

Lower Esopus Creek Advisory Council Temporary Framework for Collaboration

WHEREAS, the Esopus Creek is a significant and transformative natural, cultural, and economic resource that has shaped the social and ecological history of the region; and historically, the Esopus was a single, continuous system from its headwaters at Winnisook Lake to the Hudson River, until the construction of the New York City Ashokan Reservoir dam at Olivebridge divided it into upper and lower sections, with the “Lower Esopus” referring to the portion of the Creek below the reservoir; and the Lower Esopus remains an important water resource that provides environmental and economic value to the communities it traverses and to the landowners along its banks; and

WHEREAS, nine municipalities lie within the Lower Esopus Watershed, including seven along the main stream corridor and two within contributing watersheds – the Sawkill and Plattekill – that have both a responsibility to manage land use and are impacted by activities within and upstream of their jurisdictions; and

WHEREAS, unilateral actions by the New York City Department of Environmental Protection (DEP) to release turbid water into the Lower Esopus from the Ashokan Reservoir resulted in the issuance of an Order on Consent (DEC Case No. D007-0001-11, Appendix A) in 2013 which provided funding for the development and implementation of a Stream Management Plan and implementation funds managed through the Hudson River Foundation for Science and Environmental Research, Inc.; and

WHEREAS, from 2007 to 2014, an intermunicipal coalition known as the Lower Esopus Watershed Partnership (LEWP) represented seven Lower Esopus Corridor municipalities - Towns of Olive, Marbletown, Hurley, Ulster, and Saugerties, City of Kingston, and Village of Saugerties - and NYSDEC Hudson River Estuary Program grants supported this work through the funding of meetings and studies; and

WHEREAS, Ulster County played a vocal leadership role in highlighting the importance of the Lower Esopus and its connection to New York City’s reservoir operations by providing technical support, strategic guidance, and advocacy for the health of the Lower Esopus Creek; and

WHEREAS, the Ashokan Release Working Group (ARWG) was established to manage water releases from the Ashokan Reservoir into the Lower Esopus Creek and includes DEP, state regulators, municipal governments, county departments, and not-for-profit organizations; and

WHEREAS, the Ulster County Departments of Planning and the Environment facilitated the development of the Lower Esopus Creek Stream Management and Implementation Plan; the advisors who contributed to the planning process form the organizational precursor to this Council; and

WHEREAS, the Lower Esopus Stream Management Plan was developed in collaboration with partners across the watershed through a rigorous planning process consisting of a data review, geomorphic assessment, public outreach, and both public and agency comment processes; and

WHEREAS, successful implementation of the Lower Esopus Stream Management Plan and its associated Implementation Plan require that state agencies, municipal governments, county departments, and not-for-profit organizations work collaboratively towards a unified goal: ensuring that the Lower Esopus is a clean and vibrant creek that provides value to all the communities along its course and can be safely enjoyed; and

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WHEREAS, the Council has formed for the specific goal of partnering to ensure the Lower Esopus Creek Watershed ecosystem is healthy for all beings.

I: Name

The name of the collaborative shall be **Lower Esopus Creek Advisory Council (the “LECAC” or the “Council”)**.

II: Vision, Mission, and Purpose

- A. Vision** - The LECAC envisions a vibrant and resilient Lower Esopus Creek Watershed ecosystem that is healthy for all beings.
- B. Mission** - The LECAC works with partners to align advocacy efforts and coordinate project implementation across the Lower Esopus Creek Watershed.
- C. Purpose** - The LECAC:
 - Addresses the goals of the Lower Esopus Stream Management Plan
 - Facilitates cooperative planning, implementation, monitoring, and management of watershed activities
 - Creates alignment and synergy among the efforts of multiple organizations and groups
 - Promotes efforts of the member organizations and partnerships within the coalition
 - Serves as a resource for education and a catalyst for decisions that improve the watershed
 - Leverages resources and funding for implementation of the Lower Esopus Stream Management and Implementation Plan

