



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

March 7, 2024

The Upper Delaware Council held its monthly meeting on Thursday, March 7, 2024. Chairperson Dudko called the meeting to order at 7:01 p.m. Roll call followed reciting the Pledge of Allegiance.

Attendees:

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

Absent:

Westfall Township- Michael Barth, Town of Lumberland- Nadia Rajsz

Staff:

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

Media:

Jamie Falgie- River Reporter (Zoom), Peter Becker- Tri-County Independent (Zoom)

Guests:

Bill Dudko-Town of Deerpark, Jeffrey Sidle (Zoom), Craig Fithian (Zoom), Don Hamilton (Zoom), Peter Kieliszewski, Patty Norris, Frank Norris, Cathleen Breen, Camille O'Brien

Presentation: “High-Definition Stream Survey of the Upper Delaware River: Identifying Trout Habitat and Conservation Opportunities” by James Parham, Ph.D., director of Research and Development, Trutta Environmental Solutions, LLC: Speaker did not log on and could not be reached; therefore no presentation occurred.

Approval of February 1, 2024 Minutes: A motion by Richardson seconded by Henry to approve the February 1, 2024 meeting minutes carried with Dugan abstaining.

Public Comment on the Agenda: None.

Committee Reports: There were no questions regarding previously distributed minutes for Project Review 2/27 (Larry Richardson) and Operations 2/27 (Ginny Dudko).

Padua said there was a correction to be made on 2/20 Water Use/Resource Management Committee meeting minutes. When talking about the article on the Delaware River being one of the most polluted rivers, Peckham referenced Philadelphia and Scranton but Scranton isn't on the Delaware River. Driscoll said Peckham reached out to her via email about that; he had said Trenton, not Scranton. She then updated the minutes for the website and the UDC's files. Dudko said that article was misleading. The entire Delaware River is not polluted.

Status Reports:

Delaware River Basin Commission: Bowman Kavanagh reported there are no Advisory Committee meetings until May or June. The Regulated Flow Advisory Committee (RFAC) may be planning a meeting and she will let everyone know more information as she finds out. DRBC's First Quarter Business meeting was held yesterday,

where DRBC Executive Director Steven Tambini announced he will be retiring on September 1, 2024. Tambini is the commission's fourth Executive Director and has been with the DRBC since 2014. The next Executive Director will be appointed by a majority vote of the Commissioners. Additional details concerning the search and selection process will be posted on the DRBC website as they become available.

The DRBC's Second Quarter Business meeting will be held in June in person. The business meeting will be held on June 5th at the Tusten Theater in Narrowsburg, and for the two days leading up to June 5th they will be in the area doing some wrap-around activities. On June 3rd DRBC's Director of External Affairs and Communications Beth Brown is working to set up tours and walks. On June 4th DRBC will hold a Caucus meeting at the UDC's conference room, where Ramie will be providing opening remarks. She thanked Ramie and the UDC. She invited all members of the UDC to the wrap-around events and business meeting.

Ramie asked Bowman Kavanagh to give details on the press release about Congressman Marc Molinaro's bill to provide consistent & reliable funding to the Delaware and Susquehanna River basins. Bowman Kavanagh believes the funding was proposed for all three river commissions including the Potomac. Currently the funding is supposed to come from the US Army Corps of Engineers, but none of the 3 commissions have received funding through the Army Corps in around 20 years (except for one recently; DRBC received funding through the Army Corps related to a Community Project Fund.) The commissions haven't been able to navigate a process through the Army Corps. The standalone bill entitled "Ensure Funding For Our Environment Act" that Rep. Molinaro proposed, along with other support, is to move funding for the three river basin commissions under EPA since their roles and missions are more aligned with their work. There would still be a budgeting process through EPA as well.

Ramie had conveyed questions to her from UDC council members about the Water Audit Report the DRBC published in December. She asked to come back later in the agenda to address that after receiving information late today she would like to look at first. Michael Thompson will be giving a presentation at the June 6th UDC full council meeting to answer any detailed questions about the Water Audit Report. Bowman Kavanagh shared some information about the Water Safety Audit in the Zoom chat later on in the meeting. Padua asked if that information could be saved and emailed to UDC members. Dudko asked Bowman Kavanagh if she could explain the numbers. Bowman Kavanagh isn't sure if she can give that much more detailed information but she thinks the majority of real water losses are from physical losses: leaks, joint connections, inaccurate meter readings, etc. She will ask Thompson to be prepared to answer if the numbers are average.

