

## **UPPER DELAWARE COUNCIL MEETING MINUTES**

### **September 6, 2012**

The Upper Delaware Council held its monthly meeting on Thursday, September 6, 2012 at the Council office in Narrowsburg, NY. Chairperson Nadia Rajszt called the meeting to order at 7:14 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 Cohecton-Larry Richardson, Town of Tusten-Susan Sullivan, Town of Highland-Andy Boyar, Town of Lumberland-Nadia Rajszt, Town of Deerpark-David Dean, Damascus Township-Joe Canfield, Berlin Township-Alan Henry, Lackawaxen Township-John McKay, Shohola Township-Patricia Jeffer, Westfall Township-Alex Cena, State of New York-Bill Rudge, Commonwealth of Pennsylvania-Dennis DeMara, National Park Service-Sean McGuinness. Also in attendance: Ginny Dudko-Town of Deerpark alternate, Jim Rodgers-Town of Fremont alternate, Debra Conway-Town of Highland alternate, Tony Ritter-Town of Tusten alternate. Staff in attendance: Executive Director-Laurie Ramie, Senior Resource Specialist-Dave Soete, Secretary-Cindy Odell. Absent: Delaware River Basin Commission

**Approval of August 2 Meeting Minutes:** A motion by McKay seconded by Richardson to approve the August 2 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 21 Water Use/Resource Management by Ritter, August 28 Operations by Rajszt, and August 28 Project Review by Richardson.

### **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 31 was at a combined capacity of 71.6% with Cannonsville at 63.5%.

**NYS Dept. of Environmental Conservation:** Rudge reported that NYS has finalized the New York State River Herring Regulations. He noted that with regards to the Upper Delaware River, there will be no changes, adding that the harvest of river herring is prohibited in the Delaware River and its tributaries.

Rudge referenced a copy of a news release provided in members' packets announcing a redesigned monthly electronic newsletter highlighting seasonal outdoor recreation opportunities throughout the state. Issues of the *DEC Outdoor Discovery* newsletter are available through free email subscription. Issues are e-mailed to subscribers the first of every month and will also appear on the DEC website. To subscribe, visit DEC's website at [www.dec.ny.gov/public](http://www.dec.ny.gov/public). Rudge noted that he would be happy to facilitate getting events and activities of the Upper Delaware into the content of this newsletter so that people across New York State can see what is going on here.

**PA Dept. of Conservation & Natural Resources:** DeMara referenced a couple of handouts in members' packets. He noted the first concerns the Eastern Pennsylvania Greenways & Trails Summit to be held on September 19<sup>th</sup> and 20<sup>th</sup> at DeSales University in Center Valley. There is still room to register for that, DeMara added. He said that more information could be accessed at [www.delawareandlehigh.org](http://www.delawareandlehigh.org) as the program is being sponsored by the Delaware and Lehigh National Heritage Corridor. DeMara said work is being done with the Penn State Agricultural Cooperative Extension office in the Wyoming Valley to put on a Sustainable Landscape Bus Tour to demonstrate ideas and best management practices for managing lands through cost-effective, environmentally friendly ways.

DeMara referenced the article provided from the PA DCNR's *Resource* newsletter, which can be accessed at and registered for at [www.dcnr.state.pa.us](http://www.dcnr.state.pa.us), which highlighted the Governor of Pennsylvania's visit. A photo of DeMara briefing the governor along with DCNR Secretary Richard Allen at the pavilion at The Shawnee Inn is shown. DeMara said he was on day 2 of Governor Corbett's kayak trip from Bushkill to Smithfield Beach. He added that stations were set up at the Inn at Shawnee with a number of the DCNR's partners and some local business folks present where the governor learned about the many tourism initiatives taking place in the area.

DeMara noted he was glad that Nick Lylo, District Forester for the Lackawanna Forest District, was able to come and present to the Water Use/Resource Management Committee and share what the Bureau of Forestry does locally. DeMara said that he is working with Sally Corrigan of Pike County Planning on an application they submitted to do a program similar to the Local Waterfront Revitalization Plan. He added they are working with Sullivan County, NY Planning on this. Rajsz noted it is nice that it is being coordinated across the river.

