

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

**Sacandaga Field Office  
737 Bunker Hill Road  
Mayfield, NY 12117**

**March 29, 2023**

Immediately following the Governance, Audit and Finance committee meetings  
scheduled to commence at 10 AM

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

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**CALL TO ORDER**

Board Chair Mark M. Finkle called the meeting to order at 10:50 A.M.

**ROLL CALL**

**Present:** Board Chair Mark M. Finkle, Board Members Albert J. Hayes, Richard Bird, 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 Director of Administrative Services Stephanie V. Ruzycky.

**Video Feed:** First Vice-Chair Kenneth F. DeWitt (travel), Second Vice-Chair Alfred J. Candido Jr. (travel) and Board Member Nicole T. Allen (caregiving).

**MOTION TO ADOPT OR REVISE THE MEETING AGENDA**

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

**INTRODUCTION OF GUESTS AND PUBLIC COMMENT**

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

## **APPROVAL OF THE JANUARY 10, 2023 ORGANIZATIONAL AND REGULAR BOARD MEETING MINUTES**

Board Chair Finkle asked for a motion to adopt the January 10, 2023 organizational and regular board meeting minutes. Mr. Reagan advanced the motion to approve the organizational and regular meeting minutes. Mr. Hayes 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 awaits word on the NYS Budget; especially the re-appropriation of \$40 Million to DEC for Conklingville Dam and an additional appropriation of \$20 Million to DEC for Conklingville, Old Forge and Sixth Lake. Mr. Callaghan reported that March 15<sup>th</sup> marked the end of another successful permit renewal season and that, in its third year, the on-line renewal system has been well received. Approximately 58.5% of all renewals to date have used the on-line system. Mr. Callaghan applauded the Great Sacandaga Lake Advisory Council's effort to prepare and distribute 2,000 copies of the waterproof charts of Great Sacandaga Lake; a project not within the Board's purview, but a project staff supports. The GSLAC has indicated an intent to have an additional 5,000 maps prepared.

### **CONTRACTS**

#### **RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO AN AGREEMENT WITH LOGICAL NET FOR INFORMATION TECHNOLOGY SERVICES**

Mr. Callaghan introduced a resolution authorizing an agreement with Logical Net Corporation (Logical Net) to provide managed network services. He noted that the firm has performed such service for the Regulating District since 2019 at a high level of production and productivity over that period. Logical Net has been a critical partner working with the Regulating District's online permit renewal system consultant, Interactive Media Consulting, to ensure that the system is seamless from an IT and email communication perspective. Mr. Callaghan noted that the Office of Cyber Security has issued recommendation to secure such services in the interest of a robust and protective environment that safeguards the Regulating District's ability to conduct business in today's online environment. He explained that Logical Net has provided a comprehensive proposal which continues the current level of IT support it is providing, but also adds these enhanced productions which are responsive to the recommendations in the Office of Cyber Security's report. Mr. Callaghan recommended that the Board authorize an agreement with Logical Net for one-time costs not to exceed \$10,255 and recurring monthly costs of \$1,684.10 initially for a total cost not to exceed \$73,964.50 over a 36-month term.

Board Chair Finkle asked for a motion to adopt the resolution to accept Logical Net's proposal and authorizing the Executive Director to execute an agreement with Logical Net for one-time costs not to exceed \$10,255 and recurring monthly costs of \$1,684.10 initially for a total cost

not to exceed \$73,964.50 over a 36-month term. Mr. Hayes so moved. Mr. Reagan seconded and the Board adopted the resolution by unanimous vote.

**RESOLUTION TO ACCEPT AMENDMENT #4 TO THE HENNINGSON, DURHAM & RICHARDSON ARCHITECTURE AND ENGINEERING, P.C. (HDR) CONTRACT (C032018) CONKLINGVILLE DAM FOURTH PART 12D INDEPENDENT SAFETY INSPECTION**

Mr. Foltan reminded the Board it had authorized Adam Jones, PE of Henningson, Durham & Richardson Architecture and Engineering P.C., Inc. (HDR) to act as the Independent Safety Consultant to complete the 4th Part 12 Safety Inspection of the Conklingville Dam. Mr. Foltan explained that in response to FERC comments, HDR has proposed completion of a secondary evaluation to assess whether tropical storms Irene and Lee will impact the GSL Site Specific Probable Maximum Precipitation (SSPMP) study before making a final recommendation to FERC as to whether to proceed with an update to the GSL SSPMP study. Mr. Foltan noted that HDR proposes to complete the work for a not-to-exceed fee of \$17,000. Mr. Maniccia recommended a budget transfer to the Engineering Consultant line. Mr. Foltan noted that the contract amendment would be subject to review by the Office of the NYS Attorney General and the Office of the NYS Comptroller.

