

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

Hudson River-Black River Regulating District  
Sacandaga Field Office  
737 Bunker Hill Road  
Mayfield, NY 12117

**Remote Call-in Locations**

Ocean Pearl Clubhouse  
3920 Ocean Pearl Atlantic Beach Blvd. (A-1-A)  
North Hutchinson Island, Fl 34949

Longboat Harbor Office/Library  
4454 Gulf of Mexico Drive  
Longboat Key, Fl 34228

**March 12, 2019**

**CALL TO ORDER**

Chairman Mark M. Finkle called the meeting to order at 10:14 A.M.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**Present:** Board Chairman Mark M. Finkle; First Vice-Chair Jeffrey Rosenthal; Second Vice-Chair Kenneth DeWitt; Board Member Albert J. Hayes; 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 noted that, as indicated through the meeting notice and in compliance with NYS's Open Meetings Law, Mr. DeWitt and Mr. Rosenthal are participating via video conference. 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. Hayes seconded. The Board approved the motion by unanimous vote.

**PUBLIC COMMENT**

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

**APPROVAL OF THE FEBRUARY 12, 2019 REGULAR MEETING MINUTES**

Chairman Finkle asked for a motion to adopt the February 12, 2019 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 INTERIM EXECUTIVE DIRECTOR**

Mr. Hodgson presented his report. Mr. Hodgson reported that the Compliance Officer continues her effort crafting the Regulating District's Continuity of Operations Plan. He noted that staff continue to await final approval from the Office of General Services regarding the acceptance of credit card payments for the access permit system fees. Mr. Hodgson noted that staff released the quarterly newsletter a couple of weeks ago. Mr. Hodgson noted that he has conducted interviews for the Executive Director position and the Chief Fiscal Officer's position.

## **RESOLUTION TO ACKNOWLEDGE THE STATE'S ADOPTION OF UPDATED PROCEDURES FOR IMPLEMENTING REASONABLE ACCOMMODATION FOR APPLICANTS AND EMPLOYEES WITH DISABILITIES AND PREGNANCY RELATED CONDITIONS IN NEW YORK STATE AGENCIES**

Mr. Leslie presented the Resolution to the Board. Mr. Leslie explained that the State is committed to assuring equal employment opportunity for persons with disabilities and to providing reasonable accommodation to a qualified person with a disability to enable such person to perform the essential functions of the State government position for which he or she is applying, or in which he or she is employed. He noted that the State's policy is based on the New York State Human Rights Law, Sections 503/504 of the Federal Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act (ADA). He explained that the policy applies to all employment practices and actions and includes, but is not limited to, recruitment, the job application process, examination and testing, hiring, training, disciplinary actions, rates of pay or other compensation, advancement, classification, transfer and reassignment, and promotions, and that as a public benefit corporation organized and operated pursuant to the provisions of the Environmental Conservation Law, and the requirements of the reasonable accommodations policy apply to the Hudson River-Black River Regulating District.

Chairman Finkle asked for a motion to approve the Resolution adopting said reasonable Accommodations Policy. Mr. DeWitt so moved and Mr. Rosenthal seconded. The Board approved the motion by unanimous vote.

## **RESOLUTION TO UPGRADE DISTRICT'S NETWORK SERVER ENVIRONMENT**

Mr. Ferrara presented the Resolution to the Board. Mr. Ferrara opined that the District's three (3) network servers located in Albany, Watertown and Mayfield have become old/obsolete and require replacement. Mr. Ferrara referred to his recitation of this opinion during the February 12, 2019 meeting and explained that he solicited a single proposal from TAG Solutions to perform the required work. Mr. Ferrara explained that he determined that the proposal submitted by TAG Solutions is the most cost-effective solution. No other solutions were discussed. Mr. Ferrara explained that thirty-three percent of the project cost will be satisfied by an MWBE firm. Mr. Ferrara recommended that the Board proceed with a new server deployment, based on the proposal advanced by Tag Solutions, LLC for a not to exceed amount of \$21,330.99.

Chairman Finkle asked for a motion to approve the Resolution to replace the Regulating District's server environment through new hardware and professional services to be supplied by

Tag Solutions LLC, for a not to exceed amount of \$21,330.99. Mr. DeWitt so moved and Mr. Rosenthal seconded. The Board approved the motion by unanimous vote.

