



Upper Delaware Council

P.O. Box 192, 211 Bridge Street, Narrowsburg, New York 12764-0192 • (Tel.) 845-252-3022 • (Fax) 845-252-3359

www.upperdelawarecouncil.org

UPPER DELAWARE COUNCIL MEETING MINUTES

July 11, 2019

The Upper Delaware Council held its monthly meeting on Thursday, July 11, 2019 at the Council office in Narrowsburg, NY. Chairperson Roeder called the meeting to order at 7:03 p.m. The Pledge of Allegiance and roll call followed.

In attendance: Town of Delaware- Harold G. Roeder, Jr., Town of Hancock-Fred Peckham, Town of Cohecton-Larry Richardson, Town of Tusten- Susan Sullivan, Town of Fremont-Jim Greier, Town of Highland-Andy Boyar, Town of Deepark- Ginny Dudko, Damascus Township- Jeff Dexter, Berlin Township- Alan Henry, Lackawaxen Township- Doug Case, Shohola Township- Roger Saumure, Westfall Township-Michael Barth, National Park Service- Marilou Ehrler, Staff in attendance: UDC Executive Director- Laurie Ramie, Resource Specialist- Pete Golod, Secretary- Ashley Hall-Bagdonas. Absent: Town of Lumberland- Nadia Rajs, Commonwealth of Pennsylvania- Tim Dugan, State of New York-Bill Rudge, Delaware River Basin Commission- Steve Tambini. Media- Rich Thomas- Channel 13, Dave Hulse, Peter Becker. Guests: Roland Edwards Jr.- Westfall Township, Randy Stechert, Jennifer Claster- National Park Service, Margaret Richardson, Scott Rando, Jeff Sidle, Wayne Wunderlich, Brian Woehrle, Richard Schulman, and others.

Presentation by Randy Stechert: "Habits and Habitats of Venomous Snakes": Stechert abbreviated his presentation by speaking about Narrowsburg and the Town of Tusten. It does not have a large population of rattlesnakes though he's heard many people say three rattlesnakes showing up in a community with several people seeing them equates to the place being "infested". Stechert is familiar with the local rattlesnake dens. One is on a homeowner's property and they decided out of the 216 acres they owned to build their house right next to the den because of the beautiful scenic view. This individual has helped out the local population because he won't kill the rattlesnakes. He puts them in a garbage bin and moves them to a different end of the property. He has such good rattlesnake habitat he has gestating females on occasion. Stechert said this individual built a deck on his property and rodents moved in and made holes. They thought the holes were from rattlesnakes but rattlesnakes don't burrow. The rattlesnakes and rodents were using the rodent holes. A healthy rattlesnake den has between 60 and 100 snakes, all older than newborn, one year and up. If they are not bothered they can live up to 40 years. There are two local dens he monitors.

There are two venomous snakes that occupy this area. Stechert let a Copperhead out onto the meeting room floor for the group to see. He said they do not occur any further Northwest up the Delaware River Valley than Narrowsburg. Copperhead is a non-lethal snake. There are two recorded fatalities from copperheads in medical records. One was an elderly woman in Georgia and they don't know what her state of health or treatment was. The other one astounded everybody and that happened a few years ago in Missouri. It was a young man in his 20's. Just like anybody, you can be allergic to peanuts, shellfish, you can be allergic to snake venom. He had an anaphylactic reaction. He didn't die so much from the venom bite as the anaphylactic reaction and his throat closing up.

Copperheads are very easily recognized. It's got a copper head, there's no better name. Water snakes and hognose snakes can look alike but they don't have that yellow-copper to orange head. Milk snakes also get mistaken for Copperheads. Copperheads have cross bands across the body, narrow along the backbone and they widen out and have that hourglass shape on the sides. They have an elliptical pupil. The female Copperhead Stechert brought was

stout and very large. Like rattlesnakes there is some sexual dimorphism. The males get significantly larger than the females.

Stechert said the Copperhead he was showing was acting calm. If he went to touch her close to the nose she would bite. The position she was in was not a coil position; she's not totally happy but not upset either. They don't have to be in a coil position to strike. She's going to be 24 years old as of September. She was wild caught, not by Stechert. He doesn't take snakes from the wild. She's very limp, like somebody that needs a good exercise program and he needs to pick her up in the middle of the body. For any baby snake you can tell if it's another species or copperhead because they have that little sulfur yellow tail tip. Which they use to attract small prey like frogs and lizards and skinks which we don't have here but they do in Rockland and Orange County, etc. When the animal gets close it lures them, strikes and consumes them. Copperheads are not a water snake. On occasion he hears "We have moccasin snakes up here". They come as far north as Norfolk, Virginia on the eastern seaboard. They go quite a way up the Mississippi river valley too. When returning the snake to the container he said he is very careful in doing so because they can bite through the bag he puts them in first. The bag is very porous and they can see through it.