NYS Dept. of Environmental Conservation: VanMaaren was in attendance via Zoom, but lost internet connection and was not able to respond during roll-call or give a report.

Pennsylvania Dept. of Conservation and National Resources: Dugan said the Commonwealth of Pennsylvania's annual grant application, the Community Conservation Partnership Programs (C2B2), are open until early April for any entities looking to apply for DCNR grants. You can find more information about that online.

A couple of weeks ago Governor Shapiro was in Honesdale, PA to talk about his "Main Street Matters for Downtowns" initiative. Dugan commented that it was nice to see the Governor come to Northeast Pennsylvania and show some attention to the area and region. He hopes his involvement in rural communities may transfer to the UDC and long effort to get funding.

Pennsylvania Fish and Boat Commission has started their trout stockings. The mentored season is coming up in March, and the statewide opener is early in April this year. The spring fire season is coming quickly. Springtime is the peak fire season and only takes a couple days of sunny, windy weather for a small fire to create a wildfire. PA staff and volunteer fire departments are gearing up, training, and getting ready for the spring fire season. After that the spring Spongy Moth season begins. There will be a large spray program in the Commonwealth this year. Like last year, it will be on Government owned land meaning State Forest Land, State Parks, National Forest Land, and a couple other units of high value. In the Delaware State Forest (Pike and Monroe Counties) they are planning to treat about 10,000 acres. If there are any private landowners looking to get Spongy Moth treatment, they can go to the DCNR website for information. If any land or homeowner is looking to treat, the best application is by air.

It's currently budget season and Governor Shapiro has given his proposal that has moved into hearing. The Senate and House have been having hearings, going through individual departments to ask questions and find out why his proposal is where it is. In general, the Governor's proposal included a 7% increase for Commonwealth operations. We will wait to see where it ends up when they meet with the legislature.

B. Dudko asked if the warm, damp weather will affect the Spongey Moth? Dugan said drastic change in the weather will affect their population. We saw this last year where we had about a week of warm weather very early in the season where the egg masses started to hatch. The leaves on the trees had not broken bud yet, so there was no food for them. Normally they would sit on the egg masses until there is food for them, but since it was such an early warm period and the days weren't long yet the first caterpillars didn't make it. The best thing to hope for is a cool, wet spring for a long period allowing for natural control mechanisms to kick in. Martin asked, second to spraying, what is the best way for a landowner to control Spongey Moth? Dugan said landowners should go to the DCNR Forestry website where under the Spongey Moth tab there is a list of homeowner recommendations. There are some relatively easy you can do on your property: wrapping the tree with burlap, smashing the egg masses, etc.

Kieliszewski said he lives on Crawford Rd. in Tusten and on the other side of the Stone Arch Bridge there is something on a tree, a bag with debris at the bottom. Is that a trap of some sort? Padua said that is on the New York side, but it sounds like a Japanese Beetle trap. Dugan asked if it's a white bag with a tag hanging on it? Kieliszewski said it's a clear bag with something decaying at the bottom. Dugan said it's hard to say, it sounds like a Japanese Beetle Trap, but states will put out survey traps that are white in color with a trap on the bottom and an identification tag. Ramie suggested that he take a photo to send to the UDC so we can try to identify it.

National Park Service: Kurnath reported a successful Bald Eagle watching seasons has come to an end at Zane Grey Museum. She had received numbers late in the day from NPS and Delaware Highlands Conservancy (DHC). With three closures due to winter weather the numbers were down a little bit from previous years, but it was still a successful year. According to DHC there were over 1,000 Eagle sightings.

NPS is getting ready to rehab the exterior of their building in Milanville. There is testing underway for a Native Meadow Restoration project. Billboards donated by Adams Outdoor Advertising are laying on the grass to kill it through the summer so they can plant seed in the fall. NPS is working on getting out messaging to let the public know what's going on.

There have been connectivity issues throughout the NPS offices, which has been a known issue in the region. NPS was able to buy two Starlink connections that should work at the Zane Grey Museum in Lackawaxen and at the Milanville office.

There is an announcement out for a Facilities Services position open with the NPS. A candidate for that position would have experience with both carpentry and computers. The person would help enter all NPS data about the facilities and what's happening facility-wise throughout the unit.

Kurnath thanked everyone for the comments they've gotten about the UDC/NPS "Road Show." She hopes each UDC representative will help present at their respective town/township meetings and introduce the UDC and NPS. It's a team effort.

