

Upper Delaware Council
PROJECT REVIEW COMMITTEE MEETING MINUTES
February 28, 2012

Committee Members Present: Larry Richardson, Nadia Rajsz, Harold Roeder, Jr., Fred Peckham
George Fluhr
Committee Members Absent: Debra Conway
NPS Partner: Absent
Staff: Dave Soete, Laurie Ramie, Cindy Odell
Guests: Anne Willard

The UDC's Project Review Committee held its monthly meeting on Tuesday, February 28, 2012 at the Council office in Narrowsburg, NY. Chairperson Larry Richardson called the meeting to order at 8:23 p.m. A motion by Rajsz seconded by Peckham to approve the January 24 meeting minutes was carried. There was no public comment on the agenda.

Discussion Items Report: Soete reviewed his written discussion items report that contained information on project review/substantial conformance developments. Highlights were as follows:

Pond Eddy Bridge Update: Soete reported that a draft letter to the NYS DOT was presented and tabled at the February 2nd UDC meeting and sent back to the Project Review Committee. It is his suggestion to just drop the letter. Penn DOT made it clear at the February 14th Design Advisory Committee (DAC) meeting that rehabilitation of the existing bridge is not an option. Peckham asked if there is another DAC meeting soon. Ramie said the next meeting is March 29th and it is intended to be the third and final at which the replacement alternative is selected. Peckham likes the open design based on the Powerpoint slides that Ramie had forwarded. He feels it is less obstructive to the views. Rajsz said there had been more discussion at the Upper Delaware Scenic Byway meeting and one of the suggestions was to keep the old bridge for pedestrian use and let Pennsylvania open up the road. Fluhr said that was not possible. Fluhr feels that one of the problems of people getting involved now is that they have not had access or have not read all of the studies on this matter. His concern is that the existing bridge is going to collapse and he does not think the process should be held up. Rajsz said there is no opposition to providing safe passage to the people of Pond Eddy, PA, however by replacing the bridge with an open bridge, you are changing the character of the river valley. She does not understand having a bridge of the size proposed going to a dead end. Richardson understands that the position of the Council many years ago was to replace the bridge if the existing bridge could not be rehabilitated, but he does not feel that anybody at that time could have conceived the type of bridge that they are proposing. He continued there was a new issue brought up at the Scenic Byway meeting. Out of the DAC, the information was shared that the river may be blocked off for a year, possibly two during the construction phase. Boaters would have to portage (the carrying of boats and supplies overland between two waterways or around an obstacle to navigation) around. Richardson suggested the Council write a letter to the Park Service pointing out the fact that no matter what, the river can not be interrupted. The whole river is the economic livelihood of the western part of Sullivan County. We can not afford to have the river closed during the construction phase. They need to find a way to keep the river free-flowing. Fluhr said that is a question for the UDC representative of the DAC to raise to the engineers. Peckham asked if the Army Corps of Engineers is involved with this project. It was not determined. Richardson reiterated that the concern of the river being closed has been brought up and he feels a letter should be sent to the Park Service stating the river needs to be open for recreational uses and they have to find a way to build around it. Rajsz wondered how the liveries will respond to this. Fluhr said he agrees the question needs to be addressed and should be posed to Penn DOT. More discussion took place about the size of the proposed bridge and people's reaction to how their tax dollars are being spent. Richardson does not want a "super highway" going across the Delaware. Rajsz said she could understand it if Penn DOT was going to build an extension to the road, but that is not the plan. Soete asked if closing the river to recreation was actually discussed at the DAC meeting. Ramie said they did acknowledge it would take up to two construction seasons. They need to build a causeway because it is a single lane bridge and they obviously can't work on one side while keeping the other side open to traffic. Roeder asked if a whole new letter is being suggested to inquire if the river will be closed to recreational uses. Richardson suggested we make a statement that no matter what, we are depending on the economic activity the river brings to us and

it is vitally important that the river remain open. Roeder asked if the river had to be closed when they built the Shohola bridge. Fluhr said it had not been since that was done one lane at a time. Richardson added that it had been discussed that the causeway would be so low that boaters would not be able to go under it. Fluhr said this concern should be brought up at the next DAC meeting, which will include the engineers, the architects, Penn DOT, and NYS DOT. Ramie added hydrologists and consultants are there also. Richardson wanted to confirm that someone will bring this concern up at the next DAC meeting. Rajsz and Fluhr said they would see to it. Richardson said we will wait to see what the answer is. Soete said that if we find out that the river is going to be closed to recreation after the next DAC meeting, then we might want to send a letter to the Park Service. Richardson agreed.

Town of Highland: Soete said the Town of Highland held a public hearing on their draft Comprehensive Plan on February 14th.

Natural Gas Leasing/Drilling in the Region update: Soete reported that bans on natural gas drilling in two New York towns of Middlefield and Dryden were each upheld by state judges this past week. He feels the rulings will either be challenged or appealed. Pennsylvania Governor Corbett signed Act 13 which was previously House Bill 1950. The UDC supported Shohola and Damascus Townships' position opposing the bill. He added there is some feeling that any ordinances that regulate drilling could be challenged. Peckham said that Pennsylvania is basically saying that we are going to regulate gas and oil. Richardson asked if he had heard correctly that part of the act is to put a hammer over the municipalities that they can't get any fees if they don't sign onto it. He was told that was correct. Peckham noted that Bradford County was not signing on as they have enough money coming in with the gas industry there. Soete said the Pennsylvania Public Utility Commission will administer the Act. Soete noted the US EPA held an approximately 45 minute webinar on February 27th to present an update of their Hydraulic Fracturing Study. He said the study was started a couple of years ago and they are talking 2013, maybe 2014 before they come out with a draft. The Powerpoint presentation basically covered the life cycle of water used in the process. Soete said they will look for the best management practices and noted the study will be peer-reviewed and made available to the public. The next EPA update will be in May or June 2012.