Board Chair Finkle asked for a motion to adopt the resolution to accept amendment #4 to the HDR contract (C032018) authorizing the Executive Director to execute a fourth amendment to Contract C032018, in the amount of \$17,000.00, bringing the not-to-exceed contract value to \$179,840.00. Ms. Allen so moved. Mr. Candido seconded and the Board adopted the resolution by unanimous vote.

**RESOLUTION TO AUTHORIZE THE PURCHASE OF A SECURITY CAMERA SYSTEM AT THE SACANDAGA FIELD OFFICE**

Ms. Ruzycky presented the resolution to authorize the procurement of a security camera system as the most appropriate solution to ensure staff safety while engaged at the Sacandaga Field Office campus and to ensure appropriate security for the assets employed at such campus. She identified G&S Security solutions as the vendor providing the most appropriate system to meet the Sacandaga Field Office internal and external security needs noting that G&S Security Solutions proposes to install eleven (11) cameras at the main building (internal, entrances and parking), the maintenance building (interior, garage doors and rear driveway), and the storage building (interior and exterior to the boat launch/law enforcement docks); for a not-to-exceed amount of \$9,450.

Board Chair Finkle asked for a motion to adopt the resolution to accept the G&S Security Solutions proposal and authorize the Executive Director to enter into a contract for a not-to-exceed amount of \$9,450 for the provision and installation of security cameras at the Sacandaga Field Office. Mr. Bird so moved. Mr. Reagan seconded and the Board adopted the resolution by unanimous vote.

## **RESOLUTION TO AMEND THE AGREEMENT WITH FISCAL ADVISORS & MARKETING, INC. IN CONNECTION TO THE ISSUANCE OF DEBT TO FINANCE CAPITAL PROJECTS**

Mr. Maniccia presented a resolution to the Board authorizing an amendment to the agreement with Fiscal Advisors & Marketing, Inc. initially authorized through resolution 20-02-01. He noted the firm is a registered Municipal Advisor with the U.S. Securities & Exchange Commission and the Municipal Securities Rulemaking Board and has assisted the Board as it procured, with Board approval in Resolution 22-19-04, the services of an underwriter with whom the Regulating District will soon negotiate the terms and conditions of the anticipated issuance of debt to finance improvements at Indian lake in 2023. Mr. Maniccia noted that the firm also assisted, with Board approval in Resolution 22-61-11, the procurement of services of a trustee that the Regulating District will utilize in this anticipated issuance. Mr. Maniccia presented the Fiscal Advisors & Marketing proposal to perform similar services with respect to the instant financing for a not-to-exceed amount of \$26,500 bringing the total contract price to \$41,125.00.

Chair Finkle asked for a motion adopting the resolution authorizing the Executive Director to negotiate and execute a contract amendment for additional municipal advisory work performed by Fiscal Advisors & Marketing, Inc. in the amount of \$26,500.00, bringing the not-to-exceed contract value to \$41,125.00. Mr. Reagan so moved. Mr. Hayes seconded and the Board adopted the resolution by unanimous vote.