UDC Executive Director: Ramie reported she has submitted the Application for Federal Funding Assistance for Fiscal Year 2024 3rd and 4th Quarters to Grant Solutions after resolving issues she was having previously. Once that gets approved that will take us from April 1st – December 31, 2024.

The Upper Delaware newsletter is due to Courier Printing by March 25th. That issue will be out on April 8th, with the summer issue coming out in August. We will be promoting the UDC's 36th Annual Family Raft Trip in this spring issue. The river trip will be a 10-mile segment from Ten Mile River to Minisink with Landers River Trips on August 4th. Driscoll was able to secure pricing and date.

She referenced the calendars included in the packet. There are presentations booked for the next few months. On April 4th President of the Board of the Pennsylvania Fish and Boat Commission Bill Gibney will speak. May 2nd Director of NYC DEP Bureau of Water Supply Jennifer Garigliano will give an update on the Delaware Aqueduct repair project. On June 6th Michael Thompson from DRBC will give a presentation about the 2012-2021 Water Audit Study, and on July 11th Upper Delaware Scenic and Recreational River Superintendent Lindsey Kurnath will give an overview on staffing.

She asked all UDC members presenting their corridor maps to their town/townships to please remember to get a photo. Dexter asked if the UDC presents the map or if the UDC representative does. Engelhardt said the representative does. Dudko said you can call your township and ask to be added to the agenda. Ramie asked for photos by March 22nd to add to the spring newsletter, if possible, or after that for other publicity purposes.

New Business:

- a. **Substantial Conformance 2024-01: The Pavilion at the Flats, Town of Tusten:** Engelhardt said there is a letter included in the packet recommending to NPS that the UDC finds the project substantially conforms. A motion by Henry to send the letter to NPS recommending The Pavilion at the Flats in the Town of Tusten substantially conforms, seconded by Roeder carried.
- b. **Draft Resolution 2024-04: Revising the Employee Leave Vacation Policy:** Ramie said this resolution was vetted through the Operations Committee based on applying a consistent vacation policy. A motion by Henry, seconded by Robinson to revise the employee vacation leave policy, carried.
- c. **2024 River and Shoreline Clean-up Grant Applications by 4/19:** A copy of the memo that went to all 13 towns and townships is included in the packet. Ramie said the 4th Annual Litter Sweep is a land based only clean-up. This clean-up allows towns and townships to clean along the shorelines, in the river, and on land. The UDC has been giving these grants since 2014. We welcome any proposals by a deadline of April 19th. The municipality sponsors the clean-up, and then the UDC reimburses the awarded cost. Dudko said the UDC used to be able to facilitate more things like this when we had appropriate funding. This would be a good thing for UDC representatives to bring up at town/township meetings. Ramie said there has been a press release and social media posts as well.
- d. **UPDE Decision Support Tool and UPDE Park Atlas:** Marshall said everyone should have received links via email to the draft Decision Support Tool and Park Atlas. There is an approval process to go through before making them public, but she wanted members to try them out to get some feedback. She said if anyone sees any issues or notices something that would make using the tools easier, let her know. NPS has been debating over merging all the information into the Park Atlas, but she thinks there's value in keeping the tools separate. If you're looking for basic information on zoning, the Decision Support Tool is useful. She thanked everyone for taking the time to go through the tools and for giving feedback.

Rodgers said he would need a demonstration on using the tool. Marshall said they will set up a time. Rodgers asked if you could find this on NPS website? Marshall said she had sent out a link via email; did he not receive it? Rodgers said he did, but in the future will it be on the NPS website? Marshall said yes, once it's approved. Rodgers said in the past the tool was used for private property rights and there was tax information listed. Marshall said it used to be directly linked to county maps, but a county is allowed to list personal information and the NPS is not even if someone else is already doing it. Now it is essentially just a picture, you can't see the parcels anymore. She has preliminary approval on launching the Park Atlas; she just wants to get feedback from individuals using the tool. Richardson suggested scheduling a tutorial before a meeting at the UDC building. Marshall agreed, that might work out better to show everyone how to use it. Robinson asked Marshall if the parcel ID was deleted? Marshall said yes, that's gone. Robinson said that was a useful tool for his township; they could quickly determine the zoning

district when they got in applications. Marshall said you can search by address; it will show the point and highlight the parcel it's in. Martin said she's not comfortable giving feedback, since she's not sure how it should look or operate. Should she show it to the town Planning and Zoning Boards? Marshall asked her to hold off. She got comments on the tools and she needs to get approval from the Department of the Interior before making them public. Dudko asked if Marshall had a deadline on getting feedback? Marshall said within the next month; she's not anticipating getting anything that would require a huge change. Dudko asked if we should do the tutorial within the next two weeks then? Marshall said she thinks she has a good amount of the corrections, but she can still make changes if needed. Ramie said Richardson mentioned meeting at 6pm ahead of the Project Review and Operations meeting on March 26th for the demonstration. Marshall agreed, that works.