Next, Stechert showed the group a Timber Rattlesnake which was a captive animal. The parents, male and female, were from North Carolina and Georgia. It used to be called the Canebrake Rattlesnake and considered a subspecies. It's not. Through DNA analysis they determined it's another color variation of the Timber rattlesnake. Stechert said he doesn't agree 100% saying it lost its subspecies designation but it's still a little different than Timber rattlesnakes. The head is not as broad. The venom is quite often significantly more potent. They grow to a larger size than Timber rattlesnakes do. Stechert was asked if Timber rattlesnakes were one of the most aggressive snakes and he said no. He said if you were to say most aggressive, meaning defensive, that would probably be the Western Diamondback. The snakes are not stupid animals. They may be scared and may bite. That's not going to take care of the situation. You're not going to die like that and may not die at all but you're probably going to turn around and kill it. So, their venom evolved to procure prey, not for defense. He was asked if the term "dry strike" is defensive? Stechert said yes, absolutely. Regarding a snake bite, people thought in the past if you were bitten, you were going to die. The last person that died from a Timber rattlesnake bite in New York State was from a 53-inch snake, which is a big for a Timber rattlesnake. The largest Timber Rattlesnake he ever found was 60 inches long. He was so thrilled. It took him 34 years, he's been doing this 53 years. He found it on hunting club property. Up here their color can vary from a bright sulfur yellow, to so black you can hardly see any markings. There is a misnomer that the young are more dangerous because they don't know how to control their venom and they might inject more but they have such a smaller amount it doesn't really make any difference.

The last known fatal snakebite killed the former head keeper of reptiles, Charles E. Snyder, at the Bronx Zoo in 1929. He was out collecting them and Stechert even calls the den Snyder's den in his honor. The story goes, Snyder caught 17 rattlesnakes and while he was going for the 17th there was an 18th snake nearby in the leaves he didn't see and it struck out and bit him. What he did, which Stechert doesn't do anymore, is that the snake was going into a crevasse and he grabbed it by the tail. They can go into a tiny crevasse and turn around on their bodies. Snyder was bit in Rockland County on May 12th, 1929 and he died the next day at the Good Samaritan Hospital in Suffern. Snyder had been collecting those snakes for venom research, when anti-venom was in its infancy. He didn't want to release them. He gave them to his buddy and told him to meet him at the car. He was a portly man and the nearest house was two miles away. That got the venom really coursing into his system and went to the hospital. They had the curator of reptiles come to the hospital but he had one vial of anti-venom. If you get a serious bite and you're there for a long time without any treatment, you can need 30 or 40 vials of anti-venom to nullify the snake venom itself. However, at least 50% of venomous snake bites are dry bites. Another 30% might be minimal to moderate, 20% are significant envenomation, and that happens for a reason also. The more you bother the snake the more likely it is to give you a healthy bite. Barth said he had a friend bitten while hiking in Western Pa, and he hiked 2 ½ miles out of the woods after he was bitten just above his snake boots. Barth said his friend stepped over a log and stepped on the snake. By the time he was out of the woods he was pretty delirious. He was in bad shape and his leg is still in pretty bad shape. Stechert said as bad as that sounds, he did the right thing, walking out of there slowly. If you find the snake in the wild, like Barth's friend, and the snake strikes, it's because they are frightened. There are over 6,000 people bitten by venomous snakes in the U.S. every year (not all of them are native) and less than 10 people die. Peckham asked if the closest anti-toxin hospital was Callicoon and Stechert said he assumes so.

Golod asked if rattlesnakes are aged by the nodes on the rattle? Stechert said no, you cannot do that unless the snake is newborn and has a button. It has a button until it sheds the first time. It has a pre-button when it's born and then it sheds seven to ten days later and has a more well shaped button. The first time it sheds won't be until the following June. It adds one segment. When their segments get long enough it's like fingernail. Golod was correct by counting 13 or 14. Stechert said snakes are one of the easiest animals to keep in captivity but he has had to shed this Timber rattlesnake three times. They go into pre-shedding and develop milky fluid and they do not eat when their eyes are cloudy. Aggression is basically a non-applicable term for rattlesnakes and most snakes in general. He's had more Eastern (black) Racer's challenge him or come to strike at him than rattlesnakes. He's seen 9,750 Timber rattlesnakes in 15 states. He's been struck at when he's suddenly encountered one, when going over the top of a rock ledge six times out of 9,750. Stechert believes he had an aggressive reaction regarding one of his bites. He saw the snake, it got mad and rose up and starts rattling and headed towards him. Why, because its crevasse was right behind him. Regarding bites, they are most prevalent in the Southern triangle of New York in Harriman State Park. The reason is, people see them and people play with them.

