

**HUDSON RIVER-BLACK RIVER REGULATING DISTRICT
FINANCE COMMITTEE MEETING MINUTES**

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

July 7, 2020

Committee Chair Kenneth DeWitt called the meeting to order at 10:00 A.M.

PLEDGE OF ALLIEGENCE

ROLL CALL

Present: Committee Chair Kenneth DeWitt; Committee Member Albert J. Hayes; and Board Chairman as Ex Officio Committee Member Mark M. Finkle; Executive Director John C. Callaghan.

Video Feed: Committee Members Jeffrey Rosenthal & Richard Bird; 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 COMMITTEE MEETING AGENDA

Mr. DeWitt asked for a motion to adopt the meeting agenda. Mr. Hayes so moved. Mr. Rosenthal seconded. The Board approved the motion by unanimous vote.

APPROVAL OF THE JUNE 9, 2020 FINANCE COMMITTEE MEETING MINUTES

Mr. DeWitt asked for a motion to approve the June 9, 2020 Finance Committee meeting minutes. Mr. Rosenthal moved to approve the Minutes of the Committee's June 9, 2020 meeting. Mr. Bird seconded. The Committee approved the motion by unanimous vote.

COMMITTEE BUSINESS

RESOLUTION AUTHORIZING THE PUBLICATION OF NOTICE THAT THE DISTRICT IS CONSIDERING A CHANGE IN PERMIT FEES

Mr. Callaghan presented a proposed schedule of fees and a resolution to authorize staff to publish notice that the Board intends to consider the proposed permit fee schedule at the Board's September 9, 2020 meeting. Mr. Callaghan thanked Mr.'s Rosenthal and DeWitt; the Sacandaga Protection Committee; the Great Sacandaga Lake Association; the Town of Day Property Owner's Association; Edinburg Marina; and the several elected officials, residents, and stakeholders who helped move the process forward and endeavored to identify and incorporate, to the extent possible, any relevant feedback. He noted that, pursuant to 6 NYCRR §606.68, the Board is required to publish such notice in each officially designated newspaper, once a week for three consecutive weeks. Further Mr. Callaghan noted that no action setting or amending such changes in charges and fees shall occur for a period of 30 days following the last publication of

such notice. Mr. Callaghan explained that staff intend to utilize the HRBRRD.ny.gov website and social media to ensure transparency and openness throughout the process. The published notices will indicate that the Board intends to consider changes in fee(s) and charge(s) at the Regular Meeting to be held on Wednesday, September 9, 2020 at Sacandaga Field Office, 737 Bunker Hill Road, Mayfield, NY 12117 at 10 AM and that the public is invited to submit written input on or before September 9, 2020 by emailing or mailing said comment to SACFO@hrbrrd.ny.gov or the Sacandaga Field Office at 737 Bunker Hill Road, Mayfield, NY 12117. Mr. Callaghan also recommended that the Board hear public comment on the proposed permit fee schedule revisions (attached) at said meeting.

Mr. Rosenthal made a motion to advance to the full Board & recommend adoption of the resolution authorizing publication of notice that the Board is considering a change in permit fees. Mr. Hayes seconded and the Committee approved the motion by unanimous vote.

RESOLUTION AUTHORIZING THE IMPOSITION OF ADMINISTRATIVE PENALTIES

Mr. DeWitt noted an intention for the Committee to table a proposed resolution authorizing the imposition of administrative penalties, but asked Mr. Callaghan to describe staff's proposal authorizing the imposition of administrative penalties for interfering with the operation of, or injuring, a Regulating District reservoir. Noting that the Board intends to consider an update to the access permit system fees at the Board's September meeting, Mr. Callaghan recommended that the Board also consider including within that fee update a daily and cumulative fine as authorized by the Environmental Conservation Law ("ECL"). He explained that ECL §15-2133(3) makes it unlawful for anyone to interfere in any way with the operation of, or injure, a regulating district reservoir and that the Board previously promulgated within the *Rules and Regulations Governing Use by Permit Holders of State-Owned Property at Great Sacandaga Lake* at 6 NYCRR §606.105(a) all persons will be held responsible for compliance with the foregoing rules and regulations, and any person causing or responsible for any trespass upon, or injury or damage to, lands acquired in the name of the people of the State of New York for the uses and purposes of the reservoir, will be held liable in respect thereto for penalties, damages and administrative fees as established by the board. Further he noted that the Board previously promulgated within the rules, at 6 NYCRR §606.105(b), that any person violating any of the foregoing rules and regulations shall, in addition to the other prescribed liabilities and penalties, be deemed to have interfered with the operation of, or caused injury to, a regulating reservoir, and be subject to the provisions of subdivision 3, section 15-2133, article 15 of the ECL. Mr. Callaghan explained that ECL §15-71-1123(2) provides that any person violating the provisions of subdivision 3 of section 15-2133 shall be guilty of a violation punishable by a fine of not more than one thousand dollars, and in addition thereto, shall be liable for a civil penalty of not more than fifteen hundred dollars. He recommended that the Board consider at the September meeting the imposition of a penalty of not more than \$100 per occurrence, with each additional day of non-compliance constituting such an occurrence, with such penalty to be added to the fee structure to be adopted by the Board.

