

**HUDSON RIVER-BLACK RIVER REGULATING DISTRICT
BOARD MEETING MINUTES
Sacandaga Field Office Conference Room
737 Bunker Hill Road
Mayfield, NY 12117
June 8, 2021**

Remote Conference-In Information

As per continued COVID-19 social distancing restrictions, walk-in public access was limited. Participants were invited to join the meeting via computer, tablet or smartphone. <https://global.gotomeeting.com/join/966979173> or via phone. United States: [+1 \(872\) 240-3212](tel:+18722403212) Access Code:966-979-173

CALL TO ORDER

Chairman Mark M. Finkle called the meeting to order at 10:31 A.M.

ROLL CALL

Present: Board Chairman Mark M. Finkle; First Vice-Chair Jeffrey Rosenthal; Second Vice-Chair Kenneth DeWitt; Board Members Albert J. Hayes and Timothy J. Reagan; Executive Director John C. Callaghan; General Counsel Robert P. Leslie; Chief Engineer Robert S. Foltan; and Chief Fiscal Officer Timothy Maniccia; Area Administrator John Hodgson; and Compliance Officer Stephanie Ruzicky.

Video Feed: Board Members Richard Bird and Alfred J. Candido Jr.

MOTION TO ADOPT OR REVISE THE MEETING AGENDA

Chairman Finkle asked for a motion to revise the agenda to reflect the addition of a resolution honoring John Hodgson upon his retirement and re-ordering the presentation of staff reports to give Mr. Hodgson the last word. Mr. Rosenthal made a motion to adopt the agenda. Mr. DeWitt seconded. The Board approved the motion by unanimous vote.

PUBLIC COMMENT

Chairman Finkle opened the meeting to public comment; thanking NYS Assemblyman, and former Executive Director, Col. Robert S. Smullen (USMC, retired) for his kind words during the Governance Committee meeting commemorating John Hodgson's retirement. One additional speaker voiced concerns about a proposed RV park and marina on Woods Hollow Road in the Town of Mayfield.

APPROVAL OF THE MAY 11, 2021 REGULAR BOARD MEETING MINUTES

Chairman Finkle asked for a motion to adopt the May 11, 2021 regular board meeting minutes. Mr. Rosenthal advanced the motion to approve the 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 the Regulating District's presence on social media continues to be a success noting the addition of 200 followers resulting from recent posts and an increase of over 1,000 followers in the last eighteen months. He also reported that senior staff will be conducting a site visit with Executive Chamber staff in the Hudson River Area this coming Thursday.

CONTRACTS/ACTIONS

Presentation: Summary of Field Investigation Work and Concept Design for Remediation of Old Forge and Sixth Lake Dam – Arcadis of New York, Inc.

RESOLUTION TO AWARD THE WORK TO PERFORM A LIGHT DETECTION AND RANGING (LIDAR) SURVEY PROGRAM AT CONKLINGVILLE - CONTRACT C022021 TO MJ ENGINEERING AND LAND SURVEYING, P.C.

Mr. Foltan presented a resolution authorizing a contract for survey work at Conklingville. He explained that in January 2020, Mr. Adam Jones, P.E., of Henningson, Durham & Richardson Architecture and Engineering, P.C., Inc. (HDR), the Regulating District's consultant for the 4th Part 12D inspection at Conklingville, included a recommendation in his safety inspection report (2019-08) that the Regulating District implement a LiDAR (Light Detections and Ranging) survey program to verify the crest elevation of the embankment at Conklingville and to identify and monitor subsidence and changes which may occur in the surface of the embankment. Mr. Foltan noted that FERC requires completion of these recommendations and that, consistent with state procurement guidelines and Section 136-a of the State Finance Law, staff requested and received annual statements of qualification and performance data from several professional engineering and surveying firms. Mr. Foltan reported that an evaluation team comprised of the Chief Engineer, Robert Foltan, and the Engineering Assistant, Michael Mosher, evaluated three of the most qualified firms based on those firms' experience and the experience of firm personnel providing topographic survey services and that each evaluation team member individually evaluated each firm's qualifications and the qualifications of the personnel identified by such firm according to the criteria defined in the Regulating District's annual statement of qualifications – Project Based Evaluation survey. Mr. Foltan explained that the evaluation team determined that MJ Engineering and Land Surveying, P.C. to be the highest qualified firm to complete the work on the project and that he asked that firm to submit a proposal to complete the work. Mr. Foltan reported that MJ Engineering and Land Surveying, P.C. proposes to establish survey control points and conduct a laser scan survey (LiDAR) of the Conklingville Dam, and develop surface mapping, imagery, and sections of the embankment dam in an initial survey in 2021, and updated annually in 2022 and 2023, for a not-to-exceed fee of \$19,500. He recommended that the Board authorize the Executive Director to accept the MJ Engineering and Land Surveying, P.C. proposal and to execute Contract C022021 for completion of the work for an amount not-to-exceed \$19,500.00.