North of Callicoon, you have that wonderful hiking area, owned by the DEC, Jensen's Ledges. A group was hiking with small children and they found a couple of rattlesnakes and they were all thrilled. They have occurred here in the Delaware River valley continuously for the past 5,000 years since the recession of the Laurentide ice shield associated with the Wisconsin Glacier. The recession started about 20,000 years ago. What happened was we had the boreal forest come down from Canada (Evergreens and Maples in particular). Evergreens, in particular, are not conducive to rattlesnakes. Climate changed and boreal forests don't support much in the way of food source. The forest in the river valley started coming up Oaks and Hickories and with them their mass crop. With their mass crop came the rodents. After the rodents came the rattlesnakes.

Case asked what time of the year do they have their young? Stechert said generally late August, early September. They have 8-12 young. A female may have two or three reproductive efforts in her lifetime. Average lifetime 18 years, 3 reproductive efforts, if two of those newborn reach sexual maturity she's done a good job at not replenishing the population but adding to it. If there are only two that doesn't mean that those two are going to be female.

Rattlesnakes are endangered. At the two dens he mentioned earlier, the average population is 60-100 snakes and they probably have about 25-30 rattlesnakes each now. There was a den by Camp Keowa Boy Scout Camp on the north shore of Crystal Lake. They purposely wiped it out in the 1930s. The last snakes died in the early 1950s. They mounted a campaign against them. They contacted the Bronx Zoo and the curator of reptiles wanted rattlesnakes for venom research. He asked for his buddies to collect as many as possible. He has a, very well-done paper "Herpetology of the Ten Mile River Boy Scout Camps". They collected in the early 1940's two dozen and they didn't leave them there. The former caretaker for Camp Keowa knew where the den was and he dynamited it. That generally does not wipe out the snakes because they can fit into any crevasse. They didn't destroy the den but they put the dynamite in the northwest corner of the den in an old Indian shelter, wiping out the Native American artifacts.

Stechert confirmed Timber rattlesnakes den with black snakes as well as copperheads when they are within their range. There was another den at Camp Kunatah, right next to Indian Cliffs. That population was wiped out too. Before the snakes became protected in 1983, the idea for the Boy Scouts was you find a rattlesnake, be versatile, kill that snake, skin it and eat it. Now that is illegal.

Stechert tells people, if you have a rattlesnake and are concerned call him and he will pick it up. He doesn't tell them the second part of the story is that he's going to pick it up move it 200-300 meters. A lot of people would say the snake is going to come right back and that's a possibility but when you pick up a snake and you bag it and weigh them, it's a traumatic experience for the snake. The snake is going to stay away from the area it was caught. The range that rattlesnakes travel is two miles, copperheads a little less.

Stechert was asked if in the recent years if he's noticed an increase in the snake fungal disease? Stechert said the rattlesnakes go into hibernation in a damp crevasse for 5 ½ months generally from late October to late April. It's

basically a septic condition; you have thousands of dead rattlesnakes from thousands of years in there. You have more recent rattlesnakes starting to decay so there is bacteria. Snakes have numerous enemies. Outside humans, birds of prey are probably the worst as far as killing them. Inside these crevasses there are rodents. The rodents that the snakes eat spring, summer and fall; sometimes they will go into the crevasse and bite the snake. Stechert had a friend that was tracking a snake with a radio transmitter and he had Stechert look at the snake and it had a mark on the back of the neck. He recognized it immediately as rodent bite trauma and it was an open wound. It's not a new emerging fungal disease. Stechert has been doing this for 53 years and one out of the first four rattlesnakes he found near Yulan on 10/16/1965 had fungal lesions. 90% of the snakes that get it will survive. If they have bite marks or lesions that will cause them to shed. They don't normally shed more than twice a year. They will also try to bask more to dry it out.

Stechert's favorite occupation is trying to figure out where a den is. It's like detective work. He found out there are rattlesnakes by the antique store on Route 97. They can come anywhere from two miles away. What's the best looking area, over the Delaware River? He found that den on 9/25/1982. He said what he's looking for is an open exposed ledge, a nice open top with blueberries and flat rock slabs. The den will theoretically be on the steep mountainside directly below that. It's not easy to do. He has found in four states, primarily New York, 213 dens. For this area there are probably no radio-transmitted snakes. You have to have a permit to do the studies on them. He has done 16 years of radio telemetry in six different geographic areas. You have to surgically implant it, cut an inch slit into the snake's intraperitoneal cavity and implant the transmitter with the wire, which is flexible. You thread it anteriorly up towards the snake's neck. The implanted transmitter is about the size of your thumb with a two-year battery life. You can get a signal in optimal conditions from as far as two miles away.

