

**HUDSON RIVER-BLACK RIVER REGULATING DISTRICT
BOARD MEETING MINUTES**
Sacandaga Field Office Conference Room
737 Bunker Hill Road
Mayfield, NY 12117
March 9, 2021

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CALL TO ORDER

Chairman Mark M. Finkle called the meeting to order at 10:22 A.M.

ROLL CALL

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

Video Feed: Second Vice-Chair Kenneth DeWitt; Board Members Richard Bird and Alfred J. Candido, Jr.; General Counsel Robert P. Leslie; Chief Engineer Robert S. Foltan; and Chief Fiscal Officer Timothy Maniccia.

Excused: First Vice-Chair Jeffrey Rosenthal

MOTION TO ADOPT OR REVISE THE MEETING AGENDA

Chairman Finkle asked for a motion to adopt or revise the agenda. Mr. DeWitt made a motion to adopt the agenda. Mr. Candido seconded. The Board approved the motion by unanimous vote.

PUBLIC COMMENT

Chairman Finkle opened the meeting to public comment; hearing none.

APPROVAL OF THE JANUARY 12, 2021 ORGANIZATIONAL AND REGULAR BOARD MEETING MINUTES

Chairman Finkle asked for a motion to adopt the January 12, 2021 organizational and regular board meeting Minutes. Mr. Hayes advanced the motion to approve the organizational and regular 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 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 noted that the on-line permit renewal system has proved to be popular with nearly 50% of renewals to date happening on-line.

CONTRACTS/ACTIONS

RESOLUTION TO ACCEPT HENNINGSON, DURHAM & RICHARDSON ARCHITECTURE AND ENGINEERING, P.C. (HDR) AMENDMENT # 2 PROPOSAL TO COMPLETE WORK NECESSARY TO RESPOND TO FERC'S ADDITIONAL REQUEST

Mr. Foltan presented a resolution to the Board to accept HDR's proposal to complete work associated with the 4th Part 12D safety inspection at Conklingville. He noted that in February of 2019, via resolution 19-03-02, the Board authorized HDR to complete 4th Part 12D Safety Inspection of Conklingville Dam. Pursuant to Contract C032018, executed by HDR and the Regulating District on July 1, 2019, HDR completed the necessary inspection and submitted the required report to the Federal Energy Regulatory Commission (FERC). On May 27, 2019 FERC requested that the Regulating District have the 4th Part 12D Independent Consultant review two specific issues related to the previous evaluations and analysis. Pursuant to resolution 19-39-09, the Board authorized an amendment to Contract C032018 to complete the work necessary to respond to FERC's additional information request for an additional not-to-exceed fee of \$34,100.00 bringing the not-to-exceed contract value to \$69,050.00. On January 6, 2021, in response to the Regulating District's request, HDR provided a scope of services and fee proposal to complete the work necessary to address certain dam safety-related recommendations made in its 4th Part 12D safety inspection report and accepted by FERC, said scope and fee proposal outlining the engineering studies and analyses proposed including stability analyses of the embankment retaining wall and risk analysis of the embankment dam. Mr. Foltan noted that HDR proposes to complete the work for a not-to-exceed fee of \$79,790 bringing the not-to-exceed contract value to \$148,840. He recommended that the Board accept HDR's Amendment # 2 Proposal and sought Board authorization to amend Contract C032018 to include the completion of work and that the agreement is subject to the review and approval of the NYS Attorney General and the NYS Office of the State Comptroller.

Chairman Finkle asked for a motion to adopt the resolution accepting HDR's proposal to complete certain work in response to recommendations made in the 4th Part 12D safety inspection report and authorize the Executive Director to execute an amendment to Contract C032018, in the amount of \$79,790.00, bringing the not-to-exceed contract value to \$148,840.00. Mr. Hayes so moved. Mr. DeWitt seconded and the Board adopted the resolution by unanimous vote.

RESOLUTION TO AUTHORIZE A FIVE-YEAR LEASE AND A ONE-YEAR MAINTENANCE AND SUPPLY AGREEMENT ON A RICOH IM 2500 COPIER SYSTEM FOR USE AT THE SACANDAGA FIELD OFFICE

