

**HUDSON RIVER-BLACK RIVER REGULATING DISTRICT
BOARD MEETING MINUTES
Sacandaga Field Office Conference Room
737 Bunker Hill Road
Mayfield, NY 12117
April 13, 2021**

CALL TO ORDER

Chairman Mark M. Finkle called the meeting to order at 11:10 A.M.

SWEARING IN OF BOARD MEMBER TIMOTHY J. REAGAN

Counsel, and Notary Public, Robert Leslie administered the Oath of Office to Mr. Reagan.

ROLL CALL

Present: 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 Members Albert J. Hayes; Richard Bird, Timothy J. Reagan, and Alfred J. Candido, Jr.; Executive Director John C. Callaghan; General Counsel Robert P. Leslie; Chief Engineer Robert S. Foltan; and Chief Fiscal Officer Timothy Maniccia.

MOTION TO ADOPT OR REVISE THE MEETING AGENDA

First Vice Chair Jeffrey Rosenthal asked for a motion to revise the agenda to reflect an Executive Session and to add an agenda item reflecting new committee assignments. Mr. Bird made a motion to revise the agenda. Mr. Candido seconded. The Board approved the motion by unanimous vote.

NEW COMMITTEE APPOINTMENTS

First Vice Chair Rosenthal relayed to the Board that Chairman Finkle appointed Mr. Reagan to the Finance Committee and Mr. Candido to the Governance Committee. Further, Mr. Bird is excused from those committees and will continue to serve on the Audit Committee; satisfying the requirement that each committee include representation from both the Hudson River Area and Black River Area.

PUBLIC COMMENT

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

APPROVAL OF THE MARCH 9, 2021 REGULAR BOARD MEETING MINUTES

First Vice Chair Rosenthal asked for a motion to adopt the March 9, 2021 regular board meeting minutes. Mr. DeWitt advanced the motion to approve the regular meeting minutes. Mr. Candido seconded and the Board approved the motion by unanimous vote.

Chairman Finkle joined the meeting at 11:18 A.M

REPORT OF THE EXECUTIVE DIRECTOR

Mr. Callaghan presented his report to the Board. In a PowerPoint presentation, Mr. Callaghan noted several accomplishments secured by and for the Regulating District throughout his first two years as Executive Director noting especially the “Capital Projects” bill enacted as part of the State’s FY 2022 budget which includes a \$20 million appropriation for capital expenses at Conklingville. Mr. Callaghan noted that, while the mechanics of the arrangement are still under review, the project will be administered by the Regulating District with support from the Department of Environmental Conservation; the executive agency to which the appropriation has been directed. Mr. Callaghan reported that he continues to work closely with staff and Interactive Media Consulting following the rollout of the new online permit system. He noted that overall, the system has worked very well. As of April 6th, 2,198 permits had been renewed online using the new system, representing 45.6% of total renewals (4,816) as of that date. Mr. Callaghan noted that with leases for the Watertown (BRAO) and Albany (HRAO) office space expiring, he has identified several viable options to achieve savings.

EXECUTIVE SESSION

Chairman Finkle called for a motion to adjourn to Executive Session to discuss the potential for affirmative litigation to recover funds as identified in the Inspector General’s report. Mr. Rosenthal advanced the motion, Mr. Reagan seconded and the Board approved the motion by unanimous vote. Chairman Finkle invited the Executive Director, the Chief Fiscal Officer and General Counsel to participate. He noted that the Board will conduct business upon its return from Executive Session.

The Board adjourned to Executive Session at 11:40 A.M. and returned at 1:08 P.M.

The Regular Board Meeting resumed at 1:15 P.M. Chairman Finkle noted that the Board had taken no action in Executive Session.

CONTRACTS/ACTIONS

RESOLUTION TO HIRE TEMPORARY SEASONAL LABORERS TO SUPPLEMENT PERMANENT STAFF IN THE HUDSON RIVER AREA AND BLACK RIVER AREA

Mr. Callaghan presented a resolution to hire temporary seasonal laborers to supplement permanent staff in both the Hudson River Area and the Back River Area. He explained that the mission of Hudson River-Black River Regulating District requires a robust and capable workforce, but that financial constraints limit the Regulating District’s ability to add additional permanent, full-time personnel at present. Noting the practice of augmenting permanent staff

with seasonal-specific temporary staff is well established in other New York State agencies and authorities, and that the existing CSEA contract establishes an hourly rate for the position of Laborer at \$14.56, Mr. Callaghan recommended the hiring of one (1) temporary seasonal laborer in the Black River Area and two (2) temporary seasonal laborers in the Hudson River Area for a period of 18-20 weeks in 2021. He noted that the Regulating District will publicly advertise and fill these positions in accordance with applicable policy, law and pertinent provisions of the existing CSEA contract.