Stechert said he has a Timber rattlesnake likely born in 1998, a copperhead, and a harmless black pine snake for school kids to handle. He keeps the rattlesnake for public education purposes. In the wild he caught a 42-year-old rattlesnake, based on its size. It was 12 years old when he caught it and Stechert marked him. He marks them with an indelible ink pen on both sides of the rattle on the longitudinal groove including the basal segment. That is one of the most important segments because when the snake sheds then the next segment that comes out is going to be clear. Their average shedding rate is 1.5 times a year. He doesn't often go back to a particular den site numerous times a year, not more than two or three times so he has a limited data set that he refers to in his archives. He caught that rattlesnake in May of 1984 and recaptured it in April 2014. It was big at 48 inches. 15 to 25 years is the average lifespan.

Black racers eat smaller snakes including rattlesnakes. They eat neonate rattlesnakes and first year juveniles. Milk snakes might eat a neonate rattlesnake but primary predators are Red tail hawks, broad winged hawk, great horned owls and coyotes. Possums have a high degree of resistance to rattlesnake venom. Then they go into hibernation and the rodents start chewing on them. They hibernate annually mid to late October, and come out late April, early May. That's the only time they use the den but without the den they cannot survive. When they hibernate, the temperature never goes below freezing. It might briefly drop down to 35 degrees. Generally speaking, you have a rock mass above the den crevasses that the crevasses go down into facing anywhere from southeast to west and it acts as a thermal mask in the winter when the leaves are off the trees. It absorbs the heat and releases it slowly and permeates into the crevasse and keeps the temperature plus a little moisture, which doesn't freeze. A few snakes can adapt to non-native dens if moved but other ones that have spent a lifetime familiarizing themselves with their surroundings don't recognize anything and are lost. They have tremendous memories about the areas they go through. There is a renowned Timber rattlesnake researcher, a Herpetologist transmitter expert, who said once you track them one year you basically know where they are going to go. He radio-tracked snakes two years in a row, males in particular. One year they go two miles in one direction. The next year they went in the other direction but they remember where they've been. The protocol for when getting bit by a rattlesnake is stay calm, walk out of there, go to the nearest hospital. No cutting or constriction band is recommended anymore. He was bitten four times and went to the hospital twice. Again, 50% of bites are dry bites. He had minimal envenomation with three of the bites. Moderate envenomation with the fourth. The most significant bite he had was with a non-lethal snake, a beautiful female copperhead. He had it in a bag, bringing it back to the Staten Island Zoo. Stechert said it was his bicentennial bite, July 3rd, 1976.

Stechert had one more story to share. He said his next door neighbor used to be his girlfriend and she's an amazing person. He was driving down Cackletown Road and saw a rattlesnake. He had tongs at the time but he couldn't hold the tongs and drive the car so he held the snake behind the head out the window. He took it off into the woods and let it go. He didn't have a marking pen at the time so he took the rattle, and the rattle is like your fingernail. It won't hurt the snake; the basil segment will stay. Two years later his neighbor goes to someone's property who says their dog alerted them to a rattlesnake. Stechert came to look at it and the rattlesnake is missing the rattle and it looks the same. He called his ex-girlfriend who he gave the rattle to and asked her if she still had it and she did. He took the rattlesnake out and held the rattle and 'click'; it fit right back on perfectly. It was a cool experience.

Roeder thanked Stechert for his presentation and gave him a UDC lapel pin in appreciation. Photos from the presentation can be found online at: https://www.upperdelawarecouncil.org/photo_gallery/andy-stechert-habit-and-habitats-of-venomous-snakes-7-11-19-presentation/

Approval of June 6th Meeting Minutes: A motion by Richardson seconded by Boyar, to approve the June 6th, 2019 meeting minutes was carried.

Public Comment on the Agenda: None.

Committee Reports: Committee reports were provided based on the meeting minutes. They were: June 18th Water Use/Resource Management by Boyar; June 25th Project Review by Richardson, and June 25th Operations by Roeder.