III: Council Composition and Membership

- A. Definition** - The LECAC is a collaborative composed of municipal, county, and state government representatives; not-for-profit organizations; academic institutions; cultural groups; landowners within the watershed; and other stakeholders who demonstrate an interest in the watershed. The geographic boundaries for this Council include the Lower Esopus Creek watershed beginning below the Ashokan Reservoir dam, including the Sawkill and Plattekill Creeks sub-watersheds.
- B. Composition of the Council** - The Council shall be comprised of the representatives of municipalities in the watershed, interested organizations, and a diversity of interests within the watershed. The Council shall consist of no fewer than 13 voting members and no more than 25 voting or non-voting members. Effective group size and team diversity should be considered in determining the number of available positions filled.

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The Council will include representatives from key sectors in the community, including:

- one member from the following municipalities on the main stream corridor listed from upstream to downstream – Town of Olive, Town of Marbletown, Town of Hurley, Town of Ulster, City of Kingston, Town of Saugerties, and Village of Saugerties
- one member from the municipalities on contributing tributaries – Town of Kingston and Town of Woodstock
- one Ulster County Legislator appointed by the Chair of the County Legislature
- one member from Soil and Water Conservation District
- one member from NYSDEC
- one member from NYCDEP
- one member from Cornell Cooperative Extension of Ulster County
- one member from the Ulster County Department of the Environment
- one member from the Ulster County Planning Department
- Up to nine members from key sectors, for example - tribal entities, agriculture, water quality monitoring, wildlife and fishing, forestry, recreation, land trusts, public health, faith-based group, and underserved communities.

Membership – The Council shall be comprised of representatives of organizations and individuals who commit to the Council’s vision, mission, and purpose. They may become a Party by signing this Framework and committing themselves to the responsibilities hereunder.

There are three types of members:

- **Voting** - Each participating organization or municipality may designate a representative to act as its official contact and voting member on behalf of the Party. Voting members from municipalities are the chief elected official or their designee, who are then elected to the LECAC by the Council. Voting members from other organizations are nominated by the Council and then elected to the LECAC. A voting member may designate a proxy to vote on behalf of the regular representative. Such designation must be submitted in writing to the Chairperson in advance of the next meeting.
- **Non-voting** – Non-voting members are NYSDEC, NYCDEP, or otherwise self-designated. They may fill one of the member positions, but serve in an advisory, non-voting capacity.
- **At-large, non-voting** – At-large, non-voting members are members who participate in working groups or may attend Council meetings, but they do not participate in decisions at the Council level.

C. Membership Recruitment – New voting, non-voting, or at-large members may be recruited or join through their own interest to participate in working groups whenever vacancies arise or additional capacity is needed. The Council may recommend appropriate roles for new Members, such as membership on the Council or on a committee or working group. To be considered for membership, individuals should complete a membership form and review this Framework for Collaboration.

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D. Terms and Qualifications – New members of the Council shall be elected annually and serve three-year terms. Members may serve additional terms at the discretion of the Council. There are no term limits. Members have the right to resign from the Council at any time by providing written notification to the Chair via personal delivery, postal mail, or email.

E. Staggered Terms - To maintain continuity, initial Council appointments shall be staggered as follows:

- Eight members: one-year initial term
- Eight members: two-year initial term
- Nine members from municipalities: three-year initial term

All subsequent terms shall be three years.

F. Officers – Officers will consist of a Chair, Vice-Chair, Secretary, and Committee and Working Group Facilitators.

G. Vacancies – Officer positions will be filled by nomination and voting at a LECAC meeting on an annual basis. A vacancy in the Council Chair position will be filled by the existing Vice-Chair for the remainder of the term. The Vice-Chair position will then be filled by a majority vote of the Council for the remainder of the term. Vacancies in any other offices shall be filled by appointment and approval of the Council for the remainder of the term.

H. Members Rights and Responsibilities – Members are expected to:

1. Attend and participate in a majority of Council meetings, review relevant documents, and contribute to decision-making and Committee and Working Group work.
2. Participate in one or more LECAC Committee or Working Group.
3. Maintain clear communication with the entity they represent.
4. Assist in the execution of the Lower Esopus Creek Stream Management and Implementation Plan, including adapting tasks and timelines as needed.
5. Serve as ambassadors for the Council within the community and with partner agencies.
6. Remain active by upholding the responsibilities outlined above.

