

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

**June 20, 2024**

**10 AM**

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

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 10:56 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, 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 Feed:** Board Member Richard Bird, (travel, Non-voting {Not Noticed to Be Remote})

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

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

**PUBLIC COMMENT**

Chair Finkle opened the meeting to public comment; hearing none. Mr. Callaghan noted for Chair Finkle that staff did expect one caller to offer comment and suggested that the Chair re-open the comment period before consideration of the resolution concerning the lease at Stillwater Reservoir. Chair Finkle agreed.

## **APPROVAL OF THE MAY 14, 2024 REGULAR BOARD MEETING MINUTES**

Chair Finkle asked for a motion to adopt the May 14, 2024 regular board meeting minutes. Mr. Hayes advanced the motion to approve the regular meeting minutes. Mr. DeWitt seconded. The Board approved the motion by unanimous vote.

## **REPORT OF THE EXECUTIVE DIRECTOR**

Mr. Callaghan presented his report to the Board therein noting that during the reporting period he worked closely with General Counsel on issues related to the purchase of the Stillwater Hydroelectric Plant and competitive process to select a new lessee for the plant. He continues to work closely with the CFO on finalizing the next, 3-year spending plan and assessments, pending approval of the FY 2025 State budget and especially in light of Stillwater Associates & Brookfield issues and also worked with senior staff to successfully resolve ESG's requests for additional payments regarding the Hawkinsville Dam rehabilitation project; resulting in the close-out of the project within the Board-authorized contract amount. Mr. Callaghan's report noted that in conjunction with National Safe Boating week, he worked with Safe Lake Initiative partners to host a press conference with various State, County & local agencies & departments on 5/16 at the Sacandaga Field Office, attended by Chairman Finkle and Board Member De Witt, as well as helping to facilitate the multi-agency exercise on 5/23, and hosted a two-night boater safety course at the Sacandaga Field Office on 5/21 & 5/22. Mr. Callaghan expressed special thanks to the SFO staff who supported these activities, including set up for the press conference and boater safety course, and including deployment of the workboat to help support the training exercise. Mr. Callaghan also thanked Mr. Leslie, Mr. Maniccia, Mr. Foltan and Ms. Ruzicky for their efforts bringing the Stillwater Hydro negotiation and RFP to a close, and preparing the next three annual budgets.

## **MOTION TO APPROVE REGULATING DISTRICT ANNUAL REPORT JANUARY 1, 2023-DECEMBER 31, 2023**

Mr. Callaghan presented the Regulating District's annual report. Chairman Finkle asked for a motion to adopt the report and deliver it to the Commissioner of the NYS Department of Environmental Conservation as required by ECL Article 15, Title 21. Mrs. Allen moved to approve the Regulating District's Annual Report for January 1, 2023 through December 31, 2023 and to deliver the report to DEC as required. Mr. DeWitt seconded the motion and the Board adopted the motion by unanimous vote.

## **STAFF/COMMITTEE REPORTS**

### **FINANCE COMMITTEE REPORT**

## **RESOLUTION APPROVING A BUDGET FOR THE HUDSON RIVER-BLACK RIVER REGULATING DISTRICT FOR THE PERIOD JULY 1, 2024 THROUGH JUNE 30, 2027 AND FOURTH YEAR PROPOSED FINANCIAL PLAN FOR THE PERIOD JULY 1, 2027 THROUGH JUNE 30, 2028**

Finance Committee Chairman Kenneth DeWitt presented proposed three budgets for the period July 1, 2024 through June 30, 2027. Mr. DeWitt asked Mr. Maniccia to outline changes, if any, to the proposed budgets resulting from circumstances arising since the Committee's previous work session on the budget. Mr. Maniccia noted that pursuant to the Regulating District's enabling legislation ECL §15-2125, the Board is responsible for estimating an amount sufficient to pay the expense of maintenance and operation of the Regulating District, which, when determined, will be fixed for a period of three (3) years. He also noted that consistent with Section 5 of Article 10 of the New York State Constitution, Article 9 of the Public Authorities Law and Section 8(14) of the State Finance Law, the State Comptroller adopted regulation 2 NYCCR Part 203, "Budget and Financial Plan Format, Supporting Documentation and Monitoring – Public Authorities" requiring a fourth year proposed financial plan. Mr. Maniccia provided a brief overview of the budget proposals. Mr. Maniccia recommended that the Board adopt the proposed budgets for July 1, 2024 through June 30, 2027 and fourth year proposed financial plan. Mr. Callaghan concurred in Mr. Maniccia's recommendation. The proposed three-year budget are attached.