Status Reports

Delaware River Basin Commission: Ramie included in the meeting packet information about DRBC's funding. Referencing the *Pennsylvania Environmental Digest* blog. Ramie noted a statement that The Coalition for the Delaware River Watershed put out. It was about the irony essentially, that there had been a Delaware River Governors' Leadership Summit at which they signed a proclamation. One of the points was that they would support the regulatory work of the DRBC. Then a short time later just about every state either cut way back on their contributions for what they owe under the apportion procedures or not at all in the case of the U.S. government. Ramie shared a chart that shows historically since 1963 how much had been expected among the apportionments from the five members of the DRBC and how much has actually been provided. This is funding that the DRBC has to make up elsewhere, such as through fees, etc. They are kind of in a similar boat as we are regarding state funding.

NYS Dept. of Environmental Conservation: Absent.

PA Department of Conservation & Natural Resources: Absent.

National Park Service-Upper Delaware: Acting Superintendent Marilou Ehrler announced Carla Hauser-Hahn is retiring from NPS after 39 years. Her last official day is 8/3. NPS has a new Acting Chief Ranger, Keith Winslow. He began right after the last full Council meeting. Winslow has been here before, he's from the Delaware Water Gap. They are currently interviewing for the permanent position. Ehrler's detail will end on 8/10 and Kris Heister will be back that following Monday. NPS had a busy 4th of July weekend on the river. There was one near-drowning where the NPS river sweep pulled someone out by the Mongaup rapids. They brought him to shore and he did not want medical attention and his family took him home. There was another incident on the river that resulted in the arrest of two people and they were taken to Delaware Water Gap holding facility. They were fined and eventually released. Also, Zane Grey Festival is Saturday, 7/13 from 10-4.

UDC Executive Director's Report: Ramie provided a news release about UDC's Raft Trip. Reservations are due by 7/26. The trip itself is on Sunday, 8/4. The rendezvous is at Kittatinny Canoes Adventure Center in Barryville. People will be shuttled to the put-in and float back down. UDC is participating in two informational booths this month at the Zane Grey Festival and the Narrowsburg Riverfest on 7/28. One thing we do at the Zane Grey Festival in particular is we have our UDC t-shirts. We just ordered an additional supply to supplement the size distribution that we had. Ramie showed the group what the shirt looks like. They are offered to the public for a \$15 donation.

Ramie is working on the summer newsletter that is due by 7/17. UDC has increased the publication schedule to three issues per calendar year. Ramie said when she was hired in 1997 it was to be the full-time Public Relations/Fundraising Specialist. Since 2012 that job got absorbed into the Executive Director's duties. It's a lot to do within a 40-hour work week, but it shall get done. It's just a challenge.

The River Corridor Cleanup roundtable meeting is scheduled for Tuesday, 7/30 with two identical sessions at 3:00 and 6:00 p.m. hosted here. At the meeting UDC and partners will plan for a 2020 land-based river corridor cleanup on both sides and try to organize activities that might be going on anyway. If you know of anybody who would like to be involved in that, please let us know. Hall-Bagdonas has been compiling a database of contacts.

The tile floors at UDC have been redone. Ramie said that the contractor observed that it appeared that the floors were never waxed professionally before he put on two coats of sealant and four coats of wax. He also threw in the front foyer for free. He gave us a 10% discount for being a nonprofit. Ramie would recommend his services to anyone, it's Cellex Building Services of Port Jervis. The job was \$591 and he moved all the furniture himself and did the job in two days over the weekend. He had recommendations for our cleaners about what type of products to use on this tile.

UDC has participated in several productive meetings recently. Some of the topics include the Delaware River watershed signage meeting to mark the New York state boundary that happened on 6/11 and that is being pursued actively. Jennifer Claster and Golod had a training session on 7/2 with staff from Sullivan County Planning to teach them the ways of the River Management Plan and the Land and Water Use Guidelines. That went over so well that now we're talking about doing a program for the UDC on 8/1. There was a workshop amongst ourselves to advance the work on the Project Review Guide that was attended by Roeder, Ehrler, Golod, Claster, and Ramie on Tuesday. Ramie said we are getting closer to being able to roll that out for people. Yesterday there was a meeting in Hancock at the Friends of the Upper Delaware River office to explain the protocols for new water resource management programs from the Delaware River basin reservoirs. This is being done under the auspices of the Subcommittee on Ecological Flows, which are meetings UDC normally attends.

Ramie referenced the July calendar in the meeting packet noting there are historic commemorations in the river valley, both of Civil War and Revolutionary War, coming up.

One aspect discussed at the meeting for the Project Review Guide is that when UDC does have the rollout training session, we want to remind all the representatives and alternates that your role is to be our eyes and ears out there within your towns and townships. When you hear about land use and zoning projects that are going on, please tell us. Often the way we find out is from a legal notice published in the paper or if the town or township code enforcement officer is sympathetic to our cause and lets us know. We are relying on you in many cases to bring this information back to us so we can get involved early in assuring substantial conformance by working with the municipalities during their process. That will be discussed more when the Project Review Guide is finished. Lastly, applications are due for Technical Assistance Grants by 8/30. If your town or township has any ideas, please get them to us by then. In September, on the second Tuesday, we hold a special Project Review committee meeting specifically to review those applications.