As Committee Chair, Mr. DeWitt tabled the resolution authorizing the Executive Director to compute and assess penalties, damages, and administrative fees of not to exceed \$100 per

occurrence, with each additional day of non-compliance constituting such an occurrence, against permittees or others who are found to have violated Regulating District rules, with said penalty adopted into the access permit fee schedule for the Great Sacandaga Lake to be considered at the September 2020 Board meeting to be made effective January 1, 2021.

ADJOURNMENT

There being no further business to come before the Finance Committee, Mr. Hayes moved to adjourn the meeting. Mr. Bird seconded it. The motion was unanimously approved. The committee meeting adjourned at 10:14 A.M.

Respectfully submitted,

Robert P. Leslie
Secretary

Mark M. Finkle
Chairman

New Access Permit Fees

Current Proposed

§606.65(a)(1)	Basic Survey Fee is \$125 per line (Typically Two Lines) – 0’-100’ width	\$250.00	\$250.00
§606.65(c)	Clerical Fee	\$40.00	\$50.00
§606.65(c)	Sign Fee	\$10.00	\$15.00
§606.65(c)	Late Fee Clerical (for payments made between March 15 - April 15)	\$20.00	\$20.00
§606.65(c)	Late Fee Clerical (for payments made after April 15 th)	\$50.00	\$50.00
§606.65(c)	Name Change – Marriage, Death, Court Order, etc.(Clerical & Sign)	\$50.00	\$50.00
§606.65(e)	Work Permit	\$10.00	\$15.00
§606.65(a)(2)	Additional 100’ (or portion thereof) Access Area Width	\$30.00	\$35.00
§606.65(b)	Permittee Request for New Survey - \$125 per line for ‘Re-Stakeout’	\$125.00	\$125.00
	Event – Temporary Permits	\$25.00	*\$25.00

Renewal Access Permit Fees

Current Proposed

§606.69	Administrative Fee	-	*\$10.00
§606.69	Sign Fee	\$10.00	\$15.00
§606.69	Access Permit Area Width up to 10’	\$43.00	\$50.00
§606.69	10.1 – 50’	\$48.00	\$60.00
§606.69	50.1 – 100’	\$56.00	\$75.00
§606.69	100.1 – 200’	\$72.00	\$100.00
§606.69	200.1 – 300’	\$92.00	\$125.00
§606.69	300.1 – 400’	\$112.00	\$150.00
§606.69	400.1 – 500’ (\$25 per extra 100’)	\$132.00	\$175.00
§606.69	Additional 100’ (or portion thereof) Access Area Width	\$20.00	\$25.00

New & Renewal Commercial & Special/Association Fees

Current Proposed

	Minimum Fee (If less than four Boats)	\$150.00	\$175.00
	Association – Boat/Slip (Per slip)	\$26.00	\$30.00
§606.67(a)(1)	Marina - Boat/Slip (Per Slip)	\$41.00	\$45.00
	Gas Pump (Per Pump)	\$40.00	\$45.00
§606.67(a)(2)	Boat Launch	\$150.00	\$150.00
§606.65(c)	Public Recreation Area (Clerical Fee – Commercial)	\$75.00	\$75.00
	Sewage Pump-out	\$40.00	\$40.00

Penalties Damages & Administrative Fees

§606.105(a)	Penalty for non-compliance	-	\$100
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*Special Event Temporary Permits will remain \$25 but may also include actual Regulating District costs if applicable. Administrative Fee for renewals waived for online renewals.