2019 Budget, Narrative and Work Plan seconded by Rajsasz. The motion carried.

Draft Letter to NYS DOT Region 9: Emergency River Access Road in Pond Eddy: Robinson summarized the letter to DOT Region 9 related to the emergency river access road in Pond Eddy which discusses use of land a quarter mile downstream. Richardson moved to approve the letter, seconded by Rajsasz. The motion carried.

Damascus Township Substantial Conformance Recommendation: Floodplain Variance to Allow Construction of a Single-Family Home, Tax Map Parcel #13-8 Golod shared on Oct. 2 Damascus Township submitted a variance to allow construction of a single-family home in the flood plain. Per the 1988 Project Review Workbook a

variance review requires the completion of appropriate, significant project checklist. If the development meets the criteria, a report of that review is made. The single family home didn't rise to the level of a Class II Significant Project so Golod performed a substantial conformance review to assess the principles and objectives of Land and Water Use guidelines were met. On Oct. 15 Golod met with Claster and they conducted their joint review. On Oct. 23 Golod presented the review to Project Review Committee. The Committee found that the variance had adhered to the objectives of the Land and Water Use Guidelines and voted on an initial recommendation of Substantial Conformance to be made by the full Council. Golod stated it was observed that standards of the Township's application for a building permit were not being met which included such items as: Erosion and Sedimentation Control Plan, sewer permit and site plan lacking certain criteria. This was brought to the attention of the Township that the submission of those documents not only help the reviewers expedite the reviewing process, it also allows UDC and NPS to answer those questions during the review process. Golod said that Township CEO has since supplied the lacking information that further substantiates the Substantial Conformance Review for this variance. Rajsasz moved to approve the Floodplain Variance recommendation seconded by Henry. The motion carried.

Construction Updates for the Pond Eddy and Narrowsburg-Darbytown Bridges: Ramie shared a press release that lays out the schedule of demolition of the 1904 Pond Eddy Bridge. The same contractor is working on the Narrowsburg Bridge. During the week of Nov. 5th the contractor D.A. Collins will reopen the Narrowsburg Bridge to two-way traffic. The three-way intersection on the New York side will go back to a three-way stop intersection, and the original blinking warning light will be reinstalled on the New York side.

Other: Robinson said the funding of the UDC is probably the highest priority. Despite frustrations UDC may have had with NPS, they are delivering as much funding as they are capable of delivering. With federal constraints it's been a maze. This brings into focus the need for PA and NYS to start ponying up some hard cash. Robinson feels UDC needs to go to the Governor of each respective state. Robinson's recommendation is UDC gets ahold of the Governor's office with a sense of urgency and set up a meeting. If someone has to travel to Albany or Harrisburg we will do it. Robinson feels this instability in government is something UDC will have to live with; it's a routine not an exception anymore. From Robinson's research of NYS, the state really reneged on the deal Mario Cuomo signed. This should be an embarrassment to his son. They came down and made a big deal out of what a beautiful area this was. They take our sales taxes, our income taxes, perhaps some of the real estate taxes down here, but they haven't given us a dime. Robinson thinks this should be pursued for both states. Heister recommended reaching out to the Delaware River Watershed Coalition. Coalitions can do many things that government officials and UDC members can't and it's a basin-wide organization. Ramie said Coalition for the Delaware River Watershed did assist UDC with our funding delays and were very effective on that front.

Public Comment: None

Adjournment: A motion by Roeder, seconded by Greier, to adjourn the meeting at 9:50 p.m. was carried.