I. Removal - A Council member may be removed by a two-third vote of the Council for:

- Failure to attend three consecutive meetings without notice;
- Repeated failure to participate constructively in Council responsibilities;
- Conflict-of-interest violations;
- Conduct that undermines the mission of the Council.

J. Indemnification - Members are not legally liable for actions taken by the Council as a whole. The Council does not have authority to bind individual member organizations.

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IV: Council Operations

A. Responsibilities of the LECAC - The Council shall meet quarterly and at additional times at the discretion of the Chair. Council members assume the following roles:

- Review and oversee the progress of the Lower Esopus Stream Management and Implementation Plan and recommend revisions as needed.
- Review and provide input on the annual work plan for the LECAC and the Watersheds Coordinator.
- Develop and provide agendas for LECAC meetings.
- Align partners and community members for advocacy efforts on watershed issues.
- Convene and/or develop partnerships to apply for funding for implementation projects.
- Support municipalities and not-for-profit organizations to acquire funding for implementation projects.
- Refer projects to the appropriate Committee or Working Group.
- Monitor and report on the work of Committees and Working Groups.
- Provide an annual report to the County and participating municipalities.

B. Officers' Responsibilities:

- **Chair** - The Chair shall be the principal officer of the LECAC and shall preside over all Council meetings.
- **Vice-Chair** - The Vice-Chair shall carry out the powers, duties and responsibilities of the Chair in their absence.
- **Secretary** - The Secretary shall record, or cause to be recorded, the proceedings of all Council meetings.
- **Committee and Working Group Facilitators** - Facilitators shall oversee the implementation of assignments for their respective groups and report to the Council on the progress of their group's strategies and actions as they relate to the LECAC Annual Strategic Action Plan.

C. Council Meetings -

- All LECAC members shall convene quarterly.
- The LECAC will convene one annual meeting that will focus on tracking progress of implementation and/or highlighting a special project underway.
- The Committees and Working Groups shall convene as often as needed, as determined by the Facilitators.

D. Quorum - A quorum shall consist of a simple majority of the LECAC voting members.

E. Decision-Making - All actions taken by the Council shall be by consensus of voting members. Consensus is defined as unanimity among voting members and can only result from a vote taken at a Council

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meeting. Voting members may cast their vote in person at a Council meeting, through their official designated proxy, or by absentee vote.

Per the membership policy: “A voting member may designate a proxy to vote on behalf of the regular representative. Such designation must be submitted in writing to the Chairperson in advance of the next meeting.”

Absentee votes must be submitted in one email sent to the Chairperson and all voting members of the Council within 48 hours of the motion being presented for a vote.

During a Council meeting, the Chairperson shall determine the extent to which voting members are affected by proposed actions and shall declare whether consensus has been reached.

If consensus cannot be reached, the Chairperson may delay the vote or propose a motion for a simple vote. When a simple vote is used, an action passes with a simple majority of voting members or their designated proxies.

A quorum, consisting of a simple majority of voting members or their official designated Proxy, must be present for the Council to vote.

If no negative responses have been received from voting members at a Council meeting, the chairperson shall presume concurrence on the proposed action.

- F. Conflict of Interest** – Conflicts of interest may arise from personal relationships, organizational affiliations, professional interests, or financial interests. If at any time during their term of service, a member becomes aware of a conflict of interest, they shall promptly disclose the relevant facts of that conflict to the Council officers. The Council will work to mitigate or eliminate the conflict, which may include recusal from discussions or decisions.
- G. Notice of Meetings** - Written notice of meetings shall be sent to Council members at least 24 hours in advance. Agendas will be circulated prior to each meeting and meeting minutes will be posted in publicly accessible location designated by the Council.
- H. Staff** – Member organizations may provide in-kind services or staff support to advance the work and objectives of the Council. Staff may assist with administrative functions or with specific projects undertaken by the Council or its member organizations. When staff support is provided, the individual’s role and responsibilities shall be clearly communicated to the Council in writing.

