

**HUDSON RIVER-BLACK RIVER REGULATING DISTRICT
BOARD MEETING
Lowville Town Offices
5533 Bostwick Street
Lowville, NY 13367
September 12, 2017**

CALL TO ORDER

Chairman Mark M. Finkle called the meeting to order at 10:05 A.M.

ROLL CALL

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

Excused: Anthony M. Neddo; John Hodgson

MOTION TO ADOPT OR REVISE THE MEETING AGENDA

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

PUBLIC COMMENT

Chairman Finkle opened the floor to public comments; hearing none.

APPROVAL OF THE AUGUST 1, 2017 REGULAR MEETING MINUTES

Chairman Finkle asked for a motion to adopt the August 1, 2017 regular meeting minutes. Mr. Rosenthal advanced the motion to approve the regular meeting minutes. Mr. Hayes seconded and the Board approved the motion by unanimous vote.

REPORT OF THE EXECUTIVE DIRECTOR

Mr. Smullen presented his report. He noted that a visit for County Officials of the Black River Area to the Stillwater Reservoir dam and power plant has been scheduled for October 11th. Mr. Smullen indicated that officials from Jefferson and Lewis County and potentially Herkimer County and the Tug Hill Commission have indicated an intent to attend. The tour will take place on the afternoon prior to the Board's October meeting. Mr. Smullen reported that Arcadis Design and Consulting will finalize their proposal for services for upgrades to the Old Forge and Sixth Lake Dams and is coordinating with Senior Staff to be prepared to bring a proposal to the

Board at the October meeting. Mr. Smullen noted that he and the Area Administrator have visited Sand Island, noting difficulties maintaining sanitary conditions and noting that a tree holding an Eagle's nest is in danger of toppling due to water erosion. Mr. Smullen explained the efforts staff will undertake to shore-up the tree in coordination with NYS DEC representatives. Chairman Finkle expressed the Board's support for those efforts and encouraged staff to continue its efforts to secure volunteers among the community to improve the condition of Sand Island. To that end, the Board discussed using the Regulating District's website to facilitate an 'adopt-an-island' concept, whereby volunteers could schedule a weekend during which they would remove trash etc.

Mr. Smullen noted that Senior Staff has taken the initial steps to develop the next strategic plan for dam maintenance and remediation. Mr. Smullen and Mr. Foltan presented the Facilities Remediation Program emphasizing the effort represents the culmination of past, present and future efforts to carry out the Regulating District's primary mission to operate and maintain the control reservoirs that regulate rivers in the Hudson and Black river areas. Mr. Foltan summarized the status of remediation efforts at each of the Regulating District's six dams. He explained that the facility upgrades fall into four phases; Assessment of Current Conditions; Evaluation of Remedial Alternatives; Securing Detailed Engineering Designs of the Selected Remedial Alternative; and Constructing the Improvements Necessary to Bring the Dam into Compliance with Current Dam Safety Regulations. Mr. Smullen explained that over the past ten years the Regulating District has expended several million dollars to assess current conditions at all of the dams. Further, Mr. Smullen noted that, with several facilities nearing 100 years in age, the Regulating District will need to fund several improvements over the next three three-year budget cycles to ensure continued compliance with state and federal dam safety regulations. Mr. Foltan noted that over that nearly ten year period the projected expenditures could range between \$14 and \$30 million, but ensured the Board that, as in the past, each contract for each phase at each facility would be presented to the Board in the normal course of business. Mr. Foltan noted that as further analysis is completed and remedial choices are made he will be in a position to greatly limit the range of potential costs for such projects.

CONTRACTS

RESOLUTION TO AUTHORIZE 1st AMENDMENT TO "ON CALL" SURVEYING SERVICES CONTRACT C032014

Chairman Finkle asked Mr. Ferrara to turn first to the contract covering the on-call surveyor. Mr. Ferrara hand delivered to the Board a revised Resolution and explained that in September 2014, the Board authorized contract C032014 providing for "on call" surveying services. The initial contract's one year period and two additional one year option periods have expired. Mr. Ferrara continues to believe that extending the "on call" surveying contract is the best approach to satisfy the Regulating District's surveying needs. Mr. Ferrara proposes to amend contract C032014 with Ryan Biggs Clark Davis Engineering & Surveying, P.C. to accept that firm's revised rate schedule and to establish a new one year term with two additional one year option periods. Mr. Ferrara indicated that the proposed rate schedule reflects annualized increases to hourly rates of the various personnel available to do work of between 2.4% and 3.1%.