Chair Mark Finkle asked for a motion to adopt the July 1, 2024 through June 30, 2027 Budgets and the fourth-year financial plan. Mr. Hayes so moved and Mr. Reagan seconded. The Board adopted the motion adopting the budgets and financial plan by unanimous vote.

**RESOLUTION TO APPROVE THE ANNUAL ASSESSMENT FOR THE OPERATION AND MAINTENANCE OF STORAGE RESERVOIRS IN THE BLACK RIVER AREA FOR THE FIRST YEAR (JULY 1, 2024 - JUNE 30, 2025) OF THE THREE YEAR BUDGET PERIOD BEGINNING JULY 1, 2024**

Finance Committee Chair Kenneth DeWitt presented the annual assessment for the operation and maintenance of storage reservoirs in the Black River area for the period July 1, 2024 through June 30, 2025 pursuant to Environmental Conservation Law, Article 15, Title 21, Sections 15-2123 and 15-2125, and requested that the Board approve a resolution setting the annual assessment (\$1,257,019.00) accordingly. The Black River area assessment is attached.

Chair Mark Finkle asked for a motion to adopt the July 1, 2024 through June 30, 2025 Black River area assessment (\$1,257,019.00). Mr. Reagan so moved. Mr. Hayes seconded and the Board approved the motion by unanimous vote.

**RESOLUTION TO APPROVE THE STATE SHARE FOR THE OPERATION AND MAINTENANCE OF STORAGE RESERVOIRS IN THE BLACK RIVER AREA FOR THE FIRST YEAR (JULY 1, 2024 - JUNE 30, 2025) OF THE THREE YEAR BUDGET PERIOD BEGINNING JULY 1, 2024**

Committee Chair Kenneth DeWitt presented a resolution setting the state share for the operation and maintenance of storage reservoirs in the Black River area for the period of July 1, 2024 – June 30, 2025 pursuant to Environmental Conservation Law, Article 15, Title 21, Sections 15-2123 and 15-2125, and requested that the Board approve a resolution setting the Black River area state share (\$742,188.00) accordingly. The Black River area state share statement is attached.

Chair Mark Finkle asked for a motion to adopt the resolution setting the Black River area state share for the first year (July 1, 2024 - June 30, 2025) of the three year budget period (July 1, 2024 - June 30, 2027) in the amount of \$742,188.00. Mr. Reagan so moved. Mrs. Allen seconded and the Board approved the motion by unanimous vote.

**RESOLUTION TO APPROVE THE ANNUAL ASSESSMENT FOR THE OPERATION AND MAINTENANCE OF STORAGE RESERVOIRS IN THE HUDSON RIVER AREA FOR THE FIRST YEAR (JULY 1, 2024 - JUNE 30, 2025) OF THE THREE YEAR BUDGET PERIOD BEGINNING JULY 1, 2024**

Finance Committee Chair DeWitt presented the annual assessment for the operation and maintenance of storage reservoirs in the Hudson River area for the period July 1, 2024 through June 30, 2025 pursuant to Environmental Conservation Law, Article 15, Title 21, Sections 15-2123 and 15-2125, and requested that the Board approve a resolution setting the annual assessment (\$2,576,526.00) accordingly. The Hudson River area assessment is attached.

Chair Mark Finkle asked for a motion to adopt the July 1, 2024 through June 30, 2025 Hudson River area assessment (\$2,576,526.00). Mr. Hayes so moved. Mrs. Allen seconded and the Board approved the motion by unanimous vote.

**RESOLUTION TO APPROVE THE STATE SHARE FOR THE OPERATION AND MAINTENANCE OF STORAGE RESERVOIRS IN THE HUDSON RIVER AREA FOR THE FIRST YEAR (JULY 1, 2024 - JUNE 30, 2025) OF THE THREE YEAR BUDGET PERIOD BEGINNING JULY 1, 2024**

Finance Committee Chair DeWitt presented a resolution setting the state share for the operation and maintenance of storage reservoirs in the Hudson River area for the period of July 1, 2024 – June 30, 2025 pursuant to Environmental Conservation Law, Article 15, Title 21, Sections 15-2123 and 15-2125, and requested that the Board approve a resolution setting the Hudson River area state share (\$507,812.00) accordingly. The Hudson River area state share statement is attached.

