

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

Sacandaga Field Office Conference Room  
737 Bunker Hill Rd  
Mayfield, NY 12117

**Remote Conference-In Locations:**

Ocean Pearl Clubhouse	Longboat Harbour Office/Library
3920 Ocean Pearl	4454 Gulf of Mexico Drive
Atlantic Beach Blvd (A-1-A)	Longboat Key, FL 34228
North Hutchinson Island, FL 34949	

**March 10, 2020  
10:00 A.M.**

**CALL TO ORDER**

Chairman Mark M. Finkle called the meeting to order at 10:03 A.M.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**Present:** Board Chairman Mark M. Finkle; Board Members Albert J. Hayes and Richard Bird; Executive Director John C. Callaghan; General Counsel Robert P. Leslie; Chief Engineer Robert S. Foltan; Chief Fiscal Officer Timothy Maniccia; Area Administrator John Hodgson; and Compliance Officer Stephanie Ruzycky.

**Video Feed:** First Vice-Chair Jeffrey Rosenthal; Second Vice-Chair Kenneth DeWitt

**MOTION TO ADOPT OR REVISE THE MEETING AGENDA**

Chairman Finkle asked for a motion to adopt the agenda. Mr. Rosenthal made a motion to adopt the agenda. Mr. Bird seconded. The Board approved the motion by unanimous vote.

**PUBLIC COMMENT**

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

**APPROVAL OF THE JANUARY 14, 2020 REGULAR BOARD AND ANNUAL ORGANIZATIONAL MEETING MINUTES**

Chairman Finkle asked for a motion to adopt the January 14, 2020 regular board and annual organizational meeting minutes. Mr. Hayes advanced the motion to approve the regular meeting and annual organizational minutes. Mr. DeWitt seconded and the Board approved the motion by unanimous vote.

## **REPORT OF THE EXECUTIVE DIRECTOR**

Mr. Callaghan reported to the Board the steps taken to deal with the COVID-19 Coronavirus outbreak including working with the Governor's office and state health officials to pass along guidance to staff. He also thanked staff for their effort hosting the inaugural Sacandaga Field Office open house on January 25<sup>th</sup>. With 80-100 people attending, Mr. Callaghan and the HRBRRD's partners, the Safe Lake Initiative, declared the event a success. Noting an interest in holding a summer season open house, Mr. Callaghan solicited and received the Board's support and approval to undertake that affair. Mr. Callaghan highlighted the Regulating District's receipt of its first credit card payment for an access permit fee; declaring that too to be a success. Mr. Callaghan also provided an update on IT issues, including recovery from the recent cryptolocker virus attack and temporary loss of access to files related to the migration to a new MSP. Mr. Callaghan also detailed changes to the agreement with the new MSP, and highlighted ongoing efforts to transition the website and email address to the State's "ny.gov" format.

## **CONTRACTS/ACTIONS**

### **RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO SUBMIT A PROPOSAL TO THE GREAT SACANDAGA LAKE ADVISORY COUNCIL FOR PUBLICATION OF NEW RECREATIONAL CHARTS**

Mr. Callaghan presented a resolution to the Board authorizing the submission of a proposal to the Great Sacandaga Lake Advisory Council ("GSLAC") through which the Regulating District would offer 'in-kind' support for the advisory council's publication of new GSL navigational charts. Noting the GSL enhancement fund provided to the GSLAC by Erie Boulevard Hydropower L.P. through the Offer of Settlement, Mr. Callaghan explained that pursuant to the conditions set forth in the agreement the funds may be used, but are not limited to, projects, studies or services, designated by majority vote of the GSLAC, for any of the following purposes: ecosystem restoration or protection, fish stocking, natural resource stewardship and new recreation resources.

Mr. Callaghan recommended that the Board authorize the HRBRRD to submit to the GSLAC a formal proposal to explore – and if deemed feasible, pursue – publication and distribution of updated navigation charts for the Great Sacandaga Lake at the sole expense of the GSL Enhancement Fund, with, if necessary, in-kind support from HRBRRD staff.

Mr. Rosenthal moved to adopt the resolution authorizing the executive director to submit the proposal to the GSLAC. Mr. DeWitt seconded and the Board adopted the resolution by unanimous vote.

