

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

Sacandaga Field Office Conference Room
737 Bunker Hill Road
Mayfield, NY 12117

3920 Ocean Pearl Clubhouse, Fort Pierce, Fl.
54 Cedar Dunes Drive, New Symrna Beach, Florida.

March 12, 2024

Remote Conference-In Information

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CALL TO ORDER

Board Chair Mark M. Finkle called the meeting to order at 10:40 A.M.

ROLL CALL

Present: Board Chair Mark M. Finkle; Board Members Albert J. Hayes, Timothy J. Reagan and Nicole T. Allen; 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: Second Vice-Chair Alfred J. Candido, Jr. (Travel)

Excused: First Vice-Chair Kenneth F. DeWitt, Board Member Richard Bird

MOTION TO ADOPT OR REVISE THE MEETING AGENDA

Chair Finkle asked for a motion to adopt or revise the meeting agenda. Mrs. Allen moved to adopt the agenda. Mr. Reagan seconded. The Board approved the motion in a unanimous vote.

PUBLIC COMMENT

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

APPROVAL OF THE JANUARY 9, 2024 REGULAR BOARD MEETING MINUTES

Chair Finkle asked for a motion to adopt the January 9, 2024 regular board meeting minutes. Mr. Hayes advanced the motion to approve the regular meeting minutes. Mrs. Allen seconded. The Board approved the motion by unanimous vote.

REPORT OF THE EXECUTIVE DIRECTOR

Mr. Callaghan presented his report to the Board. Mr. Callaghan noted the Regulating District's preparations to host Safe Boating Week events on May 16th as part of the Safe Lake Initiative and the Joint Law Enforcement training exercise on May 23rd. Both events garner widespread community support. The Regulating district is proud to provide facilities and logistical support. Mr. Callaghan acknowledged that Great Sacandaga Lake is currently above its target elevation but emphasized that, despite Brookfield Renewable's acknowledged desire to maximize storage and their corporate stance requiring downstream counties to pay expenses which Brookfield's subsidiary Erie Boulevard Hydropower L.P. has historically paid, the Regulating District has had an excellent working relationship with Erie's staff who day-in and day-out exhibit professionalism and dedication to their craft.

CONTRACTS

RESOLUTION AUTHORIZING RENEWAL OF AN AGREEMENT WITH UNITED STATES GEOLOGICAL SURVEY

Mr. Foltan presented a resolution extending an agreement with the U.S. Department of the Interior – U.S. Geological Survey. He noted that the Regulating District's enabling legislation requires river and reservoir gauge facilities and explained that the Regulating District has received a contract to renew the cooperative joint funding agreement from the USGS pursuant to which the USGS will undertake with the Regulating District stream measurement, discharge record and reservoir record work beneficial to the Regulating District for the period July 1, 2024 to June 30, 2027 for the total sum of \$692,500.00 with the Regulating District's share being \$571,890.00. Mr. Foltan noted that the USGS will invoice the Regulating District on a quarterly basis.

Board Chair Finkle asked for a motion authorizing the Executive Director to execute an agreement with the USGS to renew the cooperative joint funding agreement for the period from July 1, 2024 to June 30, 2027 for a total not to exceed amount of \$571,890.00. Mr. Hayes so moved. Mrs. Allen seconded and the Board adopted the resolution by unanimous vote.

RESOLUTION AUTHORIZING THE EXPENDITURE OF \$135,588.81 FOR INSTALLATION OF ROOFTOP SOLAR AND E/V CHARGING STATIONS AT SACANDAGA FIELD OFFICE

Mr. Callaghan presented a resolution authorizing the expenditure of \$135,588.81 for installation of rooftop solar and E/V charging stations at Sacandaga Field Office. He noted that the Regulating District continues to take important steps to reduce energy costs and operate in a

