

20-39-11

RESOLUTION TO APPROVE FIRST AMENDMENT TO CONTRACT D012019 WITH ATLANTIC TESTING LABORATORIES, LIMITED (ATL)

WHEREAS, on December 13, 2019, the Board of the Hudson River-Black River Regulating District approved Resolution 19-47-11 authorizing contract D012019 with Atlantic Testing Laboratories, Limited (ATL) to conduct subsurface soil sampling at Stillwater Dam in support of seismic stability analyses work being completed by Paul C. Rizzo Engineering – New York, PLLC (Rizzo) for a total not to exceed amount of \$84,084.00 (Contract D012019); and

WHEREAS, the Board authorized staff to hire Rizzo to complete a Federal Energy Regulatory Commission (FERC) required Liquefaction & Deformation Analysis of the Stillwater Dam; and

WHEREAS, on August 14, 2014, staff submitted the Rizzo report to FERC who agreed with the findings; and

WHEREAS, in response to recommendations made in the Seventh part 12D Independent Consultant Safety Inspection Report (February 2016) and in a letter dated July 30, 2018, FERC requested additional Seismic Stability Analysis for gravity structures at the Stillwater Dam; and

WHEREAS, in December 2018, pursuant to Resolution 18-38-12, the Board authorized staff to engage Rizzo to complete seismic stability and seismic deformation analyses and to submit a Geotechnical and Seismic Evaluation Report; and

WHEREAS, following the execution of contract D012019 with ATL, and during the past 12 months, ATL developed and submitted a detailed drilling plan to the Regulating District and Rizzo developed a Drilling Program Plan for FERC review and approval; and

WHEREAS, FERC's initial review comments on Rizzo's Drilling Program Plan included recommendations for technical changes in the drilling methodology and the addition of two borings; and

WHEREAS, FERC has now approved the revised drilling plan, but the scope of work included in ATL's Contract D012019 does not include the additional two borings required by FERC; and

WHEREAS, ATL has provided a scope of services and fee proposal to complete the additional two borings for a fee not to exceed \$31,598; and

WHEREAS, In order to provide sufficient funding in the current Fiscal Year for this and other Engineering projects underway at Stillwater, staff seek authority to execute transfers in the Fiscal Year 2020-21 budget from debt payment line items representing principal and interest respectively to the Engineering Consultant – Stillwater line item;

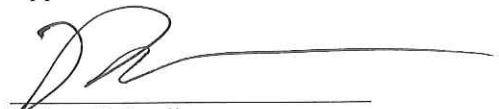
NOW THEREFORE BE IT RESOLVED, the Board of the Hudson River-Black River Regulating District hereby accept the proposal submitted by ATL and authorizes the Executive Director to execute an amendment to Contract D012019 to include completion of the additional work which increases the price of Contract D012019 by \$31,598 to a not-to-exceed amount of \$115,682; and

BE IT FURTHER RESOLVED that the Board does hereby authorize the following transfer in the Fiscal Year 2020-21 budget:

Account Number	Account Name	Increase	Decrease
5695-0700	Engineering Services	\$80,000	
5740-0700	Debt Payments- Principal		\$21,516
5750-0700	Debt Payments- Interest		\$58,484

BE IT FURTHER RESOLVED that the agreement is subject to the review and approval of the NYS Attorney General and the NYS Office of the State Comptroller.

Approved as to form:



Robert P. Leslie
General Counsel

Motion was made by Mr. Rosenthal 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>	<u> </u>	<u> </u>
Mr. Hayes.....	<u> X </u>	<u> </u>	<u> </u>
Mr. Rosenthal.....	<u> X </u>	<u> </u>	<u> </u>
Mr. De Witt.....	<u> X </u>	<u> </u>	<u> </u>
Mr. Bird	<u> X </u>	<u> </u>	<u> </u>

RESOLUTION TO AWARD THE WORK TO PERFORM A FAIR MARKET VALUATION ON AN ANNUALIZED BASIS OF THE FIFTY-SIX FEET OF HEAD (OUT OF A TOTAL SEVENTY-ONE FEET OF HEAD) PROVIDED BY THE REGULATING DISTRICT BY VIRTUE OF CONSTRUCTION OF THE CONKLINGVILLE DAM CONTRACT NO. C032020 TO WALDEN ENVIRONMENTAL ENGINEERING, PLLC.

WHEREAS, the Regulating District solicited proposals from qualified individuals and/or firms (collectively, "Firms") to conduct a fair market valuation on an annualized basis of the fifty-six feet of head (out of a total seventy-one feet of head) provided by the HRBRRD by virtue of the construction of the Conklingville Dam on the Sacandaga River; and

WHEREAS, Erie Boulevard Hydropower, L.P./Brookfield Renewable Power, Inc. uses the fifty-six feet of head in the production of hydroelectric power at its E.J. West Hydroelectric Plant located in the Town of Hadley, Saratoga County; and

WHEREAS, upon evaluation of the two bids received, the Hudson River – Black River Regulating District determined Walden Environmental Engineering, PLLC ("Walden") to be the low bidder; and

WHEREAS, Walden’s scope of services includes, but is not limited to, an inspection, preparation of a data request, document review, system inventory, condition assessment, and development of a fair market valuation on a cost, income and sales basis for a not to exceed fee of \$93,600; and

WHEREAS, staff recommends that the Board authorize the executive director to execute contract C032020 in an amount not to exceed \$93,600.00; and

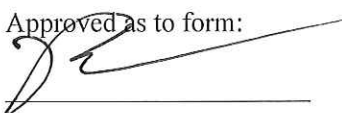
WHEREAS, in order to provide sufficient funding in the current Fiscal Year for the necessary appraisal, staff seek authority to execute transfers in the Fiscal Year 2020-21 budget from debt payment principal and interest line items to the contingencies line item;

NOW THEREFORE BE IT RESOLVED THAT, the Board of the Hudson River – Black River Regulating District authorizes the executive director to execute contract C032020 accepting Walden Environmental Engineering, PLLC’s proposal for a not to exceed price of \$93,600.00.

BE IT FURTHER RESOLVED that the Board does hereby authorize the following transfer in the Fiscal Year 2020-21 budget:

Account Number	Account Name	Increase	Decrease
5770-0300	Contingencies	\$93,600	
5740-0300	Debt Payments- Principal		\$53,350
5750-0300	Debt Payments- Interest		\$40,250

Approved as to form:



Robert P. Leslie
General Counsel

Motion was made by Mr. DeWitt and seconded by Mr. Rosenthal 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>	<u> </u>	<u> </u>
Mr. Hayes.....	<u> X </u>	<u> </u>	<u> </u>
Mr. Rosenthal.....	<u> X </u>	<u> </u>	<u> </u>
Mr. DeWitt.....	<u> X </u>	<u> </u>	<u> </u>
Mr. Bird.....	<u> X </u>	<u> </u>	<u> </u>

20-41-11

**RESOLUTION SCHEDULED DATE, TIME AND LOCATION OF THE
TUESDAY, JANUARY 12, 2021 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, January 12, 2021 at the Regulating District's Sacandaga Field Office, 737 Bunker Hill Road, Mayfield, NY 12117 at 10 AM.

Approved as to form:



Robert P. Leslie
General Counsel

Motion was made by Mr. DeWitt and seconded by Mr. Rosenthal 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>	_____	_____