

## **UPPER DELAWARE COUNCIL MEETING MINUTES December 6, 2012**

The Upper Delaware Council held its monthly meeting on Thursday, December 6, 2012 at the Council office in Narrowsburg, NY. Vice-chairperson Jeff Dexter called the meeting to order at 7:01 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 Deerpark-David Dean, Damascus Township-Jeffrey Dexter, Berlin Township-Alan Henry, Lackawaxen Township-John McKay, Shohola Township-Patricia Jeffer (7:06 p.m.), National Park Service-Sean McGuinness. Staff in attendance: Executive Director-Laurie Ramie, Secretary-Cindy Odell, Resource Specialist-Travis O'Dell. Absent: Town of Lumberland, Westfall Township, State of New York, Commonwealth of Pennsylvania, Delaware River Basin Commission.

**Approval of November 1 Meeting Minutes:** A motion by Boyar seconded by Niflot to approve the November 1 meeting minutes was carried with Richardson abstaining as he was not in attendance.

**Public Comment on the Agenda:** None

**Committee Reports:** Committee reports were provided based on the meeting minutes. They were November 20 Water Use/Resource Management by Andy Boyar, November 27 Operations by Fred Peckham, and November 27 Project Review by Larry 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 November 30 was at a combined capacity of 75.4% with Cannonsville at 72.4%.

**NYS Dept. of Environmental Conservation:** NYS DEC was absent, however, a copy of a press release dated November 27, 2012 and titled "DEC Issues Final Water Withdrawal Regulations" was provided at Bill Rudge's request.

**PA Dept. of Conservation & Natural Resources:** No report in the absence of Representative Dennis DeMara. Ramie noted that DeMara has offered to come to the January Water Use/Resource Management Committee meeting to give a presentation on the Community Conservation Partnership grants program.

**National Park Service-Upper Delaware:** McGuinness noted that he was not at last month's full Council meeting as he was at Zion National Park in Utah for a meeting of the Wild and Scenic Rivers' steering committee of which he is a member representing the superintendent ranks. He said the committee consists of people throughout the Park Service from Alaska all the way down to the Everglades. The steering committee advises the directorship on interpreting the Wild and Scenic Rivers Act and all the different types of issues that are affecting Wild and Scenic Rivers throughout the country. He reported that many

cultural issues were discussed during the meetings. McGuinness said the steering committee looks at the issues and then makes recommendations as to how they should be addressed.

McGuinness reported that Pat Connolly, Facility Manager, retired November 30, 2012.

McGuinness has assigned Loren Goering as acting Facility Manager who will take over the responsibilities for the next several months and Ingrid Peterec will be the acting Chief of Interpretation. McGuinness feels it is best to wait to see what happens with the budget before filling the position permanently.

McGuinness said the Park Service recently received back a report on the inspection of the Roebling Aqueduct Bridge from the Federal Highway Administration. The report stated the bridge is in good condition with minor maintenance issues that need to be addressed. McGuinness said work will be done on the curbs this year and they are still dealing with the electrical box issue on the New York side of the bridge.

McGuinness reported that Park Ranger Kevin Reish and Chief of Protection Joe Hinkes were assigned to Hurricane Sandy recovery efforts. He noted it was an honor to have two of our people go to help out people and national parks on the coast that sustained much damage as a result of the storm. McGuinness said that Hinkes was there for 21 days managing a law enforcement security function and Reish was a sawyer cutting up many of the downed trees.

McGuinness said the Park Service holiday party lunch will be held on December 14<sup>th</sup> and extended the invitation to all council members and staff. He said a brief meeting will be held at the beginning of the luncheon and reservations are due by December 7<sup>th</sup>.

McGuinness handed out copies of the Delaware River Basin National Wild and Scenic River Values report. The report includes all segments of the Delaware River and its tributaries. It starts with an overview of what the outstandingly remarkable values are. They are the cultural, ecological, geological, recreational and scenic values. McGuinness encouraged members to read the report when they have a chance. He suggested using the report as a reference if anyone has any questions about the values that we are all here to protect.

Boyar asked how many components to the Wild and Scenic River System there are throughout the country. McGuinness said he believes that either 37 or 38 are managed by Department of Interior agencies and the US Forest Service. Boyar asked if other Superintendents have issues similar to those here in the Upper Delaware River. McGuinness said that he was there representing the superintendents and other committee members represent resources and cultural to name a couple of the other divisions represented. The committee consists of about 15 people and McGuinness said that he reports back from the meeting to other superintendents. He did say that the superintendent from the Niobrara River in Nebraska was there and they were able to discuss some of the similar issues both face. The National Park Service oversees management of the Niobrara by facilitating cooperation between the U.S. Fish and Wildlife Service, Nebraska Game and Parks Commission, Niobrara Council, The Nature Conservancy, local governments, and private landowners. A brief discussion about the damage to Fire Island as a result of Hurricane Sandy took place.

