

**HUDSON RIVER-BLACK RIVER REGULATING DISTRICT
BOARD MEETING
Lowville Town Offices
5533 Bostwick Street
Lowville, NY 13367
September 13, 2018**

CALL TO ORDER

Chairman Mark M. Finkle called the meeting to order at 10:12 A.M. The Chairman noted that Board Member David Berkstresser had expressed his intent to resign from the Board at the close of business. The Chairman, Members of the Board & staff all congratulated Mr. Berkstresser for exemplary service.

ROLL CALL

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

MOTION TO ADOPT OR REVISE THE MEETING AGENDA

Chairman Finkle asked for a motion to revise the meeting agenda to reflect an Executive Session to discuss three separate personnel issues. He noted that the Board would likely return to conduct business after the Executive Session. Mr. Berkstresser made a motion to adopt the agenda as revised. Mr. Rosenthal seconded. The Board approved the motion by unanimous vote.

APPROVAL OF THE JULY 10, 2018 REGULAR MEETING MINUTES

Chairman Finkle asked for a motion to adopt the July 10, 2018 regular meeting minutes. Mr. Rosenthal advanced the motion to approve the regular meeting minutes. Mr. DeWitt seconded and the Board approved the motion by unanimous vote.

REPORT OF THE INTERIM EXECUTIVE DIRECTOR

Mr. Hodgson presented his report. He noted that Dan's moving relocated the Albany Office furniture down the hall, but noted that a few details, like internet connectivity, relocation of the server, etc. remain a work in progress. Staff completed the Watertown office space reduction on July 31st. Mr. Hodgson reported that staff participated in a Local Emergency Planning Committee (LEPC) meeting for Saratoga County and that he attended the GSLA meeting in Edinburg. Mr. Hodgson described the September 8th NYS Naval Militia exercise on Great Sacandaga Lake. He also reported on a visit to the Mayfield Office of two of Edward Sargent's granddaughters. During a brief office tour, staff and the visitors exchanged stories and pictures depicting the tenure of the Regulating District's initial Chief Engineer.

CONTRACTS

RESOLUTION TO AUTHORIZE SEISMIC STABILITY AND LIQUEFACTION & DEFORMATION ANALYSIS OF THE STILLWATER DAM

Mr. Foltan introduced a Resolution for consideration by the Board. He explained that in August 2010 the Board hired Paul C. Rizzo Engineering – New York, PLLC (Rizzo) to complete a Liquefaction and Deformation Analysis (post-earthquake seismic stability analysis) of the Stillwater Dam. Completion of the analysis was required by the Federal Energy Regulatory Commission (FERC) in response to a recommendation included in the Sixth Part 12D Independent Consultant Safety Inspection Report. Rizzo completed its analysis, determined the dam has adequate factors of safety under post seismic loading (post-earthquake conditions), and submitted a report to FERC on August 21, 2014. FERC agreed with the findings of the report. In response to recommendations made in the Seventh Part 12D Independent Consultant Safety Inspection Report (February 2016) and in a letter dated July 30, 2018, the Federal Energy Regulatory Commission has requested an update of, and completion of, additional Seismic Stability Analyses for gravity structures (earth embankment dams, concrete dam, and spillway) at the Stillwater Dam. Procurement of engineering consultant services is necessary to complete stability analyses for the earthquake load case for the North and South Embankment Dam, an update of the liquefaction and deformation analysis for the North Embankment Dam, and completion of a liquefaction and deformation analysis of the South Embankment Dam. Mr. Foltan recommended that the Board authorize staff to solicit engineering services and to request a proposal to complete the seismic stability analysis and liquefaction and deformation analyses of Stillwater Dam.

Chairman Finkle asked for a motion to authorize staff to solicit engineering services and to request a proposal to complete the seismic stability analysis and liquefaction and deformation analysis of Stillwater Dam. Mr. Berkstresser so moved and Mr. DeWitt seconded. The Board approved the motion by unanimous vote.