Chairman Finkle asked for a motion to accept MJ Engineering and Land Surveying, P.C.'s proposal and to the Executive Director to execute contract C022021 for completion of a laser scan survey (LiDAR) and associated work for an amount not to exceed \$19,500.00. Mr. Rosenthal so moved. Mr. DeWitt seconded and the Board adopted the resolution by unanimous vote.

STAFF/COMMITTEE REPORTS

GOVERNANCE COMMITTEE REPORT

RESOLUTION TO AWARD THE REGULATING DISTRICT'S INSURANCE PROGRAM FOR POLICY YEAR JULY 1, 2021 THROUGH JUNE 30, 2022

Governance Committee Chair Rosenthal presented a Resolution to award the Regulating District's insurance program for policy year July 1, 2021 through June 30, 2022. He noted that the Board authorized the District to retain Marshall & Sterling Insurance to provide insurance and risk management services via Resolution 19-46-11 in November 2019. In March 2020, Marshall & Sterling Insurance provided insurance and risk management services to the District by crafting and overseeing the launch of a formal competitive procurement process for Insurance Brokerage Services for the District's Insurance Program for policy year July 1, 2020 through June 30, 2021. However, shortly thereafter, Marshall & Sterling Insurance advised the District to postpone the formal competitive procurement process for Insurance Brokerage Services because of the adverse effects the onset of the COVID-19 pandemic was likely to have on the competitive procurement process. Committee Chair Rosenthal noted that on March 7, 2020 the Governor declared a Disaster Emergency via Executive Order No. 202, which order allows state agencies, authorities and local governments to cope with the emergency, and temporarily suspended a number of procurement statutes, including sections 112, 136-a and 163 of the State Finance Law, among others, to allow the purchase of necessary commodities, services, technology and materials. Mr. Rosenthal recommended that the Board determine that the Insurance Program for policy year July 1, 2021 through June 30, 2022 is a necessary service. He noted that Cool Insuring Agency has satisfactorily provided the District's Insurance Program for many years and was authorized by the Board via Resolution 17-22-06 to provide the Insurance Program for Policy Years July 1, 2017 through June 30, 2020 and via Resolution 20-30-06 to provide the Insurance Program for Policy Year July 1, 2020 through June 30, 2021. Mr. Rosenthal noted that Cool Insuring Agency, Inc. has recently combined its operations with Arthur J. Gallagher, Inc. and recommended the Board award the Regulating District's Insurance Program for the policy year of July 1, 2021 through June 30, 2022 to the Arthur J. Gallagher, Inc.

Chair Mark Finkle asked for a motion to adopt the resolution to award the Regulating District's insurance program for policy year July 1, 2021 through June 30, 2022 to Arthur J. Gallagher, Inc. Mr. Rosenthal so moved and Mr. Hayes seconded. The Board approved the motion adopting the resolution by unanimous vote.

RESOLUTION TO APPROVE INSURANCE PROPOSAL FOR POLICY YEAR JULY 1, 2021 THROUGH JUNE 30, 2022

Governance Committee Chair Rosenthal presented a resolution to approve the insurance proposal for policy year July 1, 2021 through June 30, 2022. Building upon the Resolution awarding Arthur J. Gallagher, Inc. the Regulating District's insurance program for the policy year ending June 30, 2022, the Committee Chair, Executive Director and Chief Fiscal Officer recommended that the Board accept the insurance proposal developed by Arthur J. Gallagher, Inc. for the annual premium amount of \$190,070.00.

Chair Mark Finkle asked for a motion to adopt the resolution awarding the Regulating District's insurance coverage contract for the period July 1, 2021 through June 30, 2022 to Arthur J.

Gallagher, Inc. for the annual premium amount of \$190,070.00. Mr. Rosenthal so moved and Mr. DeWitt seconded. The Board approved the motion adopting the resolution by unanimous vote.