Chairman Finkle asked for a motion to adopt the resolution. Mr. Hayes moved to adopt the resolution authorizing the employment of one (1) temporary seasonal laborer in the Black River Area and two (2) temporary seasonal laborers in the Hudson River Area at a rate of \$14.56/ hour for 18-20 weeks in 2021. Mr. Rosenthal seconded and the Board adopted the resolution by unanimous vote.

RESOLUTION AUTHORIZING THE APPOINTMENT OF MICHAEL DICOB AS BLACK RIVER AREA SUPERINTENDENT

Mr. Callaghan presented a resolution authorizing the appointment of Michael Dicob as Black River Area Superintendent. He noted that the Regulating District's mission requires a robust and capable workforce; and further that Douglass Criss served the Regulating District faithfully as Black River Area Superintendent from September, 2003 through his retirement in June, 2020. Michael Dicob has served with an exemplary record as Principal Plant Operator in the Black River Area for nearly two decades. Mr. Dicob has amassed unparalleled institutional knowledge and skill with Black River Area facilities, infrastructure and tasks during that time. Mr. Callaghan noted that the Regulating District's existing CSEA contract requires that this position would be represented upon Mr. Criss's retirement and recommended that the Board establish a salary range for the Black River Area Superintendent position of \$72,482 to \$87,133; commensurate with Mr. Criss's equated salary grade.

Chairman Finkle asked for a motion. Mr. Hayes moved to adopt the resolution authorizing Michael Dicob's appointment as the Black River Area Superintendent, effective April 15, 2021, and placing Mr. Dicob at the hiring rate (\$72,482) for the position. Mr. Reagan seconded and the Board adopted the resolution by unanimous vote.

COMMITTEE/STAFF REPORTS

AUDIT COMMITTEE REPORT

RESOLUTION TO AWARD AUDIT SERVICES WORK TO GALLEROS ROBINSON CERTIFIED ACCOUNTANTS, LLP FOR FISCAL YEAR ENDING JUNE 30, 2021

Audit Committee Chair Hayes asked Mr. Maniccia to present the resolution to the Board to authorize the extension of a contract with Galleros Robinson Certified Public Accountants, LLP. Mr. Maniccia noted that the Board approved resolution 19-25-05 awarding audit services to Galleros Robinson Certified Accountants, LLP (Galleros Robinson), an MBE/WBE firm, for fiscal year July 1, 2018 through June 30, 2019. Resolution 19-25-05 authorized the Regulating District to extend the audit services engagement for one additional year; which it did by adopting

resolution 20-16-05. Mr. Maniccia noted that Galleros Robinson has provided satisfactory audit services for fiscal years July 1, 2018 through June 30, 2019 and July 1, 2019 through June 30, 2020. He noted that the committee recommended that it is in the best interest of the Regulating District to continue to engage a MWBE qualified firm for these services for FY July 1, 2020 through June 30, 2021. Mr. Maniccia noted that, pursuant to Public Authorities law §2802(4), the certified public accounting firm providing the independent annual audit will be prohibited from providing audit services to the authority if the lead or coordinating audit partner, having primary responsibility for the audit or reviewing the audit, has performed audit services for that issuer in each of the five previous fiscal years of such authority. He explained that, to date, Galleros Robinson has ably completed independent audits only for fiscal years ending June 30, 2019 and June 30, 2020. Mr. Maniccia noted that Nora Galleros, Partner in Charge at Galleros Robinson, has agreed to perform the District's audits going forward and has agreed to perform the District's audit services for fiscal year ending June 30, 2021 at the amount not to exceed \$25,400.00.

Chairman Finkle asked for a motion. Mr. Rosenthal moved to adopt the resolution awarding the audit services work to Galleros Robinson and to authorize the Executive Director to enter into the contemplated contract C012021 for the not to exceed amount of \$25,400.00, plus expenses up to \$1,200.00, for the audit of fiscal year ending June 30, 2021. Mr. DeWitt seconded and the Board adopted the resolution by unanimous vote.

STAFF REPORTS

Mr. Leslie presented his report. Mr. Leslie reminded Board Members and assembled senior staff that Financial Disclosure Statements must be filed with the Joint Commission on Public Ethics on or before May 17, 2021.

