

**HUDSON RIVER-BLACK RIVER REGULATING DISTRICT
BOARD MEETING MINUTES
Stillwater Reservoir Field Office
116 Necessary Dam Road
Lowville, NY 13367
October 12, 2022**

Immediately following the Audit Committee Meeting Scheduled for
10 AM

Participants were invited to join via computer, tablet or smartphone.

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CALL TO ORDER

Chairman Mark M. Finkle called the meeting to order at 10:59 A.M.

ROLL CALL

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

Video Feed:

MOTION TO ADOPT OR REVISE THE MEETING AGENDA

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

PUBLIC COMMENT

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

APPROVAL OF THE SEPTEMBER 13, 2022 REGULAR BOARD MEETING MINUTES

Chair Finkle asked for a motion to adopt the September 13, 2022 regular board meeting minutes. Mr. Candido advanced the motion to approve the regular meeting minutes. Mr. Bird 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 reported that he worked with staff on the transition to the new HRAO at 54 State Street; including execution of the new lease and

planning for a move of furniture and equipment. He also applauded SFO staff's work completing the life-jacket loan kiosk at the field office; briefly explaining the Safe Lake Initiative's criteria for placement and replacement of life-jackets into rotation. A brief discussion ensued concerning potential liability.

CONTRACTS/ACTIONS

RESOLUTION TO HIRE A TEMPORARY SEASONAL LABORER TO SUPPLEMENT PERMANENT STAFF IN THE HUDSON RIVER AREA

Mr. Callaghan presented a resolution to authorize the employment of a seasonal laborer to supplement permanent staff in the Hudson River Area. He noted that at its April 12, 2022 regular meeting, the Board authorized the hiring of a combined maximum of six (6) temporary seasonal laborers in the Hudson River and Black River Areas for a period to be determined based on operational needs, but not to exceed 26 weeks in 2022. The Regulating District was successful in recruiting a total of five (5) seasonal employees during the 2022 summer season; and now has a temporary need for increased staffing at Conklingville Dam for which staff believes that recruitment and hiring of an additional permanent employee is not necessary. Mr. Callaghan explained that the existing CSEA contract establishes an hourly rate for the position of Laborer at \$15.11 and recommended that the public interests represented by the Regulating District's mission can be best served by implementing a staffing plan which ensures both safety and maximum efficiency. Mr. Callaghan assured the Board that staff will publicly advertise and fill this position in accordance with applicable policy, law and any pertinent provisions of its existing CSEA contract.

Chair Finkle asked for a motion to adopt the resolution authorizing the Executive Director to employ one (1) temporary seasonal laborer in the Hudson River Area at a rate of \$15.11/hour for up to 26 weeks over the 2022-2023 winter season. Ms. Allen so moved. Mr. Hayes seconded and the Board approved the motion adopting the resolution by unanimous vote.

RESOLUTION AUTHORIZING THE USE OF VIDEOCONFERENCING

Mr. Leslie presented a resolution to update the Board's policy regarding the use of videoconferencing at meetings. He noted that on May 10, 2022, via Resolution 22-23-05, the Board adopted a procedure governing the use of videoconferencing at Board Meetings. In light of new guidance supplied by the Executive Chamber, as Board Secretary, he recommended that the Board update the recently adopted procedure. The updated policy makes clear that in order to achieve a quorum, at least four members must be physically present in the location, or locations noticed. While the vote of a member participating through a video link will be counted, that member will not be considered for the purpose of establishing a quorum. Further, the updated policy now specifies that a Member who is unable to be physically present at one of the designated public meeting locations noticed must notify the Board Chair, Executive Director or the Board Secretary at least four days prior to the scheduled meeting. It has been the Board's practice to publish notice of scheduled meetings a week to ten days in advance of such meeting and to include in such notices a link for the public and/or Board Members experiencing extraordinary circumstances to participate through videoconferencing technologies. As such, if at least four members can participate in person, it should not be necessary to re-notice a meeting if a member elects to 'go remote' late. Mr. Leslie noted that the balance of the new policy memorializes practices already in place at the Regulating District, but not reflected in the previous policy; such as each member physically present shall be identified through use of a placard showing the Member's first and last name; and members participating remotely must ensure that their

first and last name appears under their picture on the videoconferencing screen. Likewise, the policy now specifies that the videoconferencing session shall be recorded and posted to the Regulating District's website within five (5) business days and that the Minutes of the meeting shall specify who participated from a remote location.

Chair Finkle asked for a motion to adopt the resolution updating the Board's policy authorizing the videoconferencing at meetings. Mr. Candido so moved. Ms. Allen seconded and the Board approved the motion adopting the resolution by unanimous vote.

STAFF/COMMITTEE REPORTS

AUDIT COMMITTEE REPORT

PRESENTATION OF INDEPENDENT AUDIT FOR YEAR ENDING JUNE 30, 2022.

Mr. Maniccia noted that Nora Galleros of Galleros Robinson presented the Regulating District's fairly stated audit to the Audit Committee.

