

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

**Black River Area Office
317 Washington Street, Suite 612
Watertown, NY 13601
4 Computer Drive West, Albany, NY**

May 14, 2024

Scheduled to commence at 10 AM immediately following the Finance Committee Meeting

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

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CALL TO ORDER

Chair Mark Finkle called the meeting to order at 10:17 A.M.

ROLL CALL

Present: Board Chair Mark M. Finkle; First Vice-Chair Kenneth F. DeWitt; Second Vice Chair Alfred J. Candido, Jr.; Board Members Albert J. Hayes, Richard Bird, and Timothy J. Reagan; Executive Director John C. Callaghan, Chief Engineer Robert S. Foltan, Chief Fiscal Officer Timothy M. Maniccia and Director of Administrative Services Stephanie V. Ruzicky.

Video Feed: Board Member Nicole T. Allen (travel)

Excused: General Counsel Robert P. Leslie

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. DeWitt 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 APRIL 9, 2024 REGULAR BOARD MEETING MINUTES

Chair Finkle asked for a motion to adopt the April 9, 2024 regular board meeting minutes. Mr. Hayes advanced the motion to approve the regular meeting minutes. Mr. Bird 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 that, the NYS Legislature has adopted a budget, in line with the Governor's proposal, which includes elements important to the Regulating District. These include appropriations and re-appropriations which facilitate the simultaneous completion of several capital projects at Conklingville, Sixth Lake, Old Forge and Stillwater. Mr. Callaghan highlighted staff action pursuant to the recent NYS Division of Budget Bulletin D-1152 entitled *FY 2025 3% General Salary Increase, Performance Advances, and Longevity Awards for Management / Confidential (M/C) Employees* effective May 2, 2024. Mr. Callaghan noted that, pursuant to Resolution 15-17-05, 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. Mr. Callaghan reported that the Office of the Attorney General and the Office of the State Comptroller have both approved the Agreement paving the way for the Regulating District's purchase of the Stillwater Hydroelectric Plant in the Town of Webb from Stillwater Associates. He also noted that he and Mr. Foltan had productive site visits with prospective bidders interested in leasing the site and running the plant. Bids will be opened May 24th. Mr. Callaghan updated the Board on 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 alerted the Board that as the Hawkinsville Dam remediation project wraps-up, staff have, pursuant to the contract, retained five percent of funds due pending completion of work to certain specification. The contractor has also requested a change in scope and contract amount to reflect work required but not reflected in the original contract. Staff hope to resolve these issues in a comprehensive manner.

CONTRACTS

RESOLUTION AUTHORIZING THE EXPENDITURE OF \$17,681.54 FOR ADDITIONAL REPAIRS TO THE CATERPILLAR BACKHOE LOADER

Mr. Callaghan presented a resolution to authorize additional repairs to the 1997 backhoe loader. He noted that at the April 9, 2024 regular meeting, the Board authorized the expenditure of \$6,178.78 to repair the right rear outrigger pin which had broken off resulting in damage to the ear that holds the hydraulic ram. Completion of that work revealed that repairs to the swing frame are also necessary for safe operation. Staff solicited quotes from Milton Cat of Clifton Park, United Ag & Turf of Fultonville, and Bob Cooper Machinery Repair for this work. Mr.

Callaghan reported that the Milton Cat of Clifton Park supplied the sole quote to complete the repairs to the swing frame for an amount not to exceed \$17,681.54. Noting that Milton Cat successfully completed the earlier repair and has performed well in the past, Mr. Callaghan recommended that the Board authorize the repair extending the useful life of this necessary machinery and avoiding a replacement cost that would likely exceed \$115,000. Further, Mr. Callaghan recommended the Board authorize the following transfer in the Fiscal Year 2023-24 budget:

Account Number	Account Name	Increase	Decrease
5350-0200	Equipment Repair & Parts	\$11,700	
5699-0200	Surveying Services		\$5,800
5770-0200	Contingencies		\$5,900

Chair Finkle called for a motion to adopt the resolution authorizing the Executive Director to contract for the repair of the Caterpillar backhoe loader for an amount not-to-exceed \$17,681.54 and for the CFO to effect the necessary budget transfers as described. Mr. Candido so moved. Mr. Reagan seconded and the Board adopted the resolution by unanimous vote.

