

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

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

**July 7, 2020**

Immediately following the Finance Committee Meeting

**CALL TO ORDER**

Chairman Mark M. Finkle called the meeting to order at 10:16 A.M.

**ROLL CALL**

**Present:** Board Chairman Mark M. Finkle; Second Vice-Chair Kenneth DeWitt; Board Member Albert J. Hayes; Executive Director John C. Callaghan.

**Video Feed:** First Vice-Chair Jeffrey Rosenthal; Board Member 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 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. DeWitt seconded. The Board approved the motion by unanimous vote.

**PUBLIC COMMENT**

Chairman Finkle recognized NYS DEC Environmental Conservation Officers Shane Manns and Paul Pasciak, as well as Lt. Mathew Clemens, noting an intent to honor such officers later in the meeting. Chairman Finkle then opened the mic to public comment; hearing none.

**APPROVAL OF THE JUNE 9, 2020 REGULAR BOARD MEETING MINUTES AND THE JUNE 23, 2020 SPECIAL BOARD MEETING MINUTES**

Chairman Finkle asked for a motion to adopt the June 9, 2020 regular board meeting minutes and the June 23, 2020 special board meeting minutes. Mr. Rosenthal advanced the motion to approve the regular and special meeting minutes. Mr. DeWitt 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 noted that as of June 29, the Regulating District has entered Phase 3 of our reopening plan with all Regulating District staff returning to full work status, though many employees continue to telecommute and/or work

alternate schedules totaling 37.5 hours per week or 75 hours per pay period. He lauded the team for responding to the COVID-19 challenge at every turn with professionalism and dedication and commended staff for their collective efforts. Mr. Callaghan detailed how staff and stakeholder organizations worked closely to develop a proposal for a 2021 adjustment in access permit fees for Great Sacandaga Lake, culminating in a virtual “working group” meeting on Tuesday, June 23<sup>rd</sup>; a great example of cooperation and full transparency. He noted that he, Mr. Hodgson, Mr. Kiskis met with Mayfield Mayor Jaime Ward on 7/2/20 regarding the prospect of a recreational trail around Mayfield Lake.

## **CONTRACTS/ACTIONS**

### **RESOLUTION OF THE HUDSON RIVER – BLACK RIVER REGULATING DISTRICT HONORING ENVIRONMENTAL CONSERVATION OFFICERS SHANE MANNS & PAUL PASCIAK FOR HEROIC ACTIONS ON JUNE 6, 2020**

Chairman Finkle presented a resolution honoring Environmental Conservation Officers Shane Manns and Paul Pasciak for their heroic actions on June 6, 2020. He noted that the faithful service of dedicated Environmental Conservation Officers is critical to the health and safety of those recreating outdoors, in particular on New York State’s water bodies such as the Great Sacandaga Lake. Mr. Finkle explained that two such dedicated officers, Shane Manns and Paul Pasciak, routinely patrol the Great Sacandaga Lake. These gentlemen work closely with the Regulating District and its partners in law enforcement, both directly and through the Safe Lake Initiative, to foster a safer environment for those who work, live, and recreate on and around Great Sacandaga Lake, and other bodies of water within their jurisdiction. Mr. Finkle described an extraordinary wind event developed in the area of Great Sacandaga Lake on June 6<sup>th</sup> of this year, almost immediately resulting in extremely hazardous water conditions. He noted that Officers Manns and Pasciak were on patrol in the vicinity of the Broadalbin Boat Launch on such date and as boaters quickly returned to shore, Officers Manns and Pasciak positioned themselves in the water and on the dock to begin assisting vessels crowding the launch and surrounding shoreline. As one vessel approached the docking area it suddenly reversed causing a woman to fall overboard from the bow and into the water. Without hesitation, Officer Pasciak rendered assistance to safely pull the woman out of the water. Moments later, a personal watercraft attempted to dock in the hazardous conditions, with the operator also falling into the water and unable to safely get to the dock. Officers Manns and Pasciak both immediately rendered assistance and pulled the man from the water onto the dock. Mr. Finkle explained that the selfless dedication to the safety of others exhibited by Officers Manns and Pasciak throughout the chaotic conditions resulted in a positive outcome for a situation which may have otherwise proved tragic. He noted that through their heroic actions, Officers Manns and Pasciak exemplify the highest standards of public service and devotion to duty and recommended that the Board commend Environmental Conservation Officers Shane Manns and Paul Pasciak for their selfless and heroic actions on behalf of boaters in distress on June 6, 2020.

Chairman Finkle asked for a motion to adopt the Resolution expressing the Board’s sincere gratitude, on behalf of the Great Sacandaga Lake community for Environmental Conservation Officers Manns and Pasciak; as well as their colleagues, for their continued

vigilance and dedication to the safety of those on and around Great Sacandaga Lake. Mr. Rosenthal seconded and the Board approved the motion by unanimous vote.

## **COMMITTEE/STAFF REPORTS**

### **FINANCE COMMITTEE REPORT**

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

Mr. DeWitt presented the committee's report on a proposed schedule of fees and a resolution to authorize staff to publish notice that the Board intends to consider the revised schedule at the Board's September 9, 2020 meeting. He referred to Mr. Callaghan's presentation of the resolution through the Finance Committee wherein it was 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 he 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. The notice 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@hrbrd.ny.gov](mailto:SACFO@hrbrd.ny.gov) or the Sacandaga Field Office at 737 Bunker Hill Road, Mayfield, NY 12117. Mr. Leslie recommended that the Board hear public comment on the proposed notice. A representative from the Great Sacandaga Lake Association commented that the GSLA supports the resolution as it is presented and thanks the Executive Director and his staff for being so open and working with the GSLA on the fee proposal.

