

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

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

June 9, 2020

Immediately following the Finance Committee Meeting

CALL TO ORDER

Chairman Mark M. Finkle called the meeting to order at 10:17 A.M.

ROLL CALL

Video Feed: Board Chairman Mark M. Finkle; First Vice-Chair Jeffrey Rosenthal; Second Vice-Chair Kenneth DeWitt; 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.

MOTION TO ADOPT OR REVISE THE MEETING AGENDA

Chairman Finkle asked for a motion to revise the agenda. Mr. Finkle noted that staff circulated a revised agenda yesterday allowing the Board to consider a resolution to engage bond counsel in a new contract. He explained that the eighth item on the revised agenda, consideration of a resolution to authorize payment for the Regulating District's general liability insurance coverage, will be addressed at a special meeting later this month. Mr. Finkle also added a Resolution to honor Superintendent Doug Criss upon his retirement as item number nine. Mr. Bird made a motion to adopt the revised agenda. Mr. DeWitt seconded. The Board approved the motion by unanimous vote.

PUBLIC COMMENT

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

APPROVAL OF THE MAY 12, 2020 REGULAR BOARD MEETING MINUTES

Chairman Finkle asked for a motion to adopt the May 12, 2020 regular board meeting minutes. Mr. DeWitt 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. Callaghan presented his report to the Board. Mr. Callaghan thanked staff for the development and implementation of the Regulating District's reopening plan. He noted that the Regulating District's offices will reopen in phases; specifically noting that the Sacandaga Field

Office will reopen for visitation on June 15th with the implementation of a myriad of additional precautions. Mr. Callaghan noted the success of the messaging on boater safety through the Safe Lake Initiative event conducted on May 19th with a multi-agency open water, under-water, recovery exercise two days later. Staff continue to work with IMC on the on-line permit transaction capability project.

COMMITTEE/STAFF REPORTS

FINANCE COMMITTEE REPORT

RESOLUTION TO APPROVE THE ANNUAL ASSESSMENT FOR THE OPERATION AND MAINTENANCE OF STORAGE RESERVOIRS IN THE BLACK RIVER AREA FOR THE THIRD YEAR (JULY 1, 2020 - JUNE 30, 2021) OF THE THREE YEAR BUDGET PERIOD BEGINNING JULY 1, 2018

Mr. DeWitt presented the committee's report on the annual assessment for the operation and maintenance of storage reservoirs in the Black River area for the period July 1, 2020 through June 30, 2021 pursuant to Environmental Conservation Law, Title 21, Article 15, Sections 15-2123 and 15-2125, and requested that the Board approve a Resolution setting the annual assessment accordingly.

Mr. Rosenthal made a motion to adopt the July 1, 2020 through June 30, 2021 Black River area assessment. Mr. Hayes seconded and the Board approved the motion by unanimous vote.

RESOLUTION TO APPROVE THE STATE SHARE FOR THE OPERATION AND MAINTENANCE OF STORAGE RESERVOIRS IN THE BLACK RIVER AREA FOR THE THIRD YEAR (JULY 1, 2020 - JUNE 30, 2021) OF THE THREE YEAR BUDGET PERIOD BEGINNING JULY 1, 2018

Mr. DeWitt presented the committee's report on a Resolution setting the state share for the operation and maintenance of storage reservoirs in the Black River area for the period of July 1, 2020 – June 30, 2021 pursuant to Environmental Conservation Law, Title 21, Article 15, Sections 15-2123 and 15-2125, and requested that the Board approve the Resolution setting the Black River area state share accordingly.

Mr. Rosenthal made a motion to adopt the Resolution setting the Black River area state share for the third year (July 1, 2020 - June 30, 2021) of the three year budget period (July 1, 2018 - June 30, 2021) in the amount of \$250,000.00. Mr. Bird seconded and the Board approved the motion by unanimous vote.

RESOLUTION TO APPROVE THE ANNUAL ASSESSMENT FOR THE OPERATION AND MAINTENANCE OF STORAGE RESERVOIRS IN THE HUDSON RIVER AREA FOR THE THIRD YEAR (JULY 1, 2020 - JUNE 30, 2021) OF THE THREE YEAR BUDGET PERIOD BEGINNING JULY 1, 2018

Mr. DeWitt presented the committee's report on the annual assessment for the operation and maintenance of storage reservoirs in the Hudson River area for the period July 1, 2020 through June 30, 2021 pursuant to Environmental Conservation Law, Title 21, Article 15, Sections 15-2123 and 15-2125, and requested that the Board approve the Resolution setting the annual assessment accordingly.

Mr. Rosenthal made a motion to advance to adopt the July 1, 2020 through June 30, 2021 Hudson River area assessment. Mr. Hayes seconded and the Board approved the motion by unanimous vote.