**National Park Service-Upper Delaware:** McGuinness reported that on Friday, September 7<sup>th</sup> Delaware Water Gap Superintendent John J. Donahue and his management team are coming up to the Upper Delaware to float the river from Damascus to Milanville. A meeting will follow at the Park Service headquarters to talk about collaborating and working closer together on such things as water sampling, GIS projects and mapping, and cultural resources to name a few of the programs. McGuinness noted that as budgets get tighter, he feels it is important to build these foundations to try and work closer together.

McGuinness said that the Outstandingly Remarkable Values (ORV) report has been finalized and is going to the printer this week. Once the final product is available, he will provide copies. He said a lot of hard work went into the report and noted that the Council's comments were incorporated into it. Some national policy discussion concerning bridges happened as a result of this report, McGuinness said. He said that discussion of whether one ORV trumps another ORV took place. He feels that the report could be used as another tool for management as it explains in depth what scenic qualities are.

McGuinness reported that the Park Service purchased and installed a storm drain sack in the parking lot of the Park Service headquarters. McGuinness said it has bothered him that when it storms the water comes through the parking lot, into the drain and then into the river. The company that installed the device is from Long Island and there were a number of people and agencies on hand for the installation demonstration today. The purpose of the demonstration was to initiate conversation about storm water runoff and what communities and agencies can do about it. McGuinness said the Delaware River and the whole valley currently is in really good shape, but feels it is time to start thinking about things that can affect water quality. The device that was installed is good for approximately 7 or 8 years and just needs to have filters changed occasionally. McGuinness said the Park Service is going to monitor what is going into the filter.

McGuinness noted that Carla Hahn and Bonnie Sheard have been working with Council staff on compiling all substantial conformance records and digitizing them. Towns and townships were contacted to request any missing records. McGuinness said that as a result of this effort, when substantial conformance reviews take place, a good base has been established. He noted that a lot of substantial conformance reviews have not been done in years. McGuinness said Park Service is also working with Council staff on compiling Project Review records. Henry asked if the digitized substantial review records are available on-line. McGuinness said he does not believe it is on-line yet. Ramie added that the database is a work in progress and she does not feel it is available yet. Henry asked if he wanted to see it, how he would go about it. He was advised to contact the headquarters office to inquire about having it loaded onto a disk.

Dean asked McGuinness if the storm water filter was installed in an existing catch basin. McGuinness said that it was, adding that it is new simple technology that consists of a filtering screen and around the edge is an oil catching device. Dean asked if the outflow water was tested before the device was installed. McGuinness said that had not been done, but noted they are going to try and take samples of water before it goes into the catch basin. They will also analyze what is caught in the filter to see what they are keeping out of the river.

Richardson asked McGuinness if the substantial conformance information will be broken down by town. McGuinness said that it will be. Richardson told McGuinness that years ago, Park Service had an employee, Kitty Womer, who conducted a lot of interviews orally about history. It is his understanding that some of the information was transcribed. He wondered if all of her tapes have been transcribed and whether some organizations could have access to them. Richardson said that she conducted some fascinating interviews. McGuinness said that he would find out for him, suggesting that if they have not all been done, they should be, as the tapes are getting older. Ramie added they were done through Mary Curtis' tenure and she may be available to consult if that is necessary. Richardson noted that some of the individuals that Womer interviewed are already gone, so it is important to preserve them.

**UDC Executive Director's Report:** Ramie pointed out that the new lighting has been installed in the Council office by Schwatz and Mall Electric of Youngsville. Work began on August 31<sup>st</sup> and was completed on September 3<sup>rd</sup>. Schwatz and Mall took care of disposing of the old light fixtures for Council. She noted that since September 5th John Nistico of John's Handyman Service in Callicoon, has been in the office repairing the ceilings and preparing them for painting. Ramie added that filling the cracks in the parking lot and painting lines is scheduled to take place soon. That work will be done by Duffy's Pavement Markings from Bloomingburg, NY. Ramie reported that the old air conditioning unit in the conference room is going to be removed and replaced with a window by Ted Kille of Long Eddy, NY. All these projects are being undertaken as a result of the surplus money in the FY 2012 budget.

