



# Upper Delaware Council

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## UPPER DELAWARE COUNCIL MEETING MINUTES

January 4, 2024

The Upper Delaware Council held its monthly meeting on Thursday, January 4, 2024. Chairperson Robinson called the meeting to order at 7:00 p.m. Roll call followed reciting the Pledge of Allegiance.

### Attendees:

Shohola Township- Aaron Robinson, Town of Hancock- Fred Peckham (Zoom), Town of Highland- Christine Martin, Damascus Township- Jeff Dexter, Town of Fremont- Jim Greier, Town of Delaware- Harold Roeder Jr. (Zoom), Town of Cohecton- Larry Richardson, Town of Deerpark- Ginny Dudko, Berlin Township- Al Henry, Lackawaxen Township- Doug Case, Town of Tusten- Evan Padua (Zoom), Town of Lumberland- Nadia Rajs (Zoom), Delaware River Basin Commission- Kristen Bowman Kavanagh (Zoom), National Park Service- Lindsey Kurnath, New York State- Ryan Coulter (Zoom), Commonwealth of Pennsylvania- Tim Dugan

### Absent:

Westfall Township- Michael Barth

### Staff:

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

### Media:

Peter Becker- Tri-County Independent (Zoom), Cara Ding- Epoch Times (Zoom), Pam Chergotis- River Reporter (Zoom)

### Guests:

Bill Dudko-Town of Deerpark; National Park Service- Carly Marshall; Mike Edison; Barbara Arrindell (Zoom); Debra Conway (Zoom), Bevan Flansburg (Zoom), P. Pietropaolo (Zoom), Orange County Land Trust Communications Manager- Jeremy Schnieder (Zoom); Orange County Land Trust Director of Conservation- Kyle Sanduski (Zoom)

**Moment of Silence for Town of Fremont Alternate Dennis Bernitt:** Robinson asked everyone to join in a moment of silence recognizing the passing of Town of Fremont Alternate Representative Dennis Bernitt. Afterwards G. Dudko, Dexter, Ramie and Richardson shared memories of Bernitt. Ramie passed around the program from the funeral service on 12/22. An article from the *Sullivan County Democrat* about the funeral was included in the packets. Dexter noted that the family had requested extra copies of the profile on Bernitt which had appeared in the Fall/Winter 2023 issue of "The Upper Delaware" for their keepsake of that biography and to distribute on the memorabilia table. Bernitt's name plate with a flag stood at the front of the room as tribute.

**Election of 2024 Officers:** Robinson referenced the written ballot included in the packets. The Nominating Committee's officer candidates were: Chairperson- Virginia Dudko; Town of Deerpark, Vice-Chairperson- Jeff Dexter; Damascus Township, and Secretary-Treasurer- Al Henry; Berlin Township. There were no nominations from the floor. After tallying the votes which included earlier e-votes from Zoom participants, Ramie announced that the results were 14-0 in favor of the slate as presented. There will be an official swearing-in ceremony with reception at the February 1<sup>st</sup> meeting. Ramie introduced Christine Martin as the new Town of Highland representative, with John Pizzolato as alternate. Martin thanked her and said she is excited to be a part of the council. Jim Greier will be temporarily filling the Town of Fremont representative position with Brian Brustman as alternate as the town conducts a search for replacements.

G. Dudko thanked Robinson for his last year as UDC Chairperson. The UDC has had some challenging years and she's happy to press forward. Robinson said the UDC is happy to have Dudko take the Chairperson position. He thanked her for taking on the role. She presided over the rest of the meeting.