more responsible and sustainable way. He further noted that in concert with Governor Hochul's Executive Order No. 22, New York State has adopted aggressive clean energy goals through the Climate Leadership and Community Protection Act passed in 2019, which calls for 70% of the electricity used in the State to come from renewable resources by 2030 and that implementation of renewable energy technology not only serves to further the State's renewable energy goals, but can also reduce operating costs. Mr. Callaghan explained that the Office of General Services (OGS) has awarded a statewide contract for Photovoltaic Systems and Installation Services and prescribes procedures for authorized users, including public authorities, utilizing this contract. Following these procedures, the Regulating District issued a mini-bid project description to contractors identified for Region 3, Zone F, of OGS Group 05302, soliciting proposals for electrical vehicle (EV) charging at the Sacandaga Field Office (SFO) and the installation of rooftop solar on the maintenance building. The Regulating District received a single proposal from Solar Liberty of Buffalo, NY with the initial costs to be \$75,549.41 and \$60,009.40 for rooftop solar installation and EV charging, respectively, for a total of \$135,558.81. Mr. Callaghan explained that available incentives and rebates such as the 30% federal "direct pay" tax credit and National Grid "Charge Ready" rebate may further reduce net cost to \$46,504.59 and \$38,167.35 for rooftop solar installation and EV charging, respectively, for a total net cost of \$84,671.94. Mr. Callaghan estimated the time to recapture the expense of rooftop solar installation to be 11 years. He noted that the proposed resolution also includes a \$135,559 transfer in the Fiscal Year 2023-24 budget to account 5260-0200 (Capital Improvements) from account 5900-0200 (Property Taxes).

Board Chair Finkle asked for a motion authorizing the Executive Director to execute an agreement with Solar Liberty for the installation of rooftop solar and EV charging stations at SFO through the use of statewide contract for Photovoltaic Systems and Installation Services, Group 05302 for a not-to-exceed cost of \$135,558.81 and to make the indicated budget transfers. Mrs. Allen so moved. Mr. Hayes seconded and the Board adopted the resolution by unanimous vote.

RESOLUTION ADOPTING COMMERCIAL ACCESS PERMIT APPLICATION PROCESS AND PROCEDURE

Mr. Callaghan presented a Resolution through which the Board would adopt staff's memorialization of the process staff will follow when considering Commercial and Association access permit applications. He noted that in light of several high-profile commercial development proposals on and around Great Sacandaga Lake in recent years, staff has undertaken a review, led by General Counsel Rob Leslie, of the procedure followed for accepting, reviewing, and processing commercial access permit applications. As a result of that review, Mr. Leslie, Field Supervisor Dan Kiskis, and Senior Field Assistant Danielle Thorne have updated the process for processing commercial access permit applications and developed a checklist submitted for the Board's approval. Noting that clarity and consistency should be the hallmark of any successful permitting process, Mr. Callaghan applauded the Board's leadership in recent years in updating the access permit fees and improving customer service through the development on the online permit system, and initiating credit card payments. He explained that, just as the regulatory process to garner APA, DEC, or USACE approval is clearly delineated for any potential applicant, it is important that an applicant can quickly reference and understand the

criteria which will be applied by the Regulating District as part of any commercial access permit application process. This updated process will ensure that is the case, with the commercial access permit application checklist available on the Regulating District's website.

Board Chair Finkle asked for a motion to pass the Resolution adopting the process utilized when issuing commercial and association access permits. Mr. Reagan so moved. Mrs. Allen seconded and the Board adopted the resolution by unanimous vote.

RESOLUTION AUTHORIZING THE PURCHASE OF THE STILLWATER HYDROELECTRIC PLANT PURSUANT TO THE GROUND LEASE AND WATER USAGE AGREEMENT WITH STILLWATER ASSOCIATES

Chairman Finkle recognized Board Member Nicole Allen who noted the potential for a conflict of interest due to her employment with a firm, Laberge Group, who has been engaged by a client, Columbia County Economic Development, who counts among its principals Michael Tucker; a General Partner with Stillwater Associates. In light of said conflict, Mrs. Allen recused herself from the discussion and vote concerning the resolution and left the meeting.

