

HUDSON RIVER-BLACK RIVER REGULATING DISTRICT
BOARD MEETING MINUTES
Sacandaga Field Office Conference Room
737 Bunker Hill Road
Mayfield, NY 12117
October 14, 2020

CALL TO ORDER

Chairman Mark M. Finkle called the meeting to order at 10:00 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; Executive Director John C. Callaghan; and Compliance Officer Stephanie Ruzycky.

Video Feed: Board Member Richard Bird; General Counsel Robert P. Leslie; Chief Engineer Robert S. Foltan; and Chief Fiscal Officer Timothy Maniccia.

Excused: Area Administrator John Hodgson

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 opened the meeting to public comment; hearing none.

APPROVAL OF THE SEPTEMBER 9, 2020 REGULAR BOARD MEETING MINUTES

Chairman Finkle asked for a motion to adopt the September 9, 2020 regular board meeting Minutes. Mr. DeWitt advanced the motion to approve the regular and special 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 commended staff for their efforts to successfully address the difficulties associated with operating in the COVID environment. Mr. Callaghan reported that the Regulating District continues to make excellent progress with our consultant Interactive Media Consulting, LLC (IMC) on the online permit transaction capability, which will be up and running for the 2021 season, and noted that Board

Members De Witt and Rosenthal have both had the opportunity to take a first-hand look at the system's capabilities and functionality. After Mr. Callaghan provided a brief status report on efforts to finalize the system with IMC in the coming weeks, Mr. Callaghan invited Beth Moeller of IMC to demonstrate the system's capabilities to the Board. Ms. Moeller provided a brief presentation to the Board and fielded questions on the system's capabilities from Board Members.

CONTRACTS/ACTIONS

RESOLUTION AUTHORIZING THE IMPOSITION OF ADMINISTRATIVE PENALTIES

Mr. Callaghan presented a resolution through which the Board would authorize the imposition of penalties, noting that Environmental Conservation Law §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's existing rules governing use by permit holders of State-owned property at Great Sacandaga Lake authorize the Board's imposition of penalties, damages and administrative fees. Specifically, 6 NYCRR §606.105(a) provides that 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. Mr. Callaghan recommended that the Board authorize the Area Administrator and the Executive Director, and/or their designee, to compute and assess penalties, damages, consistent with the fee schedule adopted by the Board in Resolution **20-35-09** at its September 9, 2020 meeting effective January 1, 2021.

Chairman Finkle asked for a motion to adopt the resolution authorizing the imposition of penalties not to exceed \$100 per violation consistent with the schedule of fees and penalties adopted by the Board at its September 9, 2020 meeting and that such penalties would be effective January 1, 2021. Mr. Rosenthal so moved. Mr. DeWitt seconded and the Board approved the motion adopting the resolution by unanimous vote.

STAFF REPORTS

Mr. Leslie presented his report. Mr. Leslie noted his participation in staff's effort to secure a valuation of the 56 feet of head and other end of term issues regarding the Reservoir Operating Agreements at Conklingville. Mr. Leslie noted that he addressed issues pertaining to the conduct of the October meeting and various FOIL and encroachment appeal issues. He noted that the November meeting will also, likely, be conducted online. Mr. Leslie reported that NYS State Archives has authorized the Regulating District's use of several records retention schedules pertaining to litigation, subpoena logs, contracts, correspondence etc.

Ms. Ruzycky presented her report to the Board. Ms. Ruzycky noted completion of the Hudson River Area quarterly compliance audit and that the Regulating District has received confirmation of a fiscal year 19/20 MWBE utilization rate of 58% from Empire State Development, owing in no small part to our success in getting approval for exempting certain contracts from the calculation where the specialized nature of the work often precludes meeting

MWBE goals. Ms. Ruzycky noted while this annual utilization rate far exceeds our goal, the relatively low volume of contractor use at HRBRRD can lead to significant year-to-year fluctuations in the rate, noting that the previous year's rate was much lower.

Mr. Maniccia presented his report to the Board. Therein he noted that at the close of fiscal September 30, 2020, the general fund balances for the HRA and BRA were approximately \$2,604,288 and \$2,491,373 respectively. He noted that significant disbursements for the September period include: School taxes (totaling \$1,914,520), Payroll (\$191,955) and Health Insurance (for October totaling \$77,966). Noting that the Regulating District's transactional processing and reporting are current, Mr. Maniccia explained that the Regulating District is current in its reporting the Authorities Budget Office (ABO) and other state entities, having completed all but two of the statutory report submissions to the ABO through the Public Authorities Reporting Information Reporting System (PARIS) by the September 30 deadline, and the remaining two – including the annual independent audit of the Regulating District's finances – prior to the Board's meeting. Mr. Maniccia explained that the Regulating District's financial position at the conclusion of the fiscal year ending June 30, 2020 benefitted from a one-time reduction on Other Post Employment Benefits (OPEB) expenses resulting from a change in Federal law enacted in December, 2019 and guidance issued by the Government Accounting Standards Board (GASB) pertaining to the change. Mr. Maniccia noted that the cost of the independent audit came in more than \$5000 under budget, representing the lowest cost the Regulating District has paid for these services since 2014, and that Nora Galleros from Galleros-Robinson will attend the November 10 Audit Committee meeting to present on the audit's findings.

Mr. Foltan presented the Chief Engineer's report to the Board. Mr. Foltan noted that the September average daily release from the Sacandaga Reservoir (Great Sacandaga Lake) was approximately 1,540 cubic feet per second (cfs). Precipitation during the month of September was below average across the Great Sacandaga Lake watershed and below average in the Indian Lake watershed. The monthly inflow to Great Sacandaga Lake and Indian Lake reservoir was approximately 16% and 19% of historic average, respectively. Monthly release of water from Great Sacandaga Lake and Indian Lake measured 85% and 58% of historic average, respectively.

The September average daily release from Stillwater Reservoir was approximately 300 cfs. Monthly total precipitation measured 52%, 58%, and 69% of historic average at Stillwater, Old Forge, and Sixth Lake, respectively, as of September 28th. Precipitation in the month of September was below average at Stillwater, Old Forge and Sixth Lake. The monthly inflow to Stillwater Reservoir was approximately 28% of historic average. The inflow to Sixth Lake and Old Forge Reservoir totaled 0.01 and 0.03 billion cubic feet, respectively, in September. Release of water from Stillwater Reservoir averaged 75% of historic discharge.

Mr. Callaghan directed the Board to the Administrator's report at page 71 of the Board packet.

RESOLUTION SCHEDULING DATE, PLACE AND TIME OF THE REGULAR MEETING FOR OCTOBER 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, November 10, 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. Bird 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. Rosenthal advanced the motion. Mr. DeWitt seconded. The meeting adjourned at 10:28 A.M.

RESOLUTIONS

20-37-10 RESOLUTION AUTHORIZING THE IMPOSITION OF ADMINISTRATIVE PENALTIES

Chairman Finkle asked for a motion to adopt the Resolution authorizing the imposition of penalties not to exceed \$100 per violation consistent with the schedule of fees and penalties adopted by the Board at its September 9, 2020 meeting and that such penalties would be effective January 1, 2021. Mr. Rosenthal so moved. Mr. DeWitt seconded and the Board approved the motion adopting the resolution by unanimous vote.

20-38-10 RESOLUTION SCHEDULING DATE, PLACE AND TIME OF THE REGULAR MEETING FOR NOVEMBER 10, 2020

Mr. Bird 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