**Presentation: “Orange County’s Last Remaining Wilderness” by Orange County Land Trust (OCLT)**

**Director of Conservation Kyle Sanduski:** Sanduski introduced himself and gave a brief description about the Orange County Land Trust (OCLT). Like most land trusts they are interested in working with private land owners to conserve a variety of public environmental benefits. OCLT covers a wide variety of areas and objectives in and around Orange County and has protected some properties in Sullivan County. OCLT’s primary tools are conservation easements on other kinds of lands for climate resilience, watershed protection, affordable farmland, etc. Conservation easements are a great tool to conserve natural resources while the properties still remain on the tax rolls and continue to be privately owned. The OCLT works as a “matchmaker” between public and private sources of funding and landowners who want to conserve their land. They work with landowners to help tailor the restrictions to be put in place and to identify special parts of the property that provide public environmental benefit while aligning the existing uses with conservation. Most land is owned privately and in order to achieve the larger conservation goals, they will continue to work with conservation easements and private landowners.

OCLT partnered with the City of Port Jervis, New York State Department of Environmental Conservation (DEC), and the Open Space Institute to purchase a little under 1,000 acres of land to the North and Southeast to build off of the City of Port Jervis’ already impressive watershed lands with about 48 miles of trails. OCLT is looking to acquire the Boehlmer Pond property at about 565 acres that is directly connected to the watershed with already existing trails already used by the public. That property will be officially protected in perpetuity as well as provide public access. To the Southeast of Port Jervis is also the Latini Project that OCLT is currently working on. The City of Port Jervis will own these properties and the OCLT will hold a conservation easement and public access easement through the Water Quality Improvement Program through the DEC and the Delaware River Watershed Protection Fund through the Open Space Institute.

These are the first steps to their upcoming initiative: Orange County’s Last Remaining Wilderness. There are over 15,000 plus acres of privately owned land that is purely forested that the OCLT has a high interest in protecting. This is specifically the large continuing forest of land from Northern New Jersey through the Shawangunk Ridge to the Catskills. The goal is to contribute to the large corridor of protected land while also providing benefits of water quality, etc. The OCLT is interested in and hoping to add the areas on the Mongaup River and Mongaup Wildlife Management Area, the Bashakill Wildlife Management Area, and the Neversink River Area as conservation easements to add to all of the continuous forest.

There is currently a lot of readily available funding and they have one final remaining round of the Delaware River Watershed Protection Fund from the Open Space Institute this year that unfortunately won’t be offered after 2024. They are pushing to complete all of their projects while trying to leverage funding that is currently available.

How can you help support the OCLT in trying to add protected land in the Delaware Watershed, not just in Orange County but the surrounding areas? Sanduski said that OCLT is requesting the Council’s support which would include using the UDC logo with other supporting organizations on the OCLT initiative website and materials. He’s hoping the council would be open to discussing that. They are also looking for any leads on private landowners seeking to protect their property. You can educate people on what a conservation easement is, and spread awareness of opportunities and funding. There are some common myths about conservation easements that would be beneficial to dispel, such as public access not being inherent to conservation easements, the land continues to remain on the tax rolls and privately owned, and just because you’re engaging in activity like sustainable timber harvesting, that doesn’t mean the property is not compatible with conservation easement.

Sanduski offered his contact information and opened the floor to questions. B. Dudko asked Sanduski to send the map of Port Jervis from the slideshow to the members for closer inspection. Sanduski said he would send the map to Ramie to forward to anyone interested. G. Dudko said since the Upper Delaware boundary only extends as far as the Number 2 Railroad bridge in the Town of Deerpark, she's not sure how much impact this program would have on the UDC. Sanduski said the OCLT works in and around Orange County and has protected some properties in Sullivan County. They are working on two projects on the Northern tip of Orange County. The OCLT works with the Delaware Highlands Conservancy and if he happens to hear something that is more in their territory he would share it with them.