## **RESOLUTION TO AMEND THE AGREEMENT WITH HARRIS BEACH PLLC (C012022) TO PROVIDE BOND COUNSEL SERVICES IN CONNECTION WITH THE ANTICIPATED ISSUANCE OF SERIAL BONDS**

Mr. Maniccia presented a resolution to the Board authorizing an amendment to the agreement with Harris Beach PLLC, Contract (C012022), to provide bond counsel services in connection with the anticipated issuance of serial bonds in connection with capital improvements at the Indian Lake Dam in 2023. Mr. Maniccia noted that through resolution the Board engaged Harris Beach PLLC in 2022 to provide bond counsel services in connection with the Regulating District's conversion of its short-term financing arrangement with the New York State Environmental Facilities Corporation to long-term debt. He reported that Harris Beach PLLC provided excellent service as it created foundational legal documents, adopted by the Board in Resolution 22-62-11, necessary to this conversion and the anticipated future issuance of serial bonds. Harris Beach PLLC also provided excellent service as the Board procured, the services of an underwriter and a trustee. The Regulating District will rely upon Harris Beach PLLC to provide these same services in the anticipated issuance of debt to finance improvements at the Indian Lake Dam in 2023. Mr. Maniccia presented the Harris Beach proposal to perform these similar services with respect to the instant financing for a not-to-exceed amount of \$15,000 bringing the total contract price to \$45,000. Mr. Maniccia noted that said contract amendment is subject to review and approval by the New York State Attorney General

Chair Finkle asked for a motion adopting the resolution authorizing the Executive Director to negotiate and execute an amendment to Contract C012022 for additional bond counsel work performed by Harris Beach PLLC in the amount of \$15,000.00, plus approved disbursements,

bringing the not-to-exceed contract value to \$45,000.00. Ms. Allen so moved. Mr. Candido seconded and the Board adopted the resolution by unanimous vote.

#### **RESOLUTION AUTHORIZING THE EXPENDITURE OF \$11,015.00 TO PURCHASE A DUMP TRAILER FOR THE HUDSON RIVER AREA**

Mr. Callaghan presented a resolution authorizing the purchase of a dump trailer. He explained that the Regulating District conducts erosion control operations annually around Great Sacandaga Lake and routinely moves materials, debris, equipment and other large items over the road. The Regulating District reduced its fleet of dump trucks in the Hudson River Area from two to one in 2021 and staff has determined that the purchase of an additional dump truck to restore the traditional capacity in the Hudson River Area is not necessary. However, the addition of dump trailer in the Hudson River Area can restore a reasonable amount of traditional materials carrying capacity, and will also provide greater flexibility in the transportation of equipment. Staff has received a low quote of \$11,015.00 from Outdoor Motor Sports & Trailer Sales. Mr. Callaghan requested the Board authorize a budget transfer and the expenditure of \$11,015.00 for new dump trailer for the Hudson River Area.

Chair Finkle asked for a motion adopting the resolution authorizing the Executive Director to purchase a dump trailer for a not-to-exceed price of \$11,015.00. Mr. Reagan so moved. Mr. Bird seconded and the Board adopted the resolution by unanimous vote.

#### **RESOLUTION AUTHORIZING THE EXPENDITURE OF UP TO \$5,500 FOR MOVING EXPENSES RELATED TO THE RELOCATION OF THE HUDSON RIVER AREA OFFICE**

Mr. Callaghan presented a resolution authorizing the expenditure of up to \$5,500.00 for moving expenses related to the relocation of the Hudson River Area office. He noted that the Board approved a lease with 54 State Associates Limited Partnership (landlord) for space at 54 State Street, Albany for the Hudson River Area Office (HRAO) at its September 13, 2022 meeting and said lease has now been approved by the Office of State Comptroller, the NYS Attorney General, and the Landlord. The landlord has informed the Regulating District that its space at 54 State Street will be ready for occupancy in the beginning of April, 2023. Staff has provided requisite notice to its current HRAO landlord, Fuller Road Management Corporation, that it will vacate 575 Broadway on or about April 19, 2023 and has engaged Don's Moving & Storage, the New York State Office of General Services (OGS) designated contractor for our region, to provide a quote for moving expenses. Don's Moving & Storage has provided a quote in the amount of \$5,382 for the scope of services provided.

Chair Finkle asked for a motion adopting the resolution authorizing the Executive Director to engage Don's Moving & Storage for an amount not-to-exceed \$5,500 to move the HRAO. Mr. Hayes so moved. Mr. DeWitt seconded and the Board adopted the resolution by unanimous vote.

