

**HUDSON RIVER-BLACK RIVER REGULATING DISTRICT
MEETING MINUTES**

Town of Webb Board Room
3140 State Rt. 28
Old Forge, NY 13420

May 10, 2022
10:00 AM

Participants were invited to join the meeting via computer, tablet or smartphone.
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CALL TO ORDER

Committee Chair Kenneth DeWitt called the meeting to order at 10:14 A.M.

ROLL CALL

Present: Board Chair Mark M. Finkle; Board Members Albert J. Hayes, Richard Bird, Timothy J. Reagan, Alfred J. Candido, Jr. and Nicole T. Allen; Executive Director John C. Callaghan, General Counsel Robert P. Leslie, Chief Fiscal Officer Timothy Maniccia, Chief Engineer Robert S. Foltan and Compliance Officer Stephanie Ruzycky.

Video Feed: Board Member Kenneth DeWitt (Travel).

INTRODUCTION OF GUESTS

Board Chair Finkle introduced Town of Webb Supervisor Bonnie Baker. Supervisor Baker addressed the assembled crowd and thanked the Regulating District for scheduling the consultant's presentation of design alternatives at Sixth Lake and Old Forge.

MOTION TO ADOPT OR REVISE THE MEETING AGENDA

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

PUBLIC COMMENT

Board Chair Finkle opened the meeting to public comment; hearing none.

APPROVAL OF THE APRIL 12, 2022 REGULAR BOARD MEETING MINUTES

Board Chair Finkle asked for a motion to adopt the April 12, 2022 regular board meeting minutes. Mr. Bird advanced the motion to approve the regular meeting minutes. Mr. Hayes seconded and the Board approved the motion by unanimous vote.

REPORT OF THE EXECUTIVE DIRECTOR

Mr. Callaghan offered to address questions regarding his written report and then highlighted staff action pursuant to the recent NYS Division of Budget Bulletin D-1144 entitled “*Management/Confidential Salary Actions: Longevity Payments and Performance Advances*” issued on April 26, 2022. Mr. Callaghan noted that, pursuant to Resolution 15-17-05 adopted at the May 2015 meeting, which placed each of the Regulating District’s management confidential (M/C) staff at a specific grade and step pursuant to salary schedules administered by the Governor’s Office of Employee Relations (GOER) and linked M/C raises for Regulating District employees to future schedules as adopted by the GOER, the CFO has executed the appropriate salary actions for applicable M/C employees.

CONTRACTS

Motion to Approve Regulating District Annual Report January 1, 2021-December 31, 2021

Mr. Callaghan presented the Regulating District’s annual report. Chairman Finkle asked for a motion to adopt the report and deliver it to the Commissioner of the NYS Department of Environmental Conservation as required by ECL Article 15, Title 21. Mr. Hayes moved to approve the Regulating District’s Annual Report for January 1, 2021 through December 31, 2021 and to deliver the report to DEC as required. Mr. Bird seconded the motion and the Board adopted the motion by unanimous vote.

RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO NEGOTIATE AND ENTER INTO AN AGREEMENT WITH INTERACTIVE MEDIA CONSULTING, LLC

Mr. Callaghan presented the resolution authorizing an annual agreement with Interactive Media Consulting, LLC (“IMC”) to provide technical support and services to assist the Regulating District’s administration of the on-line payment option for the access permit system for access to and on Great Sacandaga Lake. He noted that IMC has been providing such services pursuant to previous board authorizations in May 2020 and November 2021 and that continued system improvement for online permit transaction system has resulted in greater speed for renewals, and improved record keeping such as a definitive email confirmation of a successful transaction. Mr. Callaghan reported that service to residents on and around Great Sacandaga Lake has been significantly ameliorated by the introduction of an online permit transaction option and the Regulating District seeks to build on these improvements by further enhancing the functionality of the online system and providing the necessary technical support to customers. IMC has provided a proposal to provide the services described above to the Regulating District for a not to exceed amount of \$9,346.

Board Chair Finkle called for a motion to adopt the resolution authorizing the Executive Director to enter into an agreement with Interactive Media Consulting, LLC at an amount not to exceed \$9,346. Mr. Candido so moved. Mr. Hayes seconded and the Board adopted the resolution by unanimous vote.

