

**HUDSON RIVER-BLACK RIVER REGULATING DISTRICT  
BOARD MEETING**

**Saratoga County Office  
Cornell Cooperative Extension  
50 West High Street, Auditorium  
Ballston Spa, NY 12020  
December 12, 2017  
10:00AM**

**CALL TO ORDER**

Chairman Mark M. Finkle called the meeting to order at 10:00 A.M. The Chairman noted that, because the Audit Committee lacked a quorum, the meeting of the Audit Committee has been postponed and today's planned presentation of the Independent Audit Report will be presented to the entire Board.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**Present:** Board Chairman Mark M. Finkle; First Vice-Chair Albert J. Hayes; Board Members Jeffrey Rosenthal and Kenneth F. De Witt; 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 Ruzicky.

**Excused:** David W. Berkstresser, Anthony M. Neddo

**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. De Witt seconded. The Board approved the motion by unanimous vote.

**PUBLIC COMMENT**

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

**APPROVAL OF THE NOVEMBER 14, 2017 REGULAR MEETING MINUTES**

Chairman Finkle asked for a motion to adopt the November 14, 2017 regular meeting minutes. Mr. Hayes advanced the motion to approve the regular meeting minutes. Mr. Rosenthal seconded and the Board approved the motion by unanimous vote.

**REPORT OF THE EXECUTIVE DIRECTOR**

Mr. Smullen presented his report. Mr. Smullen noted that the Great Sacandaga Lake Advisory Council's production of Harnessing Nature has been well received and he thanked

Saratoga County for their spearheading effort. Mr. Smullen explained efforts to reduce the 2018-2021 budget, including the reduction of leased space in the Albany office and the consolidation of some administrative tasks into existing office space at the Sacandaga Field Office.

Mr. Smullen reminded the Board that two administrative assistants are soon to retire and reported that, following the interview process previously reported, offers have been extended to fill both administrative assistant positions. Mr. Smullen reported that he met with representatives from the Fulton County Planning Department regarding the feasibility to draw water from Great Sacandaga Lake. He noted his attendance at a November 16<sup>th</sup> meeting with the Fulton County Sheriff and other stakeholders as a follow-up to last spring's Safe Lake Initiative. Mr. Smullen noted that he, Counsel and the Chief Fiscal Officer met with Assembly member McDonald and NYS Assembly staff as a follow-up to the September 2017 meeting hosted by the Assembly member and Senator Marchione regarding Regulating District Assessments. Mr. Smullen reported on his attendance at the Adirondack Association of Towns and Villages meeting on Sunday, December 3<sup>rd</sup>.

## **CONTRACTS**

### **RESOLUTION TO APPROVE FIFTH AMENDMENT TO CONTRACT C032007 WITH GEI CONSULTANTS, INC. TO AMEND CONTRACT SCOPE OF WORK AND PRICE**

Mr. Foltan presented a Resolution to the Board proposing a fifth amendment to Contract C032007 with GEI Consultants, Inc. to amend the scope and price of the Conklingville Dam Ice Sluice Remediation Engineering Services contract. Mr. Foltan explained that the Board hired GEI Consultants, Inc. (GEI) in November 2007 and that GEI's work culminated in a remediation design of the ice sluice structure at the Conklingville Dam. The scope of GEI's services also included onsite construction monitoring during the repair of the ice sluice. Mr. Foltan noted that the Contractor, Kingsbury, completed the repair of the ice sluice on October 20, 2017. Mr. Foltan explained that due to certain field conditions and construction contractor miscalculations during preparation of the project work area, construction of the ice sluice required a total sixteen weeks to complete. During the additional six weeks of construction GEI's field engineer provided observation and engineering services, with the support of GEI's project engineer and project manager, to remedy the contractor miscalculations. These additional services were not anticipated or included in GEI's original Construction Monitoring Services proposal for engineering services. Mr. Foltan explained that GEI's cost for completion of the additional six weeks of Construction Services is an additional \$22,500.

Mr. Foltan also noted that the existing expiration date of Contract C032007 is December 31, 2017, but that certain geotechnical work of the contract and ice sluice construction services still need to be completed. To continue services under this contract the expiration date of the agreement must be extended.

Mr. Foltan recommended acceptance of GEI's Additional Ice Sluice Remediation Construction Services Scope of Work and Fee Proposal, dated November 2, 2017, and sought Board authorization to amend the Contract C032007 by an amount of \$22,500 for a total contract price of \$364,500. Further, he sought Board authorization to extend the term of Contract

C032007 to December 31, 2018, and authorization for the Executive Director to execute an amendment to the price and term of the agreement.