McGuinness said he recently had a conversation with Ruth Jones of Kittatinny Canoes concerning trash removal. Kittatinny may amend its "On and Under the River" cleanup strategy next year to focus on problem areas. Solutions for pick up were discussed. Boyar feels that trash removal along the Delaware River should be something that is consistent from town to town and township to township in order to preserve the outstandingly remarkable values of the river. Having a system in place corridor wide would be great, Boyar added. McGuinness said the Park Service is willing to work with local municipalities towards a solution.

Boyar noted that in September he congratulated McGuinness on the success of the program to alert people to wear their life jackets at which time McGuinness told him the "season isn't over yet." Boyar asked McGuinness now that the season is over, what was the result of the program as far as prevention and incidents? McGuinness told Boyar there were no drownings. He said they are going to continue to try and get the right message out to the right people. Peckham asked if the height of the water is taken into consideration when assessing the incidents of drowning on the river. He noted that last year there was a lot of water in the river compared to this year. Boyar said it is unusual to have a year without a drowning. Discussion about mandatory cold weather life jacket wear in the states of New York and Pennsylvania between November and May took place. Peckham said New York had that regulation in place and Pennsylvania just enacted it this year.

**UDC Executive Director's Report:** Ramie reported that the FY 2012 Annual Report is finished after many diversions of time. It has been posted to the Upper Delaware Council website and copies were provided to members in their packets. A news release was issued to announce its availability to the public and copies were electronically sent to each of the member governments as well as the two non-participating townships. Ramie noted that additional hard copies are available upon request.

Ramie noted that the second draft amended Bylaws were sent out to every representative and alternate on November 29<sup>th</sup>. Due to the 30-day written notification requirement that is in the Bylaws itself, the issue will be brought up at the January 3<sup>rd</sup> UDC meeting. Boyar asked if the January 3<sup>rd</sup> meeting is when the Bylaws would be finalized or adopted. Ramie told him it would be a vote to adopt. She added that the Operations Committee went through the current Bylaws line by line and they were reviewed by our attorney. Boyar said that he has a couple of suggested changes for the Bylaws. Ramie said this is the Council's opportunity to make any suggestions while they are still in draft form. Henry asked if someone does have any suggested edits, when would she like to know of them? Ramie said it would be helpful for her to have them in advance of the January meeting.

Ramie reported on a couple of follow-up items from the Eckersley & Ostrowski audit. She provided Eckersley with all documents pertaining to the purchases that were made with the surplus funding at the end of FY 2012 in order to complete the audit. She also provided him with authorization to proceed with the finalization of the IRS form 990. Once that is done, he will be returning it for the Chairperson's signature. Ramie noted that it had been discussed whether the Council is required to have a full audit annually. The standard to be determined was what the revenue thresholds are for the three entities that the Council needs to consider. It was learned that the federal threshold is \$1 million, Pennsylvania is \$500,000, and New York State is \$250,000. Because the funding we receive is \$300,000, we are required to have a full audit conducted. Boyar suggested writing a letter to NYS Senator Bonacic suggesting they take a legislative initiative to make New York's revenue thresholds consistent with either the federal regulations or the Commonwealth of Pennsylvania's so that we do not have this inconsistency. Ramie said we can try that and added that we will be taking up the question of the FY 2013 audit engagement at the next Operations Committee meeting.

Ramie said we are still waiting for our missing October federal funding. She added that she received an e-mail just today saying that the new financial system is in place. The new system takes the local Park Service unit out of the process and we are able to draw down funds from an account. Ramie said she will continue to inquire about the October funding and will educate herself as to how to apply for the December funding.

Ramie noted that the IRS has announced their 2013 mileage rates. It will increase to \$0.565 per mile. The UDC follows the federal guidelines for standard mileage reimbursement. She reported that the United States Post Office is increasing the price of a first class stamp to \$0.46 as of January 27<sup>th</sup>. As a result, we need to install a new postage meter rate chip in the office. That has been ordered.

Ramie reported that she has heard back from the low bidder for the newsletter and they have agreed in order to keep our business, to upgrade to the Quark Xpress Version 9 software. She noted that their bid still stands and that she will draw up a draft resolution for the December 18<sup>th</sup> Operations Committee meeting to consider. Ramie said she is happy with the decision the vendor made to upgrade their software.

Ramie expressed appreciation to Joann Morsch of the Buckingham Township Planning Commission for her letter to the editor that has been in the *Hancock Herald* and *The River Reporter* to date. The letter encourages Buckingham Township Supervisors to reconsider their position on joining the UDC. Ramie noted it was a very well researched and articulate letter. Ramie said that unfortunately, the Planning Commission did have a meeting on November 15<sup>th</sup> and there was not consensus among the members to move the question to the township level. Ramie said we always appreciate any boost of support.