V: Committees and Working Groups

- A. Procedures** - Unless otherwise specified, each Committee or Working Group may adopt its own policies and procedures for conducting meetings and carrying out its functions, provided such policies and procedures

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do not conflict with this **Framework for Collaboration**. The Council is the final decision-making body for all collaborative matters. Committees and working groups are action-oriented bodies unless delegated specific authority in writing. They are open to all members – voting, non-voting, and at-large. The Council has the authority to create additional sub-committees or working groups as needed.

- B. Standing Committees** - The Committees will meet as frequently as determined by the facilitator and members of the sub-committee.
- 1. Governance**– Consists of the Chair, Vice-Chair, Secretary, and Committee and Working Group Leaders. This Sub-committee convenes as needed to support the overall functioning and health of the Council.
 - 2. Education and Outreach** - Provides targeted guidance, oversight, and support for public relations and marketing activities aimed at cultivating a strong, positive image for the Council. The Sub-committee also oversees the implementation of communications strategies that support the LECAC Strategic Action Plan.
- C. Working Groups** - The Working Groups shall be formed as member capacity allows. All working groups will review research, model best practices, assess local needs, and cultivate collaborative initiatives among member organizations. Working Groups will practice cultural competency to address the needs of diverse people of all ages and abilities. Examples include:
- 1. Sustainable Recreation** – Develops and monitors opportunities for enhanced recreation that can provide quality-of-life and economic benefits while strengthening the community’s relationship and building public support to protect the creek. Seeks opportunities to increase access to the creek.
 - 2. Ecosystem Health and Stream Function** – Promotes partnerships to develop projects that put natural stream processes on a more desirable trajectory. Examples include establishing riparian buffers, replacing undersized culverts, improving fish passage, restoring floodplains, building instream habitat features, and tracking and addressing invasive species.
 - 3. Floodplain Management** – Develops and tracks progress on strategies to enhance and manage the Lower Esopus floodplain to improve public safety, ecosystem function, and public access. Assesses factors influencing flood impacts including reservoir operations, land use, riparian buffers, floodplain connectivity, flood frequency and severity, wetland acreage, and floodplain ordinances and policies.
 - 4. Water Quality** – Tracks water quality surveys of the Lower Esopus watershed. Gathers data from organizations conducting water testing on the Lower Esopus and consolidates the information for the Council’s annual report. Monitors key water quality parameters and reports findings to the Council.

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VI: Fiscal Responsibility

- A.** The Parties that sign onto this Framework for Collaboration establish the Council as an informal, unincorporated collaborative organization, in which the members set mutual goals and priorities.

VII: Organizational Structure and Guidelines

- A. Amendments** – Any member may propose an amendment to the Framework for Collaboration by submitting the proposed change in writing to the Council. Adoption of an amendment requires either consensus or approval by a two-thirds majority vote of the Council.
- B. Approval** – The Framework for Collaboration shall take effect immediately upon approval by a consensus or two-thirds majority vote of the Council.

VIII: Dissolution

If the LECAC determines that it is no longer able to fulfill its mission or sustain its operations, the Council may be dissolved upon a consensus or two-thirds majority vote of the Council.

Upon dissolution:

- A. Notice and Decision**

A formal proposal for dissolution must be submitted to the Council. Adequate notice shall be provided to all members, and a vote shall be conducted in accordance with the Council's decision-making procedures.

- B. Records and Documentation**

All records, reports, and historical documentation shall be archived in an Ulster County government repository to preserve the legacy and knowledge of the Council's work. Copies may be distributed to not-for-profit organizations, academic institutions, or governmental entities whose mission aligns with the purpose of the Council.

- C. Notification**

All partners, funders, and stakeholders shall be notified in writing of the decision to dissolve, along with a summary of the rationale and next steps.

- D. Final Report**

A final report summarizing the Council's accomplishments, the reasons for dissolution, and the disposition of assets shall be prepared and made publicly available.

Adopted by the LECAC on March 25, 2026.