

**HUDSON RIVER-BLACK RIVER REGULATING DISTRICT
BOARD MEETING
Northampton Town Hall
412 South Main Street
Northville, NY 12134
August 1, 2017**

CALL TO ORDER

Chairman Mark M. Finkle called the meeting to order at 10:03 A.M.

ROLL CALL

Present: Board Chairman Mark M. Finkle; First Vice-Chair Albert J. Hayes; Second Vice-Chair David Berkstresser; Board Members Anthony Neddo and Jeffrey Rosenthal; Executive Director Robert J. Smullen; General Counsel Robert P. Leslie; Chief Fiscal Officer Richard J. Ferrara; Chief Engineer Robert Foltan; Area Administrator John Hodgson; and Compliance Officer Stephanie Ruzycky.

MOTION TO ADOPT OR REVISE THE MEETING AGENDA

Chairman Finkle asked for a motion to adopt or revise the meeting agenda. Mr. Rosenthal made a motion to adopt the agenda without revision. Mr. Neddo seconded. The Board approved the motion by unanimous vote.

PUBLIC COMMENT

Chairman Finkle opened the floor to public comments. A representative of the Great Sacandaga Lake Association thanked the Board for appointing Mr. Smullen and spoke about the Safe Lake initiative.

APPROVAL OF THE JUNE 13, 2017 REGULAR MEETING MINUTES

Chairman Finkle asked for a motion to adopt the June 13, 2017 regular meeting minutes. Mr. Rosenthal advanced the motion to approve the regular meeting minutes. Mr. Berkstresser seconded and the Board approved the motion by unanimous vote.

REPORT OF THE EXECUTIVE DIRECTOR

Mr. Smullen presented his report; noting that the Black River Environmental Improvement Association (“BREIA”) Board has approved the Land Purchase Agreement transferring real property adjacent to the Hawkinsville Dam to the Regulating District at a price of \$7,800 for the land plus additional closing costs. Mr. Smullen noted that he expects staff to present a strategic plan for District wide dam remediation and maintenance at the September 12th meeting in Lowville. He reported that he and staff are meeting with Arcadis Design & Consulting regarding service upgrades to the Old Forge and Sixth Lake Dams. Staff held a

review of the Conklingville Dam Emergency Action Plan on Thursday, June 22nd in Northville and will participate at a similar exercise tomorrow with Brookfield concerning the Stewart's Bridge facility. Mr. Smullen reported on the continued effort to evaluate the cost and effectiveness of sanitation facilities at Sand Island; noting an outreach effort to local stakeholders for support. Mr. Smullen reported on a visit to the Lake George Park Commission Board meeting to share best practices for conducting public meetings, identifying stakeholders and managing public issues. Mr. Smullen reported on a July 12th meeting with Bergmann Associates to discuss their recommended analysis for remediation of the Indian Lake Dam. Mr. Smullen also reported on his attendance at the Sacandaga Protection Committee's annual meeting on July 23rd and his planned attendance at the GSLA picnic/annual meeting on August 4th.

CONTRACTS

RESOLUTION TO AUTHORIZE THE PURCHASE OF DATA COLLECTION PLATFORM (DATA LOGGER) FOR INDIAN LAKE

Mr. Foltan presented a Resolution to the Board. He explained that elevation data at the Indian Lake Reservoir is collected using a continuous recording data collection platform (DCP, or "data logger"). The DCP supplies real-time water elevation data over the phone by voice, or digitally by computer, and has become a necessary component of effective reservoir operation. Reservoir elevation data is made available to the United States Geological Survey (USGS) for the purpose of real-time publishing on the internet. He noted that the original Indian Lake Reservoir DCP system was installed in the late 1990's and that, during the past 10 years, the system has required regular and sometimes significant repair and maintenance. Staff have used spare parts which have been salvaged from similar systems formerly installed at Regulating District facilities to extend the life of the Indian Lake DCP. Mr. Foltan explained that the inventory of spare parts has been depleted and staff's ability to make repairs has diminished significantly. Mr. Foltan noted that, in operation for more than 20 years, this system has exceeded its anticipated life expectancy and has become obsolete. Replacement parts are unavailable and methods of communication and connectivity is limited and difficult under the best of conditions. He recommended replacement of the existing data collection system with a new data collection platform manufactured by Sutron Corporation and sought Board authorization to purchase the necessary equipment consistent with the attached manufacturer's quotation. The Resolution presented seeks authorization for the Executive Director to spend an amount not to exceed \$8,000 on equipment, ancillary parts, and shipping.