Mr. Tucker, who was in attendance, was invited to address the Board by Chairman Finkle. Mr. Tucker recounted for the Board the history of how Stillwater Associates came to operate the hydroelectric plant at Stillwater Dam, and the history of negotiations with the Regulating District over the last few years on a new agreement and, subsequently, the purchase of the plant. Mr. Tucker cited the long and positive working relationship between the Regulating District and Stillwater Associates. Mr. Tucker detailed the largest issue which, in his opinion, had prevented the parties from coming to an agreement sooner, namely, a difference of opinion over which date should be applied in the context of the valuation to produce an appropriate value for the sale pursuant to the expired agreement between the parties. Mr. Tucker indicated that he believed that the Regulating District had negotiated a purchase price which effectively reflected its position relative to valuation. Mr. Tucker thanked Mr. Callaghan, Mr. Leslie, and Mr. Maniccia for their efforts in bringing the issue to a resolution. Mr. Tucker noted his opposition to an external inspection and assessment of the plant's condition by NYPA if such inspection and assessment would be used in the context of securing Office of State Comptroller (OSC) approval of the sale. He suggested that such an inspection and assessment should occur subsequent to OSC's review of the proposed purchase.

Mr. Tucker took questions from Board members concerning why Stillwater Associates had elected to trigger the provision in the agreement requiring the Regulating District to purchase the plant, rather than to continue to operate the plant under a new agreement.

Mr. Callaghan followed Mr. Tucker, echoing Mr. Tucker's depiction of the proposed terms as a fair agreement for both parties, and in turn thanking Mr. Tucker and his attorney Mr. Vero for nearly four years of difficult negotiations, now concluded. Mr. Callaghan presented a resolution authorizing the purchase of the Stillwater hydroelectric plant from Stillwater Associates. Mr. Callaghan noted that Chapter 753 of the Laws of 1985, authorized the Regulating District to lease 0.6 acre of land (tax parcel 023.-1-6.1.) off of Necessary Dam Road, Town of Webb, Herkimer County, New York (the "Site"), to Stillwater Associates; a site sitting

adjacent to the Regulating District's Stillwater dam. Shortly after securing an exemption from FERC licensing, the Regulating District and Stillwater Associates entered into a Ground lease and Water Usage Agreement through which SA leased a parcel of land adjacent to the Dam and built thereon a hydroelectric plant. Mr. Callaghan explained that the parties have not been able to agree upon rent and other terms and conditions extending the agreement's Term thus requiring, pursuant to provisions in the original agreement, the District to purchase the Plant at its Appraised Value. Following receipt of a final appraisal, the parties have negotiated a purchase price of \$1,263,000, which the Regulating District believes represents the current fair market value of the Stillwater Hydroelectric Plant. Mr. Callaghan explained that in addition the Regulating District agreed to pay to Stillwater Associates the Regulating District's one-half share of the cost to produce the document review and appraisal prepared by CNY Pomeroy Appraisers, Inc. (\$7,900).

Board Chair Finkle asked for a motion to pass the Resolution authorizing the purchase of the Stillwater Hydroelectric plant (\$1,263,000.00), and paying the Regulating District's one-half share of the cost to produce the necessary appraisal (\$7,900) adopting the process utilized when issuing commercial and association access permits. Mr. Hayes so moved. Mr. Candido seconded and the Board adopted the resolution by unanimous vote.

Following the vote, Mrs. Allen returned to the meeting.

STAFF/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. Candido made a motion to adopt the resolution to satisfy the annual review and approval of the Regulating District's Investment Policy. Mrs. Allen 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. Candido made a motion to adopt the resolution to satisfy the annual review and approval of the Regulating District's Procurement Policy. Mr. Hayes 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. Candido made a motion to adopt the resolution to satisfy the annual review and approval of the Regulating District's Disposition of Property Policy. Mrs. Allen 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. Candido so moved. Mr. Hayes seconded. Mr. Reagan abstained and the Board adopted the motion by unanimous vote.

RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO HIRE THE MOST QUALIFIED TWO CANDIDATES 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 two Maintenance Specialists in the Hudson River Area, to be filled by the most qualified candidates as determined by applicant interviews in accordance with the provisions of the current CSEA agreement. He noted that the successful candidates will be compensated in accordance with the provisions of the current CSEA agreement at a FY 2023-2024 salary range of \$39,760-49,874.

Mr. Hayes made a motion to adopt the resolution authorizing the Executive Director to hire two Maintenance Specialists to be filled by the most qualified candidates as determined by applicant interviews in accordance with the provisions of the current CSEA agreement with the successful candidates to be compensated at a FY 2023-2024 salary range of \$39,760-49,874. Mr. Reagan 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 \$15.42, 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 2024. Committee Chair Candido noted that 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. Hayes seconded and the Board adopted the resolution by unanimous vote.

