



Upper Delaware Council

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UPPER DELAWARE COUNCIL MEETING MINUTES

January 2, 2025

The Upper Delaware Council held its monthly meeting on Thursday, January 2, 2025. Chairperson Dudko called the meeting to order at 7:00 p.m. Roll call followed reciting the Pledge of Allegiance.

There was a Moment of Silence to honor the passing of President Jimmy Carter and Dave Dean, former UDC Representative for the Town of Deerpark. In signing the Upper Delaware legislation, President Carter said: "This bill is the most significant conservation legislation to pass the 95th Congress. This new law reaffirms our Nation's commitment to the preservation of our heritage – a commitment which strives to improve the quality of the present by our dedication to preserving the past and conserving our historical and natural resources for our children and grandchildren." G. Dudko quoted Dean from their frequent trips together to UDC meetings: "Aren't we lucky that we get to live in this river valley." The packets included handouts on President Carter from the UDC's 2018 30th anniversary special newsletter issue and the obituary notice for Dean, who passed away on Dec. 28, 2024.

Attendees:

Town of Hancock- Fred Peckham (Zoom), Town of Fremont- Jim Rodgers, Town of Cochection- Larry Richardson, Town of Delaware- Harold Roeder, Town of Tusten- Evan Padua, Town of Deerpark- Ginny Dudko, Town of Lumberland- Nadia Rajs (Zoom), Damascus Township- Jeff Dexter, Lackawaxen Township- Doug Case, Shohola Township- Aaron Robinson, National Park Service- Lindsey Kurnath, Delaware River Basin Commission- Beth Brown (Zoom)

Absent:

Westfall Township- Michael Barth, Town of Highland- Christine Martin, Commonwealth of Pennsylvania- Tim Dugan, State of New York- Ryan Coulter

Staff:

Executive Director- Laurie Ramie, Resource & Land Use Specialist- Kerry Engelhardt, Administrative Support- Stephanie Driscoll

Media:

Tri-County Independent- Peter Becker (Zoom), River Reporter- Liam Mayo

Guests:

Town of Deerpark- Bill Dudko, Town of Tusten- Cathleen Breen (Zoom), NPS- Carly Marshall

New Business b. Resolution 2025-02: Amending Upper Delaware Council Bylaws: A motion by Henry to approve Resolution 2025-02 to amend Article VIII, Section 3 of the Upper Delaware Council Bylaws regarding officers, seconded by Roeder, carried.

Election of 2025 Officers by Ballot Vote: A ballot was provided to absentees and virtual participants in advance. Richardson reminded everyone that we can also take nominations from the floor if anyone is interested. After counting the votes, Ramie announced that, with 15 unanimous votes, Jim Rodgers (Town of Fremont) has been elected 2025 UDC Chairperson, Evan Padua (Town of Tusten) elected UDC Vice-chairperson, and Al Henry (Berlin Township) elected UDC Secretary-Treasurer. A motion by Henry, seconded by Robinson, to approve the ballot carried. Henry thanked G. Dudko for her tenure and time spent in 2024 as UDC Chairperson.

Rodgers said he looks forward to working with everyone on the board as UDC Chairperson for 2025 to continue the efforts the UDC has been making for many years in the river valley and Upper Delaware River corridor. He commented that he always takes a moment to appreciate the scenery and wildlife whenever he is in or near the river and is honored to have been elected.

Approval of December 5, 2024 Minutes: A motion by Dexter seconded by Rodgers to approve the December 5, 2024 meeting minutes, carried.

Public Comment on the Agenda: None.

Committee Reports: There were no questions regarding previously distributed minutes for Water Use/Resource Management 12/17 (Evan Padua), Operations 12/17 (Ginny Dudko), or Project Review 12/17 (Larry Richardson).

Status Reports:

Delaware River Basin Commission: Brown said the upcoming First Quarter Public Hearing cycle will start on 2/5 at 1:30 p.m. via Zoom. The First Quarter Business meeting will be on 3/12 at 10:30 a.m. via Zoom. More details on the agendas and registration info are posted on the DRBC website. On Thursday 2/6 the Regulated Flow Advisory Committee will meet. In mid-December DRBC staff volunteered at a local foodbank in the Trenton area. They have been volunteering there for many years and it's something the staff very much enjoys. She shared that work is underway to scope out the first Climate Resilience Plan with a [website](#) dedicated to the plan and planning process, with an online comment part collecting informal public feedback.

