

UPPER DELAWARE COUNCIL MEETING MINUTES December 5, 2013

The Upper Delaware Council held its monthly meeting on Thursday, December 5, 2013 at the Council office in Narrowsburg, NY. Chairperson Jeffrey 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-Jim Greier, Town of Delaware-Harold Roeder, Town of Cochection-Larry Richardson, Town of Tusten-Susan Sullivan, Town of Highland-Andy Boyar, Town of Deerpark-David Dean, Damascus Township-Jeffrey Dexter, Shohola Township-Pat Jeffer, Delaware River Basin Commission-Richard Gore, National Park Service-Sean McGuinness. Staff in attendance: Executive Director-Laurie Ramie, Resource Specialist-Travis O'Dell, Secretary-Cindy Odell. Absent: Town of Lumberland, Berlin Township, Lackawaxen Township, Westfall Township, State of New York, Commonwealth of Pennsylvania. Also in attendance: Debra Conway, Town of Highland alternate, Ginny Dudko, Town of Deerpark alternate, and Richard Eckersley, Eckersley & Ostrowski.

Presentation by Richard Eckersley – Eckersley and Ostrowski, LLP: The Council's auditor, Richard Eckersley, provided and reviewed with members excerpts from the draft audit report and Form 990, which he noted is required to be reviewed by the Council, for Fiscal Year 2013. The SAS 114 (Statement of Accounting Standards) letter was discussed. The Management Representation letter was provided for signature. Also delivered were the adjustment entries that were made over the course of the fiscal year. Eckersley referred members to the audit report and spoke of the letter included. The letter states "In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of Upper Delaware Council, Inc. as of September 30, 2013, and the changes in its net assets; the functional allocation of expenses; and its cash flow for the year then ended in accordance with U.S. income tax basis accounting principles." He reviewed and explained the Statement of Financial Position, Statement of Activity and Change in Net Assets, the Functional Allocation of Expenses/Expenditures explaining that because the UDC is a service organization, the primary method of allocating the money is based on staff. Eckersley reviewed highlights of the Notes to Financial Statements, the Schedule of Personnel Benefits, and the Schedule of Operating Expenses. Eckersley referred members to the Form 990 and covered details of it with them, explaining that this is a public document. An engagement letter for FY 2014 audit services was submitted for review and signature. Eckersley presented two invoices; one for the annual services provided and the second for the time that was spent over the summer providing guidance on the new budget. Richardson asked Eckersley how much in unrestricted funds is available should the government shut down again. Eckersley told him \$89,433. Peckham referred to page 6 of the Form 990 and noted that the documents indicated in 12a and 12b are currently under consideration. Ramie said they will likely be adopted by the time the form is to be filed by February 15. A brief discussion about other policies listed in the Form 990 took place. Eckersley was asked if there are any recommendations being made. He said if there were any, they would be noted in the SAS 114 letter. He added that recommendations usually deal with internal control and that internal control at the UDC is about as good as it gets for a small organization. Ramie thanked Eckersley for being available throughout the year to assist with the sequester cuts and government shutdown impacts.

Approval of Corrected November 7 Meeting Minutes: A motion by Richardson, seconded by Boyar to approve the corrected November 7 meeting minutes was carried.

Public Comment on the Agenda: None

Committee Reports: No committee reports were offered. The November 19 Water Use/Resource Management Committee meeting minutes were e-mailed to members and the November 26 Project Review and Operations Committee meetings were cancelled due to a winter weather advisory.

Status Reports

Delaware River Basin Commission: Gore noted that he is the administrative officer for the DRBC. He reported there has been a recent revision of the Flexible Flow Management Program (FFMP) language to address a change in how the snow water equivalent will be calculated using the NYC Operation Support Tool (OST). This agreement became effective on November 26, 2013 and more information is available on the Delaware River Master website at www.water.usgs.gov.