Chair Mark Finkle asked for a motion to adopt the resolution setting the Hudson River area state share for the first year (July 1, 2024 - June 30, 2025) of the three year budget period (July 1, 2024 - June 30, 2027) in the amount of \$507,812.00. Mrs. Allen so moved. Mr. Hayes seconded and the Board approved the motion by unanimous vote.

**GOVERNANCE COMMITTEE REPORT**

**RESOLUTION TO AWARD THE REGULATING DISTRICT'S INSURANCE PROGRAM FOR POLICY YEAR JULY 1, 2024 THROUGH JUNE 30, 2025**

Governance Committee Chair Candido presented a resolution to award the Regulating District's insurance program for policy year July 1, 2024 through June 30, 2025. Committee Chair Candido noted that the New York State Office of General Services, Bureau of Risk and Insurance Management dedicates staff to provide professional services and guidance on risk coverage and

insurance needs for government agencies, authorities and public benefit corporations. He explained that the Bureau has competed the competitive procurement process for a wide range of insurance coverage; including General Liability, Umbrella-Excess Liability Property, Employment Practices Liability, Cyber/Data Breach Coverage and other coverage previously utilized by the Regulating District. Mr. Candido recommended that the Board determine that the insurance program for the policy year of July 1, 2024 through June 30, 2025 is a necessary service and that the Board award the Regulating District's insurance program for the policy year July 1, 2024 through June 30, 2025 to the New York State Office of General Services, Bureau of Risk and Insurance Management.

Chair Mark Finkle asked for a motion to adopt the resolution to award the Regulating District's insurance program for policy year July 1, 2024 through June 30, 2025 to the New York State Office of General Services, Bureau of Risk and Insurance Management. Mr. DeWitt so moved and Mr. Hayes seconded. The Board approved the motion adopting the resolution by unanimous vote.

#### **RESOLUTION TO APPROVE INSURANCE PROPOSAL FOR POLICY YEAR JULY 1, 2024 THROUGH JUNE 30, 2025**

Governance Committee Chair Candido presented a resolution to approve the insurance proposal for policy year July 1, 2024 through June 30, 2025. Building upon the resolution awarding the New York State Office of General Services, Bureau of Risk and Insurance Management the Regulating District's insurance program for the policy year ending June 30, 2025, Mr. Candido, the Executive Director and Chief Fiscal Officer recommended that the Board accept the insurance proposal developed by the Bureau for the annual premium amount of \$293,118.53; which includes the cost of insurance coverage and the cost recovery fee charged by the Bureau (but excludes Stamping and other fees charged by insurance carriers and expected to be minimal).

Chair Mark Finkle asked for a motion to adopt the resolution awarding the Regulating District's insurance coverage contract for the period July 1, 2024 through June 30, 2025 to the New York State Office of General Services, Bureau of Risk and Insurance Management for the annual premium amount of \$293,118.53. Mr. Reagan so moved and Mr. DeWitt seconded. The Board approved the motion adopting the resolution by unanimous vote.

#### **RESOLUTION TO AWARD THE REGULATING DISTRICT'S MARINE INSURANCE PROGRAM AND APPROVE MARINE INSURANCE PROPOSAL FOR POLICY YEAR JULY 1, 2024 THROUGH JUNE 30, 2025**

Governance Committee Chair Candido presented a resolution to award the Regulating District's Marine Insurance Policy for the policy year July 1, 2024 through June 30, 2025 to Arthur J. Gallagher and to approve the firm's proposal to supply such insurance during that period. Mr. Candido explained that Marine Insurance coverage has historically existed separate and apart from the other insurance coverages obtained by the Regulating District, in part because the term of the coverage differs from that of the other insurance coverages the Regulating District obtains and covers marine liability coverage, which protects ship owners and operators against liabilities and expenses arising from the operation of their vessels, including third-party liabilities, collision

liabilities, wreck removal costs, and crew liabilities. He noted that Marine Insurance coverage also consists of hull coverage, which covers damage to the hull, deck, and other structural components of the boat caused by accidents, such as collisions, grounding, or storms as well as coverage for theft, vandalism, and fire damage. Mr. Candido pointed out that Arthur J. Gallagher has satisfactorily served as the Regulating District's insurance broker for many years, including in the provision of Marine Insurance coverage, and recommended the Board continue that relationship. Mr. Candido also noted that Arthur J. Gallagher proposed a Marine Insurance policy for the fiscal period of July 1, 2024 through June 30, 2025 for an amount estimated at \$6,002.00.

