

Upper Delaware Council
PROJECT REVIEW COMMITTEE MEETING MINUTES
December 18, 2012

Committee Members Present: Larry Richardson, Nadia Rajs, Harold Roeder, Jr., Pat Jeffer, Fred Peckham, Debra Conway
Committee Members Absent: None
NPS Partner: Sean McGuinness
Staff: Laurie Ramie, Cindy Odell, Travis O'Dell
Guests: Al Henry, Andy Boyar, Jack Niflot, Tony Ritter (7:24 p.m.)

The UDC's Project Review Committee held its monthly meeting on Tuesday, December 18, 2012 at the Council office in Narrowsburg, NY. Chairperson Larry Richardson called the meeting to order at 7:04 p.m. A motion by Rajs seconded by Peckham to approve the November 27 meeting minutes was carried. There was no public comment on the agenda.

Discussion Items Report: T. O'Dell reviewed highlights of his written report. They were as follows:

Substantial Conformance Update: T. O'Dell noted there is a letter addressed to the Town of Hancock Town Board that will be discussed during new business.

Project Review Update:

Natural Gas News – T. O'Dell reported that the New York State Department of Environmental Conservation (NYS DEC) has extended the rulemaking process for High Volume Fracturing Proposed Regulations for another 90 days. The regulations are open for public comment from December 12, 2012 through 5:00 p.m. on January 11, 2013. The DEC will not make any decision on hydraulic fracturing until New York State Commissioner of Health, Dr. Nirav Shah, completes the health review on the issue. A copy of the DEC's press releases was enclosed in members' packets. Peckham noted that the health review will not be subject to public comment, just the regulations.

Millennium Pipeline Company – T. O'Dell said that the 12/5/12 issue of *The River Reporter* quoted pipeline engineer Richard Kuprewicz as stating in a report to the Federal Energy Regulatory Commission (FERC) cited by opponents of the project that, "The Minisink Compressor Station is a very poor proposal and should be rejected." Kuprewicz stated that the 7.4-mile stretch of pipeline referred to as the Neversink segment is 24 inches in diameter while the rest of the pipeline is 30 inches. He contends that this difference has a negative impact on the velocity of the gas and therefore exceeds safety margins. Millennium Pipeline Co. spokesman Steve Sullivan was quoted as saying that the Minisink Compressor Project is designed to standards and added, "There are no regulations regarding gas velocities in pipelines."

The Times Herald-Record reported that on 12/7/12, FERC issued a decision to deny a request to re-hear arguments against the proposed compressor station. Members of StopMCS state they now plan to bring their fight to the U.S. Court of Appeals.

The Delaware County IDA met on 12/14/12 to discuss the PILOT program for the proposed compressor station on Hungry Hill in the Town of Hancock. According to Jim Thomson of the IDA, they could not reach a final decision on the project until FERC approves the site, but they did approve a separate resolution that gives Millennium a waiver of sales tax on purchases of equipment that must be ordered now in order to be delivered at some point in the next year.

Town of Delaware Zoning Amendments - T. O'Dell reported that the Town of Delaware's zoning amendments have been commented on by the National Park Service. He said a copy of their letter was provided in members' packets and will be discussed under old business.

Bridge Inspections – T. O'Dell told members that he filled out a Right-To-Know request with PennDOT for current and future information on the five interstate bridges under their jurisdiction. He reported that the Skinners Falls/Milanville Bridge closed on 12/15/12 after failing inspection in November. The bridge is

projected to be closed for a six month period. McGuinness asked if it was reported what was wrong with the bridge. T. O'Dell told him that the wooden beams underneath have become unsafe as a result of their exposure to salt and the weight limit has been downgraded to three tons. Members remarked that the bridge had been worked on over the summer and wondered what work had been accomplished then. Ramie said she believes they worked on the stringers. She commented that it is very hard to get information from PennDOT on the bridges.

Westfall Township - T. O'Dell reported that on 12/6/12 the Township supervisors approved their controversial "fun tax". There will be a 1 percent tax on anything considered amusement. He said this tax does include canoe liveries.

City of Port Jervis - T. O'Dell said there is an estimated 10,000 gallons of oil in an underground plume from the former Erie-Lackawanna Railroad that is slowly heading towards the Delaware River. An article in the 12/16/12 *Times Herald-Record* indicates the DEC's urgency to resolve this issue before the oil reaches the river. Ramie added the article stated that it will take an approximately 20 years for the oil to reach the river.

Town/Township Relevant Meeting Updates:

Town of Tusten - T. O'Dell said that on 11/28/12 there was an official public meeting at the Tusten Town Hall to discuss the Big Eddy Waterfront Revitalization project. He said that Laurie Ramie was in attendance. An article from *The River Reporter* summarizing the meeting was included in members' packets.

O'Dell added that the Tusten Town Board approved the Local Road Use Preservation Law on 12/10/12.

Town of Fremont - T. O'Dell noted that on 11/28/12 there was a public hearing to consider a minor subdivision at the Red Barn Campgrounds in Hankins, NY. He said that approximately six years ago, a ten acre parcel was subdivided into two lots, one three acres and the other 7.25 acres. The public hearing was about an issue with the driveway right-of-way, where the current owners widened the right-of-way and signed a waiver relieving the Town of Fremont of all maintenance and liability. O'Dell said he used this opportunity to introduce himself to the board and asked that as projects arise within the river corridor, he hopes the board will inform the UDC and allow O'Dell to review the projects in accordance with the Land and Water Use Guidelines contained in the River Management Plan. O'Dell said that the Planning Board Chair Leonard Bauer confirmed receiving his introductory letter in October and was pleased with his proactive approach in the community.