## **COMMITTEE REPORTS**

### **GOVERNANCE COMMITTEE REPORT**

#### **RESOLUTION TO SATISFY ANNUAL REVIEW AND APPROVAL OF THE REGULATING DISTRICT'S INVESTMENT POLICY**

Governance Committee Chair Alfred J. Candido, Jr. noted that section 2925(1) & (7) of the Public Authority Law requires every public benefit corporation to adopt by resolution and annually review comprehensive investment guidelines that detail the corporation's operative policy and instructions to the Board and management regarding the investing, monitoring and reporting of funds of the corporation. He noted that the Governance Committee reviewed the Regulating District's Investment Policy earlier and that the Committee recommended that no changes be made to the policy.

Board Chair Finkle asked for a motion adopting the resolution. Mr. DeWitt made a motion to adopt the resolution to satisfy the annual review and approval of the Regulating District's Investment Policy. Mr. Hayes seconded and the Board unanimously approved the motion.

#### **RESOLUTION TO SATISFY ANNUAL REVIEW AND APPROVAL OF THE REGULATING DISTRICT'S PROCUREMENT POLICY**

Governance Committee Chair Alfred J. Candido, Jr. noted that section 2879(1) & (8) of the Public Authority Law requires every public benefit corporation to adopt by resolution and annually review procurement guidelines that detail the corporation's operative policy and instructions to the Board and management regarding procurement. He noted that the Governance Committee reviewed the Regulating District's Procurement Policy earlier and that the Committee recommended that a few changes be made to the policy. Specifically, the Committee recommended the definition of procurement contract be amended to include reference to the statutory \$5,000 limit.

Board Chair Finkle asked for a motion adopting the resolution. Mr. Hayes made a motion to adopt the resolution to satisfy the annual review and approval of the Regulating District's Procurement Policy. Mr. Bird seconded and the Board unanimously approved the motion.

#### **RESOLUTION TO ANNUALLY REVIEW AND APPROVE THE REGULATING DISTRICT'S DISPOSITION OF PROPERTY GUIDELINES PURSUANT TO SECTION 2896(1) OF THE PUBLIC AUTHORITIES LAW**

Governance Committee Chair Alfred J. Candido, Jr. noted that section 2896(1) of the Public Authority Law requires every public benefit corporation to adopt by resolution an annual review of the Disposition of Property Guidelines that detail the corporation's operative policy and instructions to the Board and management regarding the disposition of property. He noted that the Governance Committee reviewed the Regulating District's Disposition of Property Policy earlier and that the Committee recommended no changes be made to the policy.

Board Chair Finkle asked for a motion adopting the resolution. Mr. Hayes made a motion to adopt the resolution to satisfy the annual review and approval of the Regulating District's Disposition of Property Policy. Mr. Bird seconded and the Board unanimously approved the motion.

#### **MOTION TO APPROVE ANNUAL REVIEW OF MISSION STATEMENT & PERFORMANCE MEASUREMENTS**

Mr. Finkle presented the Regulating District's authority mission statement and performance measurements for the Board's annual review.

Board Chair Finkle asked for a motion to approve the annual review of the Regulating District's mission statement & performance measurements. Mr. Hayes so moved. Mr. DeWitt seconded and the Board adopted the motion by unanimous vote.

#### **RESOLUTION APPROVING A SEVENTH AMENDMENT TO THE GROUND LEASE AND WATER USAGE AGREEMENT AT STILLWATER**

Governance Committee Chair Alfred J. Candido, Jr. presented a Resolution to extend by three months the Ground Lease and Water Usage Agreement with Stillwater Associates. He explained that the current agreement is set to expire on March 31<sup>st</sup>, and that barring entry into a new agreement, the original agreement requires the Regulating District to purchase the existing plant for fair market value. He noted that the parties have secured a third appraiser review of the parties respective appraisals and that the three month extension will afford the parties additional time to finalize negotiations regarding these fair market appraisals.

Mr. Bird made a motion to adopt the resolution which authorizes the Executive Director to execute a Seventh Amendment to the Ground Lease and Water Usage Agreement extending the extended term three months to June 30, 2023. Mr. Hayes seconded and the Board adopted the motion by unanimous vote.