RESOLUTION APPROVING A SECOND AMENDMENT TO THE RESERVOIR OPERATING AGREEMENT AT CONKLINGVILLE

Governance Committee Chair Rosenthal presented a resolution to approve a second amendment to the Reservoir Operating Agreement between the Hudson River – Black River Regulating District Board (“*Regulating District*”) and Erie Boulevard Hydropower, L.P., (“*Erie*”). He noted that the original agreement, dated July 1, 2003 and later amended by agreement dated May 19, 2006, expires on June 30, 2021. He further explained that the said Reservoir Operating Agreement continues a long-term relationship with Erie and its predecessors in interest including previous Reservoir Operating Agreements with the Regulating District in 1927, 1939, 1949, 1971, and 1980. Mr. Rosenthal noted that the Regulating District hired Walden Environmental Engineering, PLLC, to appraise the fair market value of the Regulating District’s 56 feet of head used by Erie at Conklingville and that the parties intend to rely upon that appraisal in the negotiation of a new long-term replacement to the expiring Reservoir Operating Agreement. Further, the parties acknowledge that additional time may be required to acquire necessary data, including data from Erie, to complete the appraisal and to negotiate a new long-term agreement. Mr. Rosenthal and the Executive Director recommended that the Board adopt the resolution to authorize the Executive Director to enter into an agreement extending the current Reservoir Operating Agreement’s term, including the 3% rent escalation, by one year to June 30, 2022.

Chair Mark Finkle asked for a motion to adopt the resolution authorizing the Executive Director to enter into an agreement extending the current Reservoir Operating Agreement at Conklingville by one year to June 30, 2022. Mr. Rosenthal so moved and Mr. Hayes seconded. The Board approved the motion adopting the resolution by unanimous vote.

RESOLUTION TO ENTER INTO A RECIPROCAL AGREEMENT ON TRANSFER OF LEAVE AND SERVICE CREDITS WITH THE NYS DEPARTMENT OF CIVIL SERVICE

Governance Committee Chair Rosenthal presented a resolution to authorize an agreement with the NYS Department of Civil Service which would allow an entering or departing employee to transfer sick leave and service credits. Mr. Rosenthal noted that the leave & attendance manual maintained by the NYS Department of Civil Service is designed to assist state departments and agencies in the interpretation and application of the attendance rules for employees in NYS departments and institutions and the attendance and leave provisions of the agreements negotiated with state employee organizations. Part 24 of the leave & attendance manual is intended to facilitate the movement of qualified personnel between positions subject to the attendance rules for employees in NYS departments and institutions and positions not subject to the rules (e.g., the unclassified service, public benefit corporations, authorities, etc.). He noted that the President of the Civil Service Commission is authorized to enter into reciprocal agreements with public agencies not covered by the rules to provide for the transfer of service and leave credits when employees move between positions in such agencies and positions subject to the rules and that, as evidenced by appendix G of the leave & attendance manual, there are now over four dozen current reciprocal agreements between the President of the Civil Service Commission and eligible public agencies. Mr. Rosenthal explained that reciprocal agreements which include the transfer of leave credits are possible only with public agencies which have regulations on attendance and leave which are substantially equivalent to the attendance rules outlined in the NYS civil service leave & attendance manual. Mr. Rosenthal noted

that Mr. Callaghan has pursued an agreement permitting the transfer of leave and service credits with the NYS Department of Civil Service since shortly after his arrival at the Regulating District and in response to Mr. Callaghan's request, and in accordance with the procedures governing the establishment of reciprocal agreements on the transfer of leave and service credits, the NYS Department of Civil Service, Director of Staffing Services has advanced the attached reciprocal agreement between the Department of Civil Service and the Hudson River – Black River Regulating District. Mr. Callaghan explained that, pursuant to the proposed agreement, upon movement of an employee between a position subject to the time and attendance policies for employees of HRBRRD and a position subject to the attendance rules for employees in NYS departments and institutions, up to 200 days of sick leave shall be transferred in the same manner and subject to the same restrictions and limitations as would apply if such movement were between two positions subject to the attendance rules for employees in NYS departments and institutions. Further, for the purposes of applying the various provisions of the time and attendance rules for employees of HRBRRD or the attendance rules for employees in the NYS departments and institutions to employees who move to and from positions subject to those rules and those policies, previous service with HRBRRD shall be credited as state service and previous service in the classified or unclassified service of the Executive, Legislative or Judicial branch shall be credited as service with HRBRRD. Mr. Rosenthal recommended that the Board adopt the resolution authorizing the Executive Director to enter into a reciprocal agreement on the transfer of leave and service credits with the NYS Department of Civil Service.