Ms. Ruzycky presented a resolution to the Board concerning a new five-year lease on an office copier. She noted that the existing lease on the Xerox copier in use at the Sacandaga Field Office has expired and recommended that the Board authorize a new copier lease with Leaf Capital Funding, LLC arranged through Repeat Business Systems, Inc., a NYS MWBE vendor and authorized OGS reseller (NYS OGS Contract PM68134). She explained that through the lease, after an initial payment of a \$90 documentation fee, the Regulating District will commit to 60 equal monthly payments of \$114 to Leaf Capital Funding, LLC in exchange for use of a Ricoh IM 2500 Copier System beginning in February 2021. In addition, through the maintenance and supply agreement, the Regulating District will commit to Repeat Business Systems, Inc. for minimum monthly payments of \$46.41 for up to 700 color copies, with an 'overage usage rate' of \$.0663 per color page, and a per page fee of \$.0109 per black & white page each month from February 2021 through February 2022 in exchange for parts, labor, toner, developer, fuser oil, drums, finishing kits and maintenance kits. Ms. Ruzycky noted that the Regulating District has budgeted for the copier equipment rental for the Sacandaga Field Office copier (line item 5830-0200).

Chairman Finkle asked for a motion to authorize the Executive Director, or designee, to enter in to a lease agreement with Leaf Capital Funding, LLC and a maintenance and supply agreement with Repeat Business Systems, Inc. for the use, maintenance and supplies associated with a Ricoh IM 2500 Copier System, or equivalent, on the terms, and for the terms outlined. Mr. Hayes so moved. Mr. DeWitt seconded and the Board adopted the resolution by unanimous vote.

RESOLUTION TO AUTHORIZE A FIVE-YEAR, THREE-MONTH LEASE AND A CONNECTIVITY INSTALLATION AGREEMENT ON A QUADIANT IX-5 POSTAGE METER FOR USE AT THE SACANDAGA FIELD OFFICE

Ms. Ruzycky presented a resolution to authorize a five-year, three-month lease and connectivity installation agreement for a postage meter for use at the Sacandaga Field Office. She noted that the existing lease on the Pitney Bowes postage meter in use at the Sacandaga Field Office has expired and recommended that the Board authorize a postage meter rental lease with Quadiant Leasing USA, Inc. arranged through Repeat Business Systems, Inc./Ed & Ed Business Technology, a NYS MWBE vendor and authorized OGS reseller (NYS OGS Contract PC67336). Ms. Ruzycky explained that through the lease, the Regulating District will commit to 63 equal monthly payments of \$146.36 to Quadiant Leasing USA, Inc. in exchange for use of a Quadiant IX-5 Postage Meter beginning in February 2021 and that, further, pursuant to a Connectivity

Installation Agreement, Ed & Ed Business Technology, Inc. will provide initial software setup, on-line and telephone support and up to 2-hours of on-site support associated with the initial installation of the specified equipment. Ms. Ruzycky noted that the Regulating District has budgeted for the postage meter equipment rental for the Sacandaga Field Office copier (line item 5830-0200).

Chairman Finkle asked for a motion. Mr. Bird made a motion to adopt the resolution to authorize the Executive Director, or designee, to enter in to a lease agreement with Quadient Leasing USA, Inc. in association with Repeat Business Systems, Inc. for the use of a Quadient IX-5 Postage Meter, or equivalent, on the terms, and for the terms, outlined above. Mr. DeWitt seconded and the Board adopted the resolution by unanimous vote.

COMMITTEE REPORTS

GOVERNANCE COMMITTEE REPORT

RESOLUTION TO SATISFY ANNUAL REVIEW AND APPROVAL OF THE REGULATING DISTRICT'S INVESTMENT POLICY

Board Chair and ex-officio Committee Member Mark Finkle noted that section 2925(1) & (7) of the Public Authority Law requires every public benefit corporation to adopt by resolution and annually review comprehensive investment guidelines that detail the corporation's operative policy and instructions to the Board and management regarding the investing, monitoring and reporting of funds of the corporation. He noted that the Governance Committee reviewed the Regulating District's Investment Policy earlier and that the Committee recommended that no changes be made to the policy.

Chairman Finkle asked for a motion adopting the resolution. Mr. DeWitt made a motion to recommend approval of the resolution to satisfy the annual review and approval of the Regulating District's Investment Policy. Mr. Bird seconded and the Board unanimously approved the motion.

RESOLUTION TO SATISFY ANNUAL REVIEW AND APPROVAL OF THE REGULATING DISTRICT'S PROCUREMENT POLICY

Board Chair and ex-officio Committee Member Mark Finkle noted that section 2879(1) & (8) of the Public Authority Law requires every public benefit corporation to adopt by resolution and annually review procurement guidelines that detail the corporation's operative policy and instructions to the Board and management regarding procurement. He noted that the Governance Committee reviewed the Regulating District's Procurement Policy earlier and that the Committee recommended that a few changes be made to the policy. Specifically, the Committee recommended that the policy be changed to permit the Procurement Policy, with any changes recommended by the Executive Director and/or the Procurement Officer, to be submitted to the Board between March 1st and September 15th of each year for approval by Resolution. Previously, the submission period had been limited to the period April 1, through September 15th.

