

UPPER DELAWARE COUNCIL MEETING MINUTES

September 1, 2011

The Upper Delaware Council held its monthly meeting on Thursday, September 1, 2011 at the Council office in Narrowsburg, NY. Chairperson Larry H. Richardson called the meeting to order at 7:31 p.m. The Pledge of Allegiance and roll call followed.

In attendance: Town of Hancock-Fred Peckham, Town of Fremont-Jack Niflot, Town of Delaware-Harold Roeder, Jr., Town of Cochection-Larry Richardson, Town of Tusten-Susan Sullivan, Town of Highland-Andrew Boyar, Town of Lumberland-Nadia Rajs, Town of Deerpark-Philip Chase, Berlin Township-Lillian Russell, Shohola Township-Scott Rando, National Park Service-Carla Hahn. Also in attendance: Tony Ritter-Town of Tusten alternate Absent: Damascus Township, Lackawaxen Township, Westfall Township, State of New York, Commonwealth of Pennsylvania, Delaware River Basin Commission.

Approval of August 4 Meeting Minutes: Prior to this action item, Richardson introduced Cindy Odell as the Council's new secretary and he also mentioned that John McKay was not present as he was dealing with the aftermath of the hurricane. A motion by Rajs seconded by Russell to approve the August 4 meeting minutes was carried unanimously.

Public Comment on the Agenda: None

Committee Reports: Committee reports were provided based on the meeting minutes. They were: August 16 Water Use/Resource Management by Ritter; August 23 Operations by Richardson; and August 23 Project Review by Peckham. Ritter pointed out that the figures for the Delaware River Flow and Storage Data Report are interesting. He stated that normal NYC Reservoir Storage for the beginning of Sept. is 80.9% and that as a result of Hurricane Irene we are currently at 100.7%. Compare this to 88.5% on August 12th, 2011, a 12% jump in the last two weeks. "This is a tremendous amount of water in storage right now," he added. Richardson said that we have advocated to have a void behind the reservoirs. They are spilling and there is another tropical storm organizing in the Atlantic. Rando commented that we in this area caught a bit of a break with Hurricane Irene as a result of its path and dry air getting into the system. We didn't get as much precipitation as they had originally forecasted. Richardson brought attention to the fact that there were widely diverse levels of precipitation. Regarding the Operations Committee meeting, Richardson commended Dave Soete for securing legal representation for the Council in its challenge to the Lackawaxen Supervisors' determination in the Holbert mining permit application. Attorneys Jordan Yeager and J. Jeffrey Zimmerman have filed an appeal on the UDC's behalf. Regarding the Project Review meeting, Niflot questioned Peckham if there was a typographical error where it stated that the Johnston & Rhodes Bluestone Co. road in Manchester was 100' wide. Peckham advised him that is what the guy said, but that the road is not that wide.

Status Reports

Delaware River Basin Commission: The DRBC was absent, however, the hydrologic report was provided. The NYC Delaware River Basin Storage as of August 26 was at a combined capacity of 99.2% with Cannonsville at 91.6%.

NYS Dept. of Environmental Conservation: No report in the absence of Representative Bill Rudge.

PA Dept. of Conservation & Natural Resources: No report in the absence of Representative Dennis DeMara.

National Park Service-Upper Delaware: Carla Hahn reported that the tilapia farmers at Big Island in Callicoon were in the process of burying the fish at the time of the storm. No further information was available, but she advised that Supt. Sean McGuinness will have more information later on. She conveyed that the operators had done some due diligence as far as moving the fish and trying to gather them all in one spot.

Hahn commented that there is a need to re-establish a better understanding of how we all work together with all the different agencies that are involved and all the different processes. She has been charged with gathering information and calling agencies and discussing permitting processes and to remind them that we are here.

She maintained that, in regards to Hurricane Irene, we were luckier than our partners to the North and East. The NPS key offices in Lackawaxen and Milanville were without power until Tuesday and Headquarters was without power still at the time of the meeting. She advised the Council that if anything was needed to call the emergency number for the Park Service or call one of the other offices and they would get in touch with Headquarters.

She reported that the Towpath trail at the Roebling Bridge has once again gone under water. She commented that this is getting to be a regular occurrence and they may have to reconsider what they are going to do at this site. They pulled the datasondes (water quality testing equipment) out of their locations in anticipation of the high waters and are now in the process of putting them back.

The NPS is reviewing the Pond Eddy Bridge Replacement Project Memorandum of Agreement in-house and will get their comments back to PennDOT by the Sept. 6th.

Hahn noted that summer is winding down. Their staff has been significantly reduced for various reasons. She has observed that the types of visitation in the area are changing from on the river to more along the river. Without knowing numbers, she believes that there was increased visitation in the corridor. They were very, very busy. There were also some unfortunate mishaps which may be indicative of the number of visitors.