Old Business

Town of Highland Zoning Code Mediation Report: Boyar provided his report as part of the meeting packet. He doesn't believe this is an issue that is going to go away anytime soon so he hopes that everyone does take a chance to read it so all can understand the perspective from the Town of Highland. He said spoiler alert, his search for the silver bullet of substantial conformance with the Town of Highland was unfulfilled. He was not a participant or even an observer of the zoning process which was ongoing for several years. He thanks Golod for furnishing with the relevant drafts, committee analysis and background material so he could piece together the story. He also spoke with Supervisor Haas and Town Attorney Michael Davidoff. Briefly summarized, Town of Highland proposed a zoning update in 2017 which did include a River Corridor District. A public hearing was held on that proposal and opposition from the public to the proposed zoning laws was such that the Town board decided to start again using

prior zoning as a base and adding to it certain limited areas such as solar energy, farm breweries, farmer's markets, tiny homes, wind energy, things that were not in the earlier zoning. The river overlay and the river corridor was dropped from the second draft. It's that second draft that was found to be in nonconformance. Boyar said this is almost the situation of looking at a glass, is it half full or half empty? We are looking at the same glass of water but the Town is convinced that the previous zoning, which was in substantial conformance, was only strengthened. Yet, the zoning now is said to be not in conformance. The Town is not inclined to redo its zoning for a third time. The Town is pretty locked into this version with the idea that they will make modifications. Boyar said he tried to review this matter objectively, with due respect to the Town of Highland and the Upper Delaware Council and all the work done by the Project Review Committee.

It's Boyar's overall view that the Town of Highland has been a good steward of the land under its jurisdiction both within and without the corridor. If you drive the corridor as he has for the past 45 years, you would be hard-pressed to find any instance of erosion or runoff. The landscape in the corridor has greater natural foliage and groundcover than in the past. The Hamlets of Barryville and Minisink Ford are pretty much fully developed. They really haven't had much of a visual change over the past several decades. The practices in place in the Town of Highland are very much consistent goals with the goals of the River Management Plan (RMP). For example, all new septic systems or enlargement of an existing system must be specially engineered, certified and built in compliance. Boyar said if we are finding that septic systems are not in conformance, they are all professionally done before a building permit is issued, that is part of the procedure in the Town. Maybe not in the Zoning, but that's how it's done. He is hard pressed to identify the potential threat to the river corridor. He would suggest that if there is no harm there is no foul. Visual inspection of the river corridor in the Town will find that the river corridor is as protected as any of the neighboring towns or townships on the other side of the river. Boyar said he wonders whether the standards for conformance have changed or are more stringent than those that were applied when Highland zoning was first found to be in conformance. It is uncertain to Boyar how this will unfold. The Town believes that zoning could and should be interpreted as being in compliance. Land use matters are within the exclusive prerogative of the Town. The Town sees no threat that cannot or would not be addressed under the zoning as it now is adopted and the Town is confident that Highland zoning is and will be effective for the protection of the river corridor. Boyar said we believe that the Town's land use prerogative should be respected. Boyar said he's not been able to identify how it's lacking. The consultant tried to address each and every item in a nine-page letter. Roeder said he appreciates Boyar doing all this and his efforts.

Richardson said he's been wrestling with this as everybody else has and he's talked with Golod about this and how to get past this dilemma. He understands the Town is not interested in revisiting zoning right now. Richardson is wondering if it would be in the Town's interest and UDC's interest to engage the service of professionals. In his opinion, a consultant like Tom Shepstone could look at those discrepancies and see if we could narrow down the differences, in a very concise format, and propose how the Town could make suggested changes to satisfy UDC's needs. The Town spent a lot of money on this. It would be worth money for the UDC to hire the planner so the Town isn't out any money or time. UDC has also spent a lot of time on this. It may be a viable option to try. Saumure said whether you agree with what's in the RMP or not, it defines what conformance is and isn't. Quite frankly, the Towns and Townships don't have the right to redefine conformance and neither does Mr. Shepstone. Golod and Claster have reviewed this. The points where Highland is out of conformance have been articulated. Richardson said we are looking for another set of professional eyes, to say if the Town just changed the wording, or added this line, sometimes that's all it takes for something to fall into conformance and you can move onto the next issue. Saumure's issue is the Town has been given an opportunity to address the areas of being out of conformance and the best they've come back with is saying our zoning is fine. Claster said if another set of professional eyes is desired she would be more than happy to sit down with the Town and go through the review with them. Boyar said it's on the Town's Winter calendar to make adjustments to the zoning in terms of wording and grammar. Boyar said he's still having a hard time getting over that from 1990 up until this most recent adoption the Town was in full compliance and now with an ordinance that is virtually the same with hopefully some strengthening it's all of the sudden out and where is the threat to the river corridor in the Town of Highland? Claster said the proposed zoning allows a number of uses that would be considered incompatible on the Schedule of Uses in the Land and Water Use Guidelines to occur within the River Corridor. Boyar said he doesn't think we should debate or discuss this but he would love to have this conversation at a later time. Claster said that's just one piece of it.