Chairman Finkle asked for a motion adopting the resolution. Mr. Hayes made a motion to recommend approval of the resolution to satisfy the annual review and approval of the Regulating District's Procurement Policy. Mr. DeWitt seconded and the Board unanimously approved the motion.

RESOLUTION TO ANNUALLY REVIEW AND APPROVE THE REGULATING DISTRICT'S DISPOSITION OF PROPERTY GUIDELINES PURSUANT TO SECTION 2896(1) OF THE PUBLIC AUTHORITIES LAW

Board Chair and ex-officio Committee Member Mark Finkle noted that section 2896(1) of the Public Authority Law requires every public benefit corporation to adopt by resolution an annual review of the Disposition of Property Guidelines that detail the corporation's operative policy and instructions to the Board and management regarding the disposition of property. He noted that the Governance Committee reviewed the Regulating District's Disposition of Property Policy earlier and that the Committee recommended that a minor change be made to the policy. Specifically, the committee recommends removal of language under the "Method of Disposition" heading which is duplicative of language recited in statute.

Chairman Finkle asked for a motion adopting the resolution. Mr. Hayes made a motion to recommend approval of the resolution to satisfy the annual review and approval of the Regulating District's Disposition of Property Policy. Mr. DeWitt seconded and the Board unanimously approved the motion.

MOTION TO APPROVE ANNUAL REVIEW OF MISSION STATEMENT & PERFORMANCE MEASUREMENTS

Mr. Finkle presented the Regulating District's authority mission statement and performance measurements for the Board's annual review.

Chairman Finkle asked for a motion to approve the annual review of the Regulating District's mission statement & performance measurements. Mr. Hayes so moved. Mr. Candido seconded and the Board adopted the motion by unanimous vote.

FINANCE COMMITTEE REPORT

RESOLUTION APPROVING BUDGET & FINANCIAL PLAN REQUIRED PURSUANT TO SECTION 2801 OF PUBLIC AUTHORITIES LAW

Finance Committee Chair DeWitt introduced a resolution approving a budget and financial plan pursuant to Section 2801 of the Public Authorities Law. Committee Chairman DeWitt reported that the Regulating District is required to submit a budget and financial plan to a set of oversight entities by way of the Public Authorities Reporting & Information System (PARIS) between 120 and 90 days prior to the start of the Regulating District's next fiscal year; July 1, 2020. Mr. DeWitt noted that Mr. Maniccia based the plan upon the 2019-2021 budget

with financial data for the ‘proposed years’ or ‘out years’ based on prior budget, actual and other estimated information.

Mr. Bird made a motion to adopt the resolution approving the budget & financial plan required pursuant to section 2801 of the Public Authorities Law. Mr. Hayes seconded and the Board approved the motion by unanimous vote.

STAFF REPORTS

Mr. Leslie presented his report. Mr. Leslie noted that the Office of the State Comptroller has approved the contract with Walden (C032020) with respect to the valuation of the 56 feet of head at Conklingville.

Ms. Ruzycky presented her report to the Board. Ms. Ruzycky noted that she completed the SFO and BRFO IC Compliance Audit, attended the GreenNY Core Council Meeting, and has continued with daily on-line payment verification and reconciliation for the permit system.

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 \$3,629,297 and \$1,828,751 respectively. He noted that significant disbursements for the January & February period include: municipal real property taxes, 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 February average daily release from the Sacandaga Reservoir (Great Sacandaga Lake) was approximately 980 cubic feet per second (cfs). Precipitation during the month of February was below normal 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 38% and 41% of historic average, respectively. Monthly release of water from Great Sacandaga Lake and Indian Lake measured 35% and 90% of historic average, respectively.

The February average daily release from Stillwater Reservoir was approximately 380 cfs. Monthly total precipitation measured 54%, 64%, and 56% of historic average at Stillwater, Old Forge, and Sixth Lake, respectively, as of February 20th. Precipitation in the month of February 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 0.03 and 0.08 billion cubic feet, respectively, in February. Release of water from Stillwater Reservoir averaged 67% of historic discharge.

Mr. Hodgson presented the Area Administrator’s report. Mr. Hodgson noted that staff continue to conduct encroachment inspections and to process 2021 access permit renewals. He noted the exceptional effort SFO staff have made to ensure a smooth transition to on-line permit processing.