Board Chair Mark Finkle asked for a motion to adopt the resolution to award the Regulating District's Marine Insurance Program for policy year July 1, 2024 through June 30, 2025 to Arthur J. Gallagher and to approve the firm's proposal to furnish marine insurance coverage for that period for an amount not to exceed \$6,002.00. Mrs. Allen so moved and Mr. Reagan seconded. The Board approved the motion adopting the resolution by unanimous vote.

### **RESOLUTION TO AWARD LEASE TO OPERATE STILLWATER HYDROELECTRIC PLANT TO NORTHERN POWER & LIGHT, INC. (CONTRACT L012024R)**

Committee Chair Candido presented the resolution to award the lease to operate the Stillwater Hydroelectric Plant to Northern Power & Light, Inc. He noted that Stillwater Associates, LP has continued to pay rent pursuant to the terms outlined in the original Ground Lease and Water Usage Agreement, but that through mutual agreement between the parties to said lease, such tenancy will terminate on June 30, 2024. The parties are working to close upon the sale of the hydroelectric plant Stillwater Associates, LP constructed on the leased parcel to the Regulating District by that same date. In anticipation of the expiration of the lease to Stillwater Associates LP, and the Regulating District's purchase of the hydroelectric plant, the Regulating District published a request for proposals in the NYS Contract Reporter, and solicited proposals via print and online advertisements seeking entities interested in leasing and operating the Plant; said solicitation garnering nearly three dozen interested bidders. Mr. Candido explained that six (6) potential bidders participated in either an in-person site visit or a virtual site visit and that the Regulating District received two proposals in response to the solicitation.

Northern Power & Light proposes a lease payment of Fifty Thousand Dollars (\$50,000) annually, subject to a 3% annual escalator, to be paid in monthly installments. The other bidder, Clifton Science and Engineering, LLC proposed a range of three alternate lease payment options. The Chief Fiscal Officer determined Clifton Science and Engineering, LLC's proposal to be non-responsive to the solicitation due to the failure of the firm to provide a firm rent proposal in the format specified, then reviewed the remaining proposal for compliance with the RFP Documents and made a determination of apparent high bidder according to the RFP. A team of three evaluators, consisting of the Chief Engineer, General Counsel and the Director of Administrative Services, assessed each proposal against a set of criteria to establish a technical score; reviewing evidence of each proposer's experience reliability and responsibly operating similar hydroelectric facilities. All four members of the evaluation team recommend that the Board conditionally award to Northern Power & Light, Inc. a lease for a period of six (6) years, with an option available for an additional twenty (20) year term commencing July 1, 2024 for a portion of the SITE and the

Plant; and seek Board authorization for the Executive Director to form and execute a lease with Northern Power & Light, Inc.

Mr. Candido noted that the Plant operates pursuant to perpetual exemption (P-6743) from licensure issued by the Federal Energy Regulatory Commission (“FERC”) on March 14, 1984 and that on June 14, 1985, as later amended February 28, 1993, Stillwater Associates, LP entered into a transferable Power Purchase Agreement (“PPA”) with National Grid governing the price National Grid pays for energy generated at the Plant. The Committee recommends the Board approve a transfer of the Power Purchase Agreement between National Grid and Stillwater Associates, LP to Northern Power & Light, Inc. and alert the Commission to the new operator of the exempt facility.

Chair Finkle re-opened the Board’s public comment period. Charles Mierek, of Clifton Science and Engineering, Inc. addressed the Board indicating that the chosen proposal represents a more than fifty-percent discount from the figure Clifton Science was prepared to offer. Mr. Mierek noted his extensive experience in the operation of hydroelectric plants; specifically noting his role working for the company in Ontario, Canada which originally fabricated the generation equipment in use at Stillwater. He explained the three potential scenarios under which the Clifton Science bid would beat the winning bid, but when asked by a Board Member for a rental amount that would be guaranteed, did not provide a firm figure. Mr. Callaghan noted the RFP’s emphasis on certainty of amount as a primary concern for the Regulating District; noting that such certainty is a necessity in crafting the budget placed before the Board this same date.

