

**HUDSON RIVER-BLACK RIVER REGULATING DISTRICT
BOARD MEETING MINUTES
Sacandaga Field Office Conference Room
737 Bunker Hill Road
Mayfield, NY 12117
January 12, 2021**

CALL TO ORDER

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

ROLL CALL

Present: Board Member Albert J. Hayes; Executive Director John C. Callaghan; Area Administrator John Hodgson; and Compliance Officer Stephanie Ruzycky.

Video Feed: Board Chairman Mark M. Finkle; First Vice-Chair Jeffrey Rosenthal; Second Vice-Chair Kenneth DeWitt; Board Member Richard Bird; General Counsel Robert P. Leslie; Chief Engineer Robert S. Foltan; and Chief Fiscal Officer Timothy Maniccia.

MOTION TO ADOPT OR REVISE THE MEETING AGENDA

Chairman Finkle asked for a motion to adopt or revise the agenda. Mr. Rosenthal made a motion to revise the agenda to include a discussion of the administrative fee when the Board considers the Resolution to provide for a minimum fee for certain special/association permittees with fewer than four votes. Mr. DeWitt seconded. The Board approved the motion by unanimous vote.

PUBLIC COMMENT

Chairman Finkle opened the meeting to public comment. A representative of a lake advocacy group congratulated the newly elected chair, and vice chairs on the occasion of their election.

APPROVAL OF THE NOVEMBER 10, 2020 REGULAR BOARD MEETING MINUTES

Chairman Finkle asked for a motion to adopt the November 10, 2020 regular board meeting Minutes. Mr. Bird 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 noted that he continues to work closely with staff and Interactive Media Consulting to finalize the online permit system,

including multiple meetings and testing. He expressed appreciation for the fine work undertaken by staff on this project.

Mr. Callaghan also thanked Mr. Leslie and Mr. Ginter for volunteering to support the State's vaccination efforts, and noted Ms. Ruzycky's role in serving as the Regulating District's designated point of contact for the effort.

CONTRACTS/ACTIONS

RESOLUTION TO PROVIDE FOR A MINIMUM FEE FOR CERTAIN SPECIAL/ASSOCIATION PERMITEES WITH FEWER THAN FOUR BOATS

Mr. Callaghan presented a resolution to the Board explaining that at the September 9, 2020 meeting, the Board of the Hudson River – Black River Regulating District approved Resolution 20-35-09, adopting a revised permit fee schedule for fees authorized by the *Rules and Regulations Governing Use by Permit Holders of State-Owned Property at Great Sacandaga Lake* (6 NYCRR Part 606), but that staff has identified an oversight in the comprehensive fee schedule adopted by the Board. He noted a failure to include a minimum fee for special/ association permittees with fewer than four boats, separate from the minimum fee established for commercial permittees in this category. Mr. Callaghan explained that adopting a minimum fee for special/ association permittees with fewer than four boats is consistent with the manner in which the Board-adopted fee schedule reflects a lower per boat/ slip rate for special/ association permittees relative to commercial permittees. He asked that the Board approve the resolution amending the fee schedule.

Mr. Rosenthal led a discussion with respect to the imposition of an administrative fee as part of the new schedule of fees. He noted that after expressing his concerns with respect to the manner in which said fee is addressed in the on-line portal, staff have modified said portal to his satisfaction.

During the discussion, the Board accepted comments from Richard Smith, representing the Sacandaga Protection Committee. Mr. Smith acknowledged his organization's participation in crafting the fee schedule, and commented that the addition of said administrative fee, and the commensurate waiver of such fee were an applicant to renew on-line, as an incentive to conduct on-line transactions rather than a penalty for conducting such transactions in person or via mail, is appropriate.

Chairman Finkle asked for a motion to adopt the resolution amending the fee schedule set by Resolution 20-35-09 to include a minimum fee of \$100 for special/ association permittees with fewer than four boats. Mr. Rosenthal so moved. Mr. DeWitt seconded and the Board adopted the resolution by unanimous vote.

RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO CONTRACT WITH DIESEL EMISSIONS SERVICE TO RETROFIT 2004 INTERNATIONAL DUMP TRUCK WITH EMISSIONS REDUCTION TECHNOLOGY

Mr. Hodgson presented a resolution to the Board authorizing staff to enter into a contract to retrofit the 2004 International dump truck with emissions reduction technology. He noted that

the New York State Legislature passed the Diesel Emissions Reduction Act of 2006 (DERA) in 2006 and that pursuant to that law the New York State Department of Environmental Conservation (NYSDEC) implemented a regulatory program requiring the use of Ultra Low Sulfur Diesel (ULSD) fuel and Best Available Retrofit Technology (BART) for any heavy duty diesel vehicle (HDDV) that is owned, operated, leased, or used on behalf of a state agency or public authority. He further explained that NYSDEC subsequently promulgated Part 248, effective July 30, 2009, to implement DERA and that while compliance dates for DERA were extended annually on an exemption-basis, beginning with calendar year 2010 and ending with calendar year 2018, the final extension established compliance dates of December 31, 2019 for BART compliance and December 31, 2020 for the end of useful life waivers. HRBRRD requested (and was granted) waivers for two of its older dump trucks from NYSDEC on November 21, 2019. These exemptions expired on December 31, 2020. Staff has sought to identify and install the best available technology to retrofit these vehicles; and has determined that HRBRRD's 1999 International dump truck is not suitable to apply emissions reduction technology, but that the 2004 International dump truck is suitable for such a retrofit. Staff procured and installed a "data logger" device on the 2004 International dump truck in consultation with Emissions Reduction Technology, which collected data during the months of October and November, 2020. Based on the results of that data collection, Emissions Reduction Technology has prescribed a retrofit for the 2004 International dump truck, and provided a quote of \$15,340.94 for same.

The Resolution also provides that in order to provide sufficient funding in the current Fiscal Year for this contract, staff seek authority to execute transfers in the Fiscal Year 2020-21 budget;

Account Number	Account Name	Increase	Decrease
5345-0200	Vehicle Repairs & Parts	\$16,000	
5350-0200	Equipment Repairs & Parts		\$ 3,000
5360-0200	Erosion Control		\$ 3,000
5080-0200	Health Insurance		\$10,000

Chairman Finkle asked for a motion to adopt the resolution authorizing the executive director to enter into a contract with Emissions Reduction Technology to retrofit the 2004 International dump truck for a not to exceed price of \$15,340.94. Mr. Rosenthal so moved. Mr. DeWitt seconded and the Board approved the motion adopting the resolution by unanimous vote.

RESOLUTION TO APPROVE TRANSFERS IN THE FISCAL YEAR 2020-21 BUDGET

Mr. Maniccia presented a resolution to the Board to approve several transfers within the fiscal year 2020-2021 budget. He explained that the Board adopted a budget for the July 1, 2018-June 30, 2021 triennial period on June 12, 2018; a triennial budget which requires a greater use of estimates over a longer period than does an annual budget. This budget does not now provide sufficient authority to expend District funds in the amounts needed. Further, Mr. Maniccia explained that in order to provide sufficient funding in the current Fiscal Year for the following Expenses, staff seek authority to execute transfers in the Fiscal Year 2020-21 budget;

Account Number	Account Name	Increase	Decrease
5695-0800	Engineering Services	\$179,700	
5740-0800	Debt Payments- Principal		\$ 55,000
5750-0800	Debt Payments- Interest		\$124,700
5695-0900	Engineering Services	\$179,700	
5740-0900	Debt Payments- Principal		\$ 55,000
5750-0900	Debt Payments- Interest		\$124,700
5695-0000	Engineering Services	\$11,000	
5740-0000	Debt Payments- Principal		\$ 3,204
5750-0000	Debt Payments- Interest		\$ 7,796

Chairman Finkle asked for a motion to adopt the resolution authorizing the indicated budget transfers. Mr. Bird so moved. Mr. Rosenthal seconded and the Board approved the motion adopting the resolution by unanimous vote.

STAFF REPORTS

Mr. Leslie presented his report. Mr. Leslie noted that the Attorney General has approved the contract with Walden (C032020) with respect to the valuation of the 56 feet of head at Conklingville. The contract awaits approval from the Office of the State Comptroller. Mr. Leslie noted that he addressed issues pertaining to the conduct of the January meeting and several FOIL requests. He noted that the March meeting will also, likely, be conducted online. Mr. Leslie reported that he continues to work with NYS State Archives to address records retention schedules for the Regulating District's payroll processing and retirement system records.