RESOLUTION AUTHORIZING PERSONNEL ADVANCEMENTS, INCLUDING OPERATIONS MANAGER, FIELD SUPERVISOR, AND SENIOR FIELD ASSISTANT

Mr. Callaghan presented a resolution authorizing certain personnel advancements. He explained that at the March 8, 2022 meeting the Board established the represented position of Operations Manager at a FY 2021-2022 salary range of \$68,794-\$82,794 (equated to SG-20 in the State's CSEA contract) in the Hudson River Area and authorized the Executive Director to post and fill said position competitively in accordance with the provisions of current CSEA agreement from a pool of internal, qualified candidates. Mr. Callaghan sought authorization to promote Matthew Ginter to the position of Operations Manager effective May 26, 2022. He also recommended that the Board reestablish the represented position of Field Supervisor at a FY 2021-2022 salary range of \$58,661-\$70,946 (equated to SG-17 in the State's CSEA contract) in the Hudson River Area and authorize a promotion for Daniel Kiskis to Field Supervisor effective May 26, 2022 in accordance with the provisions of current CSEA agreement. Finally, Mr. Callaghan recommended the Board authorize a promotion for Danielle Thorne to the position of Senior Field Assistant in the Hudson River Area effective May 26, 2022 in accordance with the provisions of current CSEA agreement.

Board Chair Finkle called for a motion adopting the resolution authorizing the Executive Director to promote Matthew Ginter to the position of Operations Manager, reestablish the represented position of Field Supervisor at a FY 2021-2022 salary range of \$58,661-\$70,946 (equated to SG-17 in the State's CSEA contract) in the Hudson River Area and authorize a promotion for Daniel Kiskis to Field Supervisor, and authorize a promotion for Danielle Thorne to the position of Senior Field Assistant in the Hudson River Area all actions effective May 26, 2022 and in accordance with the provisions of current CSEA agreement. Mr. Hayes so moved. Mr. Reagan seconded and the Board adopted the resolution by unanimous vote.

RESOLUTION AUTHORIZING THE USE OF VIDEOCONFERENCING

Mr. Leslie presented the resolution authorizing the use of videoconferencing. He noted that revisions to Public Officers Law §103-a, adopted as part of this year's state budget, provide that a public body may, in its discretion, use videoconferencing to conduct meetings provided that a minimum number of members are present to fulfill the public body's quorum requirement in the same location or locations where the public can attend. Mr. Leslie noted that written procedures governing member and public attendance consistent with Public Officers Law §103-a have been drafted and posted on the Regulating District's website at: <https://hrbrd.ny.gov/>. Of special note, the law requires that members of the Board are to be physically present at any such meeting unless unable to do so due to extraordinary circumstances such as disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member's physical attendance and that, per the proposed policy, such circumstances will be reflected in each meeting's minutes. Chairman Finkle opened the floor to any member of the Board, staff or the public who would like to speak on the topic.

Having heard comment, Chair Finkle called for a motion adopting the resolution authorizing the use of videoconferencing for board meetings and any and all committees and sub-committees (if any) and adopting the attached written procedures governing member and public attendance at Regular, Special, Committee and Sub-Committee meetings of the Board. Mr. Bird so moved. Mr. Reagan seconded and the Board adopted the resolution by unanimous vote.

RESOLUTION TO ADOPT DOMESTIC VIOLENCE AND WORKPLACE POLICY

Ms. Ruzycky presented a resolution addressing minor revisions to the Regulating District's Domestic Violence and the Workplace Policy. She noted that Executive Order 19, issued October 22, 2007 required certain state agencies to formulate and issue a Domestic Violence and the Workplace Policy; which the Regulating District then did by following a model policy formulated by the Office for the Prevention of Domestic Violence ("OPDV"). In light of revisions to the OPDV model policy naming to whom potential victims should supply any Order of Protection issued, Ms. Ruzycky recommended that the Board consider adoption of the attached revised Domestic Violence and the Workplace Policy. She noted that, as a non-substantive change to an existing policy, the matter can proceed without consideration by the Governance Committee, nor at three meetings of the Board. Board Chair Finkle, agreed that the proposed change, to conform the HRBRRD policy to the revision enacted as a model for the state by the agency tasked with development of such policies, did not rise in substance to a matter which must be considered in committee, nor at three meetings as contemplated by the Regulating District's policy on policymaking (resolution 06-08-02).

Board Chair Finkle asked for a motion to adopt the resolution adopting the revisions to the Domestic Violence and the Workplace Policy. Mr. Reagan so moved. Mr. Hayes seconded and the Board adopted the resolution by unanimous vote.

RESOLUTION TO AWARD HAWKINSVILLE DAM REMEDIATION CONSTRUCTION WORK TO THE ENVIRONMENTAL SERVICE GROUP (NY), INC. (CONTRACT D012022)

Mr. Foltan presented the resolution to conditionally award construction work associated with the Hawkinsville Dam remediation to Environmental Service Group (NY), Inc. He explained that on October 13, 2010 the Board authorized Milone & MacBroom, Inc. (R10-50-10) to evaluate the potential benefits and cost of either remediating or removing the Hawkinsville Dam noting that the firm completed a preliminary assessment of the dam's physical and hydraulic condition and proposed concepts for remediating/removing the dam in 2012. Mr. Foltan further explained that, in 2013, the Board authorized Kleinschmidt Associates, PA, PC (R13-07-04, C012012) to complete the remediation/removal final study and design work and, after said studies and careful public review of both alternatives, the Board selected the remediation option. Subsequently, Kleinschmidt completed the Remediation Final Design in February 2022 and staff placed a public notice advertising the work to perform the remediation in the State Contract Reporter on March 22, 2022. Mr. Foltan noted that seven contractors participated in the mandatory pre-bid meeting and thus became eligible to submit a bid to perform the remediation. Two firms submitted a bid with staff publically opening those two bids at the 11:00 AM April 28, 2022 deadline.