Everyone thanked Sanduski for his presentation. Ramie said that the UDC had received the request to support the initiative and that's when she requested a presentation first. There is no deadline to become a supporting organization but OCLT is trying to get materials together to send out as a 2024 campaign. As Sanduski said, it includes adding the UDC's logo as supporting the initiative of voluntary conservation easements. And as G. Dudko said, the area may be more limited to the Hawks Nest region. Richardson requested moving this topic to the Water Use/Resource Management Committee for a recommendation. G. Dudko agreed and asked for it to be added to the WU/RM agenda. Barbara Arrindell asked what the positive/negative tax implications are on a conservation easement. Sanduski said it depends on what avenue you take; there is a purchase of development rights where OCLT could offer direct funding, getting an appraisal before and after the easement is put in place. It's the difference between those two that is the determination of the value of development rights. Sometimes they are able to offer an upfront cash payment for the development rights. If you're willing to donate the value of the development rights, there may be tax benefits available. He couldn't go too far into tax benefits, since he is not a qualified tax professional. Arrindell asked who pays for the appraisals. That also is negotiable.

**Approval of December 7, 2023 Minutes:** A motion by Robinson seconded by Henry to approve the December 7, 2023 meeting minutes carried.

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

**Committee Reports:** There were no questions regarding previously distributed minutes: Water Use/Resource Management 12/12 (Ginny Dudko), Project Review 12/12 (Larry Richardson), Operations 12/12 (Aaron Robinson).

#### **Status Reports:**

**Delaware River Basin Commission:** Bowman Kavanagh reported there is a Water Management Advisory Committee meeting on February 14<sup>th</sup> and will remind everyone about that meeting at February's full council meeting. She shared about a grant program they are working on with the Pennsylvania Emergency Management Agency (PEMA). In 2021 and 2022 the DRBC did a similar grant in Wayne, Monroe, Pike and Lackawanna Counties. This project is similar, focusing on the middle Delaware but welcomes folks of all areas. The purpose of the grant is to work with PEMA in an outreach capacity building efforts to provide a series of planning, implementation and grant development workshops for municipalities. It's a chance to learn what steps are necessary to take a project from the hazard mitigation plan at the county level and advancing that to a PEMA application. This is a great opportunity to learn about the process, which is complex and can be difficult to navigate. She posted a link in the chat for anyone looking to learn any more: [Meeting Registration - Zoom](#). They are holding an introductory webinar on January 18<sup>th</sup> and then will be offering the workshops, with the first one planned for February. She will let everyone know when dates are finalized. The first workshop will be a morning workshop with a series of presentations by PEMA, FEMA, and PA DEP.

**NYS Dept. of Environmental Conservation:** Coulter reported that this past Tuesday (1/2) he had sent staff to the Long Eddy Access to check on progress. Contractors are in the process of putting fencing around the perimeter and laying more stone work; it should be done by the end of the week. He's looking

forward to seeing the finished product. They are looking to purchase a small parcel of land in Callicoon to develop into another small boat launch site. The current landowner of the property has accepted an offer and Coulter will continue to update the council on that project as it moves forward. B. Dudko told Coulter there is still no signage at the Town of Highland Access. Coulter thanked him for letting him know and he will try to find out who would be in charge of that, since so many organizations were involved in that site.

**Pennsylvania Dept. of Conservation and National Resources:** Dugan reported the department is getting ready for spring with planning and meetings. OSI grant applications are due in February and DCNR grants are due in April. During the early months of the year there is a lot of planning and strategy going on throughout the Commonwealth for land acquisitions and land protection efforts with some in the Delaware Watershed. The Bureau of Forestry is moving forward with the organizational assessment. They had a consulting group over the last year and a half do an analysis of the organization and once the results are in, they will be distributed.

Dugan's counterpart in the Southeastern district of William Penn Forest retired last Friday, and he has been assigned as the acting manager for that district in addition to his district. He used to work in that district and when the last manager retired, he was also the acting manager.

January 1<sup>st</sup> kicks off the new fishing license season with PA Fish and Boat Commission. G. Dudko asked if there was any update on deer tag numbers. Dugan said the traditional muzzleloader season and late archery season is still open, so not yet. They still continue to hear that hunters can't find deer. He thinks it's mostly hunters that only have opportunity on public lands.

Dugan said hopefully with the upcoming snowstorm and colder weather ahead, people can get into some winter sports and recreation.