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. Mr. Leslie also reported that he maintains an open dialog with counsel for Erie Boulevard Hydropower and counsel for Stillwater Associates as those parties negotiate amendments to the respective Reservoir Operating Agreements. To that end, Mr. Leslie has also enlisted the support of the Office of the State Comptroller to ensure that the updated agreements reflect OSC's current stance with regard to such revenue contracts. Mr. Leslie noted that on behalf of the records access officer, counsel addressed two (2) FOIL requests during the reporting period.

Ms. Ruzycky presented her report to the Board. Ms. Ruzycky noted that she managed the HRBRRD's COVID-19 reopening plan and performed monthly access permit database audits.

Mr. Maniccia presented his report to the Board. Therein he noted that at the close of fiscal March 31, 2021, the general fund balances for the HRA and BRA were approximately \$3,809,844 and \$1,647,036 respectively. He noted that significant disbursements for the month of March include: Payroll and Health Insurance. Mr. Maniccia noted that the Regulating District's transactional processing and reporting are current. He noted that the annual certification of the Regulating District's Internal Controls process, typically due to OSC by April 30th, will be submitted well in advance of OSC's new extended deadline; July 30, 2021. He also noted that, at the May 2021 meeting, a draft of the triennial budget will be presented to the Board.

Mr. Foltan presented the Chief Engineer's report to the Board. Mr. Foltan noted that the March average daily release from the Sacandaga Reservoir (Great Sacandaga Lake) was approximately 1,100 cubic feet per second (cfs). Precipitation during the month of March 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 106% and 126% of historic average, respectively. Monthly release of water from Great Sacandaga Lake and Indian Lake measured 53% and 67% of historic average, respectively.

The March average daily release from Stillwater Reservoir was approximately 240 cfs. Monthly total precipitation measured 78%, 69%, and 53% of historic average at Stillwater, Old Forge, and Sixth Lake, respectively, as of March 29th. Precipitation in the month of March was below average at Stillwater, Old Forge and Sixth Lake. The monthly inflow to Stillwater Reservoir was approximately 74% of historic average. The inflow to Sixth Lake and Old Forge Reservoir totaled 0.17 and 0.38 billion cubic feet, respectively, in March. Release of water from Stillwater Reservoir averaged 57% 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 that snow surveys are done for the year.

RESOLUTION SCHEDULING DATE, PLACE AND TIME OF THE REGULAR MEETING FOR MAY 11, 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, May 11, 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. Hayes 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. Hayes advanced the motion. Mr. Reagan seconded. The meeting adjourned at 1:29 P.M.

RESOLUTIONS

21-13-04 RESOLUTION TO HIRE TEMPORARY SEASONAL LABORERS TO SUPPLEMENT PERMANENT STAFF IN THE HUDSON RIVER AREA AND BLACK RIVER AREA

Chairman Finkle asked for a motion to adopt the resolution. Mr. Hayes moved to adopt the resolution authorizing the employment of one (1) temporary seasonal laborer in the Black River Area and two (2) temporary seasonal laborers in the

Hudson River Area at a rate of \$14.56/ hour for 18-20 weeks in 2021. Mr. Rosenthal seconded and the Board adopted the resolution by unanimous vote.

21-14-04 RESOLUTION AUTHORIZING THE APPOINTMENT OF MICHAEL DICOB AS BLACK RIVER AREA SUPERINTENDENT

Chairman Finkle asked for a motion. Mr. Hayes moved to adopt the resolution authorizing Michael Dicob's appointment as the Black River Area Superintendent, effective April 15, 2021, and placing Mr. Dicob at the hiring rate (\$72,482) for the position. Mr. Reagan seconded and the Board adopted the resolution by unanimous vote.

21-15-04 RESOLUTION TO AWARD AUDIT SERVICES WORK TO GALLEROS ROBINSON CERTIFIED ACCOUNTANTS, LLP FOR FISCAL YEAR ENDING JUNE 30, 2021

Chairman Finkle asked for a motion. Mr. Rosenthal moved to adopt the resolution awarding the audit services work to Galleros Robinson and to authorize the Executive Director to exercise enter into the contemplated contract C012021 for the not to exceed amount of \$25,400.00, plus expenses up to \$1,200.00, for the audit of fiscal year ending June 30, 2021. Mr. DeWitt seconded and the Board adopted the resolution by unanimous vote.

21-16-04 RESOLUTION SCHEDULING DATE, PLACE AND TIME OF THE REGULAR MEETING FOR MAY 11, 2021

Mr. Hayes 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