

UPPER DELAWARE COUNCIL MEETING MINUTES November 1, 2012

The Upper Delaware Council held its monthly meeting on Thursday, November 1, 2012 at the Council office in Narrowsburg, NY. Chairperson Nadia Rajsz called the meeting to order at 7:05 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 Tusten-Susan Sullivan, Town of Lumberland-Nadia Rajsz, Town of Deerpark-David Dean, Berlin Township-Alan Henry, Shohola Township-Patricia Jeffer, State of New York-William Rudge, National Park Service-Carla Hahn. Staff in attendance: Executive Director-Laurie Ramie, Secretary-Cindy Odell, Resource Specialist-Travis O'Dell. Absent: Town of Cohecton, Town of Highland, Damascus Township, Lackawaxen Township, Westfall Township, Commonwealth of Pennsylvania, Delaware River Basin Commission.

Approval of October 4 Meeting Minutes: A motion by Roeder seconded by Niflot to approve the October 4 meeting minutes was carried unanimously.

Rajsz acknowledged the passing of Noel van Swol. She referred to him as a very active, important citizen in the river valley, whether people agreed with him or not, who kept people "on their toes."

Public Comment on the Agenda: None

Committee Reports: Committee reports were provided based on the meeting minutes. There was no report from the October 16 Water Use/Resource Management as there was no quorum. October 23 Operations meeting report was provided by Rajsz and October 23 Project Review meeting report was provided by Peckham.

Status Reports

Delaware River Basin Commission: The DRBC was absent, however, the hydrologic report was provided. The NYC Delaware River Basin Storage as of October 26 was at a combined capacity of 72.1% with Cannonsville at 65%.

NYS Dept. of Environmental Conservation: Rudge reported that many employees of the DEC are working on response to Hurricane Sandy. He noted that many communities in the lower Hudson Valley were impacted quite extensively. A copy of Governor Cuomo's November 1st press release was provided in members' packets. The release outlines some of the steps that the Governor is taking to help communities respond to this emergency. Rudge stated that the Governor has announced a burn ban exception. The burn ban is intended to help municipalities affected by Hurricane Sandy deal with the tremendous amount of woody debris. Affected municipalities may request authorization from the DEC, by contacting the regional office in the area, to burn vegetative debris, such as tree limbs, branches and brush, collected in response to the storm. Additional information is available at www.dec.ny.gov. Rudge said it is his understanding that the burn ban is directed to municipalities. Rudge told members not to hesitate to contact him if they have

any questions. Rajsasz asked if municipalities are burning instead of chipping noting that her Town of Lumberland chips woody debris. Rudge said that the DEC recommends chipping, but there are a lot of municipalities that don't have the resources to chip and the volume of material is so great that the DEC is going to allow for the burning of clean, woody debris. Peckham stated that the Town of Hancock is still in a state of emergency which allows them to be able to clear trees off of the electric lines in preparation for the electric companies. Sullivan read from the Governor's press release that "more than 630 storm-related spills have been reported to DEC's Spills Hotline." She asked Rudge if he could explain that. Rudge noted that the single greatest source of those spills is home fuel oil. He said that overturned boats and cars inundated with water are also sources of these spills. Peckham said that he had heard on a Binghamton radio station that some gas companies were sending their big pump trucks down to assist. Rudge reported that DEC staff is going 24/7 on these spill responses.