Mr. Berkstresser made a motion to adopt the Resolution amending the “on call” surveying contract with Ryan Biggs Clark Davis Engineering & Surveying, P.C. to reflect a new contract term and a new rate schedule. Mr. Rosenthal seconded and the Board approved the motion by unanimous vote.

Chairman Finkle asked that Mr. Rosenthal proceed to the Governance Committee report.

STAFF/COMMITTEE REPORTS

GOVERNANCE CHAIR COMMITTEE REPORT

Committee Chairman Rosenthal noted that Mr. Ferrara ensured the Governance Committee that the Regulating District is in compliance with all required policies.

Chairman Finkle asked staff to present their reports.

STAFF REPORTS

Mr. Leslie presented Counsel’s report to the Board. Mr. Leslie 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 Counsel for BREIA has returned the executed contract concerning the land adjacent to the Hawkinsville Dam. Mr. Leslie noted that this morning he touched base again with the company from whom the Regulating District will secure title insurance and learned that the policy preparation is in progress awaiting the completion of an abstract. Negotiations with DEC over the use of a fishing access point for staging and the embankment for the Hawkinsville Dam Remediation continue. Mr. Leslie also noted participation in several access permit appeals.

Ms. Ruzicky presented her report to the Board. She noted the MWBE utilization report for July - September, currently showing a \$5,642.10 spend, is due October 15th. Ms. Ruzicky reported that the Service-Disabled Veteran-Owned Business (SDVOB) 2nd Quarter report is due October 31st.

Chairman Finkle asked Mr. Foltan to present the Resolution regarding completion of the replacement of the office roof at Mayfield.

RESOLUTION TO CONDITIONALLY AWARD THE REPLACEMENT OF THE OFFICE ROOF AT THE SACANDAGA FIELD OFFICE IN MAYFIELD TO MCLEAN B. CONSTRUCTION, INC.

Mr. Foltan presented a Resolution to the Board conditionally awarding a contract for the replacement of the roof at the Mayfield Office to McLean B. Construction Inc. He presented a summary of the bid process and the evaluation of bids received for the completion of the SFO Office Roof Replacement work. Mr. Foltan noted that staff placed a public notice advertising the work in the State Contract Reporter and that approximately eighty firms requested and received a copy of the Invitation for Bids (IFB) document. Three firms submitted bids. These bids were publicly opened at 11:00 am on May 11, 2017. Mr. Foltan determined the apparent Low Bidder in accordance with

Section I-18 of the Information for Bidders of the Bid Documents. Mr. Foltan explained that the Engineering Assistant Mike Mosher estimated the total probable cost to complete the work to be \$53,328.800.

The following table summarizes the bids received.

SFO Office Roof Replacement Bid Tabulation

<u>Bidder Name</u>	<u>Bid Amount</u>
<i>General Roofing Contractors, LLC</i>	<i>\$126,175.30</i>
<i>Titan Roofing, Inc.</i>	<i>\$85,983.40</i>
<i>McLean B. Construction, Inc.</i>	<i>\$57,576.50</i>

Mr. Foltan indicated that he and staff have reviewed the bids for compliance with the Bid Documents and identified McLean B. Construction, Inc. (McLean) as the lowest bidder. Mr. Foltan reviewed McLean's evidence of experience in the field of roofing construction and confirmed that McLean has the experience necessary to responsibly and reliably complete the work. He recommended the Board conditionally award the work to McLean B. Construction, Inc. He also sought Board authorization to form a contract to complete the work, and to authorize the Executive Director to execute such agreement in the amount of \$57,576.50. Mr. Foltan noted that the contract is subject to review and approval by the Office of the NYS Attorney General and the NYS Comptroller.

Mr. Rosenthal made a motion to adopt the Resolution conditionally awarding the Mayfield Office roof replacement contract to McLean B. Construction, Inc. and authorizing the Executive Director to enter into an agreement in an amount not to exceed \$57,576.50. Mr. Berkstresser seconded and the Board approved the motion by unanimous vote.

Chairman Finkle asked staff to resume with staff reports.