Committee Chairman DeWitt made a motion to adopt the resolution authorizing publication of notice that the Board is considering a change in permit fees. Chairman Finkle called for a vote and the Board approved the motion by unanimous vote.

#### **RESOLUTION AUTHORIZING THE IMPOSITION OF ADMINISTRATIVE PENALTIES**

Chairman Finkle confirmed with Committee Chair DeWitt that there were no other matters the Committee intended to bring before the Board; noting the Committee tabled the resolution authorizing the imposition of administrative penalties for further discussion in committee.

### **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 17<sup>th</sup>. Mr. Leslie noted that he addressed issues pertaining to the conduct of the July meeting on-line and that the September 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 noted her involvement administering the HRBRRD's COVID-19 re-opening plan. She also noted, as a reminder, that pursuant to Public Authority Law §2879 the Board must review and approve Procurement Contracts annually. The Contract Reports provided in the Board Meeting packet each month satisfies this requirement.

Mr. Maniccia presented his report to the Board. Therein he noted that at the close of fiscal June 30, 2020, the general fund balances for the HRA and BRA were approximately \$3,444,908 and \$2,178,085 respectively. He noted that District's transactional processing and reporting are current. Mr. Maniccia explained that based on the very preliminary estimate of twelve months of activity recorded in the current fiscal year, the District is running a deficit of approximately \$179,000 on a cash basis. This is approximately \$119,200 greater than the deficit for the same period last year and \$426,100 greater than the prior year. He noted that if the expenses for Depreciation and Amortization (\$245,044) as well as Other Postemployment Benefits (\$1,214,274) will be roughly the same in 2019-20 as they were in 2018-19, the Total Operating Loss for the District when its audited financial statements are completed in September could approach \$1.8 million. He noted that the District submitted its application for a second financing arrangement with the New York State Environmental Facilities Corporation in the amount of \$17.9 million. The money, if awarded, will be used to finance the second phase of rehabilitation work on the Conklingville Dam. Mr. Maniccia presented a number of slides explaining that the Regulating District cannot continue to deliver operationally on its essential mission nor make the necessary investments in its infrastructure without significant increases to assessments charges to beneficiaries, a new revenue source(s), or a dramatic reduction in a big expense area like real property taxes.

Mr. Foltan presented the Chief Engineer's report to the Board. Mr. Foltan noted that the June average daily release from the Sacandaga Reservoir (Great Sacandaga Lake) was approximately 1,230 cubic feet per second (cfs). Precipitation during the month of June 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 18% and 24% of historic average, respectively. Monthly release of water from Great Sacandaga Lake and Indian Lake measured 59% and 49% of historic average, respectively.

The June average daily release from Stillwater Reservoir was approximately 90 cfs. Monthly total precipitation measured 38%, 27%, and 46% of historic average at Stillwater, Old Forge, and Sixth Lake, respectively, as of June 21<sup>st</sup>. Precipitation in the month of June was below average at Stillwater, Old Forge and Sixth Lake. The monthly inflow to Stillwater Reservoir was approximately 35% of historic average. The inflow to Sixth Lake and Old Forge Reservoir totaled 0.01 and 0.04 billion cubic feet, respectively, in June. Release of water from Stillwater Reservoir averaged 20% of historic discharge.

Mr. Hodgson presented the Administrator's report. Mr. Hodgson noted that staff processed 64 work permit applications and 10 new permit applications, and conducted boat counts, surveys

and cleaned debris with the workboat during the reporting period. Staff identified 21 encroachments; taking steps to alert the permit holders. Mr. Hodgson noted collaboration between HRA and BRA staff to address repairs needed at Gate 2 of the Sixth Lake dam.

### **RESOLUTION SCHEDULING DATE, PLACE AND TIME OF THE REGULAR MEETING FOR SEPTEMBER 9, 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 Wednesday, September 9, 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. Hayes moved to adopt the resolution setting the date, place and time 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. Bird advanced the motion. Mr. Hayes seconded. The meeting adjourned at 10:41 A.M.

### **RESOLUTIONS**

#### **20-32-07 RESOLUTION OF THE HUDSON RIVER – BLACK RIVER REGULATING DISTRICT HONORING ENVIRONMENTAL CONSERVATION OFFICERS SHANE MANNS & PAUL PASCIAK FOR HERORIC ACTIONS ON JUNE 6, 2020**

Chairman Finkle lent his accolades and asked for a motion to adopt the Resolution expressing the Board's sincere gratitude, on behalf of the Great Sacandaga Lake community for Environmental Conservation Officers Manns and Pasciak; as well as their colleagues, for their continued vigilance and dedication to the safety of those on and around Great Sacandaga Lake. Mr. Rosenthal seconded and the Board approved the motion by unanimous vote.

#### **20-33-07 RESOLUTION AUTHORIZING THE PUBLICATION OF NOTICE THAT THE DISTRICT IS CONSIDERING A CHANGE IN PERMIT FEES**

Committee Chairman DeWitt made a motion to adopt the resolution authorizing publication of notice that the Board is considering a change in permit fees. Chairman Finkle called for a vote and the Board approved the motion by unanimous vote.

#### **RESOLUTION AUTHORIZING THE IMPOSITION OF ADMINISTRATIVE PENALTIES**

Tabled in the Finance Committee.

**20-34-07      RESOLUTION SCHEDULING DATE, PLACE AND TIME OF THE  
REGULAR MEETING FOR SEPTEMBER 9, 2020**

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

Robert P. Leslie  
Secretary

Mark M. Finkle  
Board Chairman