RESOLUTION TO APPROVE THE STATE SHARE FOR THE OPERATION AND MAINTENANCE OF STORAGE RESERVOIRS IN THE HUDSON RIVER AREA FOR THE THIRD YEAR (JULY 1, 2020 - JUNE 30, 2021) OF THE THREE YEAR BUDGET PERIOD BEGINNING JULY 1, 2018

Mr. DeWitt presented the committee's report on the Resolution setting the state share for the operation and maintenance of storage reservoirs in the Hudson River area for the period of July 1, 2020 – June 30, 2021 pursuant to Environmental Conservation Law, Title 21, Article 15, Sections 15-2123 and 15-2125, and requested that the Board approve a Resolution setting the Hudson River area state share accordingly.

Mr. Rosenthal made a motion to adopt the Resolution setting the Hudson River Area state share for the third year (July 1, 2020 - June 30, 2021) of the three year budget period (July 1, 2018 - June 30, 2021) in the amount of \$827,292.00. Mr. Bird seconded and the Board approved the motion by unanimous vote.

RESOLUTION APPROVING BPAS TO PERFORM GASB 75 VALUATION FOR FISCAL YEAR ENDING JUNE 30, 2020

Mr. DeWitt presented the committee's report on the Resolution authorizing the Executive Director to enter into an agreement with BPAS Actuarial and Pension Services, LLC ("BPAS") to calculate the valuation of the Regulating District's post-retirement healthcare benefit pursuant to GASB statement 75. Mr. DeWitt explained that the Regulating District is required to conform with all applicable Governmental Accounting Standards Board (GASB) statements; including GASB statement 75 which requires that, as of June 15, 2017, an actuarial valuation or a calculation using the specified alternative measurement method of the total OPEB liability to be performed at least every two years. He noted that the District's last valuation was performed for fiscal year June 30, 2017 by BPAS and that BPAS has performed all of the District's valuations in an efficient and cost-effective manner. BPAS proposes to utilize the annual alternative measurement method for fiscal year ending June 30, 2020 for \$6,000 and complete an interim valuation for fiscal year 2021 for \$2,000.

Mr. Bird made a motion to adopt the Resolution approving BPAS to perform the GASB 75 valuations. Mr. Rosenthal seconded and the Board approved the motion by unanimous vote.

RESOLUTION TO CONTRACT WITH BRYANT RABBINO, LLP TO PROVIDE BOND COUNSEL SERVICES IN CONNECTION WITH THE ISSUANCE OF SERIAL BONDS

Mr. DeWitt presented the committee's report on the resolution authorizing the Executive Director to enter into an agreement with Bryant Rabbino, LLP to provide bond counsel services in connection with the completion of capital projects at Conklingville. He noted that the Board authorized the initial Bryant Rabbino, LLP engagement pursuant to resolution 13-40-11 to provide certified Bond Counsel Services pursuant to the Board's desire to issue serial bonds for the completion of capital projects and the settlement of refunds. The Board then extended the agreement to August 2015, August 2016, August 2017 and then again to August 4, 2018. In April 2020, the Board authorized a further extension to December 2020, but the Attorney General's Office, which exercises review authority over contracts involving the engagement of outside counsel, rejected further extension of an expired contract. Mr. Dewitt recommended that the Board authorize the execution of a new contract. Mr. DeWitt noted that the action utilizes discretionary authority provided by section V of the District's procurement policy allowing non-competitive procurement methods for purchase of services less than \$15,000 and from MWBE sources. He also noted that this agreement is exempt, given the not to exceed amount, from requirements that all state agencies, authorities, state universities and public benefit corporations advertise bid opportunities valued at \$50,000 or more in the New York State Contract Reporter.

Mr. DeWitt called for a motion to authorize a new agreement with Bryant Rabbino, LLP through December 31, 2020 in an amount not to exceed \$10,023, which amount represents the amount unspent under contract C042013 as of the time that contract expired. Mr. Hayes so moved. Mr. Rosenthal seconded and the Board adopted the Resolution by unanimous vote.

STAFF REPORTS

Mr. Leslie presented his report. He reported that due to Coronavirus concerns, the Joint Commission on Public Ethics (JCOPE) has extended the filing deadline for Financial Disclosure Statements to Monday, August 17th. Mr. Leslie noted that he addressed issues pertaining to the conduct of the June meeting on-line and that the July meeting will also, likely, be conducted online. Counsel reported that the archived Board meeting videos have been downloaded from Granicus and that Gina Bulman and Megan Cole have converted and posted these past board meeting videos to the Regulating District's website.

Ms. Ruzycky presented her report to the Board. Ms. Ruzycky described her role developing and implementing the HRBRRD's COVID-19 re-opening plan. She also noted the HRBRRD's continued readiness to support the Department of Labor's extraordinary efforts on COVID-19 related Unemployment Insurance issues and planned participation in 'Daylight Hour' - when lights will be turned off from 12-1 pm on Friday, June 19th.