**RESOLUTION TO CONDITIONALLY AWARD HAWKINSVILLE DAM GEOTECHNICAL INVESTIGATION WORK**

Mr. Foltan presented the Resolution. He noted that the Regulating District intends to conduct subsurface soil and rock sampling at Hawkinsville Dam in support of the engineering remediation and design work being completed by Kleinschmidt Associates, PA, PC. Mr. Foltan explained that a contract will be awarded through the Regulating District's discretionary authority pursuant to State Finance Law section 163(6), which authorizes purchases without a formal competitive process in certain circumstances, including; purchases from New York State small businesses and from businesses certified pursuant to Article 15-A of the New York State Executive law, with the intent to award the contract to a certified minority or women-owned business enterprise (MBE or WBE). Mr. Foltan explained that three firms were provided an Invitation for Bid on February 1, 2019; that bids were received on Tuesday, February 26, 2019, and that two firms submitted a bid by the 11:00 am, February 26, 2019 deadline. Mr. Foltan noted that each Bid was publicly opened at 11:00 am on February 26, 2019 and that he determined the low bidder to be Aztech Technologies, Inc. at \$11,112.25. Atlantic Testing Laboratories came in at \$14,927. Mr. Foltan determined that Aztech Technologies, Inc. appears to meet the requirements for submission of a bid, and has demonstrated the qualifications necessary to complete the work. He recommended that the Board conditionally award the work to Aztech Technologies, Inc. and sought Board authorization to form a contract to complete the work, and authorization for the Interim Executive Director to execute an agreement in an amount not-to-exceed \$11,112.25.

Chairman Finkle asked for a motion to approve the Resolution to conditionally award the work to Aztech Technologies, Inc., authorize the formation of a contract to complete the work, and to authorize the Interim Executive Director to execute an agreement in an amount not-to-exceed \$11,112.25. Mr. Rosenthal so moved and Mr. DeWitt seconded. The Board approved the motion by unanimous vote.

**RESOLUTION TO CONDITIONALLY AWARD OLD FORGE AND SIXTH LAKE DAM GEOTECHNICAL INVESTIGATION WORK**

Mr. Foltan presented a resolution to the Board. He noted that the Regulating District intends to conduct subsurface soil and rock sampling and concrete coring at Old Forge and Sixth Lake Dam in support of the engineering remediation and design work being completed by Arcadis of New York, Inc. Further, he noted that a contract will be awarded through the Regulating District's discretionary authority pursuant to State Finance Law section 163(6), which authorizes purchases without a formal competitive process in certain circumstances, including; purchases from New York State small businesses and from businesses certified pursuant to Article 15-A of the New York State Executive law, with the intent to award the contract to a certified minority or women-owned business enterprise (MBE or WBE). Mr. Foltan explained that four firms were provided an Invitation for Bid on February 1, 2019; that bids were received on Wednesday, February 27, 2019; and that two firms submitted a bid by the 11:00 am, February

27, 2019 deadline. Mr. Foltan stated that each Bid was publicly opened at 11:00 am on February 27, 2019 and that he determined the low bidder to be Aztech Technologies, Inc. at \$46,383.50. The other bidder, Atlantic Testing Laboratories came in at \$84,373. Mr. Foltan noted that Aztech Technologies, Inc. appears to meet the requirements for submission of a bid, and has demonstrated the qualifications necessary to complete the work. He recommended that the Board conditionally awarding the work to Aztech Technologies, Inc. and sought Board acceptance of the recommendation, authorization to form a contract to complete the work, and authorization for the Interim Executive Director to execute an agreement in an amount not-to-exceed \$46,383.50.

Chairman Finkle asked for a motion to approve the Resolution to conditionally award the work to Aztech Technologies, Inc., authorize the formation of a contract to complete the work, and to authorize the Interim Executive Director to execute an agreement in an amount not-to-exceed \$46,383.50. Mr. Rosenthal so moved and Mr. DeWitt seconded. The Board approved the motion by unanimous vote.

## **STAFF REPORTS**

Mr. Leslie presented his report. Mr. Leslie reported that he researched the distinction between the newsworthiness of an event or article of public interest compared to the publication of a photo or likeness simply for the purpose of advertising or trade.

Ms. Ruzycky presented her report to the Board. She noted that the 3d Quarter MWBE Utilization Report has been approved and that Elavon has approved the online payment application. Ms. Ruzycky noted that she interviewed several candidates for the Executive Director and Chief Fiscal Officer positions.

Mr. Ferrara presented his report to the Board. He noted that at the close of fiscal February 28, 2019, the general fund balances for the HRA and BRA were approximately \$2,931,411 and \$2,049,540 respectively. He noted that District's transactional processing and reporting are current. District bank reconciliations are complete through January 31, 2019.