Board Chair Mark Finkle called for a motion adopting the resolution conditionally awarding the lease and operation of the State-owned Hydroelectric Plant at Stillwater Reservoir to Northern Power & Light, Inc. and authorizing the Executive Director to form a lease for a portion of the SITE and the Plant for a period of six (6) years, with an option available for an additional twenty (20) year term commencing July 1, 2024 for a Lease Payment of Fifty Thousand Dollars (\$50,000) annually, subject to a 3% annual escalator, to be paid in monthly installments; authorizing staff to facilitate transfer of the Power Purchase Agreement and notifying the Commission to the new operator of the exempt facility. Mr. Hayes so moved and Mr. Reagan seconded. The Board approved the motion adopting the resolution by unanimous 6-0 vote.

**RESOLUTION TO AUTHORIZE THE EXPENDITURE OF ADDITIONAL FUNDS TO COMPLETE THE SACANDAGA FIELD OFFICE BOATHOUSE ROOF REPLACEMENT**

Committee Chair Candido presented a resolution to authorize an expenditure to complete the SFO Boathouse roof. He noted that, pursuant to Resolution 23-37-08, the Board authorized \$8,750.00 to Correll Contracting Corp. for the replacement of the Sacandaga Field Office boathouse roof. During construction, the contractor discovered deteriorated sheathing warranting additional labor and material expenditures to complete the scope of services outlined in its May 2, 2023 proposal. Mr. Candido explained the cost to acquire and install the replacement materials represent a change to the proposed scope of work and required the expenditure of an additional \$120.00.

Board Chair Mark Finkle called for a motion adopting the resolution authorizing the expenditure of an additional \$120.00 increasing the contract with Correll Contracting Corp. to a total contract price not-to-exceed \$8,870.00. Mr. Hayes so moved and Mr. DeWitt seconded. The Board approved the motion adopting the resolution by unanimous vote.

**RESOLUTION AUTHORIZING THE EXPENDITURE OF \$6,607.80 FOR PURCHASE OF SIX REPLACEMENT SECTIONS OF LOG BOOM FOR STILLWATER DAM**

Committee Chair Candido presented a resolution to authorize the expenditure of \$6,607.80 for the purchase of six replacement sections of log boom for the Stillwater Dam. He noted that six sections of the TuffBoom booms in use at Stillwater Dam are showing wear and tear and are in need of repair and/or replacement. Staff solicited a quote from Worthington Waterway Barriers for new polyethylene “TuffBoom” log boom sections with interconnection hardware, anchor connections and chains and concluded the quote provided of \$6,607.80 to be reasonable. Mr. Candido noted the TuffBoom system comes with a 50-year warranty, and is in use by the Regulating District at the Conklingville Dam, the Stillwater Dam, and will be deployed at the Indian Lake Dam in conjunction with the ongoing rehabilitation project.

Board Chair Mark Finkle called for a motion adopting the resolution authorizing the expenditure of \$6,607.80 for the purchase of six replacement log boom sections from Worthington Waterway Barriers. Mrs. Allen so moved and Mr. DeWitt seconded. The Board approved the motion adopting the resolution by unanimous vote.

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

Committee Chair Candido presented a resolution authorizing an agreement with Interactive Media Consulting, LLC. He noted that the Regulating District implemented a new online payment system in 2021 to allow customers the ability to renew access permits online. The permit transaction system has resulted in greater speed for renewals, and improved record keeping such as a definitive email confirmation of a successful transaction. Mr. Candido suggested that the Regulating District should build on these improvements by further enhancing the functionality of the online system. He noted that Interactive Media Consulting, LLC (“IMC”), a certified WBE, has provided necessary technical support services pursuant to Board authorizations enacted in May 2020, November of 2021, May 2022, and August 2023 and that IMC also manages the Regulating District’s Constant Contact account and provides website hosting services. Mr. Candido recommended the Board approve IMC’s June 5, 2024, proposal for the services described above to the Regulating District for the period July 1, 2024 through June 30, 2025.

Board Chair Mark Finkle called for a motion adopting the resolution authorizing the Executive Director to enter into an agreement with Interactive Media Consulting, LLC for the period of July 1, 2024 through June 30, 2025 at an amount not-to-exceed \$8,624.00. Mr. Hayes so moved and Mr. DeWitt seconded. The Board approved the motion adopting the resolution by unanimous vote.