Henry asked what is the rationale behind removing the public information? Marshall said it is public information, but it's considered personally identifiable information that the NPS cannot distribute. The best fix was to make it an image that you can't get personal information from anymore. Henry asked if there's any way to link it to the county? He thinks the tool is useless without that information. If someone comes into a town meeting and asks if their property is within the corridor, that tool isn't useful. Robinson said that some of the parcels in his township are split; some of it in the corridor and some out. He thinks the NPS would do a survey to determine whether it's in the corridor. Marshall said yes, in the River Management Plan it states if that there's a question whether something is within the corridor, they will do a survey. Peckham said he thinks the maps are useless as far as boundaries. You should have each parcel with individual owner information.

- e. **Other:** B. Dudko announced that Town of Deerpark board member Ken Smith has passed away on February 24, 2024.

Camille O'Brien shared that Senator Oberacker has not forgotten about the UDC's funding issues. She doesn't have any updates currently. They are aware that the RMP states that New York State should be providing funding to the UDC. Senator Oberacker was happy to attend the meeting last year, and continues to stay interested in UDC functions.

Old Business:

- a. **Upper Delaware Litter Sweep Update:** Driscoll displayed the 2024 Litter Sweep artwork donated by Eric J. Hinkley. Hinkley is based out of Philadelphia with ties to the Upper Delaware. He reached out via Instagram a few years ago about donating his time and artwork. Dudko asked if the shirt will be pink this year, as the artwork is shown in pink and purple. Driscoll said yes, Hinkley had picked safety pink. Martin asked if that artwork will be on the front or the back of the t-shirt? Driscoll said the artwork will be on the front of the t-shirt, with the large UDC logo on the back and WJFF Radio Catskills logo on the left-hand shoulder. Posters have also been made with the new artwork and are available to be printed and distributed.

We have Litter Leaders for Delaware, Tusten, Highland, NPS, Westfall, Lackawaxen, Cohecton, Lumberland, Berlin, Deerpark, Shohola, and Hancock. We still need Litter Leaders for Fremont, Damascus, Manchester, and Buckingham.

NYS DOT forms were submitted on Friday 2/9 and Wednesday 2/28. Some towns and townships have selected dates and routes. Town of Tusten's Litter Sweep will take place on Saturday April 20th, and NPS on Thursday, April 23rd. Martin said that Town of Highland's will also take place on April 20th. Engelhardt is working on grant submissions, and staff is still brainstorming other funding opportunities.

Henry asked what we charge for the t-shirts? Ramie said we don't regard it as a fundraiser; we give the shirts to volunteers to thank them for participating. Driscoll said we could discuss that at

the next Operations meeting. Dudko said it may be useful if someone can't volunteer, they can make a donation and receive a t-shirt.

- b. **Preventing Sexual Harassment Training Discussion:** Ramie said we asked all members to complete the training by today. Driscoll said mostly everyone has completed it; a couple of members have not. Ramie said part of the Sexual Harassment Prevention requirement is an interactive discussion. A resolution was already approved explaining the policies and process for making any complaints. She asked if anyone had any reactions to the training videos? B. Dudko said it's helpful. Ramie said she was glad that there was a new video this year.

Henry thinks we should draft a 2-page handout on what the training covers so that members can read it and sign it, foregoing the video training. It would be easier for people to participate and track. Richardson said the reason for watching the video is because there is a required answer sheet. Henry said if people aren't doing it, what's the sense in it? B. Dudko said you have to sit through the video.

- c. **Skidders Falls-Milanville Bridge 2/28 PAC Meeting Report:** There was a handout included in the packet of Ramie's notes from the February 28th meeting which was held virtually. The Project Advisory Committee (PAC) includes the municipalities that are involved at the county, town/township levels, the NPS, and the UDC. Not everyone was present for the meeting. Individuals that attended that are not with DOT or other agencies were: Town of Cochection Supervisor Gary Maas, Wayne County Commissioner Brian Smith, Wayne County Planning Director Craig Rickard, Alex Garcia-Maldonado and Kaetlyn Jackson from NPS, and herself from the UDC in the total of 23 people also representing AECOM, FHWA, NY DOT and PennDOT. This was a briefing since the last PAC meeting took place on May 24, 2024.

