

20-05-03

**RESOLUTION TO APPROVE FIFTH AMENDMENT TO CONTRACT C012012 WITH  
KLEINSCHMIDT ASSOCIATES, PA, PC**

**WHEREAS**, the Board of the Hudson River-Black River Regulating District approved Resolution 13-07-04 authorizing contract C012012 with Kleinschmidt Associates, PA, PC for the completion of the remediation/removal final study and design work at Hawkinsville Dam for a total not to exceed amount of \$90,980.00 (Contract C012012); and

**WHEREAS**, the Board approved Resolution 14-25-07 authorizing Amendment #1, for an additional \$6,770.00 increasing the not to exceed amount to \$97,750.00 for Phase 1, Tasks 1-7; and

**WHEREAS**, the Board approved Resolution 14-36-11 authorizing Amendment #2, for an additional \$69,500.00 increasing the not to exceed amount to \$167,250 to complete Phase 2 Final Design & Construction Monitoring work; and

**WHEREAS**, the Board approved Resolution 12-28-07 authorizing Amendment #3, for an additional \$19,514.00 increasing the not to exceed amount to \$186,764.00 to complete Task 3 amending the scope of work to cover NYSDEC desired outlet changes, eliminating the need to complete a wetland mitigation plan which would have been required were the project constructed as originally designed, and redesigning the earthen berm to avoid wetland impacts; and

**WHEREAS**, in light of the changes described above, the Board approved Resolution 19-50-12 authorizing Amendment #4 extending the contract term to December 31, 2021; and

**WHEREAS**, while Kleinschmidt completed a re-design of the earthen berm as part of the amended scope of service addressed in amendment #3, including incorporation of additional design changes to address additional issues raised by the USACE, the USACE has requested further additional design changes which require a second preparation and submission of applications to DEC and the USACE; and

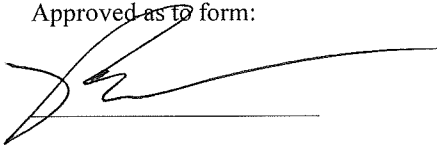
**WHEREAS**, Kleinschmidt has provided a scope of work and fee proposal to address the out-of-scope work; and

**WHEREAS**, staff recommends that the Board authorize the executive director to execute this fifth amendment to contract C012012 in the amount of \$29,800.00, increasing the total not to exceed amount to \$216,564.00; and

**NOW THEREFORE BE IT RESOLVED THAT**, the Board of the Hudson River – Black River Regulating District authorizes the executive director to execute a fifth amendment to contract C012012 accepting Kleinschmidt’s proposed amendment #5: Revised Scope of Services proposal and authorizing the executive director to increase the contract price by \$29,800 to a total contract price of \$216,564.

**BE IT FURTHER RESOLVED**, the contract is subject to review and approval by the State of New York Office of the Attorney General and the New York State Office of the State Comptroller.

Approved as to form:



Robert P. Leslie  
General Counsel

Motion was made by Mr. Bird and seconded by Mr. Hayes that the Resolution be approved.

Present and Voting:

<u>MEMBER</u>	<u>AYE</u>	<u>NOE</u>	<u>ABSTAIN</u>
Mr. Finkle.....	<u>X</u>	_____	_____
Mr. Hayes.....	<u>X</u>	_____	_____
Mr. Rosenthal.....	<u>X</u>	_____	_____
Mr. DeWitt.....	<u>X</u>	_____	_____
Mr. Bird.....	<u>X</u>	_____	_____

**CORPORATE RESOLUTION CERTIFICATION**

I HEREBY CERTIFY that the following is a true and correct copy of resolution 20-05-03 duly adopted at a meeting of the Board of Directors of **The Board of Hudson River – Black River Regulating District** a corporation incorporated under the laws of the State of New York duly called and held on the 10<sup>th</sup> day of March, 2020, a quorum then being present; that the said resolutions have been entered upon the regular minute book of the corporation and are in accordance with the certificate of incorporation and the by-laws and are now in full force and effect:

RESOLVED that John C. Callaghan, Executive Director be and hereby is authorized to sign and the agreement of this corporation for the following project:

**Hawkinsville Dam Remediation**

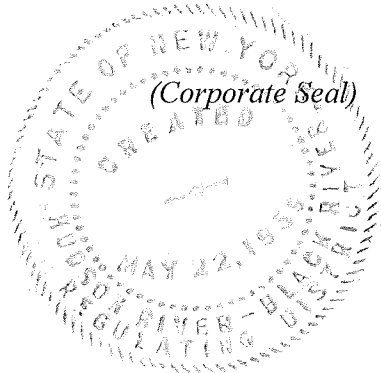
and to include in such proposal the certificate as to non-collusion required by law as the act and deed of such corporation, and for all inaccuracies or misstatements in such certificate this corporation shall be liable under the penalty of perjury; and to enter into the contract if awarded to this corporation;

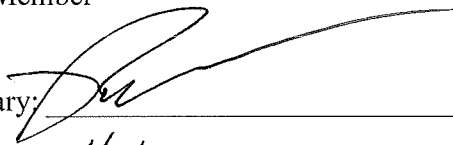
RESOLVED that the following officer(s) of this corporation is/are authorized on behalf of this corporation to sign the proposal and the contract:

John C. Callaghan

I FURTHER CERTIFY that the names of the persons holding titles referred to in the foregoing resolutions are as follows:

NAME	TITLE
Mark Finkle	Chairperson
Jeffrey Rosenthal	First Vice Chair
Kenneth De Witt	Second Vice Chair
Albert Hayes	Board Member
Richard Bird	Board Member



Secretary:   
Date: 4/2/20



20-04-03

**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO SUBMIT A PROPOSAL TO THE GREAT SACANDAGA LAKE ADVISORY COUNCIL FOR PUBLICATION OF NEW RECREATIONAL CHARTS**

**WHEREAS**, the Great Sacandaga Lake Enhancement Fund (fund) has been established to support projects, studies or services for any of the following purposes: ecosystem restoration or protection, fish stocking, natural resource stewardship and new recreation resources; and

**WHEREAS**, the Great Sacandaga Lake Advisory Council has been established to administer the fund; and

**WHEREAS**, the Board of the Hudson River – Black River Regulating District desires to, with its partners, facilitate safe and economically beneficial recreation on the waters of Great Sacandaga Lake; and

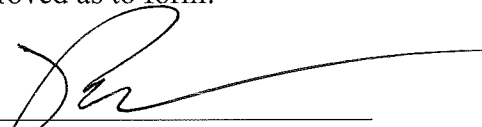
**WHEREAS**, publication and availability of navigation charts for the Great Sacandaga Lake is supportive of that goal; and

**WHEREAS**, navigation charts for the Great Sacandaga Lake are currently not in publication nor are they available;

**NOW THEREFORE BE IT RESOLVED**, the Board of the Hudson River-Black River Regulating District hereby authorizes the Executive Director to propose to the Great Sacandaga Lake Advisory Council that it explore – and if deemed feasible administer a program to execute – publication and distribution of updated navigation charts for the Great Sacandaga Lake; and

**BE IT FURTHER RESOLVED**, that contributions from the Hudson River – Black River Regulating District be limited to in-kind support.

Approved as to form:

  
\_\_\_\_\_  
Robert P. Leslie  
General Counsel

Motion was made by Mr. Rosenthal and seconded by Mr. DeWitt that the Resolution be approved.

Present and Voting:

<u>MEMBER</u>	<u>AYE</u>	<u>NOE</u>	<u>ABSTAIN</u>
Mr. Finkle.....	<u>X</u>	_____	_____
Mr. Hayes.....	<u>X</u>	_____	_____
Mr. Rosenthal.....	<u>X</u>	_____	_____
Mr. DeWitt.....	<u>X</u>	_____	_____
Mr. Bird .....	<u>X</u>	_____	_____

20-06-03

**RESOLUTION TO AWARD THE WORK TO PERFORM STILLWATER DAM EIGHTH PART 12D INDEPENDENT CONSULTANT SAFETY INSPECTION – CONTRACT No. C012020 TO HENNINGSON, DURHAM & RICHARDSON ARCHITECTURE AND ENGINEERING, P.C., INC.**

**WHEREAS**, the Federal Energy Regulatory Commission (FERC) requires an independent consultant safety inspection of Stillwater dam and the completion of an independent consultant safety inspection report be completed every five years; and

**WHEREAS**, the eighth Stillwater dam Part 12D independent consultant safety inspection report must be submitted to FERC by February 2021; and

**WHEREAS**, the Hudson River – Black River Regulating District selected the three (3) most highly qualified firms from the annual statement of qualifications received for consideration to perform the Stillwater dam eighth Part 12D independent consultant safety inspection work; and