## **RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO AN AMENDMENT TO THE APRIL 2023 AGREEMENT WITH LOGICALNET FOR INFORMATION TECHNOLOGY SERVICES**

Governance Committee Chair Candido presented a resolution authorizing an amendment to the Regulating District's April 2023 Agreement through which LogicalNet Corporation (LogicalNet) provides information technology services. He noted pursuant to resolution 23-07-03, adopted on March 29, 2023, the Board authorized staff to enter into an agreement with LogicalNet, continuing the provision of managed network services commenced in December 2019. He explained that the Regulating District has implemented several LogicalNet recommendations responsive to the then ongoing Office of the State Comptroller's audit regarding security over critical systems, and that LogicalNet has supplied a proposal to continue to provide recommendations to increase the Regulating District's cybersecurity awareness and defenses; as well server upgrades to enhance the functionality of the Regulating District's information technology infrastructure. Recommendations include replacement of the main servers in Albany and Mayfield, as well as new firewall licenses and email protection to continue and enhance current levels of cyber security. Mr. Candido reported that the Committee recommends that the Board authorize the Executive Director to amend the April 2023 agreement, make a \$41,800 one-time payment for the infrastructure upgrades and extend the agreement for an additional three years at \$1,674 per year.

Board Chair Finkle called for a motion to adopt the resolution authorizing the Executive Director to enter into an amendment extending the April 2023 agreement with LogicalNet for a one-time payment not-to-exceed \$41,800.00 and a recurring annual payment of \$1,674.00 for additional cost over three years not to exceed \$46,822.00. Mrs. Allen so moved. Mr. DeWitt seconded and the Board adopted the motion by unanimous vote.

### **STAFF REPORTS**

Mr. Leslie presented his report. Mr. Leslie noted that Erie's ninety day window to offer a substantive response to the General Recoveries Unit of the OAG's Civil Recoveries Bureau's March 15<sup>th</sup> demand letter has expired and that a meeting between OAG staff and counsel for Erie has not resolved the dispute. Mr. Leslie continues to work with counsel for Stillwater Associates LP to close the sale of the hydroelectric plant at Stillwater; including the assignment of the Power Purchase Agreement with National Grid, required notifications to FERC, and filings with the Herkimer County Clerk. He is also working with NP&L to craft an enforceable lease and operation agreement. Mr. Leslie provided advice and counsel on various contracting, contract payment, bonding and permitting matters.

Ms. Ruzycky presented her report to the Board. Ms. Ruzycky reported completion of the SFO Compliance Management Audit. She managed the employee recruitment process for seasonal labor and attended the GreenNY meeting.

Mr. Maniccia presented his report to the Board. Therein he noted that at the close of May 31, 2024, the general fund balances for the HRA and BRA were approximately \$6,306,247 and \$1,684,126 respectively. When combined (in the amount of \$7,990,374), this total is \$821,908 or

9.3% less than the same period last year. Not collecting nearly \$1,407,237 from Erie Boulevard Hydropower that the Regulating District would have collected during the first eleven months of this fiscal year had the agreement been renewed is a driver of this variance. The Regulating District has also spent during this fiscal year \$2,299,196 on the Indian Lake Dam Rehabilitation project and \$454,512 on the Hawkinsville Dam Rehabilitation project. We anticipate nearly \$835,000 of the funds spent on construction at Indian Lake will be reimbursed by the New York State Environmental Facilities Corporation when the Regulating District closes on its short term financing arrangement. Significant disbursements for the period include: Payroll, Health Insurance, Colliers, CD Perry and Arcadis. 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 (\$134.00), Alfred J. Candido, Jr. (\$81.74) and Kenneth F. DeWitt (\$194.30) in the course of their duties as Board Members. 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 May average daily release from the Sacandaga Reservoir (Great Sacandaga Lake) was approximately 2,620 cubic feet per second (cfs). Precipitation during the month of May 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 86% and 56% of historic average, respectively. Monthly release of water from Great Sacandaga Lake and Indian Lake measured 113% and 59% of historic average, respectively.

The May average daily release from Stillwater Reservoir was approximately 80 cfs. Monthly total precipitation measured 71%, 123%, and 118% of historic average at Stillwater, Old Forge, and Sixth Lake, respectively, as of May 31<sup>st</sup>. Precipitation in the month of May was below average at Stillwater, and above average at Old Forge and Sixth Lake. The monthly inflow to Stillwater Reservoir was approximately 43% of historic average. The inflow to Sixth Lake and Old Forge Reservoir totaled 0.06 and 0.19 billion cubic feet, respectively, in May. Release of water from Stillwater Reservoir averaged 18% of historic discharge.

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

Chair Finkle called for a motion to adopt the resolution setting the date, time and location of the regular meeting. Mrs. Allen so moved. 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. Mr. DeWitt seconded. The meeting adjourned at 11:37 A.M.