Mr. Rosenthal made a motion to adopt the Resolution authorizing the Executive Director to purchase a new data logger for Indian Lake for an amount not to exceed \$8,000. Mr. Berkstresser seconded and the Board approved the motion by unanimous vote.

STAFF/COMMITTEE REPORTS

FINANCE CHAIR COMMITTEE REPORT

A. Resolution to Adopt Revised and Amended 2017 Bond Anticipation Note Resolution

AN AMENDED AND RESTATED RESOLUTION AUTHORIZING THE ISSUANCE OF \$3,246,867.00 BOND ANTICIPATION NOTES OF THE HUDSON RIVER-BLACK RIVER REGULATING DISTRICT TO FINANCE A PORTION OF THE COST OF THE RECONSTRUCTION OF THE SPILLWAY AT THE CONKLINGVILLE DAM.

Committee Chair Neddo presented an amended and re-stated Resolution authorizing a bond anticipation note. He explained that in reviewing the final version of the Bond Anticipation Note (BAN) Resolution, as adopted by the Board on June 13th, bond counsel noticed that the maximum authorized amounts of both the BANs and the Bonds are incorrectly stated to be \$5,325,867 (the new maximum estimated project cost) rather than \$3,246,867 (the portion of the project cost being financed through EFC). Since the total amount of BANs may not lawfully exceed the total authorized amount of the Bonds in anticipation of which the BANs are issued (\$3,246,867), Mr. Neddo recommended that the BAN Resolution should be corrected.

Mr. Rosenthal made a motion to adopt the amended and re-stated Resolution authorizing the issuance of \$3,246,867.00 bond anticipation notes to finance a portion of the cost of the Conklingville Dam spillway reconstruction. Mr. Hayes seconded and the Board approved the motion by unanimous vote.

STAFF REPORTS

Mr. Leslie presented Counsel's report to the Board. Mr. Leslie reported that he has completed review of the Project Financing Agreement with the Environmental Facilities Corporation in connection with financing the Conklingville project. He reminded the Board that the U.S.C.A. DC Cir. Erie v. FERC appeal is scheduled for oral argument on September 25, 2017. He noted that a purchase agreement executed by the Executive Director has been forwarded to counsel for BREIA concerning the land adjacent to the Hawkinsville Dam. Negotiations with DEC over the use of a fishing access point for staging and the embankment for the Hawkinsville Dam Remediation will continue once BREIA returns the executed agreement.

Ms. Ruzycky presented her report to the Board. She noted the MWBE utilization report for April – June showing a \$30,516.72 spend, representing 19% of the total spend (\$160,376.79) was submitted to ESD by July 15th. Ms. Ruzycky reported her attendance at the NYS Regional MWBE Opportunities Expo in Syracuse. Ms. Ruzycky reported that the Service-Disabled Veteran-Owned Business (SDVOB) 1st Quarter report is due July 31st and that the current quarter utilization is \$1,690.83.

Mr. Ferrara presented his report to the Board. He noted that at the close of fiscal June 30, 2017, the general fund balances for the HRA and BRA were approximately \$3,301,918 and \$1,469,224 respectively. He noted that the Regulating District's transactional processing and reporting are current. Regulating District bank reconciliations are complete through May 31, 2017. He noted that the Regulating District's independent auditors are scheduled to begin their field audit in August.