Gore thanked the Council for their support as related to funding of the Commission. He spoke of the Water Resources Development Act (WRDA) and two bills dealing with the financing of river basin commissions. He explained the difference in the language of the two bills and noted the Commission is looking for the Senate language bill to be approved. He shared a letter to be sent to both the chair of the House Committee and the chair of the Senate Committee recommending that the Senate language be adopted. A brief discussion about funding took place.

Gore spoke of the interactive maps now available on the DRBC website. The purpose of the maps is to enhance the public's access to information on projects regulated by DRBC and to provide summary information on selected studies. Maps of DRBC Docket and Permit Holders and DRBC Water Quality Monitoring Locations are available.

Gore noted that Executive Director Carol Collier will be retiring from the Commission. He said her last day will be March 12, 2014. In addition, he announced that the Deputy Executive Director Bob Tudor has tendered his notice of retirement that will be effective June 1, 2014.

Gore referred to the Commission's two-day meeting that took place on December 3rd and 4th as a "very active meeting." On the 3rd, 35 dockets were reviewed and people had the opportunity to make public comment. Approximately 50 individuals provided commentary on the two-year moratorium on fracking in the basin.

On the natural gas front, Gore said that Vice-chairman Angus Eaton of New York commented that the Commissioners and DRBC staff continue to confer with the expectation that the Commissioners will reach consensus on a path forward for natural gas in the basin. McGuinness asked Gore how he would interpret Eaton's comment. Gore said they are continuing to confer among themselves with expectations that they will reach some sort of consensus. He said there is not any time set. Gore added they are working collaboratively and collectively to find consensus.

Boyar told Gore that in March, the UDC passed a resolution supporting the Lordville Thermal Stress Relief Protocol. He added that to date, the Council has not received any sort of response from the DRBC in regards to it. Gore said that he will inquire with the Commission's technical people about the status of the resolution. Boyar asked how the Council's voice can be heard on issues. Gore apologized for the lack of communication and noted that since he is not familiar with the particular issue in question, he is not sure if the DRBC would be the body that would have an influence over it. He said that perhaps it falls with the Decree Parties. Richardson agreed that communication needs to be better between the partners of the Council. Members discussed where correspondence should be sent in the future.

Richardson referred to the hydrologic reports in members' packets and said he saw on the news earlier in the evening about drought conditions in Southern New York and New Jersey. He noted that there is a nine inch deficit in rainfall in some of the areas. Gore noted that the upper basin is drier than the lower basin collectively in precipitation over the year.

McGuinness suggested that when corresponding with the Decree Parties, it would be a good idea to include a reminder as to each state's responsibility to the River Management Plan under the Executive Orders for New York and Pennsylvania.

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 the Commonwealth of Pennsylvania. Ramie said she received a phone call from Governor Corbett's office on November 13th inquiring about the procedure for appointing a representative and alternate. She noted it is optimistic to learn that they are actively working on the issue of filling those vacancies.

National Park Service-Upper Delaware: McGuinness said he attended the Pond Eddy Bridge permitting agency meeting on November 19th. A preliminary idea of what bridge will be built, the causeway that will need to be put in place, and a time frame were discussed. The proposed bridge will be 24 feet upstream of the existing bridge. There are lots of unanswered questions about the causeway that will need to be addressed, McGuinness said. However, many of the questions cannot be addressed until the final design is presented. He said there is the potential that the river could be blocked to some extent for three to four years. Richardson asked if the causeway is designed to handle high water. McGuinness said yes. Dean questioned what the cost of this project is. McGuinness said approximately \$12 million. He noted that amount does not include the removal of the existing bridge.

McGuinness reported that Jeffrey Killion and Jaime Young from the NPS Olmstead Center for Landscape Preservation in Boston are in the area to conduct cultural landscape inventories of the Roebling Bridge, Corwin Farm, and Zane Grey properties. They will work to produce physical histories of the three sites. This process is the first step to get the three sites nominated for the National Register of Historic places as a supplement to the individual facilities that are already listed.