Rodgers said the basin-wide drought chart says it's normal at this time; are we out of the drought? Brown said the 2024 emergency declaration was mostly procedural. They wanted to be prepared in case they had to declare a drought. Fortunately, we have not reached those measures given the wet weather we've recently had. Each state determines droughts based on different factors.

NYS Dept. of Environmental Conservation: Absent.

Pennsylvania Dept. of Conservation and National Resources: Absent.

National Park Service: The NPS monthly activity report is included in the packet. Kurnath congratulated Rodgers on his election as 2025 UDC Chairperson and thanked G. Dudko for the work she did in 2024 as the Chairperson. She reported December was mostly about the Skinners Falls Bridge at UPDE. On 12/16 Governor Shapiro declared the bridge an emergency. Paperwork was submitted for a draft Special Use Permit right after the public meeting that PennDOT and AECOM held on 12/17. They are missing a few pieces of the application but UPDE is working with both PennDOT and AECOM to provide a review as quickly as possible. Usually this takes between 6-8 weeks for something much less complex than removing a bridge. UPDE did everything they could to get ready for the application, but it will still take some time. They are going to do their best to expedite the review to start the work while upholding legal mandates, protecting the river, and protecting public safety.

In December each National Park Unit can compete for funding for things they aren't normally able to do. The application opens in November and units have until early January to get everything submitted.

UPDE currently has a new Acting Chief Ranger, Melanie Fahey from Boston, who is filling in while Chief Ranger Winslow is serving a short-term temporary position as Superintendent at Paterson Great Falls National Historic Site. Kurnath hopes to get Fahey to the next UDC meeting to introduce her. Volunteer Coordinator Corrine Hinton's last day is Friday 1/3. Hinton is moving to a permanent paid position within the NPS. Alex Garcia-Maldonado will be leaving on 2/7 after he accepted a job in the Southeast Region with NPS Land and Conservation. Henry asked how long Garcia-Maldonado was at UPDE? Kurnath said he predated her. Ramie said the UDC did a profile on him for one of the newsletters with that information listed. Rodgers asked if Garcia-Maldonado had presented recently to the UDC? Kurnath said yes, for the Oral Histories. Rodgers asked if that position will be filled? Kurnath said yes; with every change in administration there is some amount of a hiring freeze, so there may be a delay in hiring someone. Roeder asked if Garcia-Maldonado had done anything regarding the Oral Histories since he presented to the UDC? He had sent Garcia-Maldonado some information on family members for the Oral Histories. Kurnath said Tom Kearns is working on Garcia-Maldonado's exit plan and she'll be sure that the Oral Histories aren't dropped in the transition.

UDC Executive Director: Ramie said December into January is a busy time for UDC staff with numerous deadlines coming due at once. All of the deadlines were met. The 2024 Fall/Winter issue of the "Upper Delaware" was delivered early on 12/12. We submitted the application for the Federal Assistance Package that covers 2025 to NPS on 12/11 and received notice of the award for \$300,000 on 12/19. On 12/19 the UDC adopted the Five-Year Operating Plan for 2025-2029 for which we held a workshop on 11/8 and went through multiple drafts ending with an e-vote and is on tonight's agenda for formal Resolution. The Performance Progress Report for FY24 was completed and submitted through GrantSolutions on 12/22.

As we go into 2025 the UDC staff reaches out to the towns and townships for any change in delegates. Typically, they hold their reorganizational meetings in early January and will have a form to send back to us with information. We are already aware of one appointment in the Town of Delaware; Bob Lindquist has been appointed as alternate. Roeder said he had met with Lindquist for lunch and to go over the operations of the UDC. The annual Conflict of Interest Statements are included in tonight's packet to fill out and return to Driscoll. Driscoll is looking into options for the Sexual Harassment Prevention Training. The UDC Bylaws were changed last year to add mandatory training policies. We are looking into new resources such as getting a presenter, a new video, etc. If there are any ideas, please let Driscoll know so that we can find something that works best for everyone. Richardson said in the past the UDC has done the Sexual Harassment Prevention Training during the beginning of a UDC meeting when they would normally have a presentation. That always worked well. Rodgers asked if there is a deadline that needs to be completed by? Ramie said no, just by the end of the year.