Mr. Ferrara presented his report to the Board. He noted that at the close of fiscal August 31, 2017, the general fund balances for the HRA and BRA were approximately \$4,287,091 and \$1,398,120 respectively. He noted that the Regulating District's transactional processing and reporting are current. Regulating District bank reconciliations are complete through August 31, 2017. He noted that the Regulating District's independent auditors completed their field audit work on August 18th. Mr. Ferrara noted that the EFC note is pending final approval from DEC and that a September closing is expected. Mr. Ferrara listed the assessments received and significant expenditures during the reporting period.

Mr. Foltan presented the Chief Engineer's report to the Board. Mr. Foltan noted that the August average daily release from the Sacandaga Reservoir (Great Sacandaga Lake) was approximately 1,600 cubic feet per second (cfs). Precipitation during the month of August was below normal across the Great Sacandaga Lake watershed and above average in the Indian Lake watershed. The monthly inflow to Great Sacandaga Lake and Indian Lake reservoir was approximately 99% and 136% of historic average, respectively. Monthly release of water from Great Sacandaga Lake and Indian Lake measured 84% and 81% of historic average, respectively.

The August average daily release from Stillwater Reservoir was approximately 410 cfs. Monthly total precipitation measured 86%, 137%, and 139% of historic average at Stillwater,

Old Forge, and Sixth Lake, respectively, as of August 28th. Precipitation in the month of August was below average at Stillwater and above average at Old Forge and Sixth Lake. The monthly inflow to Stillwater Reservoir was approximately 79% of historic average. The inflow to Sixth Lake and Old Forge Reservoir totaled 0.10 and 0.22 billion cubic feet, respectively, in August. Release of water from Stillwater Reservoir averaged 92% of historic discharge.

Mr. Smullen presented the Area Administrator's report. He noted that staff have started the 2017 erosion monitoring on Great Sacandaga Lake and noted his and Mr. Hodgson's visit to Beacon and Sand islands; viewing the eagle's nest. Mr. Smullen noted that the workboat has completed its successful 2017 campaign and that both he and Mr. Hodgson have received several positive comments from lakeside interested parties. Mr. Smullen noted that Black River area staff have completed ½ of the siding installation at the Stillwater garage and hope to have the entire project completed in time for the Board's October visit.

RESOLUTION SCHEDULING DATE, TIME AND LOCATION OF THE REGULAR MEETING FOR OCTOBER 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 Thursday, October 12, 2017 at the Stillwater Reservoir Office, 116 Necessary Dam Road, Lowville, NY 13367 at 10:00 A.M.

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

EXECUTIVE SESSION

Chairman Finkle called for a motion to adjourn to executive session to discuss personnel issues. The Chairman invited the Executive Director and Chief Fiscal Officer to join the Board. Chairman Finkle noted that the Board did not anticipate conducting business upon its return from executive session. Mr. Berkstresser advanced the motion, Mr. Rosenthal seconded. The Board adjourned to executive session at 11:05 A.M. and returned at 11:14 A.M.

ADJOURNMENT

Chairman Finkle called for a motion to adjourn the meeting. Mr. Rosenthal advanced the motion. Mr. Berkstresser seconded. The meeting adjourned at 11:14 A.M.

RESOLUTIONS

17-36-09 RESOLUTION TO AUTHORIZE 1st AMENDMENT TO "ON CALL" SURVEYING SERVICES CONTRACT C032014

Mr. Berkstresser made a motion to adopt the Resolution amending the "on call" surveying contract with Ryan Biggs Clark Davis Engineering & Surveying, P.C. to reflect a new contract term and a new rate schedule. Mr. Rosenthal seconded and the Board approved the motion by unanimous vote.

17-37-09 RESOLUTION TO CONDITIONALLY AWARD THE REPLACEMENT OF THE OFFICE ROOF AT THE SACANDAGA FIELD OFFICE IN MAYFIELD TO MCLEAN B. CONSTRUCTION, INC.

Mr. Rosenthal made a motion to adopt the Resolution conditionally awarding the Mayfield Office roof replacement contract to McLean B. Construction, Inc. and authorizing the Executive Director to enter into an agreement in an amount not to exceed \$57,576.50. Mr. Berkstresser seconded and the Board approved the motion by unanimous vote.

17-38-09 RESOLUTION SCHEDULING DATE, TIME AND LOCATION OF THE REGULAR MEETING FOR OCTOBER 12, 2017

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

Respectfully submitted,

Richard J. Ferrara,
Secretary/Treasurer

Mark M. Finkle
Board Chairman