## **RESOLUTIONS**

**24-28-06 RESOLUTION APPROVING A BUDGET FOR THE HUDSON RIVER-BLACK RIVER REGULATING DISTRICT FOR THE PERIOD JULY 1, 2024 THROUGH JUNE 30, 2027 AND FOURTH YEAR PROPOSED FINANCIAL PLAN FOR THE PERIOD JULY 1, 2027 THROUGH JUNE 30, 2028**

Chair Mark Finkle asked for a motion to adopt the July 1, 2024 through June 30, 2027 Budgets and the fourth-year financial plan. Mr. Hayes so moved and Mr. Reagan seconded. The Board adopted the motion adopting the budgets and financial plan by unanimous vote.

**24-29-06 RESOLUTION TO APPROVE THE ANNUAL ASSESSMENT FOR THE OPERATION AND MAINTENANCE OF STORAGE RESERVOIRS IN THE BLACK RIVER AREA FOR THE FIRST YEAR (JULY 1, 2024 - JUNE 30, 2025) OF THE THREE YEAR BUDGET PERIOD BEGINNING JULY 1, 2024**

Chair Mark Finkle asked for a motion to adopt the July 1, 2024 through June 30, 2025 Black River area assessment (\$1,257,019.00). Mr. Reagan so moved. Mr. Hayes seconded and the Board approved the motion by unanimous vote.

**24-30-06 RESOLUTION TO APPROVE THE STATE SHARE FOR THE OPERATION AND MAINTENANCE OF STORAGE RESERVOIRS IN THE BLACK RIVER AREA FOR THE FIRST YEAR (JULY 1, 2024 - JUNE 30, 2025) OF THE THREE YEAR BUDGET PERIOD BEGINNING JULY 1, 2024**

Chair Mark Finkle asked for a motion to adopt the resolution setting the Black River area state share for the first year (July 1, 2024 - June 30, 2025) of the three year budget period (July 1, 2024 - June 30, 2027) in the amount of \$742,188.00. Mr. Reagan so moved. Mrs. Allen seconded and the Board approved the motion by unanimous vote.

**24-31-06 RESOLUTION TO APPROVE THE ANNUAL ASSESSMENT FOR THE OPERATION AND MAINTENANCE OF STORAGE RESERVOIRS IN THE HUDSON RIVER AREA FOR THE FIRST YEAR (JULY 1, 2024 - JUNE 30, 2025) OF THE THREE YEAR BUDGET PERIOD BEGINNING JULY 1, 2024**

Chair Mark Finkle asked for a motion to adopt the July 1, 2024 through June 30, 2025 Hudson River area assessment (\$2,576,526). Mr. Hayes so moved. Mrs. Allen seconded and the Board approved the motion by unanimous vote.

**24-32-06 RESOLUTION TO APPROVE THE STATE SHARE FOR THE OPERATION AND MAINTENANCE OF STORAGE RESERVOIRS IN THE HUDSON RIVER AREA FOR THE FIRST YEAR (JULY 1, 2024 - JUNE 30, 2025) OF THE THREE YEAR BUDGET PERIOD BEGINNING JULY 1, 2024**

Chair Mark Finkle asked for a motion to adopt the resolution setting the Hudson River area state share for the first year (July 1, 2024 - June 30, 2025) of the three year budget period (July 1, 2024 - June 30, 2027) in the amount of \$507,812.00. Mrs. Allen so moved. Mr. Hayes seconded and the Board approved the motion by unanimous vote.

**24-33-06 RESOLUTION TO AWARD THE REGULATING DISTRICT'S INSURANCE PROGRAM FOR POLICY YEAR JULY 1, 2024 THROUGH JUNE 30, 2025**

Chair Mark Finkle asked for a motion to adopt the resolution to award the Regulating District's insurance program for policy year July 1, 2024 through June 30, 2025 to the New York State Office of General Services, Bureau of Risk and Insurance Management. Mr. DeWitt so moved and Mr. Hayes seconded. The Board approved the motion adopting the resolution by unanimous vote.

**24-34-06 RESOLUTION TO APPROVE INSURANCE PROPOSAL FOR POLICY YEAR JULY 1, 2024 THROUGH JUNE 30, 2025**

Chair Mark Finkle asked for a motion to adopt the resolution awarding the Regulating District's insurance coverage contract for the period July 1, 2024 through June 30, 2025 to the New York State Office of General Services, Bureau of Risk and Insurance Management for the annual premium amount of \$293,118.53. Mr. Reagan so moved and Mr. DeWitt seconded. The Board approved the motion adopting the resolution by unanimous vote.