Mr. Foltan directed the Board’s attention to the following table which summarizes the bids received.

Hawkinsville Dam remediation Bid Tabulation

Bidder Name	Bid Amount (\$)
The Environmental Service Group (NY), Inc.	1,722,015
Tioga Construction Company, Inc.	1,850,590

Mr. Foltan explained that staff reviewed the bids for compliance with the Bid Documents and made a determination of apparent low bidder according to Section I-23 of the Information for Bidders. He identified the Environmental Service Group (NY), Inc. (“ESG”) as the lowest bidder and explained that he has reviewed ESG’s evidence of experience completing similar construction, and confirmed that ESG has the experience necessary to responsibly and reliably complete the work. Mr. Foltan recommended the Board conditionally award the work to The Environmental Service Group (NY), Inc. and sought Board authorization to form a contract to complete the work, and authorization for the Executive Director to execute an agreement in the amount of \$1,722,015. Mr. Foltan noted that the agreement is subject to the review and approval of the NYS Attorney General and the NYS Office of the State Comptroller.

Board Chair Finkle called for a motion adopting the resolution conditionally awarding remediation work at Hawkinsville Dam to The Environmental Service Group (NY), Inc. and authorizing the Executive Director to form a contract to complete the work for an amount not-to-exceed \$1,722,015. Mr. Candido so moved. Ms. Allen seconded and the Board adopted the resolution by unanimous vote.

STAFF/COMMITTEE REPORTS

FINANCE COMMITTEE REPORT

Finance Committee Chair DeWitt related a discussion had in committee explaining the positive impacts that provisions within the NYS 2022-2023 budget will have on the Regulating District’s July 1, 2021 through June 30, 2024 Budget noting that assessments will remain equalized and fixed for Fiscal Year 2022-23 and 2023-24.

STAFF REPORTS

Mr. Leslie offered to address questions regarding his written report and then reminded the Board and senior staff that Financial Disclosure Statements are due to the Joint Commission on Public Ethics no later than May 16.

Ms. Ruzycky presented her report to the Board. Ms. Ruzycky noted that she completed the monthly access permit database audit and developed and presented annual training for staff. As a reminder, Ms. Ruzycky noted that pursuant to Public Authority Law §2879 the Board must review

and approve Procurement Contracts annually. Ms. Ruzycky stated that the Contract Reports provided in the Board Meeting packet each month satisfies this requirement.

Mr. Maniccia presented his report to the Board. Therein he noted that at the close of fiscal April 30, 2022, the general fund balances for the HRA and BRA were approximately \$4,319,672 and \$1,661,680 respectively. Mr. Maniccia noted that, when combined, the \$5,981,351 total is \$567,475 or 10.5% more than the same period last year. Mr. Maniccia noted that the Regulating District's transactional processing and reporting are current.

Mr. Maniccia described an IRS Notice received by an employee which ultimately called into question W-2 forms delivered by the Regulating District to a subset of employees between 2019 and 2021. Noting that the software utilized to generate such forms automatically calculated federal, but not state, amounts for certain W-2 entries, Mr. Maniccia explained that employees who now received amended W-2's may wish to file amended returns. One such employee has sought reimbursement for an incurred tax preparation expense to address the Regulating District's error. Mr. Maniccia sought Board approval to cover such expense and similar expenses for the half dozen employees impacted. He noted that the total reimbursements would not likely exceed \$1,000. Board Chair Finkle called for a motion to approve such reimbursements. Mr. Reagan so moved. Ms. Allen seconded and the Board adopted the motion by unanimous vote. Mr. Maniccia thanked the Board for its action and noted that staff have taken steps to ensure the accuracy of future W-2 entries.

Mr. Foltan presented the Chief Engineer's report to the Board. Mr. Foltan noted that the April average daily release from the Sacandaga Reservoir (Great Sacandaga Lake) was approximately 3,010 cubic feet per second (cfs). Precipitation during the month of April was above normal across the Great Sacandaga Lake watershed and above average in the Indian Lake watershed. The monthly inflow to Great Sacandaga Lake and Indian Lake reservoir was approximately 91% and 92% of historic average, respectively. Monthly release of water from Great Sacandaga Lake and Indian Lake measured 253% and 175% of historic average, respectively.