RESOLUTION AUTHORIZING THE EXPENDITURE OF \$51,035.94 FOR THE PURCHASE OF A REPLACEMENT LOG BOOM FOR CONKLINGVILLE DAM

Governance Committee Chair Alfred J. Candido Jr. presented a resolution authorizing an expenditure for a new log boom at Conklingville. He noted that the Regulating District employs safety and debris “log” booms upstream of its dams to regulate vessel access and to prevent trash, logs, vegetation and other surface debris from accumulating. These log booms provide important public safety benefits, creating a physical and visual deterrent to clearly define dangerous zones and prevent boaters from getting too close to dams and other critical water-retaining infrastructure. The traditional lumber-based log booms at Conklingville are prone to failure, difficult to handle and maneuver, and in need of repair and/or replacement and have, in fact, failed, with multiple sections having transited downstream into the spillway channel. Mr. Candido noted staff identified safety concerns related to the frequent retrieval/ repair/ reattachment of boom sections noted that newer products available provide enhanced levels of safety and functionality. He noted that staff has identified a comparable product known as “TuffBoom” and has received a quote from Worthington Waterway Barriers for a new polyethylene “TuffBoom” log boom with interconnection hardware, anchor connections and chains for \$51,035.94; which staff found to be reasonable. Mr. Candido noted that the TuffBoom system comes with a 50-year warranty, and is

in use by the Regulating District at the Stillwater Dam, and will be deployed at the Indian Lake Dam in conjunction with the ongoing rehabilitation project. He noted that staff has not identified another suitable product or provider that meet the Regulating District's specifications or needs and recommended the expenditure of \$51,035.94 be authorized for the purchase of a replacement log boom from Worthington Waterway Barriers. He noted that the proposed resolution also includes a \$12,591 transfer in the Fiscal Year 2023-24 budget to account 5260-0300 (Capital Improvements) from account 5699-0300 (Surveying Services) of \$10,000 and account 5350-0300 (Equipment Repair & Parts) of \$2,591.

Mr. Hayes made a motion to adopt the resolution authorizing the \$51,035.94 expenditure for the TuffBoom system from Worthington Waterway Barriers; including the recommended budget transfers. Mr. Reagan seconded and the Board approved the motion by unanimous vote.

RESOLUTION APPROVING AMENDMENTS TO POLICY GOVERNING ACCEPTANCE OF ELECTRONIC PAYMENTS BY APPLICANTS FOR ACCESS PERMIT SYSTEM TRANSACTIONS

Committee Chair Alfred J. Candido, Jr. introduced the resolution approving amendments to the Regulating District policy governing the acceptance of electronic payments by applicants to access permit system transactions. He noted that, pursuant to resolution 20-01-01, the Board directed staff to implement a system for the on-line collection of access permit system fees and, at the same time, adopted a policy governing these improvements. The Regulating District continues to implement improvements to this system which now accounts for 64% of the annual renewal fees collected. Following a recent 'Security Over Critical Systems' audit (2023-S-24) completed in January 2024, the Office of the State Comptroller concluded that the Regulating District demonstrated effort and timeliness in addressing security issues as they arise and further found that the Regulating District has generally taken appropriate steps to secure processes and systems used to accept credit card payments. Staff has incorporated the single recommendation into the revised policy governing acceptance of electronic payment for its access permit system transactions, including provisions relating to Payment Card Industry Data Security Standards as recommended by the Office of the State Comptroller. Following Board approval, staff will communicate implementation of this revised policy governance to the Office of the State Comptroller in advance of the 180-day deadline stipulated in Section 170 of the New York State Executive Law.

Mr. Reagan made a motion to adopt the resolution authorizing the revision to the policy governing acceptance of electronic payments. Mrs. Allen seconded and the Board approved the motion by unanimous vote.