Ramie reported the Council received nine Technical Assistant Grant (TAG) applications for the FY 2013 round by the August 31<sup>st</sup> deadline. The total amount of money requested is \$44,485. Ramie noted that the total available is \$32,905.81. The special Project Review Committee meeting to review the applications is scheduled for September 11<sup>th</sup> at 6:30, she added. Representatives for each of those applications will be here to explain their proposal and answer any questions.

Ramie reiterated our appreciation to McGuinness for his efforts in securing advance funding to carry us through the three to four months of FY 2013 that the Park Service will be changing over its financial accounting system.

Ramie said she wanted to offer an update on the Coalition for the Delaware River Watershed. She noted we had been invited to join the steering committee of that organization and after much discussion, it was decided that she would audit the calls for six months to see if this was something that we wanted to join. Ramie said she participated in the latest call on August 29<sup>th</sup> and reported that the Council has now been politely uninvited. The reason is that the Coalition is comprised of 501 (c)3 non-profit organizations, which we are, however, we have the quasi-governmental membership in which the municipalities are the members. They specifically do not want the influence of government or industry on this coalition. Because our organization essentially derives its policies and procedures from its municipal authorities and has state and federal representation, we are not eligible for steering committee membership. Ramie she explained there was no offense taken and we had not had consensus on joining anyway, so no harm done.

Ramie reported the Personnel Subcommittee has met with four applicants for the Resource Specialist position. Soete will be leaving at the end of this month so we are eager to find a qualified candidate, she said. She noted that Odell celebrated her first anniversary with the Council on August 29<sup>th</sup>.

Ramie said it was mentioned during the WU/RM report that we have started to have speakers in lieu of advisory members. She reiterated that those meetings are open to the public and we do publicize in advance who the speaker will be, so if anyone ever has any interest, please attend. She said that on September 18<sup>th</sup>, Len Grover and Jamie Knecht of Wayne Conservation District will be here to speak about the new Pennsylvania floodplain regulations. On October 16<sup>th</sup>, Brenan Tarrier from the New York State DEC will be speaking about flows and releases for the Delaware River regime.

Ramie referred to the September calendar provided in members' packets and highlighted a few dates. She noted she is working feverishly on the Fall/Winter edition of *The Upper Delaware* newsletter

and is finding it a bit challenging as she is trying to adjust to the new software that was installed into the new computers. The issue is due to the printer on September 14<sup>th</sup> and Odell is updating the database which is due on September 21<sup>st</sup>. The issue is scheduled to publish on October 1<sup>st</sup>.

Ramie noted that the Council has been invited to speak to the Buckingham Township Planning Commission on September 20<sup>th</sup>. They want to hear about the UDC and incentives for membership and what we are all about and how it works in terms of their oversight that is currently conducted by the Park Service given that they are a non-participating township. She said the invitation is very much appreciated. She and McGuinness will be attending and she extended the invitation to any board members who would like to join them.

Ramie concluded that the 2012 fiscal year does end on September 30<sup>th</sup> and in the last two weeks, she and the bookkeeper will be checking to see where we stand financially.

### **Old Business:**

**Letter to PA Governor Tom Corbett:** Ramie said a letter to Pennsylvania Governor Tom Corbett was sent on Sept. 5 concerning his recent kayak trip to the Upper Delaware. The letter asks for a convenient time for UDC representatives to meet with him to discuss river valley issues. Also included with the letter was a copy of the governor's press release that was issued to explain his itinerary for those two days. Ramie said when it was referenced in the minutes about disappointment with the Park Service, she wanted to say again that the Park Service was not responsible for making the arrangements, they were handled by the Governor's office and by the Pocono Mountain Visitors Bureau. She noted she feels the letter may be a way to ensure that the Governor is aware of our presence. Henry said that perhaps the next time Dennis DeMara meets with the Governor, he could refresh his memory about the UDC. DeMara said he would and asked Ramie to let him know if she receives a response to her letter.