### **RESOLUTION TO APPROVE FIFTH AMENDMENT TO CONTRACT C012012 WITH KLEINSCHMIDT ASSOCIATES, PA, PC**

Mr. Foltan presented a resolution to the Board to authorize a fifth amendment to contract C012012 to revise Kleinschmidt's scope of work with respect to the project at Hawkinsville. Mr. Foltan noted that the Board approved resolution 13-07-04 authorizing contract C012012 with Kleinschmidt Associates, PA, PC for the completion of the remediation/removal final study and

design work at Hawkinsville dam for a total not to exceed amount of \$90,980.00; later authorizing amendments: increasing the not to exceed amount to \$97,750.00 for Phase 1, Tasks 1-7; then to \$167,250 to complete Phase 2 Final Design & Construction Monitoring work; then to \$186,764.00 to complete Task 3 amending the scope of work to cover NYSDEC desired outlet changes, eliminating the need to complete a wetland mitigation plan which would have been required were the project constructed as originally designed, and redesigning the earthen berm to avoid wetland impacts; and then extending the contract term to December 31, 2021. Mr. Foltan explained that Kleinschmidt has completed a re-design of the earthen berm as part of the amended scope of service addressed in amendment #3 including incorporation of additional design changes to address additional issues raised by the USACE, but that the USACE has requested further additional design changes which require a second preparation and submission of applications to DEC and the USACE. Mr. Foltan recommended that the Board authorize the executive director to execute this fifth amendment to contract C012012 in the amount of \$29,800.00, increasing the total not to exceed amount to \$216,564.00.

Mr. Bird asked whether this additional cost is recognized in the budget. Mr. Foltan noted that it was, but that staff will also explore broader funding options with the Environmental Facilities Corp (“EFC”) and others.

Mr. Bird moved to adopt the resolution authorizing the executive director to execute a fifth amendment to contract C012012 accepting Kleinschmidt’s proposed amendment #5: Revised Scope of Services proposal and authorizing the executive director to increase the contract price by \$29,800 to a total contract price of \$216,564. Mr. Hayes seconded and the Board adopted the resolution by unanimous vote.

**RESOLUTION TO AWARD THE WORK TO PERFORM STILLWATER DAM EIGHTH PART 12D INDEPENDENT CONSULTANT SAFETY INSPECTION – CONTRACT No. C012020 TO HENNINGSON, DURHAM & RICHARDSON ARCHITECTURE AND ENGINEERING, P.C., INC.**

Mr. Foltan presented a resolution to authorize the executive director to execute contract C012020 accepting the Henningson, Durham & Richardson Architecture and Engineering, P.C., Inc. (HDR) proposal to complete the eighth Part 12D independent consultant safety inspection and report. Mr. Foltan explained that the Federal Energy Regulatory Commission (FERC) requires an independent consultant safety inspection of Stillwater dam and the completion of an independent consultant safety inspection report be completed every five years. He noted the eighth Stillwater dam Part 12D independent consultant safety inspection report must be submitted to FERC by February 2021 and explained that he and Mike Mosher selected the three (3) most highly qualified firms from the annual statement of qualifications received for consideration to perform the Stillwater dam eighth Part 12D independent consultant safety inspection work. After careful evaluation of the three (3) qualifications pursuant to the Regulating District’s annual statement of qualifications – project based evaluation procedures, they determined that HDR is the most qualified firm to perform the Stillwater dam eighth Part 12D independent consultant inspection work and report. Mr. Foltan recommended the Board award the work to HDR noting that HDR’s scope of services includes a site visit, inspection, data and document review, and development of a Part 12D inspection report for a not to exceed fee of \$36,700.

Mr. Rosenthal moved to adopt the resolution authorizing the executive director to execute contract C012020 accepting HDR's proposal for a not to exceed price of \$36,700 to perform the Stillwater dam eighth Part 12D independent consultant safety inspection work. Mr. DeWitt seconded and the Board adopted the resolution by unanimous vote.

## **STAFF REPORTS**

Mr. Leslie presented his report. He reported upon his continued work with representatives from the Executive Chamber, DEC, the APA, and the Lake George Park Commission to review and work toward the advancement of revisions to the LGPC's stormwater management regulations. Mr. Leslie noted that while he matched each active Board policy with its enacting resolution and that he solicited recommendations to the Board from staff to revise such policies as warranted, staff were unable to access such policies due to the network setbacks. With the various network drives again available, Mr. Leslie indicated an intent to re-solicit input. Mr. Leslie also presented a resolution to the Board adopting several minor updates to the Bylaws. He suggested that, pursuant to the Board's policy on policy adoption, the Board table consideration of the resolution for discussion at the next meeting with action to be scheduled for May.

Ms. Ruzycky presented her report to the Board. Ms. Ruzycky noted that she is accepting applications for the New New York Leaders Student Intern Program through April 24<sup>th</sup>. Staff recommend the Board hire three interns again this summer. Ms. Ruzycky reported completion of the quarterly internal control compliance audits.

Mr. Maniccia presented his report to the Board. He noted that at the close of fiscal February 29, 2020, the general fund balances for the HRA and BRA were approximately \$2,920,436 and \$2,209,180 respectively; a 3% increase year over year. He noted that District's transactional processing and reporting are current.