Henry asked if Golod had a chance to review Laberge Group's response and Golod said yes, it's the same response from 3/4. The last Substantial Conformance Review that Golod performed and presented to UDC had a rebuttal to many of the points that were brought up by Laberge Group. Although Golod understands what they were trying to do, they didn't necessarily quantify many of the objectives that found the principles out of conformance. Golod said as he mentioned to Richardson, if the Town would be willing to sit down with either him, the Project Review Committee, or Jennifer Claster, a Land Planner, Golod can facilitate all the information as he did for Boyar and whoever that may be can work with them. As was previously mentioned there are probably many of those objectives that could easily be mitigated to go into conformance. One example off the top of his head is signage. There are others that will require the Town to really come to the table and talk to UDC because there are ones in Principle A which deal with erosion and sedimentation and slope and those you just can't sign off on and say, well two inches on that side, we can let that one go, that's in conformance. There are certain principles and objectives that need to be hashed out and discussed and not by email via a planning consultant that may or may not know the RMP or Land and Water Use Guidelines. Golod said regardless of how many letters UDC has sent, even with Boyar acting as a mediator, it would appear the Town is content with what they've adopted.

Golod said regardless of what he presents, he eventually has to send a recommendation to the NPS. Everyone must remember they make the final determination. He is pretty sure that after what Claster saw from what we've produced, her sitting at the Project Review Committee table and doing her own review, it's fair to say that NPS would not find it in conformance either. We're caught in a loop here where either the Town of Highland is going to go out of conformance willingly or they're eventually going to come to the table and work with someone at the UDC. Those are really the only options that are left. We could write letters, get a consultant, do whatever, but somebody from the Town of Highland has to come to the table. Saumure said at what point does UDC say we made a good faith effort to get this done? We decided to table the letter last time. The UDC has an obligation to put its position in writing to the Town and let them respond. If they don't respond you refer it to NPS. UDC can't spend a year going through this. Henry said if Boyar wants to continue to be liaison he will need to get someone from Highland to sit down with Claster and Golod and the Project Review Committee. It's been a no-show from the Town of Highland other than Boyar and that's been going on for over a year. He'd like to put that in the form a Motion and give them a month to get together. Roeder asked if we vote to go into noncompliance can what Henry was just talking about come after that? Can they come back and try to work this out? Boyar said he can't tell where this is going to go. If he had a vote in whether the Town would be held in nonconformance he would vote no. How do you go from full compliance to 14 items out of 22 not being compliant when it's virtually the same language? Golod said the 1990 conformance report was 100% conformance. Boyar said it was pretty much. Claster said surely the zoning was revised since 1990? Roeder said Henry made a motion. Henry said let's move this to Project Review because we're not going to get anything resolved tonight. Let's get a plan. Henry's recommendation is Boyar sit down with Golod and Claster and if he's lacking the information, show him. Then he can take it to the Town. Greier said he agrees with Richardson, UDC should have someone like Shepstone who has a way with words. The RMP is not black and white, it's guidelines. It tells in the plans where you should try to work with the Town and have the Town come into conformance in their own way. Barth asked if UDC votes for the Town to be out of conformance what does that mean? Ramie said currently we have two municipalities that are not conforming and we love them just as much as we love everybody else. The Town of Hancock doesn't have zoning on the books and Berlin Township has Subdivision and Land Development Ordinance. So far to date, it hasn't affected any participation. What it does mean is that there is more work for UDC because we have to review Class I and Class II Projects. Ehrler said she thinks UDC can hire a lot of people to do this, whether it's Shepstone or someone else. It just brings another person into the equation and they will have their own opinion. Golod has done his review, Claster has done hers, NPS and UDC have offered to meet with the Town. NPS would be more than happy to have Claster to sit with Highland and wordsmith with them to help them be in conformance. We all want the Town of Highland to be in conformance. No one wants UDC or NPS to have to review two levels of projects. Ehrler said Highland has spent a significant amount of time, money and effort putting this together. Barth said if they don't agree to meet, there is nothing else UDC can do. Dudko said she would present both Shepstone and Claster because UDC doesn't know exactly where Highland is coming from. She said some people in the Towns say NPS isn't going to tell me what to do and that still may be a feeling that some of our boards may have.