UDC Executive Director's Report: Ramie referenced the FY 2013 Annual Report provided in each member's packet. She said she completed it on November 19 after logging 28 hours researching, organizing and writing it. Ramie noted a news release to announce its availability was issued and the report is posted on the UDC website. She covered three major projects that were accomplished during FY 2013 which included organizing the series of 25th anniversary activities, streamlining project review forms, and updating the "Visitor Information Map and Guide" for the first time since 2008.

Ramie reported she was able to draw down the Council's first payment for the new fiscal year which began on October 1st on November 14. The initial payment was to cover the October bills and a second drawdown for the November bills was requested on November 25. Ramie provided the balance to last through January 15, at which time we will be depending on the passage of a new federal budget or another Continuing Resolution.

Ramie said that at the Upper Delaware River Roundtable meeting held earlier in the day, she brought up the concern over the pending Superintendent vacancy at the Upper Delaware. Discussion took place about how it might be helpful if a letter was directed to the Park Service to express our preferences in what type of leadership that we would like. Ramie said the UDC would draft the letter and other organizations can sign onto it if they wish to show that what happens in this river valley matters to us. Sullivan suggested stating what qualities we have appreciated in McGuinness over the last four years.

Ramie referenced the December calendar of UDC Meetings, Deadlines, and Activities. She pointed out that our Park Service friends have extended an invitation to the Council to attend their holiday party on Friday, December 13th. Ramie reminded members that all three committees will meet on Tuesday, December 17th and that our annual UDC meeting will be one week later than usual on January 9th. The election of officers will take place at the annual meeting and we'll hold the swearing-in ceremony on February 6th, by which time any new representatives or alternates should be appointed. The group photo will be taken at the February 6th meeting.

Ramie noted that other handouts provided include a list of 2014 meeting dates for the full Council and its committees and two Upper Delaware Scenic Byway-related letters copied to the UDC. The first letter is a reply from NYS DOT on the issue of permitting special dimension vehicles on Route 97 in Sullivan County and the second is a request by the Byway to NYS DOT to encourage more accommodations for safer bicycling along this section of Bike Route 17 where practical.

Old Business:

Peckham said the designation of a portion of State Route 97 from the border of the Town of Hancock to the Delaware/Sullivan County line as the “Hancock Veterans Memorial Highway” is now official. He reported that the former Becton-Dickinson plant in Hancock is set to become a call center employing up to 400 people within the next two years. A lease on the building was signed by Qualfon, a privately held corporation offering contact center and back-office services.

New Business:

Nominating Committee Report: Speaking on behalf of the Nominating Committee, Roeder announced the following 2014 slate of officers for consideration at the Council’s annual meeting and election in January: Chairperson – Andy Boyar (Town of Highland); Vice-Chairperson – Pat Jeffer (Shohola Township); and Secretary/Treasurer – Alan Henry (Berlin Township). Other candidates can be nominated from the floor and elections will be by ballot at the January meeting.