Town of Cohecton - O'Dell said the Cohecton Town Board enacted the Local Road Use Preservation Law at their 12/12/12 meeting.

Project Review Workbook - T. O'Dell noted that Item #3 on page SC-5 of the Project Review Workbook states that the state-required setbacks of septic systems from streams are as follows: in New York – 100 feet; in Pennsylvania – 50 feet. He said during review of the workbook the question was brought up if these setbacks are still accurate. O'Dell looked into the issue and found out that Pennsylvania still maintains their setback of 50 feet from a stream, while in New York a leach-field must be a minimum of 100 feet from a stream and a closed septic system must be a minimum of 50 feet. Ramie said this is something that the committee may want to update in the workbook.

TAG Update – T. O'Dell reported that he does have signed contracts back from all TAG recipients. He said that mid-term progress reports are due to the UDC by 2/18/13 and the project completion deadline is 7/26/13.

Training Update – T. O'Dell noted that he and Ramie completed the Pace University Law Center's Land Use Leadership Alliance (LULA) training program on 12/10/12. A detailed report is enclosed in members' packets along with a draft resolution to support the LULA training program. O'Dell shared his plaque that

he received upon conclusion of the training. Ramie encouraged members to read O'Dell's report as it is a very comprehensive one.

Peckham wanted to know which towns have passed the Local Road Use Preservation Law. Richardson said that Cochection did and the Town of Tusten did. Peckham asked if anyone knew if they were using bonding or highway maintenance agreements. Richardson said he is not sure, but believes it may be up to the discretion of the superintendents. Peckham said that bonding "did not fly" in the Town of Hancock. A brief discussion about what the law will do to local traffic took place.

O'Dell said that on 12/11/12, Dorene Warner of WDesign came into the UDC office to start training him on routine maintenance and updates of the Upper Delaware Council's website. Ramie reminded members that we contracted with WDesign for six months to ease the transition from Dave Soete being our in-house web person.

Old Business

NPS 12-12-12 letter to Town of Delaware: Proposed Zoning Changes: Richardson asked members to take a minute and read the letter in their packets. Peckham asked for clarification of the proposed zoning amendment 2b on page 3 of the letter. T. O'Dell said that the Town of Delaware's zoning is proposing to delete sawmills from the list of permitted special uses in Cal-B-1 Callicoon Business and DR Delaware River Districts and the Park Service's comment is that one of the goals of the River Management Plan is "to preserve *traditional* uses." Ramie pointed out they are proposing to delete that use from the business and river districts. Peckham said that sawmills are a traditional use. A brief discussion about the change to the Town of Delaware river district line took place. Roeder said there will be more discussion about the proposed zoning changes before any action is taken. T. O'Dell said that he would like to be included in any future discussions concerning the proposed changes. McGuinness said that Carla Hahn spent a lot of time on the letter and referred to it as a letter of recommendations to the Town of Delaware. Richardson asked if the UDC has commented on the proposed changes yet. T. O'Dell said no. Richardson suggested writing a letter requesting that they not take any final action until the UDC has had a chance to issue its comments.

Use of the 1988 Project Review Workbook: Richardson tabled the review until the next meeting in the interest of time as there was still another committee to get through tonight.

Other: None

New Business

Pace University Land Use Leadership (LULA) Training Program Report: Richardson encouraged members to read the report enclosed in their packets and to bring back any questions they may have to next month's meeting.

Draft Resolution 2013-04: UDC Supporting Pace LULA Training Program: Rajsz asked if the enclosed list of municipal sponsors represents all who have passed resolutions of support of the program. Ramie said yes. She added that this program has not been offered frequently in the Upper Delaware, so most of the communities listed are not from the Delaware watershed. Ramie pointed out that the program, valued at \$2,000 per student, was free of charge to her and T. O'Dell. She feels it would be a nice gesture to offer our support. Rajsz asked where they get the money to offer the program. Ramie said local groups sponsor it and then invite participation. A brief discussion of the use of the term "stakeholders" took place. A motion to forward the resolution supporting the Pace LULA Training Program to the full Council was made by Rajsz, seconded by Conway and carried. Richardson suggested sending a separate thank-you to Pace for the opportunity to participate in the program.

Draft letter to Town of Hancock: Substantial Conformance Review: T. O'Dell noted that there was a slight change made to the first sentence of the third paragraph of the letter that members had received via e-mail prior to the meeting. Ramie said that sentence is intended to explain why the Town of Hancock is being approached at this time. A motion to send the letter was made by Rajsz, seconded by Conway and carried with Peckham abstaining. Ramie noted that O'Dell states in the letter that Project Review

committee members are welcome to sit in on the meeting and participate actively in the process with the Town of Hancock when that is set up.

Other: None

Public Comment: None

Adjournment: A motion by Rajsz seconded by Roeder to adjourn the meeting at 7:34 p.m. was carried unanimously.

Minutes prepared by Cindy Odell, 12/26/12