

**HUDSON RIVER-BLACK RIVER REGULATING DISTRICT
BOARD MEETING
Warren County Municipal Center
1340 State Route 9, Room 5110
Lake George, NY 12845
December 11, 2018**

CALL TO ORDER

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

ROLL CALL

Present: Board Chairman Mark M. Finkle; First 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 a Resolution to hire an Administrative Assistant; said Resolution to be taken up during the Interim Executive Director's report. Mr. Hayes made a motion to adopt the agenda as revised. Mr. Rosenthal seconded. The Board approved the motion by unanimous vote.

PUBLIC COMMENT

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

APPROVAL OF THE NOVEMBER 13, 2018 REGULAR MEETING MINUTES

Chairman Finkle asked for a motion to adopt the November 13, 2018 regular meeting minutes. Mr. Hayes 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 the Governor vetoed the McDonald/Marchione bill. Mr. Rosenthal asked Mr. Leslie to read the veto message during his report. Mr. Hodgson introduced a Resolution to hire an Administrative Assistant.

RESOLUTION TO HIRE AN ADMINISTRATIVE ASSISTANT IN THE BLACK RIVER AREA OF THE HUDSON RIVER – BLACK RIVER REGULATING DISTRICT

Mr. Hodgson noted that the existing Administrative Assistant in Watertown, Lori McAvoy, has retired and presented the resolution to add a new Administrative Assistant in her place.

Chairman Finkle asked for a Motion to adopt the Resolution. Mr. Hayes moved to adopt the Resolution authorizing the employment of Megan Cole to fill the open full-time position of Administrative Assistant in the Black River Area noting that the annual salary shall be the starting rate for the Administrative Assistant position pursuant to the Agreement between the Hudson River – Black River Regulating District and the District’s Local 120 of the CSEA Local 1000 for the period July 1, 2016 – June 30, 2020. Mr. DeWitt seconded and the Board adopted the Resolution by unanimous vote.

Mr. Hodgson continued with his report noting that staff continue to work on the continuity of operations plan and that staff, including the Chief Engineer, have attended training through the Department of Homeland Security. He noted that Stephanie Ruzycky will report on progress setting up a credit card payment system. Finally, Mr. Hodgson presented the Board with a list of tentative dates and locations for the 2019 Board Meetings. Chairman Finkle noted that the January meeting has been moved to the 15th and that the October meeting will be held in Old Forge or Inlet.

CONTRACTS

Board Authorization to Procure Subsurface Investigation Services for Boring Work at Hawkinsville Dam

Mr. Foltan requested that the Board authorize staff to solicit bids from geotechnical drilling firms to complete the Hawkinsville Dam Geotechnical Investigation. He noted that Kleinschmidt Associates, PA, PC (Kleinschmidt) is currently completing final design and environmental permitting of the Hawkinsville Dam remediation project. Kleinschmidt has recommended the completion of a geotechnical exploration program in support of the engineering remediation and design work. The proposed geotechnical exploration program comprises subsurface investigations at the location of the proposed earth embankment dam. Subsurface investigations will include the completion of three borings - each 25 feet deep, collection of soil samples, and rock coring. Mr. Foltan estimated a probable cost of \$12,150 to complete the subsurface investigations. He anticipates utilizing the Regulating District’s discretionary authority to seek bids from Minority-owned or Women-owned businesses (MWBE) who are qualified to complete the work.

Chairman Finkle asked for a motion to authorize staff to solicit bids from geotechnical drilling firms to complete the Hawkinsville Dam Geotechnical Investigation. Mr. Rosenthal so moved. Mr. DeWitt seconded and the Board adopted the motion by unanimous vote.

RESOLUTION TO ACCEPT PROPOSAL TO COMPLETE STILLWATER DAM SEISMIC STABILITY ANALYSES CONTRACT C022018

Mr. Foltan presented a Resolution to the Board. He noted that the Federal Energy Regulatory Commission (FERC), in response to a recommendation included in the Sixth Part 12D Independent Consultant Safety Inspection Report for the Stillwater Dam, requested the completion of a Liquefaction and Deformation Analysis (post-earthquake seismic stability analysis) of the Stillwater Dam. 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. 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. The FERC, in response to recommendations made in the Seventh Part 12D Independent Consultant Safety Inspection Report (February 2016), in a letter dated July 30, 2018, 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. In September 2018 the Board authorized staff to solicit engineering services and request a proposal to complete stability analyses for the earthquake load case for the embankment dams, spillway and concrete 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 explained that following a review of the Annual Statement of Qualifications by firms qualified to complete these analyses, and after a review of the qualifications of the most qualified firms, it was determined that Paul C. Rizzo Engineering – New York, PLLC (Rizzo) is the most highly qualified firm to complete the work. Rizzo proposes to complete seismic stability analyses and seismic deformation analyses as detailed in Task 1 – 8, and submit a Geotechnical and Seismic Evaluation Report, as detailed in Task 9, for a fee of \$84,926.00. Mr. Foltan recommended that the Board accept Rizzo’s proposal, sought Board authorization to form a contract for the completion of the work, and sought authorization for the Interim Executive Director to execute an agreement, in the amount of \$84,926.00.

Chairman Finkle asked for a motion to accept Rizzo’s proposal and to authorize the interim Executive Director to execute a contract C022018 for the completion of the work in an amount ‘not to exceed’ \$84,926. Mr. DeWitt so moved and Mr. Rosenthal seconded. The Board approved the motion by unanimous vote.