Ms. Ruzycky presented her report to the Board. Ms. Ruzycky noted her continued involvement with the Regulating District's COVID Re-opening plan management and her attendance at the NYGreen Forum. She noted that MWBE goals for 2021-2022 are due this week.

Mr. Maniccia presented his report to the Board. Therein he noted that at the close of fiscal December 31, 2020, the general fund balances for the HRA and BRA were approximately \$3,760,970 and \$2,203,094 respectively. He noted that significant disbursements for the November & December period include: Payroll and Health Insurance. Mr. Maniccia noted that the Regulating District's transactional processing and reporting are current.

Mr. Foltan presented the Chief Engineer's report to the Board. Mr. Foltan noted that the December average daily release from the Sacandaga Reservoir (Great Sacandaga Lake) was approximately 2,350 cubic feet per second (cfs). Precipitation during the month of December was below average across the Great Sacandaga Lake watershed and above average in the Indian Lake watershed. The monthly inflow to Great Sacandaga Lake and Indian Lake reservoir was approximately 126% and 128% of historic average, respectively. Monthly release of water from Great Sacandaga Lake and Indian Lake measured 89% and 118% of historic average, respectively.

The December average daily release from Stillwater Reservoir was approximately 340 cfs. Monthly total precipitation measured 89%, 92%, and 88% of historic average at Stillwater, Old Forge, and Sixth Lake, respectively, as of December 27th. Precipitation in the month of December was below average at Stillwater, Old Forge and Sixth Lake. The monthly inflow to Stillwater Reservoir was approximately 85% of historic average. The inflow to Sixth Lake and Old Forge Reservoir totaled 0.13 and 0.32 billion cubic feet, respectively, in December. Release of water from Stillwater Reservoir averaged 75% of historic discharge.

Mr. Hodgson presented the Area Administrator's report. Mr. Hodgson noted that staff continue sending out the 2021 access permit renewals. Mr. Callaghan added that this year marks the first year that permit renewal can be accomplished on-line. Mr. Hodgson noted completion of the annual Emergency Action Plan training and that staff have begun to conduct snow surveys.

RESOLUTION SCHEDULING DATE, PLACE AND TIME OF THE REGULAR MEETING FOR MARCH 9, 2021

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, March 9, 2021 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. Rosenthal 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. Rosenthal advanced the motion. Mr. Bird seconded. The meeting adjourned at 11:10 A.M.

RESOLUTIONS

21-01-01 RESOLUTION TO PROVIDE FOR A MINIMUM FEE FOR CERTAIN SPECIAL/ASSOCIATION PERMITEES WITH FEWER THAN FOUR BOATS

Chairman Finkle asked for a motion to adopt the resolution amending the fee schedule set by Resolution 20-35-09 to include a minimum fee of \$100 for special/ association permittees with fewer than four boats. Mr. Rosenthal so moved. Mr. DeWitt seconded and the Board adopted the resolution by unanimous vote.

21-02-01 RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO CONTRACT WITH DIESEL EMISSIONS SERVICE TO RETROFIT 2004 INTERNATIONAL DUMP TRUCK WITH EMISSIONS REDUCTION TECHNOLOGY

Chairman Finkle asked for a motion to adopt the resolution authorizing the executive director to enter into a contract with Emissions Reduction Technology to retrofit the 2004 International dump truck for a not to exceed price of \$15,340.94. Mr. Rosenthal so moved. Mr. DeWitt seconded and the Board approved the motion adopting the resolution by unanimous vote.

21-03-01 RESOLUTION TO APPROVE TRANSFERS IN THE FISCAL YEAR 2020-21 BUDGET

Chairman Finkle asked for a motion to adopt the resolution authorizing the indicated budget transfers. Mr. Bird so moved. Mr. Rosenthal seconded and the Board approved the motion adopting the resolution by unanimous vote.

21-04-01 RESOLUTION SCHEDULING DATE, PLACE AND TIME OF THE REGULAR MEETING FOR MARCH 9, 2021

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