#### **RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO HIRE THE MOST QUALIFIED CANDIDATE FOR THE MAINTENANCE SPECIALIST POSITION IN THE HUDSON RIVER AREA**

Governance Committee Chair Alfred J. Candido, Jr. presented a resolution authorizing the Executive Director to hire a Maintenance Specialist in the Hudson River Area, to be filled by the most qualified candidate as determined by applicant interviews in accordance with the provisions of the current CSEA agreement. He noted that the successful candidate will be compensated in accordance with the provisions of the current CSEA agreement at a FY 2022-2023 salary range of \$38,980-48,896.

Mr. Reagan made a motion to adopt the resolution authorizing the Executive Director to hire a Maintenance Specialist to be filled by the most qualified candidate as determined by applicant interviews in accordance with the provisions of the current CSEA agreement with the

successful candidate to be compensated at a FY 2022-2023 salary range of \$38,980-48,896. Mr. Hayes seconded and the Board adopted the motion by unanimous vote.

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

Governance Committee Chair Alfred J. Candido Jr. presented a resolution to hire temporary seasonal laborers to supplement permanent staff in both the Hudson River Area and the Black 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 \$15.11, Mr. Callaghan recommended the hiring 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 2023. Committee Chair Candido noted that the Committee recommends increasing the hourly rate to \$15.42 to reflect the laborer rate effective July 1, 2023 per the CSEA contract. Further, 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.

Board Chair Finkle asked for a motion to adopt the resolution. Mr. Reagan moved to adopt the resolution authorizing the employment of six (6) temporary seasonal laborers in the Hudson River Area and Black River Area at a rate of \$15.42/ hour for a period to be determined based on operational needs, but not to exceed 26 weeks in 2023. Mr. Bird seconded and the Board adopted the resolution by unanimous vote.

## **FINANCE COMMITTEE REPORT**

### **RESOLUTION APPROVING BUDGET & FINANCIAL PLAN REQUIRED PURSUANT TO SECTION 2801 OF PUBLIC AUTHORITIES LAW**

Finance Committee Chair DeWitt introduced a resolution approving a budget and financial plan pursuant to Section 2801 of the Public Authorities Law. Committee Chair DeWitt reported that the Regulating District is required to submit a budget and financial plan to a set of oversight entities by way of the Public Authorities Reporting & Information System (PARIS) between 120 and 90 days prior to the start of the Regulating District's next fiscal year; July 1, 2023. Mr. DeWitt noted that Mr. Maniccia based the plan upon the 2021-2024 budget with financial data for the 'proposed years' or 'out years' based on prior budget, actual and other estimated information.

Mr. Reagan made a motion to adopt the resolution approving the budget & financial plan required pursuant to section 2801 of the Public Authorities Law. Ms. Allen seconded and the Board approved the motion by unanimous vote.



## **AUDIT COMMITTEE REPORT**

### **REVISION TO AUDITED FINANCIAL STATEMENTS**

Mr. Maniccia reported upon the need to revise the Regulating District's audited financial statements as detailed during the Audit Committee Meeting.

### **RESOLUTION TO AWARD AUDIT SERVICES WORK TO GALLEROS ROBINSON CERTIFIED PUBLIC ACCOUNTANTS, LLP FOR FISCAL YEAR ENDING JUNE 30, 2023**

Audit Committee Chair Hayes asked Mr. Maniccia to present the resolution. Mr. Maniccia reported that consistent with the District's goal to consider MWBE firms for open discretionary contracts, the District engaged Galleros Robinson Certified Public Accountants, LLP (Galleros Robinson) in May 2019 via contract C012019 pursuant to resolution 19-25-05; later extending the contract a year in May 2020 pursuant to resolution 20-16-05 and extending the engagement a third year via contract C012021 pursuant to resolution 21-15-04 and through exercising an option in said contract extending the engagement for a fourth year pursuant to resolution 22-18-04. 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. Mr. Maniccia noted that, to date, Galleros Robinson has ably completed independent audits only for fiscal years ending June 30, 2019, June 30, 2020, June 30, 2021 and June 30, 2022. Mr. Maniccia recommended that the Board authorize the Executive Director to exercise the second of two one-year options included in contract C012021. This engagement will address Fiscal Year ended June 30, 2023 exhausting the one-year options remaining. Galleros Robinson will perform these duties for \$26,450 plus \$1,200 for travel expenses (if needed).