Chair Mark Finkle asked for a motion to adopt the resolution authorizing the Executive Director to enter into a reciprocal agreement on the transfer of leave and service credits with the NYS Department of Civil Service. Mr. Rosenthal so moved and Mr. Hayes seconded. The Board approved the motion adopting the Resolution by unanimous vote.

FINANCE COMMITTEE REPORT

RESOLUTION APPROVING A BUDGET FOR THE HUDSON RIVER-BLACK RIVER REGULATING DISTRICT FOR THE PERIOD JULY 1, 2021 THROUGH JUNE 30, 2024 AND FOURTH YEAR PROPOSED FINANCIAL PLAN FOR THE PERIOD JULY 1, 2024 THROUGH JUNE 30, 2025

Finance Committee Chairman Kenneth DeWitt presented the proposed three-year budget for the period July 1, 2021 through June 30, 2024. Mr. DeWitt then asked Mr. Maniccia to outline the changes, if any, to the proposed budget resulting from circumstances arising since the Committee's previous work session on the budget. Mr. Maniccia noted that pursuant to the Regulating District's enabling legislation ECL §15-2125, the Board is responsible for estimating an amount sufficient to pay the expense of maintenance and operation of the Regulating District and when determined, be fixed for a period of three (3) years. He also noted that consistent with Section 5 of Article 10 of the New York State Constitution, Article 9 of the Public Authorities Law and Section 8 (14) of the State Finance Law, the State Comptroller adopted regulation 2 NYCCR Part 203, "Budget and Financial Plan Format, Supporting Documentation and Monitoring – Public Authorities" requiring a fourth year proposed financial plan. Mr. Maniccia provided a brief overview of the budget proposal. Mr. Maniccia recommended that the Board adopt the proposed budget for July 1, 2021 and ending June 30, 2024 and fourth year proposed financial plan. Mr. Callaghan concurred in Mr. Maniccia's recommendation. The proposed three-year budget is attached.

Chair Mark Finkle asked for a motion to adopt the July 1, 2021 through June 30, 2024 Budget and the fourth-year financial plan. Mr. Hayes so moved and Mr. Rosenthal seconded. The Board adopted the motion adopting the budget and financial plan by unanimous vote.

RESOLUTION TO APPROVE THE ANNUAL ASSESSMENT FOR THE OPERATION AND MAINTENANCE OF STORAGE RESERVOIRS IN THE BLACK RIVER AREA FOR THE FIRST YEAR (JULY 1, 2021 - JUNE 30, 2022) OF THE THREE YEAR BUDGET PERIOD BEGINNING JULY 1, 2021

Finance Committee Chair Kenneth DeWitt presented the annual assessment for the operation and maintenance of storage reservoirs in the Black River area for the period July 1, 2021 through June 30, 2022 pursuant to Environmental Conservation Law, Title 21, Article 15, Sections 15-2123 and 15-2125, and requested that the Board approve a resolution setting the annual assessment (\$1,141,728.00) accordingly. The Black River area assessment is attached.

Chair Mark Finkle asked for a motion to adopt the July 1, 2021 through June 30, 2022 Black River area assessment (\$1,141,728.00). Mr. Reagan so moved. Mr. Rosenthal seconded and the Board approved the motion by unanimous vote.

RESOLUTION TO APPROVE THE STATE SHARE FOR THE OPERATION AND MAINTENANCE OF STORAGE RESERVOIRS IN THE BLACK RIVER AREA FOR THE FIRST YEAR (JULY 1, 2021 - JUNE 30, 2022) OF THE THREE YEAR BUDGET PERIOD BEGINNING JULY 1, 2021

Committee Chair Kenneth DeWitt presented a resolution setting the state share for the operation and maintenance of storage reservoirs in the Black River area for the period of July 1, 2021 – June 30, 2022 pursuant to Environmental Conservation Law, Title 21, Article 15, Sections 15-2123 and 15-2125, and requested that the Board approve a resolution setting the Black River area state share (\$222,944.00) accordingly. The Black River area state share statement is attached.