RESOLUTION AUTHORIZING PERSONNEL ADVANCEMENTS, INCLUDING HUDSON RIVER AREA FOREMAN AND BLACK RIVER AREA PRINCIPAL PLANT OPERATOR

Governance Committee Chair Alfred J. Candido, Jr. presented a resolution authorizing personnel advancements for Mike Chase to Hudson River Area Forman and Joshua Rice to Black River Area Principal Plant Operator. Mr. Candido noted that vacancies exist in both positions and

that, in accordance with the provisions of Article XXII of the current CSEA agreement, the Regulating District seeks to consider all qualified employees on the basis of qualifications and seniority. Michael Chase has served as Assistant Foreman in the Hudson River Area since March 31, 2022, and Joshua Rice has served as Plant Operator in the Black River Area since October 13, 2022. Both Mr. Chase and Mr. Rice have demonstrated professionalism and integrity, and established a record of exemplary service, in their current positions. Mr. Candido explained that said vacancies have been posted in all work locations in accordance with the provisions of Article XXII of the current CSEA agreement and that Mr. Chase and Mr. Rice are internal qualified candidates for the positions of Foreman in the Hudson River Area, and Principal Plant Operator in the Black River Area, respectively.

Mr. Hayes made a motion to adopt the resolution authorizing personnel advancements, effective April 11, 2024, for Mike Chase to Hudson River Area Forman and Joshua Rice to Black River Area Principal Plant Operator. Mrs. Allen seconded and the Board approved the motion by unanimous vote.

FINANCE COMMITTEE REPORT

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

Mr. Maniccia introduced a resolution approving a budget and financial plan pursuant to Section 2801 of the Public Authorities Law. He 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, 2024. Mr. Maniccia noted he 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. Mrs. Allen seconded and the Board approved the motion by unanimous vote.

RESOLUTION TO AUTHORIZE THE EXECUTIVE DIRECTOR TO EXERCISE THE FIRST ONE-YEAR OPTION INCLUDED IN 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 advanced by the Finance Committee to the Board authorizing the exercise of the first one-year option included in 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. Mr. Maniccia noted that through resolutions 22-04-01 and 23-11-03 the Board engaged Harris Beach PLLC 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 2024. Mr. Maniccia noted that Harris Beach agreed 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 \$60,000. Mr. Maniccia noted that exercising the option in said contract 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 exercise the first one-year option included in Contract C012022 for an additional year of bond counsel work to be performed by Harris Beach PLLC for the not-to-exceed contract value to \$60,000.00. Mrs. Allen so moved. Mr. Reagan seconded and the Board adopted the resolution by unanimous vote.

STAFF REPORTS

Mr. Leslie presented his report. Mr. Leslie reported that he continues to engage with the General Recoveries Unit of the OAG's Civil Recoveries Bureau regarding the commencement an affirmative case seeking redress against Erie Boulevard Hydropower, L.P. in the state and/or federal court system. The General Recoveries Unit expects to submit its own demand to Erie shortly; to be followed thereafter, barring Erie's payment of the \$1,460,083.31 demanded (seven twelfths of \$2,503,000) with a Summons and Complaint. Mr. Leslie also reported that senior staff continue to engage representatives from Stillwater Associates LP regarding a contract of sale and a site visit with the New York State Power Authority relative to Stillwater's proposed sale terms. Counsel continues to work with staff to craft an RFP seeking entities willing and capable of running the plant once the State takes ownership. Finally, Mr. Leslie noted work with permitting staff to memorialize the process and procedures governing the application process for commercial/association permits.

Ms. Ruzycky presented her report to the Board. Ms. Ruzycky reported completion of monthly and quarterly audits and daily online payment verification/reconciliation for the permit database.

Mr. Maniccia presented his report to the Board. Therein he noted that at the close of February 29, 2024, the general fund balances for the HRA and BRA were approximately \$6,716,614 and \$1,802,495 respectively. When combined (in the amount of \$8,520,109), this total is \$133,323 or 1.6% more than the same period last year. Year-to-date Regulating District Revenue exceeded Expenses by \$536,687. This amount is \$1,570,338 less than the Jul 2022-Feb 2023 period. Not collecting nearly \$1,023,445 from Erie Boulevard Hydropower that the Regulating District would have collected during the first eight months of this fiscal year had the agreement been renewed is a driver of this variance. Significant disbursements for the period include: Payroll, Health Insurance, CD Perry Colliers and USGS. Mr. Maniccia reported that the Regulating District's transactional processing and reporting are current.