**National Park Service:** Kurnath reported a staffing update. Kaetlyn Jackson is coming in behind Don Hamilton temporarily to fill that vacancy starting January 16<sup>th</sup>. Jackson is coming from the NPS Denver Service Center, stationed remotely based in Long Island working with NPS units across the country, helping to support environmental compliance of all major design and construction projects. She started her career at Fire Island Seashore as a Biological Science Tech and Park Planner. She will be at UPDE for a 120-day detail, until about mid-May, while NPS continues the hiring process to permanently fill the Chief of Resource Management position. The position had to be evaluated and re-submitted through the HR process. After that comes out, Kurnath will get the hiring announcement out. If anyone knows of anyone interested and qualified, please let them and her know. Jackson should be able to attend meetings after January, and until then Andy Weber and Michelle Stevens will be joining on behalf of NPS. She and Carly Marshall will also continue to attend UDC meetings.

Kurnath announced that the Upper Delaware was selected as a host site for the American Hiking Society Volunteer Vacation portfolio for 2024. NPS will be hosting 6 to 8 volunteers who are willing to assist with trail work in September in collaboration with The Conservation Fund and DEC on the current proposal which includes re-routing the Tusten Mountain Trail. The one-foot bridge that goes over the natural drainage is not stable and they are hoping to shift that trail slightly north to a lower elevation that will only be a foot or two above that natural drainage. NPS has agreements to help maintain that trail if they choose and that's why they are working with The Conservation Fund with the idea that it will eventually go to the DEC. She commented that everyone seems excited to work on the trail. The American Hiking Society is currently recruiting volunteers through this link: [Upper Delaware Scenic and Recreational River, PA - Volunteer Vacation 2024 - American Hiking Society](#).

Kurnath gave an update on the relicensing of the hydroelectric dam on the Mongaup. She reported the project is coming to a close on Monday as long as everything goes smoothly. They expect to send a letter

to the Federal Energy Regulatory Commission to document satisfying the interest and obligations for section 7a of the Wild and Scenic Rivers Act in their relicensing of the Mongaup River project. The NPS first commented on the dam relicensing in 2017 and over the last several years various parties were working on an offer of settlement which was agreed to in May 2021. If the terms of that settlement were adopted without any change or misinformation it was determined the project would not invade or diminish the values protected by the Wild and Scenic Rivers Act. The DEC officially put out a 401 Water Quality Certification which contains that offer of settlement as an appendix which makes it official. Dugan asked if there's a term to that relicensing agreement. Kurnath said 20-50 years; it's a long term.

The Council sent 7 questions to the DOI Solicitor in a letter. Questions 1-4 he answered no; those actions would be considered lobbying per 18 US Code 1913. However, UDC could do those things with non-federally appropriated money. One of the questions quoted non-donor restricted funds which she assumed meant donations and not money that comes through the Cooperative Agreement. The UDC can do all of the things listed in questions 1-4 with money that isn't coming in through the federal source. She said the UDC should make sure any audit of federal funds doesn't uncover an expense that would be considered lobbying per 18 US Code 1913. Regarding questions 5-7, the Solicitor said he was not the proper authority to answer those on budget processes. Ramie asked if the UDC would be receiving correspondence back to its 12/7/23 letter; Kurnath said not from the DOI Solicitor since he works for the Department of the Interior and the UDC is a subcontractor to the National Park Service. She, however, could give the UDC a letter summarizing his response. G. Dudko said that's what we are requesting, to have it in writing.

There was a vehicle that slid into the river at the Callicoon, PA Access last week. The driver was able to get out safely and NPS is working on removing the vehicle either by floating it down to the Damascus Access or pulling it out off of private property. Padua posted a photo of the vehicle in the river in the Zoom chat and said they should plan to get it out before the river freezes. Kurnath agreed; that's the plan.