Chair Mark Finkle asked for a motion to adopt the Resolution setting the Black River area state share for the first year (July 1, 2021 - June 30, 2022) of the three year budget period (July 1, 2021 - June 30, 2024) in the amount of \$222,944.00. Mr. Rosenthal so moved. Mr. Reagan seconded and the Board approved the motion by unanimous vote.

RESOLUTION TO APPROVE THE ANNUAL ASSESSMENT FOR THE OPERATION AND MAINTENANCE OF STORAGE RESERVOIRS IN THE HUDSON RIVER AREA FOR THE FIRST YEAR (JULY 1, 2021 - JUNE 30, 2022) OF THE THREE YEAR BUDGET PERIOD BEGINNING JULY 1, 2021

Finance Committee Chair DeWitt presented the annual assessment for the operation and maintenance of storage reservoirs in the Hudson River area for the period July 1, 2021 through June 30, 2022 pursuant to Environmental Conservation Law, Title 21, Article 15, Sections 15-2123 and 15-2125, and requested that the Board approve a resolution setting the annual assessment (\$3,113,850) accordingly. The Hudson River area assessment is attached.

Chair Mark Finkle asked for a motion to adopt the July 1, 2021 through June 30, 2022 Hudson River area assessment (\$3,113,850). Mr. Hayes so moved. Mr. Rosenthal seconded and the Board approved the motion by unanimous vote.

RESOLUTION TO APPROVE THE STATE SHARE FOR THE OPERATION AND MAINTENANCE OF STORAGE RESERVOIRS IN THE HUDSON RIVER AREA FOR THE FIRST YEAR (JULY 1, 2021 - JUNE 30, 2022) OF THE THREE YEAR BUDGET PERIOD BEGINNING JULY 1, 2021

Finance Committee Chair DeWitt presented a resolution setting the state share for the operation and maintenance of storage reservoirs in the Hudson River area for the period of July 1, 2021 – June 30, 2022 pursuant to Environmental Conservation Law, Title 21, Article 15, Sections 15-2123 and 15-2125, and requested that the Board approve a resolution setting the Hudson River area state share (\$1,027,056.00) accordingly. The Hudson River area state share statement is attached.

Chair Mark Finkle asked for a motion to adopt the resolution setting the Hudson River area state share for the first year (July 1, 2021 - June 30, 2022) of the three year budget period (July 1, 2021 - June 30, 2024) in the amount of \$1,027,056.00. Mr. Rosenthal so moved. Mr. Reagan seconded and the Board approved the motion by unanimous vote.

STAFF REPORTS

Mr. Leslie presented his report. Mr. Leslie noted he continues to work with counsel for DEC, representatives from the Division of Budget, and the Chamber to address how the Regulating District can assist DEC complete necessary analysis, design and construction work at Conklingville. Counsel continues to confer with counsel for Brookfield to reach agreement for a new Reservoir Operating Agreement; including the resolution before today’s meeting extending the current ROA. Principals with Stillwater Associates have reached out to the Executive Director and Counsel regarding the potential for an extender of that agreement; or, failing a new agreement, a sale of that asset to the Regulating District. Counsel addressed three FOIL requests during the reporting period.

Ms. Ruzycky presented her report to the Board. Ms. Ruzycky reported completion of the quarterly internal control compliance audit at HRAO and her work interviewing and hiring the seasonal laborers. Ms. Ruzycky noted completion of the annual drug and alcohol clearinghouse (DACH) query for Regulating District employees holding commercial drivers’ (CDL) licenses.

Mr. Maniccia presented his report to the Board. Therein he noted that at the close of May 31, 2021, the general fund balances for the HRA and BRA were approximately \$4,782,303 and \$1,707,122 respectively. He noted that significant disbursements for the period include: Payroll and Health Insurance. Mr. Maniccia noted that the Regulating District’s transactional processing and reporting are current. Mr. Maniccia noted that he continues to engage the Department of Environmental Conservation, the Executive Chamber and the Division of Budget on how to best draft a memorandum of understanding outlining the role each entity will play utilizing the \$20 million capital appropriation for work at the Conklingville Dam. Mr. Maniccia highlighted that portion of his report which tracks the Regulating District’s progress in implementing the recommendations made by the New York State Inspector General (IG) in its report dated April 8.