**WHEREAS**, after careful evaluation of the three (3) qualifications pursuant to the Regulating District's annual statement of qualifications – project based evaluation procedures, staff determined that Henningson, Durham & Richardson Architecture and Engineering, P.C., Inc. (HDR) is the most qualified firm to perform the Stillwater dam eighth Part 12D independent consultant inspection work and report; and

**WHEREAS**, having been determined to be the most qualified to perform the Stillwater dam eighth Part 12D independent consultant safety inspection work and report, the chief engineer recommends the Board award the work to Henningson, Durham & Richardson Architecture and Engineering, P.C., Inc. (HDR); and

**WHEREAS**, HDR's scope of services includes a site visit, inspection, data and document review, and development of a Part 12D inspection report for a not to exceed fee of \$36,700; and

**WHEREAS**, staff recommends that the Board authorize the executive director to execute contract C012020 in an amount not to exceed \$36,700.00; and

**NOW THEREFORE BE IT RESOLVED THAT**, the Board of the Hudson River – Black River Regulating District authorizes the executive director to execute contract C012020 accepting HDR's proposal for a not to exceed price of \$36,700.

Approved as to form:



Robert P. Leslie  
General Counsel

Motion was made by Mr. Rosenthal and seconded by Mr. DeWitt that the Resolution be approved.

Present and Voting:

<u>MEMBER</u>	<u>AYE</u>	<u>NOE</u>	<u>ABSTAIN</u>
Mr. Finkle.....	<u>X</u>	_____	_____
Mr. Hayes.....	<u>X</u>	_____	_____
Mr. Rosenthal.....	<u>X</u>	_____	_____
Mr. DeWitt.....	<u>X</u>	_____	_____
Mr. Bird.....	<u>X</u>	_____	_____



**CORPORATE RESOLUTION CERTIFICATION**

I HEREBY CERTIFY that the following is a true and correct copy of resolution 20-06-03 duly adopted at a meeting of the Board of Directors of **The Board of Hudson River – Black River Regulating District**, a corporation incorporated under the laws of the State of New York, duly called and held on the 10<sup>th</sup> day of March, 2020, a quorum then being present; that the said resolution has been entered upon the regular minute book of the corporation and is in accordance with the certificate of incorporation and the by-laws and are now in full force and effect:

RESOLVED that John C. Callaghan, Executive Director be and hereby is authorized to sign and submit the agreement of this corporation for the following project:

**Stillwater Dam 8<sup>th</sup> Part 12D Independent Consultant Safety Inspection**

and to include in such proposal the certificate as to non-collusion required by law as the act and deed of such corporation, and for all inaccuracies or misstatements in such certificate this corporation shall be liable under the penalty of perjury; and to enter into the contract if awarded to this corporation;


RESOLVED that the following officer(s) of this corporation is/are authorized on behalf of this corporation to sign the proposal and the contract:

John C. Callaghan

I FURTHER CERTIFY that the names of the persons holding titles referred to in the foregoing resolution are as follows:

NAME	TITLE
Mark Finkle	Chairperson
Jeffrey Rosenthal	First Vice Chair
Kenneth De Witt	Second Vice Chair
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Richard Bird	Board Member



Secretary: 

Date: 4/2/2020

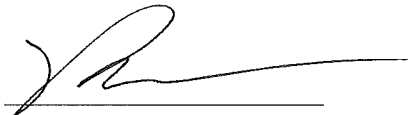


20-07-03

**RESOLUTION SCHEUDLING DATE, TIME AND LOCATION OF THE  
APRIL 14, 2020 REGULAR BOARD MEETING**

**BE IT RESOLVED**, that the next Regular Meeting of the Board of the Hudson River-Black River Regulating District will be held on Tuesday, April 14, 2020 at Inlet Town Hall, 160 Rt. 28, Inlet, NY 13360 at 10 AM.

Approved as to form:



Robert P. Leslie  
General Counsel

Motion was made by Mr. Hayes and seconded by Mr. Bird that the Resolution be approved.

Present and voting:

<u>MEMBER</u>	<u>AYE</u>	<u>NOE</u>	<u>ABSTAIN</u>
Mr. Finkle.....	<u>X</u>	_____	_____
Mr. Hayes.....	<u>X</u>	_____	_____
Mr. Rosenthal.....	<u>X</u>	_____	_____
Mr. DeWitt.....	<u>X</u>	_____	_____
Mr. Bird.....	<u>X</u>	_____	_____