**24-35-06 RESOLUTION TO AWARD THE REGULATING DISTRICT'S MARINE INSURANCE PROGRAM AND APPROVE MARINE INSURANCE PROPOSAL FOR POLICY YEAR JULY 1, 2024 THROUGH JUNE 30, 2025**

Board Chair Mark Finkle asked for a motion to adopt the resolution to award the Regulating District's Marine Insurance Program for policy year July 1, 2024 through June 30, 2025 to Arthur J. Gallagher and to approve the firm's proposal to furnish marine insurance coverage for that period for an amount not to exceed \$6,002.00. Mrs. Allen so moved and Mr. Reagan seconded. The Board approved the motion adopting the resolution by unanimous vote.

**24-36-06 RESOLUTION TO AWARD LEASE TO OPERATE STILLWATER HYDROELECTRIC PLANT TO NORTHERN POWER & LIGHT, INC. (CONTRACT L012024R)**

Board Chair Mark Finkle called for a motion adopting the resolution conditionally awarding the lease and operation of the State-owned Hydroelectric Plant at Stillwater Reservoir to Northern Power & Light, Inc. and authorizing the Executive Director to form a lease for a portion of the SITE and the Plant for a period of six (6) years, with an option available for an additional twenty (20) year term commencing July 1, 2024 for a Lease Payment of Fifty Thousand Dollars (\$50,000) annually, subject to a 3% annual escalator, to be paid in monthly installments; authorizing staff to facilitate transfer of the Power Purchase Agreement and notifying the Commission to the new operator of the exempt facility. Mr. Hayes so moved and Mr. Reagan seconded. The Board approved the motion adopting the resolution by unanimous vote.

**24-37-06 RESOLUTION TO AUTHORIZE THE EXPENDITURE OF ADDITIONAL FUNDS TO COMPLETE THE SACANDAGA FIELD OFFICE BOATHOUSE ROOF REPLACEMENT**

Board Chair Mark Finkle called for a motion adopting the resolution authorizing the expenditure of an additional \$120.00 increasing the contract with Correll Contracting Corp. to a total contract price not-to-exceed \$8,870.00. Mr. Hayes so moved and Mr. DeWitt seconded. The Board approved the motion adopting the resolution by unanimous vote.

**24-38-06 RESOLUTION AUTHORIZING THE EXPENDITURE OF \$6,607.80 FOR PURCHASE OF SIX REPLACEMENT SECTIONS OF LOG BOOM FOR STILLWATER DAM**

Board Chair Mark Finkle called for a motion adopting the resolution authorizing the expenditure of \$6,607.80 for the purchase of six replacement log boom sections from Worthington Waterway Barriers. Mrs. Allen so moved and Mr. DeWitt seconded. The Board approved the motion adopting the resolution by unanimous vote.

**24-39-06 RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO NEGOTIATE AND ENTER INTO AN AGREEMENT WITH INTERACTIVE MEDIA CONSULTING, LLC**

Board Chair Mark Finkle called for a motion adopting the resolution authorizing the Executive Director to enter into an agreement with Interactive Media Consulting, LLC for the period of July 1, 2024 through June 30, 2025 at an amount not-to-exceed \$8,624.00. Mr. Hayes so moved and Mr. DeWitt seconded. The Board approved the motion adopting the resolution by unanimous vote.

**24-40-06 RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO AN AMENDMENT TO THE APRIL 2023 AGREEMENT WITH LOGICALNET FOR INFORMATION TECHNOLOGY SERVICES**

Board Chair Finkle called for a motion to adopt the resolution authorizing the Executive Director to enter into an amendment extending the April 2023 agreement with LogicalNet for a one-time payment not-to-exceed \$41,800.00 and a recurring annual payment of \$1,674.00 for additional cost over three years not to exceed \$46,822.00. Mrs. Allen so moved. Mr. DeWitt seconded and the Board adopted the motion by unanimous vote.

**24-41-06 RESOLUTION SCHEDULING DATE, TIME AND LOCATION OF THE SEPTEMBER 10, 2024 REGULAR BOARD MEETING**

Chair Finkle called for a motion to adopt the resolution setting the date, time and location of the regular meeting. Mrs. Allen so moved. Mr. Hayes seconded and the Board adopted the resolution by unanimous vote.

Robert P. Leslie  
Secretary

Mark M. Finkle  
Board Chairman