Board Chair Mark Finkle asked for a motion to approve the resolution authorizing the Executive Director to exercise the second of two one-year options included in contract C012021 with Galleros Robinson for the not to exceed amount of \$26,450.00, plus expenses up to \$1,200.00 to perform audit services for fiscal year ending June 30, 2022. Mr. Reagan so moved. Mr. Hayes seconded and the Board approved the motion by unanimous vote.

### **STAFF REPORTS**

Mr. Leslie presented his report. Mr. Leslie noted he, the Chief Fiscal Officer & the Executive Director continue to work with Stillwater Associates to address the expiring Reservoir Operating Agreement at Stillwater Reservoir. Mr. Leslie noted that the appraisal firm hired to review the appraisals submitted by the respective parties has concluded that the appraisal commissioned by the Regulating District can be used as the basis of market value for the Stillwater hydro plant, but that the appraisal commissioned by Stillwater Associates should not be accepted as it does not meet all of the requirements for an appraisal report of this property type and for the purpose intended. Mr. Leslie reported that he prepared and submitted to FERC a Petition seeking

a declaratory ruling to settle a dispute with Erie Boulevard Hydropower, L.P. over whether charges levied by FERC pursuant to section 10(f) of the Federal Power Act are duplicative of charges Erie pays to the Regulating District for use of the fifty-six (56) feet of head created by the Conklingville Dam. Mr. Leslie noted that Erie answered the Regulating District's Petition and filed a similar Petition and that he prepared and served an Answer to the Erie Petition. FERC has received several comments regarding the dispute by the established March 6<sup>th</sup> date for the submission of comments upon the respective Petitions. As the records access officer, counsel/staff addressed two (2) of three (3) FOIL request(s) during the reporting period; the third arriving this morning. There were no appeals.

Ms. Ruzycky presented her report to the Board. Ms. Ruzycky noted that she completed the SFO, HRAO & BRFO IC quarterly compliance audits. Ms. Ruzycky also reported completion of the MWBE FY 23/24 annual goal plan submission and submission of the MWBE Q3 reports.

Mr. Maniccia presented his report to the Board. Therein he noted that at the close of fiscal February 28, 2022, the general fund balances for the HRA and BRA were approximately \$5,739,666 and \$2,647,120 respectively. He noted that significant disbursements for January and February include: payroll and health insurance, the Environmental Services Group (Hawkinsville), U.S.G.S., and Kleinschmidt Associates (Hawkinsville). Mr. Maniccia noted that the Regulating District's transactional processing and reporting are current.

Mr. Foltan presented the Chief Engineer's report to the Board. Mr. Foltan noted that the February average daily release from the Sacandaga Reservoir (Great Sacandaga Lake) was approximately 4000 cubic feet per second (cfs). Precipitation during the month of February 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 111% and 126% of historic average, respectively. Monthly release of water from Great Sacandaga Lake and Indian Lake measured 142% and 166% of historic average, respectively.

The February average daily release from Stillwater Reservoir was approximately 700 cfs. Monthly total precipitation measured 89%, 89% and 94% of historic average at Stillwater, Old Forge, and Sixth Lake, respectively, as of February 23<sup>rd</sup>. Precipitation in the month of February was below average at Stillwater, Old Forge and Sixth Lake. The monthly inflow to Stillwater Reservoir was approximately 114% of historic average. The inflow to Sixth Lake and Old Forge Reservoir totaled 0.10 and 0.23 billion cubic feet, respectively, in February. Release of water from Stillwater Reservoir averaged 121% of historic discharge.

## **PRESENTATION BY BERGMANN ASSOCIATES**

Mr. Foltan introduced Greg Johnson and Todd Mueller of Bergmann Associates, the consultant completing the engineering evaluation of the Indian Lake Dam. Mr. Johnson & Mr. Mueller presented the Board with an overview of the evaluation undertaken and the firm's recommendations regarding rehabilitation efforts needed at the Indian Lake dam.

## **BOARD MEMBER QUESTIONS AND COMMENTS**

Chair Finkle noted that the Regulating District's Ethics Officer would be conducting ethics training for members of the Board and staff immediately following the meeting.