The IRS has increased the mileage reimbursement from .67 cents per mile to .70 cents per mile effective January 1, 2025.

Ramie is currently working on a few press releases: announcing the 2025 UDC officers; public highlights on the Performance Progress Report; and acknowledging the individual donations the UDC has received within the last year. The UDC recently received the largest single gift ever of \$20,000 from a contributor who wishes to remain anonymous. In addition to that she wants to stress to the public that we are a 501(c)3 that can accept charitable donations and plans to explain how that can be done.

At the February UDC meeting we will have the formal swearing in ceremony. Rodgers selected Town of Fremont's Town Clerk Jody Schanil as the officiant. Ramie reminded everyone there will be a group photo taken at this meeting with a reception to follow with cake and coffee. At the February UDC meeting we will also have a presentation on the history of the Erie Railroad in the Upper Delaware River Valley by Randal Bushart who works in the railroad industry.

New Business:

- a. **Resolution 2025-01: Signatories for Bank Accounts in 2025:** A motion by Henry to approve Resolution 2025-01 to authorize signatories for the UDC bank accounts in 2025, seconded by G. Dudko, carried.
- b. **Resolution 2025-02: Amending the Upper Delaware Council Bylaws:** Done first on the agenda.
- c. **Resolution 2025-03: Adding a UDC Direct Deposit Payroll Authorization Policy to the Organizational Handbook:** A motion by Henry to approve Resolution 2025-03 to add a UDC Direct Deposit Payroll Authorization Policy to the Organizational Handbook, seconded by G. Dudko, carried.
- d. **Resolution 2025-04: Approving a Five-Year Operating Program for Calendar Years 2025-2029:** A motion by Robinson to approve Resolution 2025-04 approving a Five-Year Operating Program for calendar years 2025-2029, seconded by Henry, carried.
- e. **Resolution 2025-05: Approving UDC-NPS Cooperative Agreement P25AC00169 for 2025:** A motion by Robinson, seconded by Henry, to approve Resolution 2025-05 approving UDC-NPS Cooperative Agreement P2AC00169 for 2025 carried.
- f. **Resolution 2025-06: Enter Into a Contract With Eckersley & Davis LLP for the Upper Delaware Council's Fiscal Year 2025 Financial Review:** A motion by Robinson to approve Resolution 2025-06 to enter into a contract with Eckersley & Davis LLP for the Upper Delaware Council's Fiscal Year 2025 Financial Review, seconded by Henry, carried.
- g. **2025 UDC Committee and Subcommittee Memberships:** A memo is included in the packet on committee and subcommittee membership information. Ramie said if anyone wishes to join or leave a committee, please let UDC staff know so we can establish a quorum before the next meetings in January. Besides the WU/RM Committee, Project Review Committee, and Operations Committee, the UDC also has the Personnel Subcommittee, and a Government Officials Liaison Subcommittee. UDC representatives or

alternates can be on committees. Election of officers for the committees will be done at the January meetings as well.

- h. **Annual Conflict of Interest Disclosure Statements:** UDC board members were asked to complete the Conflict of Interest Disclosure Statement and return it to Driscoll at their earliest convenience.
- i. **Other:** None.

Old Business:

- a. **Skinner Falls-Milanville, PA Bridge Updates:** Two articles from the *Tri-County Independent* on the Skinner Falls Bridge by Peter Becker are included in tonight's packet. All local reporters have been covering the issue comprehensively, with the UDC contributing a quote as well. Ramie pointed out that in the second *Tri-County Independent* article the original date for the Celebration of the Skinner Falls Bridge of 1/5 was printed, but it has since been changed to 1/12 with the press release included in the packet as well. Becker's article was syndicated to national media on USA Today. Engelhardt said when the NPS receives more plans on the Skinner Falls Bridge, she and Marshall will meet to discuss. Ramie said the application was incomplete from the NPS perspective. The UDC receives documents as a consulting party. Both NY and PA State Historic Preservation Offices have submitted letters of concurrence with PennDOT's plan to demolish the bridge. They offered various mitigation recommendations. The Advisory Council on Historic Preservation is another organization that will need to weigh in. On 12/20 they wrote a message to FHWA stating: *"The ACHP was previously notified about concerns with the Section 106 review for this project. In our November 2024 follow-up with FHWA, we learned that the proposed path to conclude the Section 106 review would result in the development of a Programmatic Agreement (PA) that would allow for the immediate removal of the bridge, followed by a determination on the ability to rehabilitate and reinstall the bridge in its current location. We find that the timing of the emergency declaration after the proposed path forward with a PA, developed in consultation with both the Pennsylvania and New York State Historic Preservation Offices as well as other consulting parties, may result in those consulting parties questioning the validity of the emergency declaration."* Dexter said the 1/12 meeting at the Damascus Community Center [later changed to the Narrowsburg Union] is to discuss the entire situation of the Skinner Falls Bridge. A couple of engineers and other groups were invited to weigh in and see if there is any way out of the situation.

Richardson asked Kurnath if the permitting and review process is all done locally or does it need to be sent higher for approval? Kurnath said they get the "OK" from her. The Special Use Permit comes from the Code of Federal Regulations. It's UPDE's job to protect the river. Since they are going over the river, it's within UPDE's jurisdiction to protect it. As the Federal manager of the river, they do a Section 106 review. Another review that's done is the Section 4F Review by the Department of Transportation using public recreation resources for transportation projects that's managed by the DOT. The DOI and DOT have to concur. For transportation related projects, it triggers the Section 4F Review which goes higher than her. They also need approvals from Army Corps, US Fish and Wildlife, NYS DEC, and other entities. Case asked if the emergency declaration changes the approvals they need? Kurnath said they have an expedited pathway under the emergency declaration. NPS had folks in Washington weigh in and they agree the emergency declaration is correct but it isn't technically an emergency since it took PennDOT eight weeks to get the declaration. Because we aren't in that type of emergency, it's hard to pass. The pressure from the DOI is having a few weeks to do the reviews thoroughly.

Henry said that the NPS does not have jurisdiction on the Skinner Falls Bridge. If there is no law enforcement authority on the bridge, then 36CFR cannot be enforced. The only bridge that NPS has authority over is the Roebling Bridge. Marshall said the Skinner Falls Bridge does receive federal funding. Henry said when he was an NPS Ranger he couldn't enforce federal law on that bridge, therefore there is no jurisdiction. Kurnath said NPS has jurisdiction in the water and UPDE has the authority to issue the Special Use Permit.

Rodgers asked Dexter if they do have a group of engineers come to the Celebration for the Skinner Falls Bridge, what will they be able to help with? Dexter said it's just one last try. At least two engineers were invited; a bridge engineer and a civil engineer. It won't be official input. Rodgers asked if the group came

to a conclusion, who would they bring it to? Dexter said PennDOT, although there is no real hope to proceed. Padua said it should be treated as a Celebration of Life for the Skinners Falls Bridge.

- b. **NPS Determination 2024-09, Saint Shohola Deli, Shohola Township:** Engelhardt said this is a letter from the NPS concurring with the UDC's recommendation for Substantial Conformance for the Saint Shohola Deli in Shohola Township, bringing this review to a close.
- c. **PA River of the Year Contest:** Engelhardt said the Delaware River has been nominated for 2025 Pennsylvania River of the Year. Last she checked the Delaware River was tied with the Youghiogheny River. G. Dudko asked if people can only vote once? The DRBC press release about it said one vote per email address was allowed. Engelhardt asked everyone to please vote by 1/24 since it would benefit the Delaware River Sojourn with \$10,000 for programming if the Delaware wins.
- d. **Other:** Robinson said the UDC needs to work on funding. It's the beginning of 2025, and he feels we're at a crossroads. The value of what we have coming in is being diminished by inflation. How can we frame our ask to make sense? He can't imagine any other contract going out that has a set of responsibilities that has been fixed for 38 years that is predicated on the same dollars from 1988; it's irrational. You can't find anyone that will work for 1988 dollars. If we found a contract like ours, we could frame it that way. Although inflation has slowed, they are still compounding. He is worried about our funding situation. As an organization we aren't offering a lot; we are only offering the basics for what we can do for our towns and townships. The council has to have a strategy this year to break through for more funding. Rodgers asked if that would take legal action? Wouldn't we need to get an Act from Congress? Robinson said he doesn't know about that. There are mechanisms to increase funding because the money is stipulated in the RMP and not the legislation. The River Management Plan (RMP) established the compensation in 1988 based on a set of regulations and that's been the rationale for keeping it frozen. We have other responsibilities and services to provide and we have to do it for the same set amount as 1988; it's unmanageable. There is going to be a point where the UDC will have diminishing value to its membership. We used to have Cultural Assistance Grants, but those faded away. The funding issue needs high priority this year.