Ramie referenced a copy of the 2013 UDC meeting dates and noted that C. Odell will be sending out confirmation notices to all the towns and townships after their organizational meetings to confirm the appointment of representatives and alternates. A ballot vote will take place on January 3 for the UDC incoming officers and the swearing-in ceremony will be held off until February in case there are any changes in representatives and alternates as we've faced in the past. A list of the political representatives was provided in members' packets. The list reflects changes as a result of the November elections on the

state and federal level and re-districting. The political representatives listed are specifically for the river valley region. Also provided in members' packets was the December calendar of meetings, deadlines, and activities. Ramie noted that on December 10<sup>th</sup>, she and T. O'Dell will be attending their final day of the Pace Land Use Leadership Alliance training. A report of this training will be offered at the December 18<sup>th</sup> Project Review meeting. Ramie reminded Operations and Project Review Committee members that they will be meeting one week earlier this month on December 18<sup>th</sup>. Ramie said that 2013 is the 25<sup>th</sup> anniversary of the UDC which was incorporated in February of 1988. She told members she would like to know what their ideas are on how to commemorate the occasion and she welcomes any input. Ramie feels that at minimum there should be t-shirts with the UDC logo done up.

Roeder asked what the NPS/UDC issues meeting listed on the December calendar was. Ramie explained that UDC staff meets monthly with staff from the Park Service to discuss records management and the creation of a database for river valley issues. She said that Carla Hahn has been leading it on the Park Service's behalf and it has been very helpful. McGuinness added that great work is being accomplished using Google Earth and said that two seasonal employees have been helping with this process. McGuinness hopes that the day will come when these digital files will be able to be shared with Council members at the meetings. He added that modernizing the whole project review process is the goal. Ramie said that she will be sending an application to Norcross after January 11th for a grant to help in purchasing equipment such as a laptop, projector, and screen.

**Old Business:** None

**New Business:**

**Nominating Committee Report:** Speaking on behalf of the Nominating Committee, Niflot announced the following 2013 slate of officers for consideration at the Council's annual meeting and election in January: Chairperson – Jeffrey Dexter (Damascus Township); Vice-Chairperson – Andrew Boyar (Town of Highland); and Secretary/Treasurer - Jack Niflot (Town of Fremont). Other candidates can be nominated from the floor and elections will be by ballot at the January meeting.

**Draft letter to PA DEP Mining Office:** Ramie said this letter concerning the PA DEP's proposed permit for the Holbert Brothers Bluestone Quarry operation in Lackawaxen Township was sent out in advance and she hoped that members had a chance to review it. The letter has been through the Project Review Committee and was unanimously supported for adoption. Ramie noted that UDC and Park Service staff met with PA DEP staff on November 20<sup>th</sup> and they have accommodated all of our concerns of everything we would like to see in the permit. Under those conditions, we do not see the reason to proceed with the delay and cost expense for the business operator of having a hearing. She pointed out that the NPS Upper Delaware Scenic and Recreational River and the Delaware Riverkeeper Network have also withdrawn their requests for public hearings. A motion to ratify the letter as written was made by Boyar, seconded by Richardson and carried with McKay abstaining. Ramie noted it had been suggested by Roeder to issue a brief press release about the fact that this letter is being sent. Ramie said she will do that tomorrow.

**FY 2012 Annual Report:** Ramie said she covered this topic earlier during her Executive Director's Report and had nothing further to add.

**Other:** Ramie referenced two other handouts in members' packets. Both refer to natural gas. The first is an article by The Associated Press that appeared in the *Times Herald Record* pertaining to the status of the New York State regulations on hydraulic fracturing. The second article, requested for handout by Tony Ritter as chairman of the WU/RM Committee, says that the DRBC was asked to consider pipelines as part of their review process and they have said no. Peckham said that the DEC will file a notice for a 90-day extension allowed by state law to continue to work as (Health Commissioner Nirav Shah's) health review of the SGEIS comes to completion. In addition, the new set of proposals has to be opened to public comment for at least 30 days.

Boyar questioned if the word "alternating" should be used in the Bylaws to describe that the officer positions of the UDC are generally held by New York State one year and Pennsylvania the next.

Ramie explained that in the past when there were just the three participating Pennsylvania townships, it was harder to alternate. She said it is easier now with five participating townships and she hopes that one day there will be seven.

Dean stated that the Deerpark Town Board just found out a number of days ago that the federal government has released funds to Orange County, New York to purchase a 12-acre parcel directly south of the river corridor at No. 2 bridge. Orange County has asked the Town of Deerpark to come up with some kind of plans to make this an access point for fire and rescue and also the county is looking into developing some sort of "rest area." Dean said there have been issues in this past at this site with garbage, but that the Park Service has been gracious to help out with a dumpster. He said at this point, something will be happening at this site, and as it develops, he will keep Council up to date. McGuinness said in the past, conversation has taken place about extending the boundary to include this parcel. This action would require an act of Congress. McGuinness said that Rep. Nan Hayworth was willing to take this on, but lost her seat in the November election. Henry asked if this is the current DEC access being discussed. Ramie said it is at the end of Hook Road and referred to as the Sparrowbush Access. Henry asked if the DEC was going to run the access. Ramie noted that they let the lease lapse and the parcel was up for sale. Henry urged whoever is involved with this piece to get the NYS DEC to enter into an agreement to make it a state access. Henry suggested a co-occupancy on the property like they do on other accesses. McGuinness said the Park Service can not do that as the property is out of the boundary.

**Public Comment:**

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

*Minutes prepared by Cindy Odell 12/13/12*