**UDC Executive Director:** An article about the Skinners Falls Bridge from the *Sullivan County Democrat* 12/26 issue was included in the packet. The article compelled Ramie to write a Letter to The Editor. The main issue in the article was that it said the bridge had been closed since August and didn't recognize that the bridge has been closed since October 2019. While she appreciates keeping the topic in the news, it's important to be factual and balanced. In the article there was an opinion shared by Town of Cochecton Supervisor Gary Maas advocating to construct a new bridge. Ramie thought it was important that the UDC express its consistent point of view that we support historic rehabilitation of the existing bridge. A copy of the letter Ramie sent was included in the packet. The next milestone for the project is to complete phase 2 of the Historic Bridge Rehabilitation Analysis that is scheduled for the end of this year or beginning of 2025. She stated in her letter that it could take another 2 years to get the funding and environmental clearances and permitting in place, so being closed since 2019 the bridge continues to deteriorate and the inconvenience continues as well. The letter should be published in Friday's or next Tuesday's issue and hopefully it will prompt some public reaction and debate. Ramie sent the letter and article to the consultants for PENNDOT who are in charge of project management also.

From entering the new year there is annual business to attend to starting with confirming the appointments of the board members for 2024. Driscoll sent around member update forms to each of the towns and townships that we hope to receive back after their reorganizational meetings. The Conflict-of-Interest Disclosure, sexual harassment prevention training, and establishing quorums for committees will be discussed under New Business.

The IRS has increased the standard travel reimbursement rate for 2024. Our bookkeeper will be adjusting payments for meeting attendance. The amount went up by 1.5 cents from 2023 totaling \$.67 cents per mile.

Driscoll is organizing orientation folders for any new members and is working on an updated Local Officials Directory in collaboration with Chris Hollenbeck. As discussed in the last meeting, we are looking to organize a “UDC 101” refresher that will go over the RMP, Land and Water Use Guidelines, what being a UDC board member involves, and similar topics. Ramie is hoping to have that together by spring. Whether you’re new to the UDC or not, it’s a helpful refresher.

Ramie congratulated UDC Town of Lumberland Representative Nadia Rajsz for being elected the Chairperson of the Sullivan County Legislature. Rajsz has been a member of the UDC for 18 non-consecutive years and has always been a great advocate for the UDC on the county, state and federal levels. She’s had a long tenure with the legislature as well. Rajsz thanked everyone for their applause.

Ramie updated on donations for 2023. In chronological order since her last report, the UDC received: \$25 from Joan and Seth Koven of Equinunk, \$50 from Davis R. Chant Realtors for mailing our newsletter to distribute in their offices as a form of local information, \$250 from Chuck Hoffman who long-term members may remember from Hoffman Williams. They were the first consulting firm that was brought in to help establish the UDC in the mid 1980’s. He resides in Kentucky and runs a computer consulting firm called Hoffman Networks. Hoffman reached out to her after reading about the UDC funding issues and offered to help in any way he could. He also has connections to American Rivers, where he used to work. She will update Operations Committee with any results from that. Richardson said he spoke to Hoffman as well, who is planning to get up to the area this year and would like to talk with the UDC about ideas he has.

Copies of the January and February calendars are included in the packets of UDC meetings and activities. There won’t be a presentation in February in lieu of the swearing in ceremony and reception. There is an opening in March for a presentation and in April the new president of the board on the Pennsylvania Fish and Boat Commission William Gibney of Honesdale will speak about what activities that commission does, services they offer, and how he came to that role. She asked members to let her know about any ideas on presentations they’d like her to pursue for 2024. Andy Boyar had suggested Dr. Peter Kolesar presenting on flows and releases, which is an option. B. Dudko suggested having Mike Worden present on his book “Lynched by a Mob! The 1892 Lynching of Robert Lewis in Port Jervis”.