In reference to the Sullivan County Local Waterfront Revitalization Plan, Hahn advised that subcommittees have been set up to better work towards making this plan come to fruition. There have been meetings with the supervisors and local township representatives and also a visit by Dr. Peter Tarlow, a scholar in the area of tourism safety and a consultant for the tourism industry. Dr. Tarlow pointed out some of the things that Sullivan County, NY has to offer including excellent security, a great healthcare system in place, decent infrastructure, and the fact that there are great natural resources and healthy things to do here. Hahn noted that the area has not been "packaged" this way before, but it is perhaps something that we could develop. This Waterfront Revitalization plan could be part of tourism growth and they are reaching across the river looking for partnerships.

Hahn wanted to bring attention that the National Park Service has issued a Call to Action. The plan has four broad goals to reach before 2016, which is the Park Service's 100th anniversary. The very broad goals include connecting people to parks, advancing the NPS Education mission, preserving America's special places, and enhancing professional and organizational excellence. Within these broad categories are 36 action items that we are being asked to incorporate into our operations, and to discuss with our partners to select items that we can and should be working on to accomplish. The website to view the document is www.nps.gov/calltoaction. Richardson asked if Sean McGuinness or someone will be bringing this up in committee for discussion. Hahn believes so and she said it would be great if people could review the document.

Peckham informed Hahn that a neighbor had heard that the Park Service had closed the river to recreational activities during the storm. Roeder said he had been asked the same question today. Ritter pointed out that the Delaware Water Gap had been closed. Hahn said that the Upper Delaware had never been closed to her knowledge with the exception of perhaps channels for construction at different times.

Russell inquired that since Manchester Township is not a Council member, who is monitoring the Johnston & Rhodes Bluestone Co. road. Hahn's answer was that the non-UDC member townships are

monitored by the National Park Service. Rando questioned when the road in Manchester Township was built, did they have any types of permits. He was informed that they didn't need any from the township, but did from Pennsylvania. Hahn reinforced that this is an example of why there needs to be better communication between the agencies.

UDC Executive Director's Report: Bill Douglass reported on the following upcoming activities: (1) Sept. 2nd is the deadline for the UDC to accept applications for the FY 2012 Technical Assistance Grants. Applications must be postmarked or received by Friday at 4:30p.m. to qualify. (2) The UDC office will be closed on Monday, September 5, 2011 for the Labor Day holiday. (3) Bill will be attending the two-day USGS WaterSMART study stakeholder meeting in Shawnee, PA September 7th and 8th. He advised that no overnight lodging is going to be involved. (4) Laurie Ramie is working to have the Fall/Winter issue of "The Upper Delaware" ready to turn over to the printer by September 12th. (5) The annual special meeting of the Project Review committee will be on Tuesday, September 13, at 6:30p.m. to review TAG submissions with the applicants present. Cindy will send out copies of the applications to committee members for their advance review. (6) Consultants who are doing the feasibility study for the proposed Upper Delaware Scenic Byway visitors center at Fort Delaware in Narrowsburg will be here on September 15th and 16th for a byway bus tour and meetings with local entities to gather information. (7) September 20th will be the next WURM committee meeting. (8) The Delaware River Basin Commission quarterly meeting will take place Wednesday, September 21st, at their West Trenton, NJ office. (9) The Upper Delaware Scenic Byway will hold their next monthly meeting on September 23rd. (10) The Operations and Project Review committees will meet September 27th. (11) The twice-annual UDC newsletter should be released on October 3rd. (12) Finally, the next UDC monthly meeting will be on October 6th, 2011.

Richardson reinforced that the deadline for the TAG applications is 4:30 p.m. Friday, September 2, 2011.

Old Business:

Reply from the New York State Dept. of Transportation: Hospital sign request – A handout of a letter dated August 24, 2011 from NYS DOT Regional Director John R. Williams was provided. Williams wrote that he was following up on the UDC's May 16, 2011 letter requesting consideration of installing additional directional signage to the Catskill Regional Medical Center's Grover Hermann Hospital Division. At this point Richardson sees no action on our part as the letter is a clarification of their policies. He suggested that members read the letter at their leisure.

New Business:

Draft letter to the Federal Highway Administration: Pond Eddy Bridge Replacement Project
Memorandum of Agreement - Ramie pointed out that this is a brand new letter as we had never gotten this far as to have a Memorandum of Agreement to consider. Rajsز commented that it is a good letter and that it brings up the concerns that she had for Lumberland and it addresses the concerns that Sean McGuinness brought up at the Operations Committee meeting. She thanked Ramie for the letter. A motion to approve the letter was made by Rando, seconded by Rajsز and carried unanimously. Hahn brought up the point that the agreement states that the Design Advisory Committee will have three meetings. She suggested that they may want to consider addressing this. Rajsز feels that as much time as needed to come up with a good design should be taken. Hahn reiterated that is why she brought up the point of just three meetings. Boyar questioned why this bridge could not be built in the example provided by the Barryville-Shohola Bridge that is just miles up river. Ramie commented that it is because of the historical designation of the 1904 bridge, which requires an extra level of federal review.