Mr. Maniccia presented an affidavit evidencing necessary and reasonable Board expenses incurred by Richard Bird (\$131.00) in the course of his duties as a Board Member. Mr. Reagan

moved to approve payment of such expenses. Mr. Hayes seconded and the Board passed the motion in a unanimous vote.

Mr. Foltan presented the Chief Engineer's report. Therein Mr. Foltan noted that the February average daily release from the Sacandaga Reservoir (Great Sacandaga Lake) was approximately 4,030 cubic feet per second (cfs). Precipitation during the month of February was below normal across the Great Sacandaga Lake watershed and below normal in the Indian Lake watershed. The monthly inflow to Great Sacandaga Lake and Indian Lake reservoir was approximately 106% and 96% of historic average, respectively. Monthly release of water from Great Sacandaga Lake and Indian Lake measured 144% and 143% of historic average, respectively.

The February average daily release from Stillwater Reservoir was approximately 600 cfs. Monthly total precipitation measured 29%, 47%, and 44% of historic average at Stillwater, Old Forge, and Sixth Lake, respectively, as of February 27th. Precipitation in the month of February was below average at Stillwater, Old Forge and Sixth Lake. The monthly inflow to Stillwater Reservoir was approximately 98% of historic average. The inflow to Sixth Lake and Old Forge Reservoir totaled 0.08 and 0.20 billion cubic feet, respectively, in February. Release of water from Stillwater Reservoir averaged 110% of historic discharge.

RESOLUTION SCHEDULING DATE, TIME AND LOCATION OF THE APRIL 9, 2024 REGULAR BOARD MEETING

Chair Finkle asked for a motion to adopt a resolution setting the date, time and location for the next regular Board meeting of the Board of the Hudson River-Black River Regulating District for Tuesday, April 9, 2024 at the Regulating District's Sacandaga Field Office, 737 Bunker Hill Road, Mayfield, NY 12117 at 10 AM.

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

ADJOURNMENT

Chair Finkle called for a motion to adjourn the meeting. Mr. Reagan advanced the motion. Mrs. Allen seconded. The meeting adjourned at 11:57 A.M.

24-04-03 RESOLUTIONS RESOLUTION AUTHORIZING RENEWAL OF AN AGREEMENT WITH UNITED STATES GEOLOGICAL SURVEY

Board Chair Finkle asked for a motion authorizing the Executive Director to execute an agreement with the USGS to renew the cooperative joint funding agreement for the period from July 1, 2024 to June 30, 2027 for a total not to exceed amount of \$571,890.00. Mr. Hayes so moved. Mrs. Allen seconded and the Board adopted the resolution by unanimous vote.

24-05-03 RESOLUTION AUTHORIZING THE EXPENDITURE OF \$135,558.81 FOR INSTALLATION OF ROOFTOP SOLAR AND E/V CHARGING STATIONS AT SACANDAGA FIELD OFFICE

Board Chair Finkle asked for a motion authorizing the Executive Director to execute an agreement with Solar Liberty for the installation of rooftop solar and EV charging stations at SFO through the use of statewide contract for Photovoltaic Systems and Installation Services, Group 05302 for a not-to-exceed cost of \$135,558.81 and to make the indicated budget transfers. Mrs. Allen so moved. Mr. Hayes seconded and the Board adopted the resolution by unanimous vote.

24-06-03 RESOLUTION ADOPTING COMMERCIAL ACCESS PERMIT APPLICATION PROCESS AND PROCEDURE

Board Chair Finkle asked for a motion to pass the Resolution adopting the process utilized when issuing commercial and association access permits. Mr. Reagan so moved. Mrs. Allen seconded and the Board adopted the resolution by unanimous vote.

24-07-03 RESOLUTION AUTHORIZING THE PURCHASE OF THE STILLWATER HYDROELECTRIC PLANT PURSUANT TO THE GROUND LEASE AND WATER USAGE AGREEMENT WITH STILLWATER ASSOCIATES

Board Chair Finkle asked for a motion to pass the Resolution authorizing the purchase of the Stillwater Hydroelectric plant (\$1,263,000.00), and paying the Regulating District's one-half share of the cost to produce the necessary appraisal (\$7,900) adopting the process utilized when issuing commercial and association access permits. Mr. Hayes so moved. Mr. Candido seconded and the Board adopted the resolution by unanimous vote.