RESOLUTION APPROVING A CASH PAYOUT OF UNUSED SICK LEAVE AND FREEDOM FROM CONTRIBUTION TO HEALTH INSURANCE PREMIUMS TO JOHN HODGSON UPON RETIREMENT

Mr. Maniccia presented a resolution to the Board articulating the terms of a cash payout of unused sick leave and freedom from contributions to health insurance premiums for John Hodgson upon retirement. Mr. Maniccia noted that John Hodgson has indicated an intent to retire directly from Regulating District employment on June 24, 2021. Mr. Maniccia explained that, pursuant to Resolution 19-20-05, the Regulating District Board updated the Management/Exempt Employees – Employment Rules and Benefit Guidelines effective May 16, 2019 and that pursuant to such guidelines, employees hired prior to July 1, 2005 are entitled to a payout of up to 100 days of unused sick leave upon retirement directly from the Regulating District and such employees do not have to contribute toward payment of health care insurance premiums during retirement. Mr. Maniccia reported that a review of Mr. Hodgson’s personnel record maintained by the Executive Director reveals that Mr. Hodgson commenced service as an employee of the Regulating District on June 22, 2000 and that during his twenty-one-year tenure with the Regulating District, Mr. Hodgson has accumulated 650 hours of unused sick leave. Mr. Maniccia explained that the 650 hours of sick leave equate to 86.67 days of sick leave when computed at 7.5 hours per day and that Mr. Hodgson has indicated a desire to be paid cash for up to 86.67 days (650 hours) of unused sick leave. He noted that pursuant to the Management/Exempt Employees – Employment Rules and Benefit Guidelines effective May 16, 2019, and based on Mr. Hodgson’s date of hire prior to July 1, 2005, Mr. Hodgson is not required to contribute to the payment of health insurance premiums in retirement. Mr. Maniccia computed the cash payout at \$37,741.60 assuming Mr. Hodgson does not expend any additional sick leave accruals before his departure. Mr. Maniccia noted that with the Regulating District’s typical payroll contributions to the Regulating District’s cost totals \$40,628.83 and that the payment for unused sick leave upon retirement is subject to review and approval of the NYS Comptroller.

Chair Mark Finkle congratulated Mr. Hodgson on his retirement and asked for a motion to approve the cash payout to John Hodgson in the amount not to exceed \$37,741.60 representing up to 86.67 days (650 hours) of unused sick leave. Mr. Finkle further asked that the Board recognize that based on Mr. Hodgson’s hire date (June 22, 2000), prior to July 1, 2005, Mr. Hodgson is not required to contribute toward payment of health insurance premiums due each month during retirement. Mr. Hayes so moved and Mr. Rosenthal seconded. The Board approved the motion adopting the resolution by unanimous vote.

Mr. Foltan presented the Chief Engineer’s report to the Board. Mr. Foltan noted that the May average daily release from the Sacandaga Reservoir (Great Sacandaga Lake) was approximately 400 cubic feet per second (cfs). Precipitation during the month of May was below normal across the Great Sacandaga Lake and Indian Lake watersheds. The monthly inflow to Great Sacandaga Lake and Indian Lake reservoir was approximately 46% and 49% of historic average, respectively. Monthly release of water from Great Sacandaga Lake and Indian Lake measured 16% and 46% of historic average, respectively.

The May average daily release from Stillwater Reservoir was approximately 90 cfs. Monthly total precipitation measured 46%, 47%, and 32% of historic average at Stillwater, Old Forge, and Sixth Lake, respectively, as of May 23rd. Precipitation in the month of May was below average at Stillwater, Old Forge and Sixth Lake. The monthly inflow to Stillwater Reservoir was approximately 62% of historic average. The inflow to Sixth Lake and Old Forge Reservoir totaled 0.06 and 0.13 billion cubic

feet, respectively, in May. Release of water from Stillwater Reservoir averaged 18% of historic discharge.

Mr. Foltan congratulated Black River Area Superintendent Michael Dicob marking 20 years with the Regulating District.

RESOLUTION SCHEDULING DATE AND TIME OF THE REGULAR MEETING FOR JULY 13, 2021

Chair Finkle asked for a motion to adopt a resolution setting the date and time for the next meeting of the Board of the Hudson River-Black River Regulating District for Tuesday, July 13, 2021. He noted that the location will be in the Regulating District's Black River Area, likely Utica. The meeting will be scheduled for 10:00 A.M.

Mr. Hayes moved to adopt the resolution setting the date and time of the next meeting. Mr. Bird seconded and the Board adopted the resolution by unanimous vote.