Mr. Maniccia presented his report to the Board. He noted that at the close of fiscal May 31, 2020, the general fund balances for the HRA and BRA were approximately \$3,783,946 and \$2,232,429 respectively; a .2% decrease year over year. He noted that District's transactional processing and reporting are current. Mr. Maniccia stressed that the Regulating District cannot

make the necessary investments in its infrastructure and keep the annual assessment increase paid by beneficiaries at two percent without a new revenue source or a dramatic reduction in a big expense area like real property taxes. Mr. Maniccia also touched on reasoning behind the removal of the resolution authorizing staff to secure general liability insurance and the plan to address that item at a special meeting for later this month, to be scheduled later in this meeting. A combination of the Regulating District's long-time provider no longer insuring water-retaining infrastructure, COVID-19, and the recent dam failure in Michigan had combined to make this process much more complicated than in recent years. Mr. Maniccia explained that the current coverage expires June 30, 2020 and that the Regulating District has been working with Cool Insuring to secure replacement coverage. Mr. Maniccia believes we are close, but did not want to bring something to the Board for its review prior to staff and Cool Insuring fully vetting the proposal.

Mr. Foltan presented the Chief Engineer's report to the Board. Mr. Foltan noted that the May average daily release from the Sacandaga Reservoir (Great Sacandaga Lake) was approximately 1,740 cubic feet per second (cfs). Precipitation during the month of May was below normal across the Great Sacandaga Lake watershed and the Indian Lake watershed. The monthly inflow to Great Sacandaga Lake and Indian Lake reservoir was approximately 63% and 56% of historic average, respectively. Monthly release of water from Great Sacandaga Lake and Indian Lake measured 71% and 60% of historic average, respectively.

The May average daily release from Stillwater Reservoir was approximately 70 cfs. Monthly total precipitation measured 51%, 33%, and 40% of historic average at Stillwater, Old Forge, and Sixth Lake, respectively, as of May 25th. Precipitation in the month of May was below average at Stillwater, Old Forge and Sixth Lake. The monthly inflow to Stillwater Reservoir was approximately 41% of historic average. The inflow to Sixth Lake and Old Forge Reservoir totaled 0.03 and 0.12 billion cubic feet, respectively, in May. Release of water from Stillwater Reservoir averaged 14% of historic discharge.

Mr. Hodgson presented the Administrator's report. He was very happy to report that, as of June 1st, in compliance with the reopening plan, an Administrative Assistant and a Field Assistant have returned from remote to on-site status at the Sacandaga Field Office. Nonetheless, Mr. Hodgson reported that he continues to man SFO answering the phone, doing daily weather reports, handling work permits and investigating encroachments. Mr. Hodgson expanded upon Mr. Callaghan's report noting that he, the Executive Director and the Field Office staff have hosted and participated in several safe boating initiatives with local officials and law enforcement; including the under-water recovery exercise. Mr. Hodgson reported a great turn-out and marveled at the efficiency and professionalism displayed as local law enforcement and first responders worked together. Mr. Hodgson reported that staff met with DEC on a site visit in North Broadalbin after which DEC compelled the Respondent, DelSignore, to plant ten trees, dismantle a sprinkler system, and relocate septic, drainage and a swale encroaching upon State lands. DEC will also impose a fine. Mr. Hodgson noted that staff have been out on Great Sacandaga Lake removing debris, much of which fell during the October 2019 storm. In closing, Mr. Hodgson indicated he was sorry to announce the retirement of Doug Criss; explaining that he and Doug have worked side-by-side for seventeen years.

RESOLUTION OF THE HUDSON RIVER – BLACK RIVER REGULATING DISTRICT HONORING DOUGLASS CRISS, BLACK RIVER AREA SUPERINTENDENT

Mr. DeWitt moved to adopt the resolution congratulating Doug Criss on his retirement from the Regulating District. Mr. Bird seconded and the Board adopted the resolution by unanimous vote.

RESOLUTION SCHEDULING DATE, PLACE AND TIME OF A SPECIAL MEETING ON JULY 23, 2020 TO ALLOW CONSIDERATION OF A RESOLUTION TO APPROVE INSURANCE POLICY PROPOSAL FOR POLICY YEAR JULY 1, 2020 THROUGH JUNE 30, 2021

Chairman Finkle asked for a motion setting the date, time and place for a special meeting of the Board of the Hudson River-Black River Regulating District for Tuesday, June 23, 2020 at the Regulating District’s Sacandaga Field Office, 737 Bunker Hill Road, Mayfield, NY 12117. The meeting will be scheduled for 10:00 A.M.

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

RESOLUTION SCHEDULING DATE, PLACE AND TIME OF THE REGULAR MEETING FOR JULY 7, 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, July 07, 2020 at the Regulating District’s Sacandaga Field Office, 737 Bunker Hill Road, Mayfield, NY 12117. The meeting will be scheduled for 10:00 A.M.