Board Authorization to Procure Subsurface Investigation Services for Boring Work at Old Forge and Sixth Lake Dam

Mr. Foltan requested that the Board authorize staff to procure subsurface investigation services for boring work at Old Forge and Sixth Lake Dams. He noted that Arcadis of New York, Inc. (Arcadis) is currently completing preliminary engineering design of the Old Forge and Sixth Lake Dam remediation project. Arcadis has recommended the completion of a geotechnical exploration program in support of the engineering remediation and design work. Mr. Foltan explained that the proposed geotechnical exploration program comprises subsurface

investigations at the location of the existing concrete dams, spillways, and earth embankment dams. Subsurface investigations will include: the completion of a total of five borings; five rock cores; five concrete cores; collection of soil, rock, concrete samples; and sample testing. Mr. Foltan estimated a probable cost of \$33,150 to complete the subsurface investigations. He also anticipates utilizing the Regulating District's discretionary authority to seek bids from Minority-owned or Women-owned businesses (MWBE) who are qualified to complete the work.

Chairman Finkle asked for a motion authorizing staff to solicit bids from geotechnical drilling firms to complete the Old Forge and Sixth Lake Dam geotechnical investigation. Mr. Rosenthal so moved. Mr. DeWitt seconded and the Board adopted the motion by unanimous vote.

AUDIT COMMITTEE

Acting Committee Chairman Hayes reported that the Committee received Mr. Ferrara's presentation of KBL LLC's Independent Audit for the year ending June 30, 2018.

STAFF REPORTS

Mr. Leslie presented his report. Mr. Leslie reported that after the bank returned the first payment, Carthage Specialty Paperboard, Inc. has again paid its 2017-2018 Black River Area beneficiary assessment. Mr. Leslie read to the Board the Governor's veto message regarding the Marchione/McDonald bill. Mr. Leslie noted that he offered the Interim Executive Director and Board Chair advice/counsel on personnel issues during the reporting period.

Ms. Ruzycky presented her report to the Board. She noted that the necessary MWBE reports have been submitted and her work with IMC and Elavon to design an on-line payment process continues.

Mr. Ferrara presented his report to the Board. He noted that he presented the independent audit, due in September, to the audit committee this month. Further, he noted that at the close of fiscal November 30, 2018, the general fund balances for the HRA and BRA were approximately \$3,900,521 and \$2,372,697 respectively. He noted that District's transactional processing and reporting are current. District bank reconciliations are complete through October 31, 2018.

Mr. Foltan presented the Chief Engineer's report to the Board. Mr. Foltan noted that the November average daily release from the Sacandaga Reservoir (Great Sacandaga Lake) was approximately 2,820 cubic feet per second (cfs). Precipitation during the month of November was above normal across the Great Sacandaga Lake and Indian Lake watersheds. The monthly inflow to Great Sacandaga Lake and Indian Lake reservoir was approximately 174% and 121% of historic average, respectively. Monthly release of water from Great Sacandaga Lake and Indian Lake measured 121% and 136% of historic average, respectively.

The November average daily release from Stillwater Reservoir was approximately 350 cfs. Monthly total precipitation measured 127%, 134%, and 108% of historic average at Stillwater, Old Forge, and Sixth Lake, respectively, as of November 25th. Precipitation in the

month of November was above average at Stillwater, Old Forge and Sixth Lake. The monthly inflow to Stillwater Reservoir was approximately 111% of historic average. The inflow to Sixth Lake and Old Forge Reservoir totaled 0.18 and 0.46 billion cubic feet, respectively, in November. Release of water from Stillwater Reservoir averaged 91% of historic discharge.

Mr. Hodgson presented the Administrator's report. Mr. Hodgson reported that staff have placed 400 tons of Rip Rap and addressed erosion concerns along 671 feet of shoreline at GSL. He reported on a brief period of dow valve operation to accommodate Erie Boulevard's effort to clean the trash racks at the E.J. West power plant at Conklingville. Mr. Hodgson indicated that processing is progressing so as to allow for the release of access permit system renewal paperwork in the first week of January.

RESOLUTION SCHEDULING DATE, TIME AND LOCATION OF THE REGULAR MEETING FOR JANUARY 15, 2019

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 15, 2019 at the Sacandaga Field Office, 737 Bunker Hill Road, Mayfield, New York 12117 at 10:00 A.M.

Mr. Hayes moved to adopt the Resolution setting the date, time and place of the next meeting. Mr. DeWitt 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 10:44 A.M.

RESOLUTIONS

18-37-12 RESOLUTION TO HIRE AN ADMINISTRATIVE ASSISTANT IN THE BLACK RIVER AREA OF THE HUDSON RIVER – BLACK RIVER REGULATING DISTRICT

Chairman Finkle asked for a Motion to adopt the Resolution. Mr. Hayes moved to adopt the Resolution authorizing the employment of Megan Cole to fill the open full-time position of Administrative Assistant in the Black River Area noting that the annual salary shall be the starting rate for the Administrative Assistant position pursuant to the Agreement between the Hudson River – Black River Regulating District and the District's Local 120 of the CSEA Local 1000 for the period July 1, 2016 – June 30, 2020. Mr. DeWitt seconded and the Board adopted the Resolution by unanimous vote.

18-38-12 RESOLUTION TO ACCEPT PROPOSAL TO COMPLETE STILLWATER DAM SEISMIC STABILITY ANALYSES CONTRACT C022018

Chairman Finkle asked for a motion to accept Rizzo's proposal and to authorize the interim Executive Director to execute a contract C022018 for the completion of the work in an amount 'not to exceed' \$84,926. Mr. DeWitt so moved and Mr. Rosenthal seconded. The Board approved the motion by unanimous vote.

**18-39-12 RESOLUTION SCHEDULING DATE, TIME AND LOCATION OF THE
REGULAR MEETING FOR JANUARY 15, 2019**

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

Respectfully submitted,

Richard J. Ferrara,
Secretary/Treasurer

Mark M. Finkle
Board Chairman