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

National Park Service-Upper Delaware: Hahn referenced the NPS UDSRR Visitation Statistics FY 2012 handout in members' packets. From October 2011 to September 2012, 263,254 visitors enjoyed boating, fishing, and swimming in the Delaware River, touring the historic Roebling Bridge and the Zane Grey Museum, and visiting the Narrowsburg Visitor Center. Hahn noted that it is pretty obvious in its conclusion that the biggest users are boaters. Rajsasz asked where the persons they had counted as swimmers were swimming. Ramie noted there are no authorized spots. Hahn confirmed there are no designated swimming areas on the river. One reason for this is that the NPS can not provide lifeguards and there are no life guarded areas. Rajsasz noted that yet, 4% of the population that comes to the area, comes to swim. Henry noted that in the past, the Park Service did not enforce the swimming prohibition unless an individual was swimming right off the access, but they would advise them that they need to have on a personal flotation device anytime they are near or in the water. He added that the PA Fish and Boat Commission does have a ban and if they are at an access, they will tell the people to move. Ramie asked if wading counts as swimming. Henry said if you look at the PA Fish and Boat code, if you are not fishing or boating, but are in the water, you are considered swimming. Discussion of the fact that even those visitors who come here to boat, very often end up swimming, took place.

Hahn referenced a second handout listing the current National Park Service/Partnering Agency Natural Resource Studies on the Delaware River. The Resource Management Division is involved in 13 active studies with different agencies. The handout lists the name of the partnering agency and the objective of the study. She said that any questions should be directed to Don Hamilton.

Hahn said that a topic of discussion during the NPS management team meeting held earlier in the day was figuring out how to provide excellent service and safety in the field after the budget cuts. She noted they are fairly certain there will be a 1.7% cut coming up in January.

Henry referenced study #11 on the handout and asked what ESF stood for. He was told Environmental Science and Forestry, State University College in Syracuse, N.Y. Henry said he would like to see a copy of the TNC Study of Hydrologic Alteration (1942-1962) referenced. He said he was unaware of this study and thinks it would be interesting. Roeder asked for an explanation of study #6, Mapping Delaware River Aquatic Vegetation using Hyperspectral Remote Sensing and Bathymetric LiDAR. Rudge said it is a study of the river bottom. Hahn read the objective aloud. Peckham said that study is ongoing, that it has already been done by him and he explained the process to members. Roeder asked if an answer has been found as to why didymo gets bad for a while and then disappears. Hahn said not yet and that they are still studying it. Rudge said they do know it is subject to scouring. Peckham said he found out that no one has ever studied the relation of ice to didymo.

UDC Executive Director's Report: Ramie thanked everyone who attended the meeting, noting that everyone had individual hardships due to Hurricane Sandy, as well as in their towns and townships. She reported that power was out in Narrowsburg from Monday night until mid-afternoon on Wednesday. Ramie noted that employees did take work home with them, but said there is only so much that can be done without access to the office. She suggested that the Council may want to look into buying a generator. A brief discussion took place.

Ramie provided an update on NPS funding noting that we still have not received October's or November's payments. She stated that the enrollment process that we've been going through for the National Park Service's new financial accounting and management system has been a lot of paperwork, but she thinks that it is all in order at this time. Ramie said that once this system is operational, which is expected to be in mid-November/early December, the UDC will have on-line access to a "grant" account from which to draw down its Financial Assistance funds, with cash advances required to be as close as possible to the actual disbursement for program costs. This system will take out the local unit of the Park Service as a "go-between." Ramie noted it would be good to get at least October's funding. Henry asked if staff is still getting paid. Ramie told him up to this point we are.

Ramie reported that the Bylaws for this organization were originally approved in 1988 and in 1992 underwent a slight revision. Back in 1994, amendments were proposed, but never acted upon. She said the Operations Committee had resurrected those amendments as it is good for an organization to look at its structure every so often. The Operations Committee finalized their review on October 23rd and the proposed amendments and the original document were compiled into one Word file and sent out to the Operations Committee members for review. The document is also with the Council's attorney, Jeff Clemente, for legal vetting to ensure that everything is as it should be. He has been asked to provide comments by November 27th which is the day of the next Operations Committee meeting. The procedure for amending the Bylaws is laid out in the Bylaws. A one-month written notice to the full Council that the Bylaws are about to be potentially amended and what the proposed revisions are, is required. Rajs asked Hahn what was contained in the e-mail that she sent out after the last Operations Committee meeting. Hahn told her it contained a copy of the Memorandum of Understanding (MOU), which she referred to as the original foundation document. She explained this is a separate document from the Cooperative Agreement. Also in the e-mail was a copy of the MOU signed by the State of New York and a copy of the Town of Delaware's resolution to join the UDC as representative of the local municipalities signing on. The Memorandum of Understanding describes the relationship of the UDC with the Park Service, Hahn added. The Cooperative Agreement is about funding. Rajs said she feels it was a good exercise to review the Bylaws.