STAFF REPORTS

Mr. Leslie presented his report. He noted that negotiations with Brookfield/Erie Boulevard Hydropower L.P. ('Erie') regarding the soon to expire Reservoir Operating Agreement at Conklingville continue to progress slowly. Erie has yet to supply their appraisal and has yet to respond to Counsel's communication refuting Erie's contention that fees due under the Reservoir Operating Agreement are duplicative of the amount charged Erie under the federal power act's headwater benefit assessment. Mr. Leslie also reported that negotiations regarding the Regulating District's purchase of the hydroelectric plant adjacent to the Stillwater Reservoir also continue to progress. Counsel continues to work with Counsel for Stillwater to secure a third appraiser to resolve differences between the two party appraisals. Stillwater Associates LP seeks roughly twice what the Regulating District's appraisal indicates it should pay. Mr. Leslie noted that he and Mr. Maniccia continue to work with Bond Counsel, and now the Environmental Facilities Corp., to define the security backing Regulating District debt. They also worked with bond counsel to complete the extension of the project finance agreement and the amended and restated clean water facilities note with the Environmental Facilities Corporation. On behalf of the records access officer, counsel/staff addressed two (2) FOIL request(s) during the reporting period. There were no appeals.

Ms. Ruzycky presented her report to the Board. Ms. Ruzycky reported that she completed the HRAO internal control compliance quarterly audit and that she participated in quarterly labor management meetings.

Mr. Maniccia presented his report to the Board. Therein he noted that at the close of September 30, 2022, the general fund balances for the HRA and BRA were approximately \$6,038,507 and \$2,220,306 respectively. When combined (in the amount of \$8,258,814), this total is \$1,828,340 or 28.4% more than the same period last year. Mr. Maniccia cautioned that the Regulating District has not, this year, had to make the school tax payment, which last year totaled more than 1.9 million. Mr. Maniccia noted that the Regulating District is current in its reporting to the Authorities Budget Office (ABO) and other State agencies. This is a significant undertaking in September as the Regulating District is required, like other State Authorities, to submit its certified financial audit, as well as annual, debt,

investment and procurement reports to the ABO via its Public Authorities Reporting Information System. Mr. Maniccia forecast consideration of a trust indenture at a Finance Committee meeting to be scheduled in conjunction with the Board's November 9th regular meeting.

Mr. Foltan presented the Chief Engineer's report to the Board. Mr. Foltan noted that the September average daily release from the Sacandaga Reservoir (Great Sacandaga Lake) was approximately 1,250 cubic feet per second (cfs). Precipitation during the month of September was above normal across the Great Sacandaga Lake and Indian Lake watersheds. The monthly inflow to Great Sacandaga Lake and Indian Lake reservoir was approximately 66% and 58% of historic average, respectively. Monthly release of water from Great Sacandaga Lake and Indian Lake measured 68% and 62% of historic average, respectively.

The September average daily release from Stillwater Reservoir was approximately 600 cfs. Monthly total precipitation measured 123%, 103%, and 128% of historic average at Stillwater, Old Forge, and Sixth Lake, respectively, as of September 25th. Precipitation in the month of September was above average at Stillwater, Old Forge and Sixth Lake. The monthly inflow to Stillwater Reservoir was approximately 126% of historic average. The inflow to Sixth Lake and Old Forge Reservoir totaled 0.06 and 0.14 billion cubic feet, respectively, in August. Release of water from Stillwater Reservoir averaged 150% of historic discharge.

RESOLUTION SCHEDULING DATE TIME AND LOCATION OF THE REGULAR MEETING FOR NOVEMBER 9, 2022

Chair Finkle asked for a motion to adopt a resolution setting the date, time and location for the next meeting of the Board of the Hudson River-Black River Regulating District for Wednesday, November 9, 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. Hayes moved to adopt the resolution setting the date, time and location of the next meeting. Mr. Bird seconded and the Board adopted the resolution by unanimous vote.

BOARD MEMBER COMMENTS

Chair Finkle noted that following adjournment, the Board would participate in a tour of the reservoir out to Beaver River Station. No Board business will be undertaken during the tour.

ADJOURNMENT

Chair Finkle called for a motion to adjourn the meeting. Mr. Candido advanced the motion. Mr. Reagan seconded. The meeting adjourned at 11:44 A.M.

RESOLUTIONS

22- 55-10 RESOLUTION TO HIRE A TEMPORARY SEASONAL LABORER TO SUPPLEMENT PERMANENT STAFF IN THE HUDSON RIVER AREA

Chair Finkle asked for a motion to adopt the resolution authorizing the Executive Director to employ one (1) temporary seasonal laborer in the Hudson River Area at a rate of \$15.11/hour for up to 26 weeks over the 2022-2023 winter season. Ms. Allen so

moved. Mr. Hayes seconded and the Board approved the motion adopting the resolution by unanimous vote.

22-56-10 RESOLUTION AUTHORIZING THE USE OF VIDEOCONFERENCING

Chair Finkle asked for a motion to adopt the resolution updating the Board's policy authorizing the videoconferencing at meetings. Mr. Candido so moved. Ms. Allen seconded and the Board approved the motion adopting the resolution by unanimous vote.

22-57-10 RESOLUTION SCHEDULING DATE, TIME AND LOCATION OF THE REGULAR MEETING FOR NOVEMBER 9, 2022

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

Robert P. Leslie
Secretary

Mark M. Finkle
Board Chair