DISCUSSION REGARDING POLICY GOVERNING USE OF ELECTRIC VEHICLE CHARGING STATIONS AT REGULATING DISTRICT FACILITIES

Mr. Callaghan summarized the results of staff’s survey of other public entities, agencies and municipalities with electrical vehicle (E/V) charging stations at public parking locations. He also brought forward NYSERDA’s Best Practices Guide to inform the Regulating District’s discussion regarding a Workplace Electric Vehicle Charging Policy. Mr. Callaghan shared that the best practices guide encourages clear and concise signage to limit charging conflicts, but cautions against poorly designed policies which could inconvenience EV drivers, negating the policies’ intended benefit. A discussion ensued regarding the utility of memorializing staff’s recommendations. Mr. Callaghan agreed to incorporate the Board’s suggestions into the draft policy for presentation at the June, or a subsequent, meeting.

RESOLUTION TO SET SALARY RATE AT \$17/HOUR FOR TEMPORARY SEASONAL LABORERS IN THE HUDSON RIVER AREA AND BLACK RIVER AREA

Mr. Callaghan noted that at the April 9, 2024 Meeting the Board approved hiring up to six seasonal laborers at \$15.42/Hour. Consistent with the recently negotiated CSEA Agreement, Mr. Callaghan recommended the Board set the rate for seasonal laborers at \$17/Hour.

Chair Finkle called for a motion to adopt the resolution setting the salary rate for temporary seasonal laborers at \$17/Hour. Mr. Bird so moved. Mr. Hayes seconded and the Board adopted the resolution by unanimous vote.

STAFF/COMMITTEE REPORTS

FINANCE COMMITTEE REPORT

Committee Chair DeWitt noted that, earlier on this date, Mr. Maniccia led a discussion before the Finance Committee, with the Board in attendance, concerning the July 1, 2024 through June 30, 2027 Draft Budget.

STAFF REPORTS

Mr. Callaghan presented Mr. Leslie's report. Therein, Mr. Leslie reminded the Board and Senior Staff that Financial Disclosure Statements are due May 15th. Mr. Leslie continues to engage with the General Recoveries Unit of the OAG's Civil Recoveries Bureau regarding the commencement of an affirmative case seeking redress against Erie Boulevard Hydropower, L.P. in the state and/or federal court system. Counsel and the OAG concur that Erie's April 15th response to the General Recoveries Unit's March 15th demand failed to address the nature of the OAG's forthcoming complaint. Staff will work with the OAG to accommodate Erie's invitation to a discussion to explore a meaningful resolution to the dispute. Mr. Leslie continues to engage Stillwater Associates LP's counsel regarding the Regulating District's purchase of the hydroelectric plant at Stillwater; including the assignment of the Power Purchase Agreement with National Grid, communicating the approval of the purchase agreement by the OAG and OSC, and determining Stillwater Associates, LP's willingness and capability to run the plant once the State takes ownership. Finally, Mr. Callaghan noted that Mr. Leslie provided advice and counsel on various contracting, contract payment, bonding and permitting matters and offered to communicate any questions from the Board upon Mr. Leslie's return.

Ms. Ruzycky presented her report to the Board. Ms. Ruzycky reported completion of HRAO quarterly compliance audit and the SFO Monthly compliance audit. She consulted with staff on personnel issues, managed the employee recruitment process and new employee onboarding, and participated in Labor-Management meetings. Ms. Ruzycky reported that she attended the NYS Canals Diversity and Inclusion conference in Rochester.