Mr. Foltan presented the Chief Engineer's report to the Board. Mr. Foltan noted that the June average daily release from the Sacandaga Reservoir (Great Sacandaga Lake) was approximately 2,540 cubic feet per second (cfs). Precipitation during the month of June was

below normal across the Great Sacandaga Lake and Indian Lake watersheds. The monthly inflow to Great Sacandaga Lake and Indian Lake reservoir was approximately 144% and 127% of historic average, respectively. Monthly release of water from Great Sacandaga Lake and Indian Lake measured 122% and 173% of historic average, respectively.

The June average daily release from Stillwater Reservoir was approximately 600 cfs. Monthly total precipitation measured 173%, 95%, and 113% of historic average at Stillwater, Old Forge, and Sixth Lake, respectively, as of June 25th. Precipitation in the month of June was above average at Stillwater and Sixth Lake and below average at Old Forge. The monthly inflow to Stillwater Reservoir was approximately 184% of historic average. The inflow to Sixth Lake and Old Forge Reservoir totaled 0.12 and 0.31 billion cubic feet, respectively, in June. Release of water from Stillwater Reservoir averaged 142% of historic discharge. He noted that, despite significant rainfall over the last three months, scheduled discharges have returned all of the Regulating District's reservoirs to their target elevations. He also noted that FERC reported positive outcomes for the Regulating District's operation and maintenance activities following the Part 12 safety inspection at Conklingville

Mr. Hodgson presented the Area Administrator's report to the Board. Mr. Hodgson updated the Board on staff's progress completing the garage at Stillwater. Mr. Hodgson also reported upon meetings with the Lake George Park Commission and the Sacandaga Beach Association with the Executive Director. He reported on his findings with respect to the sanitation issue at Sand Island and on several maintenance issues.

RESOLUTION SCHEDULING DATE, TIME AND LOCATION OF THE REGULAR MEETING FOR SEPTEMBER 12, 2017

Chairman Finkle asked for a motion to adopt a Resolution setting the next meeting of the Board of the Hudson River-Black River Regulating District for Tuesday, September 12, 2017 at the Lowville Town Offices, 5533 Bostwick Street, Lowville, NY 13367 at 10:00 A.M.

Mr. Hayes moved to adopt the Resolution setting the date, time and place of the next meeting. Mr. Rosenthal seconded and the Board adopted the Resolution by unanimous vote.

ADJOURNMENT

Chairman Finkle called for a motion to adjourn the meeting. Mr. Rosenthal advanced the motion. Mr. Berkstresser seconded. The meeting adjourned at 10:28 A.M.

RESOLUTIONS

17-33-08 RESOLUTION TO AUTHORIZE THE PURCHASE OF DATA COLLECTION PLATFORM (DATA LOGGER) FOR INDIAN LAKE

Mr. Rosenthal made a motion to adopt the Resolution authorizing the Executive Director to purchase a new data logger for Indian Lake for an amount not to exceed \$8,000. Mr. Berkstresser seconded and the Board approved the motion by

unanimous vote.

17-34-08 AN AMENDED AND RESTATED RESOLUTION AUTHORIZING THE ISSUANCE OF \$3,246,867.00 BOND ANTICIPATION NOTES OF THE HUDSON RIVER-BLACK RIVER REGULATING DISTRICT TO FINANCE A PORTION OF THE COST OF THE RECONSTRUCTION OF THE SPILLWAY AT THE CONKLINGVILLE DAM.

Mr. Rosenthal made a motion to adopt the amended and re-stated Resolution authorizing the issuance of \$3,246,867.00 bond anticipation notes to finance a portion of the cost of the Conklingville Dam spillway reconstruction. Mr. Hayes seconded and the Board approved the motion by unanimous vote.

17-35-08 RESOLUTION SCHEDULING DATE, TIME AND LOCATION OF THE REGULAR MEETING FOR SEPTEMBER 12, 2017

Mr. Hayes moved to adopt the Resolution setting the date, time and place of the next meeting. Mr. Rosenthal seconded and the Board adopted the Resolution by unanimous vote.

Respectfully submitted,

Richard J. Ferrara,
Secretary/Treasurer

Mark M. Finkle
Board Chairman