RESOLUTION RECOGNIZING JOHN HODGSON

Chairman Finkle invited John Hodgson and his wife Linda to come forth and then recognized Mr. Callaghan for a presentation. Mr. Callaghan announced that the Regulating District wished to publicly recognize Mr. Hodgson for his years of service at the Regulating District as Engineering Assistant, Hudson River Area Administrator, Black River Area Administrator, and Interim Executive Director.

Mr. Callaghan noted Mr. Hodgson's many years of service and record of accomplishment, and stated that Chairman Finkle has a resolution to read to that effect. Chairman Finkle read the resolution, after which the Board and Executive staff congratulated and thanked Mr. Hodgson, presenting him with a framed copy of the resolution in recognition of his service.

Chair Finkle moved to adopt the Resolution honoring John Hodgson's years of service to the Regulating District. Mr. Hayes seconded, and the Board approved the motion adopting the Resolution by unanimous vote.

Mr. Hodgson offered his thanks and presented the Administrator's report.

ADJOURNMENT

Chairman Finkle called for a motion to adjourn the meeting. Mr. Hayes advanced the motion. Mr. Rosenthal seconded. The meeting adjourned at 11:26 A.M.

RESOLUTIONS

21-21-06 RESOLUTION TO AWARD THE WORK TO PERFORM A LIGHT DETECTION AND RANGING (LIDAR) SURVEY PROGRAM AT CONKLINGVILLE - CONTRACT C022021 TO MJ ENGINEERING AND LAND SURVEYING, P.C.

Chairman Finkle asked for a motion to accept MJ Engineering and Land Surveying, P.C.'s proposal and to the Executive Director to execute contract C022021 for

completion of a laser scan (LiDAR) and associated work for an amount not to exceed \$19,500.00. Mr. Rosenthal so moved. Mr. DeWitt seconded and the Board adopted the resolution by unanimous vote.

21-22-06 RESOLUTION TO AWARD THE REGULATING DISTRICT'S INSURANCE PROGRAM FOR POLICY YEAR JULY 1, 2021 THROUGH JUNE 30, 2022

Chair Mark Finkle asked for a motion to adopt the resolution to award the Regulating District's insurance program for policy year July 1, 2021 through June 30, 2022 to Arthur J. Gallagher, Inc. Mr. Rosenthal so moved and Mr. Hayes seconded. The Board approved the motion adopting the resolution by unanimous vote.

21-23-06 RESOLUTION TO APPROVE INSURANCE PROPOSAL FOR POLICY YEAR JULY 1, 2021 THROUGH JUNE 30, 2022

Chair Mark Finkle asked for a motion to adopt the resolution awarding the Regulating District's insurance coverage contract for the period July 1, 2021 through June 30, 2022 to Arthur J. Gallagher, Inc. for the annual premium amount of \$190,070.00. Mr. Rosenthal so moved and Mr. DeWitt seconded. The Board approved the motion adopting the resolution by unanimous vote.

21-24-06 RESOLUTION APPROVING A SECOND AMENDMENT TO THE RESERVOIR OPERATING AGREEMENT AT CONKLINGVILLE

Chair Mark Finkle asked for a motion to adopt the resolution authorizing the Executive Director to enter into an agreement extending the current Reservoir Operating Agreement at Conklingville by one year to June 30, 2022. Mr. Rosenthal so moved and Mr. Hayes seconded. The Board approved the motion adopting the resolution by unanimous vote.

21-25-06 RESOLUTION TO ENTER INTO A RECIPROCAL AGREEMENT ON TRANSFER OF LEAVE AND SERVICE CREDITS WITH THE NYS DEPARTMENT OF CIVIL SERVICE

Chair Mark Finkle asked for a motion to adopt the resolution authorizing the Executive Director to enter into a reciprocal agreement on the transfer of leave and service credits with the NYS Department of Civil Service. Mr. Rosenthal so moved and Mr. Hayes seconded. The Board approved the motion adopting the Resolution by unanimous vote.

21-26-06 RESOLUTION APPROVING A BUDGET FOR THE HUDSON RIVER-BLACK RIVER REGULATING DISTRICT FOR THE PERIOD JULY 1, 2021 THROUGH JUNE 30, 2024 AND FOURTH YEAR PROPOSED FINANCIAL PLAN FOR THE PERIOD JULY 1, 2024 THROUGH JUNE 30, 2025

Chair Mark Finkle asked for a motion to adopt the July 1, 2021 through June 30, 2024 Budget and the fourth-year financial plan. Mr. Hayes so moved and Mr. Rosenthal seconded. The Board adopted the motion adopting the budget and financial plan by unanimous vote.