Mr. Maniccia presented his report to the Board. Therein he noted that at the close of April 30, 2024, the general fund balances for the HRA and BRA were approximately \$7,021,479 and \$1,546,196 respectively. When combined (in the amount of \$8,567,676), this total is \$260,767 or 3.1% more than the same period last year. Not collecting nearly \$1,279,310 from Erie Boulevard Hydropower that the Regulating District would have collected during the first ten 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, Colliers, Arcadis, Worthington Products and U.S.G.S. Mr. Maniccia reported that the Regulating District's transactional processing and reporting are current. Finally, Mr. Maniccia noted that the State Fiscal Year 2024-2025 budget contains additional support for necessary improvements to the Regulating District's infrastructure. Mr. Maniccia expressed appreciation, joined by the Executive Director and the Board, for the continued assistance from the Governor and both houses of the Legislature.

Mr. Maniccia presented an affidavit evidencing necessary and reasonable Board expenses incurred by Timothy Reagan (\$300.16) in the course of his duties as a Board Member. Mr. Hayes moved to approve payment of such expenses. Mr. DeWitt seconded and the Board passed the motion in a unanimous vote; Mr. Reagan abstaining.

Mr. Foltan presented the Chief Engineer's report. Therein Mr. Foltan noted that the April average daily release from the Sacandaga Reservoir (Great Sacandaga Lake) was approximately 5,250 cubic feet per second (cfs). Precipitation during the month of April was below normal across the Great Sacandaga Lake watershed and above normal in the Indian Lake watershed. The monthly inflow to Great Sacandaga Lake and Indian Lake reservoir was approximately 71% and 82% of historic average, respectively. Monthly release of water from Great Sacandaga Lake and Indian Lake measured 432% and 114% of historic average, respectively.

The April average daily release from Stillwater Reservoir was approximately 199 cfs. Monthly total precipitation measured 76%, 75%, and 77% of historic average at Stillwater, Old Forge, and Sixth Lake, respectively, as of April 25th. Precipitation in the month of April was below average at Stillwater, Old Forge and Sixth Lake. The monthly inflow to Stillwater Reservoir was approximately 49% of historic average. The inflow to Sixth Lake and Old Forge Reservoir totaled 0.09 and 0.21 billion cubic feet, respectively, in April. Release of water from Stillwater Reservoir averaged 59% of historic discharge.

Special Presentation. Mr. Callaghan recognized Chief Engineer Robert Foltan and Director of Administrative Services Stephanie Ruzycky for twenty-five years of distinguished service to the Regulating District; presenting both with commemorative plaques honoring their achievements.

RESOLUTION SCHEDULING DATE, TIME AND LOCATION OF THE JUNE 20, 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 Thursday, June 20, 2024 at the Regulating District's Sacandaga Field Office Conference Room, 737 Bunker Hill Road, Mayfield, NY 12117 at 10:00 AM.

Mr. Hayes moved to adopt the resolution setting the date, time and location of the regular meeting. Mr. DeWitt 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. Mr. Bird seconded. The meeting adjourned at 11:03 A.M.

RESOLUTIONS

24-25-05 RESOLUTION AUTHORIZING THE EXPENDITURE OF \$17,681.54 FOR ADDITIONAL REPAIRS TO THE CATERPILLAR BACKHOE LOADER

Chair Finkle called for a motion to adopt the resolution authorizing the Executive Director to contract for the repair of the Caterpillar backhoe loader for an amount not-to-exceed \$17,681.54 and for the CFO to effect the necessary budget transfers as described. Mr. Candido so moved. Mr. Reagan seconded and the Board adopted the resolution by unanimous vote.

24-26-05 RESOLUTION TO SET SALARY RATE AT \$17/HOUR FOR TEMPORARY SEASONAL LABORERS IN THE HUDSON RIVER AREA AND BLACK RIVER AREA

Chair Finkle called for a motion to adopt the resolution setting the salary rate for temporary seasonal laborers at \$17/Hour. Mr. Bird so moved. Mr. Hayes seconded and the Board adopted the resolution by unanimous vote.

24-27-05 RESOLUTION SCHEDULING DATE, TIME AND LOCATION OF THE JUNE 20, 2024 REGULAR BOARD MEETING

Mr. Hayes moved to adopt the resolution setting the date, time and location of the June 20, 2024 Regular Board meeting. Mr. DeWitt seconded and the Board adopted the resolution by unanimous vote.

Robert P. Leslie
Secretary

Mark M. Finkle
Board Chairman