Discussion continued. Henry said he can't see the council paying one cent to hire a consultant. NPS is being paid. We've spent an unbelievable amount of staff time on this project. If NPS is willing to do it this won't cost UDC

anything. If you want to suggest the Town of Highland apply for a Technical Assistance Grant to do it, that's a possibility. The only other way Henry would advocate UDC doing this is to see if we could get Technical Assistance money from the Government to compensate the council. We have a professional planner, right here, Claster. Let's try that. Let's get this thing finalized. If we keep doing it the same way, it's never going to get done.

Golod said he's not opposed to that but it was done with the last Substantial Conformance Report in March. He mentioned this to Boyar as well as Richardson. In the Discussion section for each principle and objective, there is a discussion and a recommendation. He covered all of the objectives that did not conform and addressed the consultant's rebuttal to the nonconformance issue. Henry said it's been suggested for Golod and Claster to modify the language; that's not been done. Greier said looking to the future, if this council is going to survive, we're going to have to learn to be flexible as well as NPS because there are issues coming up in all of the Towns. They may feel that we went overboard with the zoning. We have to work with the Towns. Roeder said one of the things that came out of the meeting we had on Tuesday was how we could work with these Towns when they decide they want to change zoning, etc. and getting in on the ground floor to help them so by the time they get to the draft you have already working with them instead of getting the draft and reviewing it for the first time. That could save money for the Towns.

A Motion by Henry for Golod and Claster to review and wordsmith the Substantial Conformance Review and present it to the Project Review Committee reflecting the changes that might bring the Town of Highland back in Substantial Conformance seconded by Saumure passed with abstentions by Dudko and Boyar. Hulse said as press it's not his business ordinarily to comment, but as Henry reiterated he has watched this unfold for a year and he thinks UDC would be better served when dealing with language to find places in what they've done where they've gone off the rails. Give them specific examples on how to get back on track.

Town of Highland Parcel #27.-9-1 Project Update – Letter Proposal: Ramie said this is another item that is repeated on the agenda as unresolved. A board member suggested to her one way to remove it is to declare at this time that UDC has insufficient documentation to review this project and write a letter for the next Project Review Committee meeting. Ramie feels UDC has exhausted our opportunities to get more information on that. The project is built, it's done. A motion by Peckham to draft a letter to the Project Review committee regarding Town of Highland Parcel #27.-9-1 seconded by Henry carried.

Other: None.

New Business

Draft Resolution 2019-06: Celebrating the 30th Anniversary of Kittatinny Canoes' "On and Under the Delaware River Clean Up": A motion by Henry seconded by Dudko to adopt Resolution 2019-06 was carried unanimously.

Draft Resolution 2019-07: Celebrating the 40th Anniversary of the National Canoe Safety Patrol: A motion by Henry seconded by Dudko to adopt Resolution 2019-07 was carried unanimously.

Draft Resolution 2019-08: A Resolution of Appreciation to Carla Hauser Hahn Upon Retirement from the National Park Service: A motion by Henry seconded by Dudko to adopt Resolution 2019-08 was carried unanimously.

Congressman Delgado Letter: Delaware River Basin Restoration Program Budget: Ramie shared that Congressman Delgado sent UDC a letter dated 6/28 saying he is part of the contingent that is advocating for \$10 million for the Delaware River Basin Restoration Program. Currently, it's at \$6 million. Ramie sent a letter on 7/3 to express appreciation to Delgado for his advocacy. This is a House proposal so it would have to get Senate approval. The "Restoring the Delaware River Basin" handout is related to that. Ramie got the handout from the Watershed signage meeting. It's a fact sheet describing the project. On the back it has examples of the first round of Delaware River Conservation Grants. For example, they highlighted the Callicoon Riverside Project.

Other: Greier wanted to thank Boyar for writing Bill Rudge a letter on the Town of Fremont's boat launch and river access sites. Greier then referred to a 6/28 *New York Outdoor News* article about nine boat launch projects and progress across NYS. He added up the projects and the price comes out to \$3,219,000. Greier said whether that's coincidence or irony, that's almost exactly almost to the dollar what each state saved in the 32 years that they didn't pay their portion of UDC operating funds.

Public Comment: None.

Adjournment: A motion by Peckham, seconded by Barth, to adjourn the meeting at 9:25 p.m. was carried.

Minutes prepared by Ashley Hall-Bagdonas 7-30-19