### **New Business:**

Peckham suggested addressing item B first, as item A may take some time. Rajsz agreed.

**Draft Resolution 2012-09: Resolution of Appreciation for David B. Soete:** Rajsz read the resolution prepared for Soete. It read as follows:

“A Resolution of Appreciation for David B. Soete

**Whereas**, David B. Soete has been employed as Senior Resource Specialist with the Upper Delaware Council, Inc. (UDC) since October 1, 1989; **and Whereas**, “Dave” has announced that he will retire from that position effective September 30, 2012; **and Whereas**, As the Senior Resource Specialist, Dave has been the primary technical support to the UDC on land and resource management issues, responsible for coordinating technical reviews regarding the determination of substantial conformance of local laws, plans, and ordinances with the *River Management Plan for the Upper Delaware Scenic and Recreational River* and the Land and Water Use Guidelines; reviewing and preparing draft comments on development proposals; and monitoring activities with potential impacts on the river corridor's resources; **and Whereas**, Dave has also served as the non-profit organization's in-house webmaster in recent years and is renowned for his multiple award-winning talents as a photographer who specialized in capturing and generously sharing beautiful images of the Upper Delaware River Valley and beyond, **and Whereas**, the Honesdale, Pennsylvania native earned a Bachelor's Degree in Forest Science from Penn State University and was employed by the Wayne County Department of Planning for 12 years before originating the vital role that he fulfilled for the UDC during the last 23 years; **Now, therefore, be it resolved that**, 1) The Upper Delaware Council, Inc. expresses its sincere appreciation to David B. Soete for his professional contributions and person dedication to the mission of conserving the Upper Delaware Scenic and Recreational River for the benefit of present and future generations; **and** 2) The Upper Delaware Council, Inc. wishes Dave a happy, healthy, and relaxing retirement.” Rajsz commented, “We're going to miss you Dave.” Following applause, a motion to accept the resolution was made by Boyar, seconded by Richardson and carried unanimously.