## **RESOLUTION SCHEDULING DATE AND TIME OF THE REGULAR MEETING FOR MAY 9, 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, May 9, 2023 at a location to be determined in the Black River Area. 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. Hayes advanced the motion. Mr. Reagan seconded. The meeting adjourned at 12:25 P.M.

## **RESOLUTIONS**

### **23-07-03      RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO AN AGREEMENT WITH LOGICAL NET FOR INFORMATION TECHNOLOGY SERVICES**

Board Chair Finkle asked for a motion to adopt the resolution to accept Logical Net's proposal and authorizing the Executive Director to execute an agreement with Logical Net for one-time costs not to exceed \$10,255 and recurring monthly costs of \$1,684.10 initially for a total cost not to exceed \$73,964.50 over a 36-month term. Mr. Hayes so moved. Mr. Reagan seconded and the Board adopted the resolution by unanimous vote.

### **23-08-03      RESOLUTION TO ACCEPT AMENDMENT #4 TO THE HENNINGSON, DURHAM & RICHARDSON ARCHITECTURE AND ENGINEERING, P.C. (HDR) CONTRACT (C032018) CONKLINGVILLE DAM FOURTH PART 12D INDEPENDENT SAFETY INSPECTION**

Board Chair Finkle asked for a motion to adopt the resolution to accept amendment #4 to the HDR contract (C032018). Ms. Allen so moved. Mr. Candido seconded and the Board adopted the resolution by unanimous vote.

**23-09-03      RESOLUTION TO AUTHORIZE THE PURCHASE OF A SECURITY CAMERA SYSTEM AT THE SACANDAGA FIELD OFFICE**

Board Chair Finkle asked for a motion to adopt the resolution to accept the G&S Security Solutions proposal and authorize the Executive Director to enter into a contract for a not-to-exceed amount of \$9,450 for the provision and installation of security cameras at the Sacandaga Field Office. Mr. Bird so moved. Mr. Reagan seconded and the Board adopted the resolution by unanimous vote.

**23-10-03      RESOLUTION TO AMEND THE AGREEMENT WITH FISCAL ADVISORS & MARKETING, INC. IN CONNECTION TO THE ISSUANCE OF DEBT TO FINANCE CAPITAL PROJECTS**

Chair Finkle asked for a motion adopting the resolution authorizing the Executive Director to negotiate and execute a contract amendment for additional municipal advisory work performed by Fiscal Advisors & Marketing, Inc. in the amount of \$26,500.00, bringing the not-to-exceed contract value to \$41,125.00. Mr. Reagan so moved. Mr. Hayes seconded and the Board adopted the resolution by unanimous vote.

**23-11-03      RESOLUTION TO AMEND THE AGREEMENT WITH HARRIS BEACH PLLC TO PROVIDE BOND COUNSEL SERVICES IN CONNECTION WITH THE ANTICIPATED ISSUANCE OF SERIAL BONDS**

Chair Finkle asked for a motion adopting the resolution authorizing the Executive Director to negotiate and execute an amendment to Contract C012022 for additional bond counsel work performed by Harris Beach PLLC in the amount of \$15,000.00, plus approved disbursements, bringing the not-to-exceed contract value to \$45,000.00. Ms. Allen so moved. Mr. Candido seconded and the Board adopted the resolution by unanimous vote.

**23-12-03      RESOLUTION AUTHORIZING THE EXPENDITURE OF \$11,015.00 TO PURCHASE A DUMP TRAILER FOR THE HUDSON RIVER AREA**

Chair Finkle asked for a motion adopting the resolution authorizing the Executive Director to purchase a dump trailer for a not-to-exceed price of \$11,015.00. Mr. Reagan so moved. Mr. Bird seconded and the Board adopted the resolution by unanimous vote.

**23-13-03      RESOLUTION AUTHORIZING THE EXPENDITURE OF UP TO \$5,500 FOR MOVING EXPENSES RELATED TO THE RELOCATION OF THE HUDSON RIVER AREA OFFICE**

Chair Finkle asked for a motion adopting the resolution authorizing the Executive Director to engage Don's Moving & Storage for an amount not-to-exceed \$5,500 to move the HRAO. Mr. Hayes so moved. Mr. DeWitt seconded and the Board adopted the resolution by unanimous vote.