Mr. Maniccia noted that based on the eight months of activity recorded in the current fiscal year, the District is projected to end 2019-20 with a deficit approaching \$500,000. This does not include end-of-year entries for Depreciation and Other Post-Employment Benefits costs, which the District does not currently fund. When those entries are made in accordance with Generally Accepted Accounting Principles, the current fiscal year deficit may approach \$2 million. Mr. Maniccia indicated that higher than budgeted expenses for employee compensation and certain revenue estimates that did not materialize are the primary drivers of this projected deficit.

Mr. Maniccia presented an affidavit evidencing \$231.00 in necessary and reasonable Board expenses incurred by Richard Bird in the course of his duties as a Board member. Chairman Finkle asked for a Motion to approve payment of such expenses. Mr. Hayes so moved. Mr. DeWitt seconded and the Board passed the Motion by unanimous vote.

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 4,170 cubic feet per second (cfs). Precipitation during the month of February was normal across the Great Sacandaga Lake watershed and above normal in the Indian Lake watershed. The monthly inflow to Great Sacandaga Lake and Indian Lake reservoir was

approximately 78% and 59% of historic average, respectively. Monthly release of water from Great Sacandaga Lake and Indian Lake measured 153% and 70% of historic average, respectively.

The February average daily release from Stillwater Reservoir was approximately 700 cfs. Monthly total precipitation measured 67%, 86, and 90% 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 below average at Stillwater, Old Forge and Sixth Lake. The monthly inflow to Stillwater Reservoir was approximately 62% of historic average. The inflow to Sixth Lake and Old Forge Reservoir totaled 0.07 and 0.21 billion cubic feet, respectively, in February. Release of water from Stillwater Reservoir averaged 126% of historic discharge.

Mr. Hodgson presented the Administrator's report. Mr. Hodgson reported on staff's investigation of a ground disturbance and encroachment upon state lands adjoining Great Sacandaga Lake in the Town of Broadalbin, Fulton County. Mr. Hodgson noted that staff have taken measurements and pictures, found survey monuments, and have been in contact with the DEC, APA, ACOE, the Town of Broadalbin Office of Code Enforcement and OPRHP's SHPO regarding: fill, structures drive/road ways; and potentially a septic system and leach field upon the state lands.

#### **RESOLUTION SCHEDULING DATE AND TIME OF THE REGULAR MEETING FOR APRIL 14, 2020**

Chairman Finkle asked for a motion to adopt a resolution setting the date, place and time for the next meeting of the Board of the Hudson River-Black River Regulating District for Tuesday, April 14, 2020 Inlet Town Hall, 160 Rt. 28, Inlet, NY 13360. The meeting will be scheduled for 10:00 A.M.

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

Mr. Callaghan applauded Mr. Hodgson's leadership and Thomas Baker and Mike Chase for their efforts to secure, install, and program the audio/visual equipment used during today's meeting.

#### **ADJOURNMENT**

Chairman Finkle called for a motion to adjourn the meeting. Mr. Bird advanced the motion. Mr. DeWitt seconded. The meeting adjourned at 10:45 A.M.

#### **RESOLUTIONS**

**20-04-03      RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO  
SUBMIT A PROPOSAL TO THE GREAT SACANDAGA LAKE  
ADVISORY COUNCIL FOR PUBLICATION OF NEW RECREATIONAL  
CHARTS**

Mr. Rosenthal moved to adopt the resolution authorizing the executive director to submit the proposal to the GSLAC. Mr. DeWitt seconded and the Board adopted the resolution by unanimous vote.

**20-05-03      RESOLUTION TO APPROVE FIFTH AMENDMENT TO CONTRACT C012012 WITH KLEINSCHMIDT ASSOCIATES, PA, PC**

Mr. Bird moved to adopt the resolution authorizing the executive director to execute a fifth amendment to contract C012012 accepting Kleinschmidt's proposed amendment #5: Revised Scope of Services proposal and authorizing the executive director to increase the contract price by \$29,800 to a total contract price of \$216,564. Mr. Hayes seconded and the Board adopted the resolution by unanimous vote.

**20-06-03      RESOLUTION TO AWARD THE WORK TO PERFORM STILLWATER DAM EIGHTH PART 12D INDEPENDENT CONSULTANT SAFETY INSPECTION – CONTRACT No. C012020 TO HENNINGSON, DURHAM & RICHARDSON ARCHITECTURE AND ENGINEERING, P.C., INC.**

Mr. Rosenthal moved to adopt the resolution authorizing the executive director to execute contract C012020 accepting HDR's proposal for a not to exceed price of \$36,700 to perform the Stillwater dam eighth Part 12D independent consultant safety inspection work. Mr. DeWitt seconded and the Board adopted the resolution by unanimous vote.

**20-07-03      RESOLUTION SCHEDULING DATE AND TIME OF THE REGULAR MEETING FOR APRIL 14, 2020**

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

Robert P. Leslie  
Secretary

Mark M. Finkle  
Board Chairman