**UDC 2<sup>nd</sup> Draft Five-Year Plan: FY 2013 – 2017:** Peckham noted that he made time out of his Saturday to attend the June 23<sup>rd</sup> Strategic Planning Workshop and he feels there is no reason to revisit the vote of that day. Rajsztz stated that she felt the voting process at that meeting was a “free for all” as voters were not limited in the number of dots they could use to cast votes on issues as was done in previous years. She is recommending having the Council representatives and alternates vote one more time on the priority issues and see how it turns out. Dean suggested that if a vote is to take place, that representatives who are present could cast votes as well as alternates that are present representing their towns. He does not see a reason for alternates to vote otherwise. Ramie noted that the second draft of the Plan sent to members contains no content change, the only changes made were to move historical information to four appendices in the back so that it starts out with what our vision is for the next five years. Peckham referenced the handout with suggested changes provided by Bill Rudge, NYS DEC Representative to the UDC, to the #1 Priority Issue and asked what the discussion is with it. Ramie said it was a suggestion to see if the board could come to a consensus so that everyone was satisfied with the wording of that number one priority issue. Ramie said this was an opportunity to change the wording of that issue and noted that the other four suggestions on the handout were based on the comments that were received from the written reviews as well as anecdotally that we heard. She noted that Bill Rudge sent his suggestion to her today. They have been provided for the Council’s consideration, she said. McKay asked if the results from the June 23<sup>rd</sup> vote were skewed, didn’t everyone have the opportunity to skew it equally? Ramie said the results were part of the plan that she sent out on July 18<sup>th</sup> with a deadline for comments by August 15<sup>th</sup>. McKay said he feels that historically, we may be losing sight of how much private property rights were the paramount issue and he feels this might go a long way for improving our image amongst private property owners throughout the corridor. Rajsztz said that no one is saying to take that out. Boyar said that we have a potentially divisive issue, but there is a resolution. He apologized that the Town of Highland was not engaged at the June 23<sup>rd</sup> workshop as he and his alternate were involved heavily in another project. He said that in the Town of Highland in the past three years, he can not recall a single private property rights issue coming up, so he does not have a big list of grievances that he can appreciate the concern. The Wild and Scenic Rivers Act was not passed by Congress and signed by the President to protect private property rights. Our Delaware River was included in the system to protect it as a national treasure which must be protected for future generations. He asked how to get past the dilemma of having had this vote and understanding that the true mission is a little different. He noted that someone took the time to write something almost “mint” perfect. He asked if Rudge’s statement is the simple answer to solve the issue so that everyone is content. Boyar said that if trespassing is really an issue, maybe we could do something about that. He said he never thought that anything would be done about drownings on the Delaware River, but he has to take his hat off to Sean as this message campaign is working. The message is getting across and saving lives on the Delaware. He commends this effort and said that if there is an issue with trespassing, perhaps we could do something similar. He said the Council should still not subvert the real mission of this organization and what we’re really here about. Boyar told members he would not change a word of Rudge’s suggested phrase and asked them if “we can’t just go with this”. Sullivan noted that she was not given the impression that anything that came out of the June 23<sup>rd</sup> workshop was written in stone. It was her understanding that a draft would be compiled, it would be open for comment, and those comments incorporated in the document. She said to her, “Draft implies change”. Sullivan offered an apology to her town and the Council for not putting gas drilling on the issues board at the workshop. She feels it is remiss of the Council to have an issue as big as gas drilling not listed as a priority at all. It is her opinion that all of the suggestions, unless there is an objection, should be incorporated. Henry made a motion to adopt the second draft that Ramie drafted as is. Peckham seconded the motion. Henry asked Ramie to explain the changes to the second draft. Ramie said that the second draft is the one where the historical information was moved to the back so that it starts right into the five-year plan and she noted that the committee tasks do address gas drilling. Richardson commented that he sacrificed his time to attend the June 23<sup>rd</sup> workshop and he was disappointed by the turnout. He wonders if the results would have been different had the whole group met. He said he agrees with Boyar and feels the paragraph that Rudge put together is excellent and it is his feeling it should be in the plan. Roeder said he always comes back to the two things of why we’re here, to protect the river and to protect private property rights. He added the Council should be striving together in unity to do both. And if we can’t do both, it questions as to why we are here. We should be working in concert with each other, not against each other. Referring to Rudge’s suggestion which reads the Priority Issue #1 should be “Protect the