PUBLIC COMMENT

Chairman Finkle opened the floor to public comment; hearing two speakers concerned with the actions of an adjacent access permit holder.

Contracts (Cont.)

RESOLUTION TO CONDITIONALLY AWARD THE REPLACEMENT OF THE OFFICE ROOF AT THE SACANDAGA FIELD OFFICE IN MAYFIELD TO GENERAL ROOFING CONTRACTORS, LLC

Mr. Foltan presented a draft Resolution to the Board. He then presented a summary of the bid process and evaluation of bids received for the completion of the Mayfield Field Office Roof Replacement project. He noted that a public notice advertising the work was placed in the State Contract Reporter, and that three firms requested and received a copy of the Invitation for Bids (IFB) document and completed the mandatory pre-bid site visit. Mr. Foltan explained that staff received and publically opened three bids at 11:00 am on August 24, 2018. Staff made a determination of the apparent Low Bidder according to Section I-18 of the Information for

Bidders of the Bid Documents; estimating the total probable cost of \$57,400 to complete the work.

The following table summarizes the bids received:

MAYFIELD OFFICE ROOF REPLACEMENT BID TABULATION

| Bidder Name | Bid Amount |
|----------------------------------|-------------|
| General Roofing Contractors LLC | \$81,260.50 |
| S & L Roofing & Sheetmetal, Inc. | \$95,718.00 |
| Titan Roofing, Inc. | \$89,951.40 |

Mr. Foltan identified General Roofing Contractors, LLC. (General Roofing) as the lowest bidder, and reviewed General Roofing's evidence of experience in the field of roofing construction, confirming that General Roofing has the experience necessary to responsibly and reliably complete the work. He recommended that the Board conditionally award the work to General Roofing Contractors, LLC. and accept the recommendation and authorization to form a contract to complete the work, and authorization for the Interim Executive Director to execute an agreement in the amount of \$81,260.50.

Chairman Finkle asked for a motion approving the Resolution. Mr. Berkstresser made a motion to adopt the Resolution conditionally awarding the work associated with the Mayfield roof replacement project to General Roofing Contractors, LLC and authorizing the Interim Executive Director to execute an agreement for an amount not to exceed \$81,260.50. Mr. Rosenthal seconded the motion and the Board adopted the Resolution by unanimous vote.

STAFF REPORTS

Mr. Leslie presented his report to the Board. He noted that the Marchione/McDonald bill has yet to be delivered to the Governor, and that the permitting for Hawkinsville will commence once the Comptroller returns the Kleinschmidt contract. Mr. Leslie noted that he offered the Acting Executive Director and Board Chair advice and counsel on personnel issues over the summer.

Ms. Ruzycky presented her report to the Board. She noted that the 1st Quarter fiscal year 2017/2018 utilization report, the EFC 3rd Quarter MWBE report and the 1st Quarter Integrated Report have been submitted.

Mr. Ferrara presented his report to the Board. He noted that at the close of fiscal August 31, 2018, the general fund balances for the HRA and BRA were approximately \$3,768,505 and \$1,828,019 respectively. He noted that District's transactional processing and reporting are current. District bank reconciliations are complete through July 31, 2018. Mr. Ferrara also noted that he received word of an investigation into an attempt to cash a fraudulent check drawn against a Regulating District account.

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 1,550 cubic feet per second (cfs). Precipitation during the month of August 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 65% and 36% of historic average, respectively. Monthly release of water from Great Sacandaga Lake and Indian Lake measured 81% and 53% of historic average, respectively.

The August average daily release from Stillwater Reservoir was approximately 240 cfs. Monthly total precipitation measured 47%, 76%, and 80% of historic average at Stillwater, Old Forge, and Sixth Lake, respectively, as of August 27th. Precipitation in the month of August was below average at Stillwater, Sixth Lake and Old Forge. The monthly inflow to Stillwater Reservoir was approximately 12% of historic average. The inflow to Sixth Lake and Old Forge Reservoir totaled 0.01 and 0.04 billion cubic feet, respectively, in August. Release of water from Stillwater Reservoir averaged 53% of historic discharge.