In that report the Historic Bridge Rehabilitation Analysis had just been released, triggering that meeting. At this meeting they had the alternatives that will be pressed forward for further study as part of the final Planning and Environmental Linkages (PEL) Study. Ramie summarized recent developments. They received 41 comments on the Historic Bridge Rehabilitation Analysis; all 41 favored rehabilitation. She included what people's concerns are, including UDC which was one of the commenters. Through the Alternatives Analysis they've come up with six different options. The first is a subcategory of three options of "No Build" consisting of 1) do nothing, 2) remove, re-locate, and reuse through marketing, 3) remove & demolish. The next option is Traditional Rehabilitation which can be done to a 4, 7 or 10-ton weight limit (currently the bridge is at 4-ton). If that is done the plan would be to move the running boards to one side, create a bicycle/pedestrian lane on one side, install signals on both ends, and install a dry hydrant adjacent to the bridge. The next alternative is a Rehabilitation that would not be compliant with the Secretary of Interior Standards for Historic Preservation: a 2-span modern steel bridge with some historic features. The last alternative is Replacement: a whole new bridge to carry full loads. Alternatives to build the bridge in a completely different location or alignment had already been dismissed after considering the private property impacts. The construction costs are listed on the handout in 2023 cost figure amounts. There is a vast range depending on different factors involved with construction. They also include the life-cycle cost that translates to the amount of maintenance that would be required under each option. They chose a 100-year time period. The current bridge is 122 years old.

They said they will not choose to "do nothing", since eventually the bridge will fail and could fall into the river. They will keep it on the study as a baseline for the other alternatives. They listed the cost of mitigation of adverse effects under each of the proposals under Section 106 of the National Historic Preservation Act. Currently, there is no money to do any of the options anyway. There is a term that the FHWA uses called "fiscally constrained" which means before the project can proceed there would need to be a demonstration that there is sufficient funding to operate and maintain the improvement; otherwise, they can't do it. When they tried to look for funding

through federal or grant sources, this bridge scores low with modest traffic volumes. If the funding can't be found the DOTs from each state and the Metropolitan Planning Organization (a transportation policy making body comprised of local governments and transportation authorities) will need to evaluate priorities. The next steps are completing the PEL Study Report, scheduling a public meeting (looking at the Narrowsburg Union in April), and by the summer release the final PEL Study. Roeder asked when they shut the bridge down. Ramie said October 2019. Roeder wonders what the adverse environmental impact is for people to travel around the bridge with the detour. Ramie said that's a good comment to make at the public meeting.

- d. **Draft NPS/UDC Road Show Outline:** Marshall said everyone should have received the draft invitation and "Road Show" agenda via email. The outline is not going to any town or townships; it's more for NPS and UDC to calculate their time, proposing a 15-minute presentation. They will let the town/townships decide whether they want them to come to a Town Supervisor meeting or Planning Board meeting. The invitation will go out by email, copying the relevant UDC representative. NPS and UDC are asking the UDC representative from that town/township to introduce them at the meeting. There will be time for comments and questions during the 15-minutes. If there's anything of particular interest anyone wants NPS/UDC to talk about during the presentation, please let them know. They plan on giving a packet to each municipality and a smaller, more streamlined handout to members. Kurnath said the idea of the "Road Show" is to introduce Engelhardt from the UDC and Marshall and herself from NPS. Richardson said there's been quite a turnover in the Town Boards and Planning Boards. He thinks it would be helpful to condense on a one-page flyer when Planning Boards need to interact with the UDC. Engelhardt said when she read the RMP, it says the way the UDC will keep aware of projects is checking notices in local newspapers. Dudko thinks Richardson's suggestion would help everyone, and Marshall agreed, that includes the applicant as well. Robinson said what he would like to see emphasized, in addition to zoning issues, is that the UDC is a service organization to its members. That gets lost in translation. A lot of the public officials he talks to think of the UDC as a burden, and by extension the NPS. We have the potential to offer various services to our membership that fall within the purview of the RMP. He thinks NPS/UDC should ask the towns what they'd like to see us doing. Originally, the UDC was to help facilitate certain cultural and historical pursuits. He doesn't think the town/townships know all of what the UDC can offer.

- e. **Other:** None.

Public Comment: There was no public comment.

Adjournment: A motion by Roeder seconded by Case to adjourn the meeting at 8:40 p.m. carried.

Minutes prepared by Stephanie Driscoll, 3/12/2024