Ramie reported we are going out to bid on our newsletter as our current 5-year contract has expired. She prepared a 5-page bid specifications packet for printing, labeling, and mailing services. Legal ads will be placed in five newspapers making a Request for Proposals. Those ads will run between November 7th and 9th. Sealed bids are due by 5 p.m. on November 26th and will be considered at the November 27th Operations meeting. She said the specifications stress that the vendor must be able to work with Quark Xpress version 9.

Ramie referenced two reports in members' packets. The first was prepared by T. O'Dell and is a summary of the presentations from the October 9th "Water, Water Everywhere" forum sponsored by Friends of the Upper Delaware River. She added that we have electronic versions of each complete Power Point presentation and they are available upon request. Ramie noted there was a lot of good information shared at the forum that day. Rajs commended Travis on his report. The second report was prepared by C. Odell and consists of notes from the presentation by Jamie Knecht and Len Grover from the Wayne Conservation District on the new PA Floodplain Regulations given at the October 16th WU/RM Committee (no quorum was present). Sullivan suggested sending a thank you note to Wayne Conservation District for giving their presentation. Ramie said she would.

Ramie announced that Dave Soete will be holding his first public photography exhibit, "Images of the Upper Delaware." The opening reception will be on November 10th from 5-8 p.m. at GrandStyle Framing Co, 214 6th Street in Honesdale PA. The exhibit will be open weekdays through December 31st from 9:30 a.m. to 3 p.m. An invitation was in each member's packets. Ramie encouraged all to attend, noting it is impressive to see Soete's work in a grouping.

Ramie referenced the November calendar of UDC meetings, activities, and deadlines. She noted the annual audit will be conducted on November 7th and 8th by a team from Eckersley and Ostrowski, LLP. Dick Eckersley will be in on November 13th to finalize the audit review and a report will be offered by Eckersley at the November 27th Operations meeting on the status of the Council's books for FY 2012. Ramie said that she and Travis are still participating in the Pace Land Use Leadership Alliance training and will be attending Day 2 on November 5th and Day 3 on November 19th. She noted that October 29th's day of training had been cancelled due to Hurricane Sandy so the 4th day of training will be held on a day to be determined in December. She stated that a full report of the training will be offered upon completion, most

likely at the Project Review Committee meeting. Ramie reported that Travis will be participating in a Dirt & Gravel Road Workshop that the Wayne Conservation District is sponsoring on November 14th and 15th. She reminded members that in December all three committees meet in one night. Operations, Project Review, and WU/RM will take place on December 18th beginning at 6:30 p.m.