Mr. Hodgson presented the Administrator's report. Mike Chase, the Maintenance Specialist and Thomas Baker, the Engineering Assistant have both started work. The workboat has been dry-docked for the season. Mr. Hodgson reported other sundry maintenance activities completed during the dry summer.

BOARD MEMBER COMMENTS

Mr. Rosenthal asked that staff develop a document detailing the review process for contracts ensuring that such contracts, and other discretionary matters be reviewed and approved by Regulating District Counsel. Mr. Rosenthal also asked that the Regulating District maintain on its website a running list of active Work Permit Applications enabling access permit holders and other interested parties easy access to a description of the scope and parameters/conditions governing activities undertaken on the State land comprising Great Sacandaga Lake.

EXECUTIVE SESSION

Chairman Finkle called for a motion to adjourn to Executive Session to discuss three separate personnel issues. Chairman Finkle invited the Interim Executive Director to participate and noted that the Board will likely conduct business upon its return from Executive Session. Mr. Rosenthal advanced the motion, Mr. Berkstresser seconded. After a time, the Board Chair invited General Counsel and the Chief Engineer to participate in the session.

The Board adjourned to Executive Session at 11:15 A.M. and returned at 12:42 A.M.

RESOLUTION SCHEDULING DATE, TIME AND LOCATION OF THE REGULAR MEETING FOR OCTOBER 10, 2018

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 Wednesday, October 10, 2018 at the Stillwater Reservoir Office, 116 Necessary Dam Road, Lowville, NY 13367 at 10:00 A.M.

Mr. Berkstresser 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.

Chairman Finkle asked for a Motion to adjust salary to better reflect the duties of the Area Administrator. Mr. Rosenthal moved to reclassify the Area Administrator position from M-1 to M-2 on the Management Confidential Salary Schedule, to place the current incumbent at Grade M-2 Job rate, to make such placement retroactive to the start of the Regulating District's fiscal year; July 1, and to make such actions contingent upon approval by the Governor's Office of Employee Relations. Mr. Berkstresser seconded and the Board adopted the Motion by unanimous vote.

ADJOURNMENT

Chairman Finkle called for a motion to adjourn the meeting. Mr. Hayes advanced the motion. Mr. Rosenthal seconded. The meeting adjourned at 12:44 A.M.

RESOLUTIONS

18-30-09 RESOLUTION TO AUTHORIZE SEISMIC STABILITY AND LIQUEFACTION & DEFORMATION ANALYSIS OF THE STILLWATER DAM

Chairman Finkle asked for a motion to authorize staff to solicit engineering services and to request a proposal to complete the seismic stability analysis and liquefaction and deformation analysis of Stillwater Dam. Mr. Berkstresser so moved and Mr. DeWitt seconded. The Board approved the motion by unanimous vote.

18-31-09 RESOLUTION TO CONDITIONALLY AWARD THE REPLACEMENT OF THE OFFICE ROOF AT THE SACANDAGA FIELD OFFICE IN MAYFIELD TO GENERAL ROOFING CONTRACTORS, LLC

Chairman Finkle asked for a motion approving the Resolution. Mr. Berkstresser made a motion to adopt the Resolution conditionally awarding the work associated with the Mayfield roof replacement project to General Roofing Contractors, LLC and authorizing the Interim Executive Director to execute an agreement for an amount not to exceed \$81,260.50. Mr. Rosenthal seconded the motion and the Board adopted the Resolution by unanimous vote.

18-32-09 RESOLUTION SCHEDULING DATE, TIME AND LOCATION OF THE REGULAR MEETING FOR OCTOBER 10, 2018

Mr. Berkstresser 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