**23-14-03      RESOLUTION TO SATISFY ANNUAL REVIEW AND APPROVAL OF  
THE REGULATING DISTRICT'S INVESTMENT POLICY**

Board Chair Finkle asked for a motion adopting the resolution. Mr. DeWitt made a motion to adopt the resolution to satisfy the annual review and approval of the Regulating District's Investment Policy. Mr. Hayes seconded and the Board unanimously approved the motion.

**23-15-03      RESOLUTION TO SATISFY ANNUAL REVIEW AND APPROVAL OF  
THE REGULATING DISTRICT'S PROCUREMENT POLICY**

Board Chair Finkle asked for a motion adopting the resolution. Mr. Hayes made a motion to adopt the resolution to satisfy the annual review and approval of the Regulating District's Procurement Policy. Mr. Bird seconded and the Board unanimously approved the motion.

**23-16-03      RESOLUTION TO ANNUALLY REVIEW AND APPROVE THE  
REGULATING DISTRICT'S DISPOSITION OF PROPERTY  
GUIDELINES PURSUANT TO SECTION 2896(1) OF THE PUBLIC  
AUTHORITIES LAW**

Board Chair Finkle asked for a motion adopting the resolution. Mr. Hayes made a motion to adopt the resolution to satisfy the annual review and approval of the Regulating District's Disposition of Property Policy. Mr. Bird seconded and the Board unanimously approved the motion.

**23-17-03      RESOLUTION APPROVING A SEVENTH AMENDMENT TO THE  
GROUND LEASE AND WATER USAGE AGREEMENT AT  
STILLWATER**

Mr. Bird made a motion to adopt the resolution which authorizes the Executive Director to execute a Seventh Amendment to the Ground Lease and Water Usage Agreement extending the extended term three months to June 30, 2023. Mr. Hayes seconded and the Board adopted the motion by unanimous vote.

**23-18 03      RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO HIRE  
THE MOST QUALIFIED CANDIDATE FOR THE MAINTENANCE  
SPECIALIST POSITION IN THE HUDSON RIVER AREA**

Mr. Reagan made a motion to adopt the resolution authorizing the Executive Director to hire a Maintenance Specialist to be filled by the most qualified candidate as determined by applicant interviews in accordance with the provisions of the current CSEA agreement with the successful candidate to be compensated at a FY 2022-2023 salary range of \$38,980-48,896. Mr. Hayes seconded and the Board adopted the motion by unanimous vote.

**23-19-03      RESOLUTION TO HIRE TEMPORARY SEASONAL LABORERS TO  
SUPPLEMENT PERMANENT STAFF IN THE HUDSON RIVER AREA  
AND BLACK RIVER AREA**

Chair Finkle asked for a motion to adopt the resolution. Mr. Reagan moved to adopt the resolution authorizing the employment of six (6) temporary seasonal laborers in the Hudson River Area and Black River Area at a rate of \$15.42/ hour for a period to be determined based on operational needs, but not to exceed 26 weeks in 2023. Mr. Bird seconded and the Board adopted the resolution by unanimous vote.

**23-20-03      RESOLUTION APPROVING BUDGET & FINANCIAL PLAN REQUIRED  
PURSUANT TO SECTION 2801 OF PUBLIC AUTHORITIES LAW**

Mr. Reagan made a motion to adopt the resolution approving the budget & financial plan required pursuant to section 2801 of the Public Authorities Law. Ms. Allen seconded and the Board approved the motion by unanimous vote.

**23-21-03      RESOLUTION TO AWARD AUDIT SERVICES WORK TO GALLEROS  
ROBINSON CERTIFIED PUBLIC ACCOUNTANTS, LLP FOR FISCAL  
YEAR ENDING JUNE 30, 2023**

Board Chair Mark Finkle asked for a motion to approve the resolution authorizing the Executive Director to exercise the second of two one-year options included in contract C012021 with Galleros Robinson for the not to exceed amount of \$26,450.00, plus expenses up to \$1,200.00 to perform audit services for fiscal year ending June 30, 2022. Mr. Reagan so moved. Mr. Hayes seconded and the Board approved the motion by unanimous vote.

**23-22-03      RESOLUTION SCHEDULING DATE AND TIME OF THE REGULAR  
MEETING FOR MAY 9, 2023**

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