unique scenic, cultural and natural resource values of the Upper Delaware Scenic and Recreational River and its immediate environs while respecting private property rights and the needs of the local communities”, Roeder said he was not happy with the wording “respecting” instead of “protecting” and the statement “and the needs of local communities”. Roeder noted that it does not say anything in the River Management Plan (RMP) to his knowledge about the needs of local communities. McGuinness said he has been thinking about this issue a lot. He said he put together a couple of notes of what he thinks protecting private property is if indeed the Council decides to keep the number one priority protecting private property rights. He said we can say to protect private property rights, but then the question becomes, what actions do we take to do that. McGuinness shared his ideas of how we could meet this goal in five years. They are as follows: 1. Substantial conformance reviews are completed for all towns, 2. Zoning is in place by all towns and townships that agrees with the Land and Water Use Guidelines, 3. Maps with corridor boundary are agreed on, supported, and made available to all, 4. A formal project review process is in place and all town planning boards know it and actively participate, 5. Education programs for land owners, real estate agents, planning boards, etc. are initiated including all forms of media such as web page, brochures, etc. 6. A formal position on the prohibition of heavy industrial uses is adopted including natural gas development, quarries, industry, etc., 7. Standards are agreed upon to inform our visitors who recreate on their Wild and Scenic River for signs, and info by the liveries and in media, about the private property along the river. McGuinness said we can say we are going to protect private property, and asked how are we going to go about it. He said it can't just be said, we have to come up with a plan on how we are going to do it. He said his suggestions are perhaps a way the Council could go about making it happen. Dean said for him, the big thing about private property rights is not about trespassing; that is one very small part of it. He said property belongs to those who hold the deeds and pay the taxes on it. It does not belong to the UDC or the National Park Service and those are the people you have to protect as well as the river. Dean told McGuinness his list seems pretty comprehensive and he can tell he has put a lot of thought into it. Boyar said we should not forget that we have state laws, state constitutions, and the Constitution of the United States that also protect private property rights and those are pretty substantial documents. He is hoping for a way that we can somehow compromise and conclude this evening. There is a motion on the floor and the motion on the floor is what needs to be addressed except if there is a motion to amend. He said he would like to make a motion to amend this plan to include in place of the first priority, the priority issue as Rudge suggested with the two suggested changes to read, “Protect the unique scenic, cultural, and natural resource values of the Upper Delaware Scenic and Recreational River and its immediate environs while protecting private property rights.” Boyar said that his motion is to amend the plan as moved, but first to have a vote on this amendment if there is a second. Rajsz seconded the motion to keep the issue the priority issue #1, but to amend and have it read as Boyar stated. Henry said that he would accept that amendment to his motion and asked Ramie to read the priority issue #1 as currently written in the 2<sup>nd</sup> Draft Five-Year Plan. Ramie said that currently, it simply says “Protect and respect private property rights and land use.” Henry stated again he would accept Boyar's amendment to his motion. Boyar said if there is no further discussion, the motion to amend should be addressed first and if it does pass, it will be put into the plan as was moved and then that is voted on. Members asked for clarification of the amendment. Dean stated he would like to amend that motion to include “and land use” after “protecting private property rights”. That motion was seconded by McKay. McGuinness asked Dean what he meant by that. Dean stated that “you can use the land”. After a brief discussion, Rudge noted that this body does not have any authority over private property rights. We can not tell someone “No, you can't do that.” Sullivan suggested that the wording “in accordance with the River Management Plan” after the words “private property rights” should be there as she feels that is how we operate. McGuinness said it would be better if it stated within the Land and Water Use Guidelines, as they were set up first. After more discussion Rajsz read, “Protect the unique scenic, cultural, and natural resource values of the Upper Delaware Scenic and Recreational River and its immediate environs while protecting private property rights and land use in the context of the River Management Plan and the Land and Water Use Guidelines.” Peckham suggested keeping it simple, stating it is too wordy. Cena commented that we are trying to provide balance between the river and property rights and suggested keeping it as simple as possible and end the statement at “property rights” changing the word “respecting” to “protecting”. That way there is equal balance between the needs of the river and needs of property owners. McKay suggested dropping the word “unique” from the statement. Roeder suggested changing the statement so that the protect private rights wording is first to be more in line with

the voting results of the June workshop. Niflot stated that one hour ago, we were one word away from voting on the plan and asked “What are we doing here?” He said that he feels Boyar has the perfect motion on the floor. At this point, Dean withdrew his motion. A vote on Boyar’s motion of amending the priority issue #1 to read “Protect the unique scenic, cultural, and natural resource values of the Upper Delaware Scenic and Recreational River and its immediate environs while protecting private property rights” was carried. A vote on Henry’s motion to adopt the UDC Five-Year Operating Plan for FY2013 – FY 2017 with the amendment was carried.

**Other:** Rajsz noted this is Soete’s last full Council meeting and thanked him for all his years of service and expressed appreciation for everything he has done. Ramie noted that Rajsz had contributed a cake for all to enjoy after the meeting.

Henry said he would like to see if the Council could get a copy of what was just on the Pennsylvania Cable Network about a gas symposium. It was on August 30<sup>th</sup> or 31<sup>st</sup> and was really enlightening. It is something that everyone should take a look at.

**Public Comment:** Jim Rodgers pointed out one of the unique qualities about the Delaware River is that it is the longest free-flowing river in the Eastern United States.

**Adjournment:** A motion by Roeder, seconded by Canfield, to adjourn the meeting at 8:57 p.m. was carried unanimously.

*Minutes prepared by Cindy Odell 9/17/12*