Kurnath said she saw in the River Management Society Digest they are offering a roundtable on "Strategies for Managing Rivers with Less" She can send that around to people interested. She may call into the roundtable as well. The competition for federal funds is stiff, there just aren't funds available. Robinson said the UDC is unique and that is overlooked. Our funds have been frozen for so long that it's like an accepted standard. It's one thing if you're in 2024 dollars and you choose to work for less. Kurnath said you're challenging the NPS. They are showing that all partner organizations in other parks and units are only getting \$200,000 while UPDE is getting \$90,000 more than other rivers. They will point that out and ask why we need \$90,000 more than other rivers. If you're talking about the Federal angle, the energy could be used better elsewhere. Robinson asked if she could provide contractual relationships that have a fixed set of performance standards compensated by 1988 dollars? They don't exist. The IRS just raised mileage reimbursement rates by 5%. The government acknowledges inflation. He can't believe that people within the DOI and NPS can't look at our situation and see what's happening; you can see our capabilities diminishing. The danger is that our membership working through the UDC is not directly based on working with the Federal Government. You wouldn't have this recreational area if the agreement wasn't made in the 80's. The protests were too massive back then about having the NPS involved with the Upper Delaware. We created this entity that is mandated by the law; we are an extension of the law. The bottom line is that the UDC can't go away. For a few \$100,000 do you want to put this structure at risk? He sees it from a different perspective than those in Philadelphia or Washington. It was "ugly" here in the 70's and 80's and there are people here that remember the promises that were made. When you remove the UDC's funding and we're only doing technical reviews, it doesn't make for good relationships. If the municipalities lose interest we will lose momentum. Robinson said we are entitled to more money; we've been okay for 37 years but we aren't being realistic. We will be spending a lot of time playing with budgets to make it work when for a small increase of money, you would get a lot more out of this organization.

Rodgers said he's frustrated we don't get the money promised to us from NY and PA. Case said maybe with the new politicians in office, the UDC can write more letters? Richardson said we should invite the newly elected officials to the UDC. \$200,000 more would go a long way if we were to receive it. Henry said we

should invite the newly elected officials to let them know what's going on. Kurnath said times are tough financially. Henry recommends at a future Operations Committee meeting discussing legal review; it wouldn't hurt to look into. UDC members shouldn't have to go out and look for money. Congress designated us. He said UPDE's budget is currently \$4.8 million. Kurnath corrected him that it is \$3.8 million. Henry said the budget started around \$1 million, it has increased almost fourfold and we haven't seen an increase in our funding. Money that the NPS has used for projects, they have all ended. The townships aren't benefiting from the things the UDC does. Kurnath disputed there has been a fourfold increase, saying she hadn't been prepared to discuss budget specifics tonight. Rodgers asked if the town constables are still federally funded? Robinson said Shohola used to have their own constables and the funding came from NPS. The funds should be out there to benefit private landowners in this corridor. Rodgers said this seems like an issue for the Operations Committee. Robinson said we should keep funding updates on the agenda going forward.

Public Comment: None.

Adjournment: A motion by Robinson seconded by Roeder to adjourn the meeting at 8:22 p.m. carried.

Minutes prepared by Stephanie Driscoll, 1/14/2025