Mr. Foltan presented the Chief Engineer's report to the Board. Mr. Foltan noted that the February average daily release from the Sacandaga Reservoir (Great Sacandaga Lake) was approximately 3,890 cubic feet per second (cfs). Precipitation during the month of February 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 179% and 147% of historic average, respectively. Monthly release of water from Great Sacandaga Lake and Indian Lake measured 135% and 149% of historic average, respectively.

The February average daily release from Stillwater Reservoir was approximately 600 cfs. Monthly total precipitation measured 114%, 103%, and 108% of historic average at Stillwater, Old Forge, and Sixth Lake, respectively, as of February 23<sup>rd</sup>. Precipitation in the month of February was above average at Stillwater, Old Forge and Sixth Lake. The monthly inflow to Stillwater Reservoir was approximately 147% of historic average. The inflow to Sixth Lake and Old Forge Reservoir totaled 0.13 and 0.29 billion cubic feet, respectively, in February. Release of water from Stillwater Reservoir averaged 109% of historic discharge.

Mr. Hodgson presented the Administrator's report. Mr. Hodgson reported that seventy-eight percent of the access permit system renewal permits have been processed and that staff continue with snow surveys and snow removal. Noting the imminent installation of scaffolding at Conklingville, Mr. Hodgson explained that staff are scheduled to undergo training in scaffold installation presented by the State Insurance Fund. Finally, Mr. Hodgson noted that he visited the Stillwater office with Kim Scott & Megan Cole.

## **BOARD MEMBER QUESTIONS AND COMMENTS**

Chairman Finkle announced the following committee assignments:

Governance	Rosenthal (Chair), DeWitt, Hayes
Finance	DeWitt (Chair), Hayes, Rosenthal
Audit	Hayes (Chair), Rosenthal, DeWitt

## **RESOLUTION SCHEDULING DATE, TIME AND LOCATION OF THE REGULAR MEETING FOR APRIL 9, 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, April 9, 2019 at the Black River Area Office, Dulles State Office Building 317 Washington Street, Watertown, New York 13601 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. DeWitt seconded. The meeting adjourned at 10:46 A.M.

## **RESOLUTIONS**

### **19-07-03 RESOLUTION TO ACKNOWLEDGE THE STATE'S ADOPTION OF UPDATED PROCEDURES FOR IMPLEMENTING REASONABLE ACCOMMODATION FOR APPLICANTS AND EMPLOYEES WITH DISABILITIES AND PREGNANCY RELATED CONDITIONS IN NEW YORK STATE AGENCIES**

Chairman Finkle asked for a motion to approve the Resolution adopting said reasonable Accommodations Policy. Mr. DeWitt so moved and Mr. Rosenthal seconded. The Board approved the motion by unanimous vote.

**19-08-03      RESOLUTION TO UPGRADE DISTRICT'S NETWORK SERVER ENVIRONMENT**

Chairman Finkle asked for a motion to approve the Resolution to replace the Regulating District's server environment through new hardware and professional services to be supplied by Tag Solutions LLC, for a not to exceed amount of \$21,330.99. Mr. DeWitt so moved and Mr. Rosenthal seconded. The Board approved the motion by unanimous vote.

**19-09-03      RESOLUTION TO CONDITIONALLY AWARD HAWKINSVILLE DAM GEOTECHNICAL INVESTIGATION WORK**

Chairman Finkle asked for a motion to approve the Resolution to conditionally award the work to Aztech Technologies, Inc., authorize the formation of a contract to complete the work, and to authorize the Interim Executive Director to execute an agreement in an amount not-to-exceed \$11,112.25. Mr. Rosenthal so moved and Mr. DeWitt seconded. The Board approved the motion by unanimous vote.

**19-10-03      RESOLUTION TO CONDITIONALLY AWARD OLD FORGE AND SIXTH LAKE DAM GEOTECHNICAL INVESTIGATION WORK**

Chairman Finkle asked for a motion to approve the Resolution to conditionally award the work to Aztech Technologies, Inc., authorize the formation of a contract to complete the work, and to authorize the Interim Executive Director to execute an agreement in an amount not-to-exceed \$46,383.50. Mr. Rosenthal so moved and Mr. DeWitt seconded. The Board approved the motion by unanimous vote.

**19-11-03      RESOLUTION SCHEDULING DATE, TIME AND LOCATION OF THE REGULAR MEETING FOR APRIL 9, 2019**

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