Draft letter to Eagle Creek Renewable Energy: Support for The Town of Lumberland's Mongaup Welcome Park Proposal - Rajsز appreciates this letter also, stating that it is short and to the point. The letter conveys the UDC's support of the Town of Lumberland to develop the Mongaup Welcome Park on property at the intersection of NYS Rte. 97 and County Rte. 31 in the Mongaup hamlet area, stating that the project would greatly improve this Sullivan County gateway into the Upper Delaware Scenic and Recreational River Valley and the NYS Route 97 Upper Delaware Scenic Byway. A motion by Rajsز seconded by Boyar to send the letter was carried unanimously.

Other: At this point Boyar requested to re-visit old business. He expressed that he is infuriated by the reply from the NYS Dept. of Transportation in response to the request for more hospital signs. He feels that more signs are needed in rural areas to assist people that are not familiar with the area to find the local hospitals. Rajsز commented that perhaps they need to include the mileage to get to the hospital on the signs. Boyar wants to answer the letter. Roeder suggested putting some of the ideas in a positive letter and sending it to our two state representatives, Bonacic and Gunther. Richardson says we will get some of these thoughts together and bring this up in committee and see if we can come up with a response. He suggested questioning if there is a procedure for getting a waiver for these regulations set forth in the letter.

Roeder asked if he could comment on the CD, "Hand in Hand: A 9/11 Memorial", he had handed out to members at the beginning of the meeting. He pointed out that this is not a commercial endeavor. It is a piece of music that he and another person collaborated on years ago. The recording will be in the National 9-11 Memorial Museum in N.Y.C. in their archives and will also be on their website. He also said that if anyone knows of a person personally touched by Sept. 11th to let him know and he would send them a CD.

Sullivan asked what happened with the Upper Delaware Scenic Byway's request to support their resolution calling for a ban on heavy industrial truck traffic on NYS Route 97. Rajsز responded that it went to committee at Operations and the request was not to pass the resolution, but to bring it back to the byway to amend some of the language. She advised the Council that the Town of Lumberland did pass a resolution of support at their meeting with a vote of 3 to 1 after discussion. Ramie added that a copy of the resolution had just been sent out to the municipalities formally requesting a response either of support or comments.

Sullivan spoke about New York State coming out with its draft Supplemental Generic Environmental Impact Statement for natural gas drilling. She was wondering what our mechanism for review for it was going to be. It is supposed to be a 1,000 page document and she is concerned as to how much time will be allotted to review it. She feels that the Council should have some type of a plan in place for review. She personally would like to know what Dave Soete thinks of it. Richardson advised her that DEC's Bill Rudge told us there would be at least a 60-day comment period. Peckham said the delay in releasing the full document was for the preparation of socio-economic studies. Roeder pointed out that it had been due for release on Wednesday but got put off by the flooding emergencies.

Chase reported that 7" of rain fell in Port Jervis. He went on to announce that he turned 80 years old on July 31 and feels that it is time for someone younger to come in to represent Deer Park on the UDC. He said that the reps are terrific and effective. He expressed that he has really enjoyed his time on the Council and that he is going to stay involved. Richardson thanked him for his kind comments and told him that he hopes that he does stay involved. Roeder asked Chase if he will mentor the new person about water issues because of the fact that he is so knowledgeable about it. Chase assured him that he will sit down with the person and give him some insight. He will also attend the annual awards banquets.

Sullivan thanked everyone for the get well card sent to her. Richardson said that we are certainly happy to see her back.

Public Comment:

- Helga Sachno introduced herself and said that she was present on behalf of herself and Save Lackawaxen. She thanked all of the various committees for following up on these Holbert Quarry issues and their actions on it. She commented that she understands that there has not been an inspection of the Holbert Quarry since 2007. She then addressed Representative Niflot in response to his statement that the neighbors should have informed themselves of what was in the area before they purchased. She stated that she purchased her property in 1983 from Wayne Holbert's father, Don, and further stated that when she asked Don what was going on up there he told her that the property was for personal use only. Sachno referred to the Lackawaxen Township decision that states one of the reasons that the township approved the permit was because it (the quarry) was an existing business. She explained that at the time Don Holbert sold the property to them that nothing was happening in the quarry and he promised that it would never come to anything. Niflot

questioned if there was anything in the covenants that said that they would never open that quarry or was it a verbal agreement. Sachno replied that it was a verbal agreement. Niflot noted that the quarry was not functioning, but was there when she purchased her property. Peckham noted that it was abandoned and not technically active, but you could still get stone. Sachno again pointed out that one of the reasons the township approved the permit was due to the contention that it was an active quarry.

Adjournment: A motion by Rajsز seconded by Roeder to adjourn the meeting at 8:59 p.m. was carried.

Minutes prepared by Cindy Odell, 9/13/11