### New Business:

- a. **Resolution 2024-01: Signatories for Bank Accounts in 2024:** A motion by Henry, seconded by Robinson to move Resolution 2024-01 to add 2024 chairperson, vice chairperson and treasurer-secretary to UDC bank accounts, carried.
- b. **Resolution 2024-02: Granting Permanent Employee Status:** A motion by Henry, seconded by Robinson to move Resolution 2024-02 to grant permanent employee status to Administrative Support Stephanie Driscoll after a review by the Personnel Subcommittee, carried.
- c. **Resolution 2024-03: Sexual Harassment Prevention Policy Reaffirmation:** A motion by Henry, seconded by Robinson to move Resolution 2024-03 for the sexual harassment training to be completed by March 7<sup>th</sup>, carried.
- d. **2024 UDC Committee and Subcommittee Memberships:** Ramie asked members if they plan to join or leave a committee to let the staff know. If you plan to stay on a committee that you are currently on, no action is necessary.
- e. **Annual Conflict of Interest Disclosure Statements:** Ramie asked members to fill out this form and return to Driscoll for UDC records by 2/1 if possible. Driscoll will circulate a guidance memo.

- f. **Other:** Richardson encouraged everyone to complete the sexual harassment training; it takes about 45 minutes or so. Ramie asked everyone to watch the video from the NYS Department of Labor link she had circulated on January 24, 2024. The answer sheet for the case studies is included in the packet. There is an interactive component that will be discussed at the 3/7 meeting. Any board member who has taken equivalent sexual harassment training through another governmental or organizational source can offer proof of that to the UDC to comply with our requirements.

**Old Business:**

- a. **UDC Support Letter: Rt. 97 Dedicated Pedestrian Land and Safety Improvement Project:** Ramie said the UDC received a 12/22 request from Town of Highland Town Clerk Sue Hoffman to submit a letter of support for the project and sent along a sample letter. Ramie took an e-vote since there was a deadline of 12/27 with no meetings before then. Twelve out of 15 voting members approved sending a customized letter. The letter is supporting the Town of Highland's right to compete for a Transportation Alternatives Program grant for the project. It is not intended as an endorsement of the project itself since we only learned about it through the sample letter. The UDC is supporting the town's ability to apply for the funding for this project that will be judged on its merits.

At 6 p.m. tonight Ramie received an email from the new Town Supervisor John Pizzolato asking the UDC to postpone the vote after seeing it listed on the agenda. Ramie advised him that the affirmative e-vote had already occurred by the deadline, and it was on the agenda to formalize that vote and provide a copy of the final letter. Pizzolato indicated that the town has a committee reviewing the project to determine whether the new administration wishes to pursue it. Ramie noted that the town always has the option to not accept the grant if they decide the project isn't right for them.

- b. **Other:** Robinson asked who takes responsibility to maintain the refurbished Town of Highland River Access? The piece of land between the river and the access is piled with large debris. Was there a dedicated budget and department to maintain the area as part of the improvement proposal? Kurnath said the NPS has historically helped to maintain the access. Coulter said a lot of accesses along the Delaware River have joint responsibility. He will find out who is in charge of that area. Every access has different ways it's handled.

B. Dudko asked who maintains the Number 2 beach? G. Dudko said Town of Deerpark takes the garbage and Ramie added that Orange County has an agreement with the town. Coulter said he would look into that also. Henry asked if the Highland Access clean-up could be put on the WU/RM agenda. Henry said NPS was always hesitant to do anything at accesses with heavy machinery. Kurnath said NPS mows and cleans up at the Ten Mile River and Lackawaxen Accesses. Henry said if there is large debris at the Highland Access, it will require bigger machinery that he wasn't sure if NPS had the trailers to move. Maybe we can come up with an idea to address the issue after high waters. Padua said when a lot of dry wood ends up at river accesses, sometimes landowners will take it for firewood. He added that you can't access the Highland Access path to the river currently because of the debris build-up.

**Public Comment:** There was no public comment.

**Adjournment:** A motion by Roeder seconded by Dugan to adjourn the meeting at 8:20 p.m. carried.

*Minutes prepared by Stephanie Driscoll, 1/8/2024*