Mr. Callaghan marked the one year anniversary of the significant changes to the manner in which the Regulating District conducts business as wrought by the devastating COVID-19

pandemic; pausing to congratulate staff for continuing to provide necessary services rendered without missing a beat.

RESOLUTION SCHEDULING DATE, PLACE AND TIME OF THE REGULAR MEETING FOR APRIL 13, 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, April 13, 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. Bird 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. Hayes advanced the motion. Mr. DeWitt seconded. The meeting adjourned at 10:55 A.M.

RESOLUTIONS

21-05-03 RESOLUTION TO ACCEPT HENNINGSON, DURHAM & RICHARDSON ARCHITECTURE AND ENGINEERING, P.C. (HDR) AMENDMENT # 2 PROPOSAL TO COMPLETE WORK NECESSARY TO RESPOND TO FERC'S ADDITIONAL REQUEST

Chairman Finkle asked for a motion to adopt the resolution accepting HDR's proposal to complete certain work in response to recommendations made in the 4th Part 12D safety inspection report and authorize the Executive Director to execute an amendment to Contract C032018, in the amount of \$79,790.00, bringing the not-to-exceed contract value to \$148,840.00. Mr. Hayes so moved. Mr. DeWitt seconded and the Board adopted the resolution by unanimous vote.

21-06-03 RESOLUTION TO AUTHORIZE A FIVE YEAR LEASE AND A ONE YEAR MAINTENANCE AND SUPPLY AGREEMENT ON A RICOH IM 2500 COPIER SYSTEM FOR USE AT THE SACANDAGA FIELD OFFICE

Chairman Finkle asked for a motion to authorize the Executive Director, or designee, to enter in to a lease agreement with Leaf Capital Funding, LLC and a maintenance and supply agreement with Repeat Business Systems, Inc. for the use, maintenance and supplies associated with a Ricoh IM 2500 Copier System, or equivalent, on the terms, and for the terms outlined. Mr. Hayes so moved. Mr. DeWitt seconded and the Board adopted the resolution by unanimous vote.

21-07-03 RESOLUTION TO AUTHORIZE A FIVE YEAR THREE MONTH LEASE AND A CONNECTIVITY INSTALLATION AGREEMENT ON A QUADIENT IX-5 POSTAGE METER FOR USE AT THE SACANDAGA FIELD OFFICE

Chairman Finkle asked for a motion. Mr. Bird made a motion to adopt the resolution to authorize the Executive Director, or designee, to enter in to a lease agreement with Quadient Leasing USA, Inc. in association with Repeat Business Systems, Inc. for the use of a Quadient IX-5 Postage Meter, or equivalent, on the terms, and for the terms, outlined above. Mr. DeWitt seconded and the Board adopted the resolution by unanimous vote.

21-08-03 RESOLUTION TO SATISFY ANNUAL REVIEW AND APPROVAL OF THE REGULATING DISTRICT'S INVESTMENT POLICY

Chairman Finkle asked for a motion adopting the resolution. Mr. DeWitt made a motion to recommend approval of the resolution to satisfy the annual review and approval of the Regulating District's Investment Policy. Mr. Bird seconded and the Board unanimously approved the motion.

21-09-03 RESOLUTION TO SATISFY ANNUAL REVIEW AND APPROVAL OF THE REGULATING DISTRICT'S PROCUREMENT POLICY

Chairman Finkle asked for a motion adopting the resolution. Mr. Hayes made a motion to recommend approval of the resolution to satisfy the annual review and approval of the Regulating District's Procurement Policy. Mr. DeWitt seconded and the Board unanimously approved the motion.

21-10-03 RESOLUTION TO ANNUALLY REVIEW AND APPROVE THE REGULATING DISTRICT'S DISPOSITION OF PROPERTY GUIDELINES PURSUANT TO SECTION 2896(1) OF THE PUBLIC AUTHORITIES LAW

Chairman Finkle asked for a motion adopting the resolution. Mr. Hayes made a motion to recommend approval of the resolution to satisfy the annual review and approval of the Regulating District's Disposition of Property Policy. Mr. DeWitt seconded and the Board unanimously approved the motion.

21-11-03 RESOLUTION APPROVING BUDGET & FINANCIAL PLAN REQUIRED PURSUANT TO SECTION 2801 OF PUBLIC AUTHORITIES LAW

Mr. Bird made a motion to adopt the resolution approving the budget & financial plan required pursuant to section 2801 of the Public Authorities Law. Mr. Hayes seconded and the Board approved the motion by unanimous vote.

**21-12-03 RESOLUTION SCHEDULING DATE, PLACE AND TIME OF THE
REGULAR MEETING FOR APRIL 13, 2021**

Mr. Bird 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