Draft Letter to Damascus Township: Proposed Communications Towers: T. Odell said this letter was to have been vetted through the Project Review Committee, but the November meeting was cancelled. The draft letter was e-mailed in advance to all members. The letter includes definitions excerpted from the River Management Plan, references to Damascus Township’s Zoning Ordinance and Subdivision and Land Development Regulations, UDC comments, and recommendations. O’Dell noted the proposed towers are an incompatible use where they are currently proposed. Boyar commented that when the River Management Plan was developed, no one dreamed of the idea of having cell towers that are so vital to emergency service operations and other things. Peckham noted that the River Management Plan needs to be followed. McGuinness said that one of the issues he has observed with Verizon is that they have been unwilling to compromise. He would like Damascus to ask Verizon that they relocate the towers a little bit further back so they won’t be as visible. He added that the proposed towers are not compatible and said we all want cell service, but we would just like a little consideration for the scenic qualities of the river corridor and Verizon hasn’t even considered that. McGuinness said the towers are designed for broadband coverage, not phone voice coverage. Dean suggested telling Verizon they can’t put towers up unless they include phone voice coverage. O’Dell spoke of the Pennsylvania Chapter 30 Act that is an initiative to provide broadband coverage to all Pennsylvanians as a part of the 2009 stimulus package. There are billions of dollars of federal monies available to construct these towers which are to be built and in service by 2015. McGuinness told members that eventually the issue of how many towers will be too many in the river valley will have to be addressed. Richardson said it has been discussed in the past of developing a master plan for communication towers up and down the river. He feels it is getting more and more urgent to take up this issue. McGuinness spoke of how the Saint Croix National Scenic Riverway has been dealing with protecting scenic resources while providing wireless communication facilities. They do have a plan in place to address this issue. Sullivan noted a gap in the communication between the states of New York and Pennsylvania. Co-location should be a primary goal, noted Dean. Dexter noted that the comments that T. O’Dell and McGuinness made at the public hearing on November 25th on the communications towers are on the official record, but the issue is now closed to comment. McGuinness questioned if it has been approved by Damascus Township yet. Dexter told him no. McGuinness noted that the Council has not gone on record regarding the proposed towers. A motion to send the letter to Damascus Township regarding the proposed towers was made by Richardson and seconded by Sullivan. Many suggested edits were made. Those edits included omitting the whole third page and the section “Commercial Communication Device” on page two. McGuinness stated that the body of the letter now focuses on what the River Management Plan says and not on what the Damascus Township ordinances say or don’t say. Dean suggested that clean copies be provided to members. It was suggested to address this overall telecommunications issue through the Project Review Committee. Ramie noted that time is a factor. Dexter suggested the letter be tabled and members move to the next item on the agenda while the edited copies were being made.

Draft Letter to Delaware River Basin Commission: Support for Evaluation of Equitable Apportionment Plan for the Delaware Water System: Ramie said this letter is a follow up to the presentation that was given at the November 7th full Council meeting. She noted the letter asks the DRBC to give the plan a fair evaluation in considering the Flexible Flow Management Plan (FFMP). After a brief

discussion a motion to send the letter was made by Boyar, seconded by Sullivan and carried with Peckham abstaining.

Other: Roeder questioned what the procedure is for having something distributed to all members. Ramie said that we generally do share information upon request and do attribute the source of it. She noted that has been our practice and that we don't express any judgment or opinion about the forwarded material.

Draft Letter to Damascus Township: Proposed Communications Towers: Clean copies of the edited letter to Damascus were provided to members. A motion to proceed with the letter to Damascus Township was made by Richardson, seconded by Boyar. Dexter withdrew the tabling of the letter. After more discussion, it was decided to remove the fourth paragraph of the second page of the letter and to remove the portion of the last paragraph that read "all provisions of Damascus Township's Zoning Ordinance and its Subdivision and Land Development Ordinances, as well as to..." A motion to send the third draft of the letter to Damascus Township was made by Richardson, seconded by Sullivan and carried with Dexter abstaining.

Public Comment: Bernie Handler of Damascus Township asked if the letter to the DRBC should be sent to the Decree Parties as well. Boyar noted that the Governors of both New York and Pennsylvania will be copied on the letter. Ramie added that New York City is copied as well. Handler said he attended a pellet boiler forum last week. He feels they would be a good item for town officials to consider for their buildings as they heat the same as an oiler burner at one third the cost. He spoke also of a wood chip boiler being installed in Pike County.

Boyar noted that in reference to the DRBC letter, all the Principals should be included on it.

Adjournment: A motion by Peckham, seconded by Rajsz to adjourn the meeting at 9:43 p.m. was carried unanimously.

Minutes prepared by Cindy Odell 12/17/13