Dean asked Travis if he was at the Wayne Conservation District presentation on PA's new floodplain regulations and if so what his thoughts were. Travis said he did attend and that the material was all new to him. He said the presentation had to do with national regulations and the speakers focused on the implementation process going on in Wayne County specifically. Travis spoke about the appeal process homeowners can follow if they want to challenge a floodplain boundary delineation. Appeals must be supported by scientific or technical data, provide proof of error, and provide sufficient data to make revisions. He added that certification of the data by an engineer or surveyor may be required. Peckham spoke about the process in New York when they updated their floodplain maps. Roeder feels this is being discussed since the FEMA maps are being updated and they want to provide people with the information if they find themselves in the floodplain and had not been in before. Discussion took place about the municipalities having to have ordinances in place that meet FEMA ordinance minimum requirements. Dean said he was curious if this also had to do with land use or wetlands with the Commonwealth of Pennsylvania. He wondered if it was more or less a restriction on one's property so far as the use. Henry suggested that Dean contact the folks from the Wayne Conservation District for more information. He noted that you can build in the floodplain, but not in the floodway. He also stated that the speakers from Wayne Conservation District did not wander into the topic of wetlands. Sullivan commented that the function of wetlands is to prevent flooding. Rudge said that the NYS DEC has a whole website about the values of wetlands and offered to give a presentation on them at a committee meeting, if the members so choose. Sullivan stated that back in the day when people did not have the government or insurance to clean up for them, they did not build in these flood prone places. Hahn added that if they built once and got washed away, they did not build back. Henry noted that there is active construction on Tammany Flats in Damascus, PA. He said it amazes him that it is legal construction. He has rescued people from there before due to flooding. A discussion about why people would rebuild in certain areas after repeated flooding took place. Hahn noted that one just needs to take a look at what happened this week as a result of Hurricane Sandy and ask if it was advisable for some places to be built where they were in the first place.

Old Business: Henry noted that from time to time the WU/RM Committee is up against the wall with not having enough people to be able to seat a quorum. He asked how many people are on that committee. Ramie said there are six members, so four are needed to seat a quorum. Henry said he wanted to bring to the Council's attention that it does not make sense to have a committee that frequently is unable to conduct its business due to a lack of quorum. Ramie said it is disappointing to staff as well, as it is the same amount of work to prepare for the meeting and we would rather have the meeting. He feels the issue needs to be addressed. Rajszt said if people can not make it to the meetings due to other obligations, they should remove themselves from the committee in order to adjust the quorum. Sullivan asked if the committee members have alternates. Rajszt said they do, but the alternates showing up only works if they are told. Peckham noted that sometimes it is hard for alternates to attend committee meetings since they may not be familiar with the work that is being conducted. Ramie noted that the committee membership belongs to the town or township, it is not an individual membership, so the representative or alternate can be the delegate for that town or township.

New Business:

Appointment of Nominating Committee: Rajszt named the following members to serve on the Nominating Committee to produce a slate of officers for the UDC for the calendar year 2013: Larry Richardson (Town of Cochection), Jack Niflot (Town of Fremont), and Patricia Jeffer (Shohola Township). The Nominating Committee will issue its report at the December UDC meeting. Rajszt asked C. Odell to provide a list of past officers to the committee. Ramie noted that is kept in a cumulative list.

Letter of Support: Equinunk Watershed Alliance Grant Application: Ramie said the letter was circulated in advance. She noted the grant application for which the Alliance is applying needs to be

submitted by December 14th and they've asked to have this package of support letters by the November 11th date of their next board meeting. A motion to send the letter was made by Rudge, seconded by Henry and carried, with Peckham abstaining as he is on the Alliance Board of Directors.

Other: Dean referenced a copy of the *Talk of the Towns and Topics* September/October 2012 magazine he had with him. He noted that town officials in the State of New York receive this magazine. He wanted to draw attention to the article titled "Experts: Some Fracking Critics Use Bad Science." He said that reputable scientists in the article talk about fracking. He noted that he knows the issue of fracking is a sore subject, but said it is inevitable there is going to be a decision made. He encouraged those that are town officials to read the article.

Public Comment: Bernie Handler of Damascus noted that the presence of two Odell/O'Dells on the UDC staff does create a lot of confusion and he thinks it would be a good idea, for the purpose of the minutes, to use first names. Handler mentioned that he read that the New Jersey Sierra Club joined several local environmental and citizen groups and filed a challenge in federal court of the National Park Service's (NPS) approval of the Susquehanna-Roseland Transmission line. Ramie reported there is an article on page two of the most recent edition of *The River Reporter* on this matter. Rajsz wished all a Happy Thanksgiving.

Adjournment: A motion by Roeder, seconded by Niflot, to adjourn the meeting at 8:20 p.m. was carried unanimously.

Minutes prepared by Cindy Odell 11/7/12