The April average daily release from Stillwater Reservoir was approximately 250 cfs. Monthly total precipitation measured 125%, 127% and 118% of historic average at Stillwater, Old Forge, and Sixth Lake, respectively, as of April 25th. Precipitation in the month of April was above average at Stillwater and above average at Old Forge and Sixth Lake. The monthly inflow to Stillwater Reservoir was approximately 75% of historic average. The inflow to Sixth Lake and Old Forge Reservoir totaled 0.17 and 0.40 billion cubic feet, respectively, in April. Release of water from Stillwater Reservoir averaged 72% of historic discharge.

PRESENTATION OF DESIGN ALTERNATIVES AT SIXTH LAKE AND OLD FORGE

Mr. Foltan introduced Michael Kosier, P.E., Eric Lanzarotta, P.E., and Emily Carlson of Arcadis who then offered a PowerPoint presentation explaining the various design considerations at the Old Forge and Sixth Lake dams. A copy of the presentation has been placed on the website at <https://www.hrbrd.ny.gov>. Town Councilman Kurt Gardner asked that the final design maintain historically significant features such as the aesthetically pleasing red barn-board sided gatehouses.

Ms. Carlson confirmed that the Arcadis team shared the Town's interest. Mr. Callaghan noted that representatives from Arcadis would be available for a walking tour of the Old Forge dam immediately following the meeting.

RESOLUTION SCHEDULING DATE AND TIME OF THE REGULAR MEETING FOR JUNE 14, 2022

Board 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, June 14, 2022 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 and time of the next meeting. Mr. Hayes seconded and the Board adopted the resolution by unanimous vote.

ADJOURNMENT

Board Chair Finkle called for a motion to adjourn the meeting. Mr. Reagan advanced the motion. Ms. Allen seconded. The meeting adjourned at 11:22 A.M.

RESOLUTIONS

22-21-05 RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO NEGOTIATE AND ENTER INTO AN AGREEMENT WITH INTERACTIVE MEDIA CONSULTING, LLC

Board Chair Finkle called for a motion to adopt the resolution authorizing the Executive Director to enter into an agreement with Interactive Media Consulting, LLC at an amount not to exceed \$9,346. Mr. Candido so moved. Mr. Hayes seconded and the Board adopted the resolution by unanimous vote.

22-22-05 RESOLUTION AUTHORIZING PERSONNEL ADVANCEMENTS, INCLUDING OPERATIONS MANAGER, FIELD SUPERVISOR, AND SENIOR FIELD ASSISTANT

Board Chair Finkle called for a motion adopting the resolution authorizing the Executive Director to promote Matthew Ginter to the position of Operations Manager, reestablish the represented position of Field Supervisor at a FY 2021-2022 salary range of \$58,661-\$70,946 (equated to SG-17 in the State's CSEA contract) in the Hudson River Area and authorize a promotion for Daniel Kiskis to Field Supervisor, and authorize a promotion for Danielle Thorne to the position of Senior Field Assistant in the Hudson River Area all actions effective May 26, 2022 and in accordance with the provisions of current CSEA agreement. Mr. Hayes so moved. Mr. Reagan seconded and the Board adopted the resolution by unanimous vote.

22-23-05 RESOLUTION AUTHORIZING THE USE OF VIDEOCONFERENCING

Having heard comment, Chair Finkle called for a motion adopting the resolution authorizing the use of videoconferencing for board meetings and any and all committees and sub-committees (if any) and adopting the attached written procedures governing member and public attendance at Regular, Special, Committee and Sub-Committee meetings of the Board. Mr. Bird so moved. Mr. Reagan seconded and the Board adopted the resolution by unanimous vote.

22-24-05 RESOLUTION TO ADOPT DOMESTIC VIOLENCE AND WORKPLACE POLICY

Chair Finkle asked for a motion to adopt the resolution adopting the revisions to the Domestic Violence and the Workplace Policy. Mr. Reagan so moved. Mr. Hayes seconded and the Board adopted the resolution by unanimous vote.

22-25-05 RESOLUTION TO AWARD HAWKINSVILLE DAM REMEDIATION CONSTRUCTION WORK TO THE ENVIRONMENTAL SERVICE GROUP (NY), INC. (CONTRACT D012022)

Board Chair Finkle called for a motion adopting the resolution conditionally awarding remediation work at Hawkinsville Dam to The Environmental Service Group (NY), Inc. and authorizing the Executive Director to form a contract to complete the work for an amount not-to-exceed \$1,722,015. Mr. Candido so moved. Ms. Allen seconded and the Board adopted the resolution by unanimous vote.

22-26-05 RESOLUTION SCHEDULING DATE AND TIME OF THE REGULAR MEETING FOR JUNE 14, 2022

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

Robert P. Leslie
Secretary

Mark M. Finkle
Board Chair