21-27-06 RESOLUTION TO APPROVE THE ANNUAL ASSESSMENT FOR THE OPERATION AND MAINTENANCE OF STORAGE RESERVOIRS IN THE BLACK RIVER AREA FOR THE FIRST YEAR (JULY 1, 2021 - JUNE 30, 2022) OF THE THREE YEAR BUDGET PERIOD BEGINNING JULY 1, 2021

Chair Mark Finkle asked for a motion to adopt the July 1, 2021 through June 30, 2022 Black River area assessment (\$1,141,728.00). Mr. Reagan so moved. Mr. Rosenthal seconded and the Board approved the motion by unanimous vote.

21-28-06 RESOLUTION TO APPROVE THE STATE SHARE FOR THE OPERATION AND MAINTENANCE OF STORAGE RESERVOIRS IN THE BLACK RIVER AREA FOR THE FIRST YEAR (JULY 1, 2021 - JUNE 30, 2022) OF THE THREE YEAR BUDGET PERIOD BEGINNING JULY 1, 2021

Chair Mark Finkle asked for a motion to adopt the Resolution setting the Black River area state share for the first year (July 1, 2021 - June 30, 2022) of the three year budget period (July 1, 2021 - June 30, 2024) in the amount of \$222,944.00. Mr. Rosenthal so moved. Mr. Reagan seconded and the Board approved the motion by unanimous vote.

21-29-06 RESOLUTION TO APPROVE THE ANNUAL ASSESSMENT FOR THE OPERATION AND MAINTENANCE OF STORAGE RESERVOIRS IN THE HUDSON RIVER AREA FOR THE FIRST YEAR (JULY 1, 2021 - JUNE 30, 2022) OF THE THREE YEAR BUDGET PERIOD BEGINNING JULY 1, 2021

Chair Mark Finkle asked for a motion to adopt the July 1, 2021 through June 30, 2022 Hudson River area assessment (\$3,113,850). Mr. Hayes so moved. Mr. Rosenthal seconded and the Board approved the motion by unanimous vote.

21-30-06 RESOLUTION TO APPROVE THE STATE SHARE FOR THE OPERATION AND MAINTENANCE OF STORAGE RESERVOIRS IN THE HUDSON RIVER AREA FOR THE FIRST YEAR (JULY 1, 2021 - JUNE 30, 2022) OF THE THREE YEAR BUDGET PERIOD BEGINNING JULY 1, 2021

Chair Mark Finkle asked for a motion to adopt the resolution setting the Hudson River area state share for the first year (July 1, 2021 - June 30, 2022) of the three year budget period (July 1, 2021 - June 30, 2024) in the amount of \$1,027,056.00. Mr. Rosenthal so moved. Mr. Reagan seconded and the Board approved the motion by unanimous vote.

21-31-06 RESOLUTION APPROVING A CASH PAYOUT OF UNUSED SICK LEAVE AND FREEDOM FROM CONTRIBUTION TO HEALTH INSURANCE PREMIUMS TO JOHN HODGSON UPON RETIREMENT

Chair Mark Finkle congratulated Mr. Hodgson on his retirement and asked for a motion to approve the cash payout to John Hodgson in the amount not to exceed \$37,741.60 representing up to 86.67 days (650 hours) of unused sick leave. Mr. Finkle further asked that the Board recognize that based on Mr. Hodgson's hire date (June 22, 2000), prior to July 1, 2005, Mr. Hodgson is not required to contribute

toward payment of health insurance premiums due each month during retirement. Mr. Hayes so moved and Mr. Rosenthal seconded. The Board approved the motion adopting the resolution by unanimous vote.

21-32-06 RESOLUTION SCHEDULING DATE AND TIME OF THE REGULAR MEETING FOR JULY 13, 2021

Mr. Hayes moved to adopt the resolution setting the date and time of the next meeting. Mr. Bird seconded and the Board adopted the resolution by unanimous vote.

21-33-06 RESOLUTION RECOGNIZING JOHN HODGSON

Chair Finkle moved to adopt the Resolution honoring John Hodgson's years of service to the Regulating District. Mr. Hayes seconded, and the Board approved the motion adopting the Resolution by unanimous vote.

Robert P. Leslie
Secretary

Mark M. Finkle
Board Chairman