Mr. DeWitt moved to adopt the resolution setting the date, place and time 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. Bird advanced the motion. Mr. Rosenthal seconded. The meeting adjourned at 10:43 A.M.

RESOLUTIONS

20-21-06 RESOLUTION TO APPROVE THE ANNUAL ASSESSMENT FOR THE OPERATION AND MAINTENANCE OF STORAGE RESERVOIRS IN THE BLACK RIVER AREA FOR THE THIRD YEAR (JULY 1, 2020 - JUNE 30, 2021) OF THE THREE YEAR BUDGET PERIOD BEGINNING JULY 1, 2018

Mr. Rosenthal made a motion to adopt the July 1, 2020 through June 30, 2021 Black River area assessment. Mr. Hayes seconded and the Board approved the motion by unanimous vote.

20-22-06 RESOLUTION TO APPROVE THE STATE SHARE FOR THE OPERATION AND MAINTENANCE OF STORAGE RESERVOIRS IN THE BLACK RIVER AREA FOR THE THIRD YEAR (JULY 1, 2020 - JUNE 30, 2021) OF THE THREE YEAR BUDGET PERIOD BEGINNING JULY 1, 2018

Mr. Rosenthal made a motion to adopt the Resolution setting the Black River area state share for the third year (July 1, 2020 - June 30, 2021) of the three year budget period (July 1, 2018 - June 30, 2021) in the amount of \$250,000.00. Mr. Bird seconded and the Board approved the motion by unanimous vote.

20-23-06 RESOLUTION TO APPROVE THE ANNUAL ASSESSMENT FOR THE OPERATION AND MAINTENANCE OF STORAGE RESERVOIRS IN THE HUDSON RIVER AREA FOR THE THIRD YEAR (JULY 1, 2020 - JUNE 30, 2021) OF THE THREE YEAR BUDGET PERIOD BEGINNING JULY 1, 2018

Mr. Rosenthal made a motion to advance to adopt the July 1, 2020 through June 30, 2021 Hudson River area assessment. Mr. Hayes seconded and the Board approved the motion by unanimous vote.

20-24-06 RESOLUTION TO APPROVE THE STATE SHARE FOR THE OPERATION AND MAINTENANCE OF STORAGE RESERVOIRS IN THE HUDSON RIVER AREA FOR THE THIRD YEAR (JULY 1, 2020 - JUNE 30, 2021) OF THE THREE YEAR BUDGET PERIOD BEGINNING JULY 1, 2018

Mr. Rosenthal made a motion to adopt the Resolution setting the Hudson River Area state share for the third year (July 1, 2020 - June 30, 2021) of the three year budget period (July 1, 2018 - June 30, 2021) in the amount of \$827,292.00. Mr. Bird seconded and the Board approved the motion by unanimous vote.

20-25-06 RESOLUTION APPROVING BPAS TO PERFORM GASB 75 VALUATION FOR FISCAL YEAR ENDING JUNE 30, 2020

Mr. Bird made a motion to adopt the Resolution approving BPAS to perform the GASB 75 valuations. Mr. Rosenthal seconded and the Board approved the motion by unanimous vote.

20-26-06 RESOLUTION TO CONTRACT WITH BRYANT RABBINO, LLP TO PROVIDE BOND COUNSEL SERVICES IN CONNECTION WITH THE ISSUANCE OF SERIAL BONDS

Chairman Finkle called for a motion to authorize a new agreement with Bryant Rabbino, LLP through December 31, 2020 in an amount not to exceed \$10,023,

which amount represents the amount unspent under contract C042013 as of the time that contract expired. Mr. DeWitt so moved. Mr. Rosenthal seconded and the Board adopted the Resolution by unanimous vote.

20-27-06 RESOLUTION OF THE HUDSON RIVER – BLACK RIVER REGULATING DISTRICT HONORING DOUGLASS CRISS, BLACK RIVER AREA SUPERINTENDENT

Mr. DeWitt moved to adopt the resolution congratulating Doug Criss on his retirement from the Regulating District. Mr. Bird seconded and the Board adopted the resolution by unanimous vote.

20-28-06 RESOLUTION SCHEDULING DATE, PLACE AND TIME OF A SPECIAL MEETING ON JULY 23, 2020 TO ALLOW CONSIDERATION OF A RESOLUTION TO APPROVE INSURANCE POLICY PROPOSAL FOR POLICY YEAR JULY 1, 2020 THROUGH JUNE 30, 2021

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

20-29-06 RESOLUTION SCHEDULING DATE, PLACE AND TIME OF THE REGULAR MEETING FOR JULY 07, 2020

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

Robert P. Leslie
Secretary

Mark M. Finkle
Board Chairman