24-08-03 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. Candido made a motion to adopt the resolution to satisfy the annual review and approval of the Regulating District's Investment Policy. Mrs. Allen seconded and the Board unanimously approved the motion.

24-09-03 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. Candido made a motion to adopt the resolution to satisfy the annual review and approval of the Regulating District's Procurement Policy. Mr. Hayes seconded and the Board unanimously approved the motion.

24-10-03 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. Candido made a motion to adopt the resolution to satisfy the annual review and approval of the Regulating District's Disposition of Property Policy. Mrs. Allen seconded and the Board unanimously approved the motion.

24-11-03 RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO HIRE THE MOST QUALIFIED TWO CANDIDATES FOR THE MAINTENANCE SPECIALIST POSITION IN THE HUDSON RIVER AREA

Mr. Hayes made a motion to adopt the resolution authorizing the Executive Director to hire two Maintenance Specialists to be filled by the most qualified candidates as determined by applicant interviews in accordance with the provisions of the current CSEA agreement with the successful candidates to be compensated at a FY 2023-2024 salary range of \$39,760-49,874. Mr. Reagan seconded and the Board adopted the motion by unanimous vote.

24-12-03 RESOLUTION TO HIRE TEMPORARY SEASONAL LABORERS TO SUPPLEMENT PERMANENT STAFF IN THE HUDSON RIVER AREA AND BLACK RIVER AREA

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. Hayes seconded and the Board adopted the resolution by unanimous vote.

24-13-03 RESOLUTION AUTHORIZING THE EXPENDITURE OF \$51,035.94 FOR THE PURCHASE OF A REPLACEMENT LOG BOOM FOR CONKLINGVILLE DAM

Mr. Hayes made a motion to adopt the resolution authorizing the \$51,035.94 expenditure for the TuffBoom system from Worthington Waterway Barriers; including the recommended budget transfers. Mr. Reagan seconded and the Board approved the motion by unanimous vote.

24-14-03 RESOLUTION APPROVING AMENDMENTS TO POLICY GOVERNING ACCEPTANCE OF ELECTRONIC PAYMENTS BY APPLICANTS FOR ACCESS PERMIT SYSTEM TRANSACTIONS

Mr. Reagan made a motion to adopt the resolution authorizing the revision to the policy governing acceptance of electronic payments. Mrs. Allen seconded and the Board approved the motion by unanimous vote.

24-15-03 RESOLUTION AUTHORIZING PERSONNEL ADVANCEMENTS, INCLUDING HUDSON RIVER AREA FOREMAN AND BLACK RIVER AREA PRINCIPAL PLANT OPERATOR

Mr. Hayes made a motion to adopt the resolution authorizing personnel advancements, effective April 11, 2024, for Mike Chase to Hudson River Area Forman and Joshua Rice to Black River Area Principal Plant Operator. Mrs. Allen seconded and the Board approved the motion by unanimous vote.

24-16-03 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. Mrs. Allen seconded and the Board approved the motion by unanimous vote.

24-17-03 RESOLUTION TO AUTHORIZE THE EXECUTIVE DIRECTOR TO EXERCISE THE FIRST ONE-YEAR OPTION INCLUDED IN THE AGREEMENT WITH HARRIS BEACH PLLC (C012022) 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 exercise the first one-year option included in Contract C012022 for an additional year of bond counsel work to be performed by Harris Beach PLLC for the not-to-exceed contract value to \$60,000.00. Mrs. Allen so moved. Mr. Reagan seconded and the Board adopted the resolution by unanimous vote.

24-18-03 RESOLUTION SCHEDULING DATE, TIME AND LOCATION OF THE APRIL 9, 2024 REGULAR BOARD MEETING

Mrs. Allen moved to adopt the resolution setting the date, time and location of the April 9, 2024 regular Board meeting. Mr. Hayes seconded and the Board adopted the resolution by unanimous vote.

Robert P. Leslie
Secretary

Mark M. Finkle
Board Chairman