Mr. Rosenthal moved to adopt the Resolution authorizing the Executive Director to execute the amendment to Contract C032007 modifying the scope and price of the contract; adding \$22,500 for a total contract price of \$364,500. Mr. De Witt seconded and the Board adopted the Resolution by unanimous vote.

## **PRESENTATION OF REGULATING DISTRICT'S INDEPENDENT AUDIT**

Mr. Ferrara appeared before the Board to present the findings of KBL, LLP's unqualified independent audit of the Regulating District's financial statements for fiscal year ended June 30, 2017.

## **STAFF REPORTS**

Mr. Leslie presented Counsel's report to the Board. Mr. Leslie reported that as of yet, there has been no decision on the Erie v. FERC appeal. Mr. Leslie also reported that there has been no movement on the BREIA land deal. Mr. Leslie noted his participation in several interviews of candidates for the soon to be vacated Administrative Assistant position and his participation in the meeting with Assembly member McDonald and NYS Assembly staff. He noted that at the request of the permit holder's attorney, the appeal of Mr. Hodgson's Access Permit System determination which was to be heard at the December meeting will be presented to the Board at the January meeting.

Ms. Ruzycky presented her report to the Board. She noted the MWBE utilization for the 3<sup>rd</sup> quarter stands at \$11,305.66. The quarterly report is due January 15<sup>th</sup>. Ms. Ruzycky reported that the Service-Disabled Veteran-Owned Business (SDVOB) utilization stands at \$662.79.

Mr. Ferrara presented his report to the Board. Mr. Ferrara reported that the receipt of Assessments is on pace. He noted that at the close of fiscal November 30, 2017, the general fund balances for the HRA and BRA were approximately \$3,801,771 and \$2,053,692 respectively. He noted that the Regulating District's transactional processing and reporting are current. Regulating District bank reconciliations are complete through November 30, 2017.

Mr. Foltan presented the Chief Engineer's report. Mr. Foltan noted that the November average daily release from the Sacandaga Reservoir (Great Sacandaga Lake) was approximately 3,600 cubic feet per second (cfs). Precipitation during the month of November 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 116% and 131% of historic average, respectively. Monthly release of water from Great Sacandaga Lake and Indian Lake measured 156% and 166% of historic average, respectively.

The November average daily release from Stillwater Reservoir was approximately 230 cfs. Monthly total precipitation measured 94%, 96%, and 83% of historic average at Stillwater, Old Forge, and Sixth Lake, respectively, as of November 26<sup>th</sup>. Precipitation in the month of

November was above average at Stillwater, Old Forge and Sixth Lake. The monthly inflow to Stillwater Reservoir was approximately 87% of historic average. The inflow to Sixth Lake and Old Forge Reservoir totaled 0.16 and 0.36 billion cubic feet, respectively, in November. Release of water from Stillwater Reservoir averaged 58% of historic discharge.

Mr. Hodgson presented the Area Administrator's report. He reported that he met with several permit holders in regard to proposed work permits and that staff have milled piled logs for access permit sign posts and dimensional lumber. Mr. Hodgson also noted that rip rap repair on the GSL shoreline continues with a total of 915' of shoreline repaired this year to date.

**RESOLUTION SCHEDULING DATE, TIME AND LOCATION OF THE REGULAR MEETING FOR JANUARY 9, 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, January 9, 2017 at the Northampton Town Hall, 412 South Main Street, Northville, NY 12134 at 10:00 A.M.

Mr. Hayes moved to adopt the Resolution setting the date, time and place of the next meeting. Mr. De Witt 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. Hayes seconded. The meeting adjourned at 10:39 A.M.

**RESOLUTIONS**

**17-45-12 RESOLUTION TO APPROVE FIFTH AMENDMENT TO CONTRACT C032007 WITH GEI CONSULTANTS, INC. TO AMEND CONTRACT SCOPE OF WORK AND PRICE**

Mr. Rosenthal moved to adopt the Resolution authorizing the Executive Director to execute the amendment to Contract C032007 modifying the scope and price of the contract; adding \$22,500 for a total contract price of \$364,500. Mr. De Witt seconded and the Board adopted the Resolution by unanimous vote.

**17-46-12 RESOLUTION SCHEDULING DATE, TIME AND LOCATION OF THE REGULAR MEETING FOR JANUARY 9, 2017**

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

Respectfully submitted,  
Richard J. Ferrara,  
Secretary/Treasurer

Mark M. Finkle  
Board Chairman