Pennsylvania Senate Bill 1100 and House Bill 1950 regarding impact fees for natural gas drilling update: Soete said the Governor signed Act 13 (previously House Bill 1950). Peckham noted that the nice thing about the impact fees is that they are supposed to go directly to the township in which the drilling is occurring as opposed to going into a general coffer. Roeder agreed that was a good thing. Soete mentioned that the price of natural gas is on the decline and many of the companies are cutting back on production. He has heard that the wet gas is more attractive than the dry gas as the wet gas has other products within it that are more valuable. Ramie reported that the UDC received a response letter from Governor Corbett to our letter sent on January 5th and that letter will be handed out at the UDC meeting on March 1st. It is his explanation as to why he was going to sign the bill.

Holbert Bros. Bluestone (Lackawaxen Township) update: Soete reported that the UDC is in the process of negotiation and there is a draft stipulation agreement under review.

Upper Delaware River Roundtable update (www.upperdelaware.com/visioning): The next Roundtable meeting is scheduled for March 1st from 1:00 p.m. to 4:30 p.m. Soete said it is his understanding that agriculture will be the topic of discussion.

Town of Lumberland: Soete said the town held a public hearing on February 6th for the Draft Zoning Law and Rajsz said that on February 25th the town held a public informational meeting for individuals who had never read the zoning. Rajsz said she believes there were 165 in attendance if not more. Another public hearing is going to be scheduled as a result of changes made after the last public hearing. One of the changes is that they are going from mandated conservation subdivision to preferred. It is a change that requires another 30-day review. She said that a number of misunderstandings were clarified at the meeting. Soete asked Rajsz if she anticipates any draft coming out. Rajsz said the draft is being worked on and should be available hopefully soon on the town's website. At the next town meeting, they will set another public hearing date.

Town of Hancock: Soete said the Town of Hancock is working on a draft “Flood Damage Prevention” ordinance. Rajsz questioned what flood damage prevention was. Soete feels it is about flood proofing methods. Discussion about building along the river took place and about a dike on the East Branch.

New Business

Wireless Communications Plan for the Upper Delaware Corridor: Richardson said he came across a letter to the UDC dated July 16, 2001 from Joseph Freda of Callicoon, NY and thought it may be of interest in light of the fact that Sullivan County is trying to create a master plan for communications along the western part of the county. The letter from 2001 was similar in topic. Richardson is surprised that the UDC has not heard from the county. He hopes that they will talk to us and see what our thoughts are. Rajsz noted that she had facilitated communication between Sullivan and the Park Service. The county has been working on this study for the past year. Discussion took place about coverage in the river valley and the impacts of towers up and down the river. Fluhr noted he has seen very, very high poles being erected on certain roads. He has heard they have something to do with emergency communications. Rajsz said she has noticed these poles going up to Woodloch Pines Resort and said they look like antennas on top of really high poles. Peckham does not think they can run cell phones off of these poles due to interference.

Old Business

Draft letter to NYS DOT: Pond Eddy Bridge Project: Richardson noted this was discussed earlier in the meeting.

Use of 1988 Project Review Workbook: It was decided to table this until a future meeting. Richardson suggested putting this at the front of the agenda and Roeder expressed he would appreciate an e-mail reminder to bring the workbook with him.

Other: Ramie listed the additional handouts provided in members’ packets. They included Shohola’s resolution, the Town of Highland’s letters to Senator Bonacic and Assemblywoman Gunther, and the Upper Delaware Scenic Byway’s letter and resolution. All handouts were in reference to the Pond Eddy Bridge replacement project.

Peckham asked Rajsz if the Town of Lumberland has natural gas service. She replied they have the Millennium Pipeline and no one has tapped into it. Richardson does not think anyone has natural gas service in Sullivan County. Peckham said he found out via NYSEG that the lines, even the lines they use for distribution, are considered storage lines. Rajsz questioned what that meant. Peckham explained, “Say your town is going to be hooked up to natural gas, those lines that are sitting in town and are run all over; that is considered storage.” He wanted to bring that to her attention as he had been reading Lumberland’s zoning ordinance and it says no storing of gas. Richardson asked if a lateral line is considered storage. Peckham said they use them for storage. Discussion about the pipelines running through towns and no options of tapping into them took place. There was also discussion about tax breaks and income concerning pipelines, as well as the search for a compressor station site.

Public Comment: Anne Willard of *The River Reporter* wanted clarification about the river being blocked off for construction of the Pond Eddy Bridge. She questioned if the temporary bridge would be so low that traffic will be stopped. Rajsz said they can not stop the flow of the water, but boaters coming down would have to get out and walk around. Richardson stated he heard this would be in place until construction of the bridge was finished. He added he has been told that they need a temporary bridge big enough to handle the heavy equipment to construct the new bridge and there is talk of putting it so low that nothing will be able to go under it.

Adjournment: A motion by Fluhr seconded by Roeder to adjourn the meeting at 9:08 p.m. was carried unanimously.