

**HUDSON RIVER-BLACK RIVER REGULATING DISTRICT
BOARD MEETING
Warren County Municipal Center
Conference Room 5110
1340 State Route 9
Lake George, NY 12845
November 14, 2017
10:00AM**

CALL TO ORDER

Chairman Mark M. Finkle called the meeting to order at 10:00 A.M.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Board Chairman Mark M. Finkle; First Vice-Chair Albert J. Hayes; Second Vice-Chair David W. Berkstresser; Board Members Jeffrey Rosenthal and Kenneth F. De Witt; Executive Director Robert J. Smullen; General Counsel Robert P. Leslie; Chief Fiscal Officer Richard J. Ferrara; Chief Engineer Robert Foltan; Area Administrator John Hodgson; and Compliance Officer Stephanie Ruzycky.

Excused: Anthony M. Neddo

WELCOME TO NEW BOARD MEMBER

Chairman Finkle introduced the Board's new member, Kenneth De Witt. At the Chairman's request, Mr. De Witt provided the Board and staff with a brief bio.

MOTION TO ADOPT OR REVISE THE MEETING AGENDA

Chairman Finkle asked for a motion to revise the meeting agenda to reflect an Executive Session at the end of the meeting. Mr. Rosenthal made a motion to adopt the agenda with revision. Mr. Berkstresser seconded. The Board approved the motion by unanimous vote.

PUBLIC COMMENT

Chairman Finkle opened the floor to public comments; hearing none.

APPROVAL OF THE OCTOBER 11, 2017 REGULAR MEETING MINUTES

Chairman Finkle asked for a motion to adopt the October 11, 2017 regular meeting minutes. Mr. Hayes advanced the motion to approve the regular meeting minutes. Mr. Rosenthal seconded and the Board approved the motion by unanimous vote.

REPORT OF THE EXECUTIVE DIRECTOR

Mr. Smullen presented his report. Mr. Smullen reported on efforts by staff to craft budget line items seeking to reduce District expenses. He noted that the Watertown Daily Times featured the Regulating District following the tour by Black River Area County Officials of the dam and power plant at Stillwater Reservoir. He reported that he and the Chairman attended the Great Sacandaga Lake Association Installation Dinner, where the officers of the Association were sworn in for the next year. Mr. Smullen reported that the Adirondack Express submitted a press inquiry on the project at the Old Forge and Sixth Lake Dams; which was answered by Senior Staff input. He noted that the Great Sacandaga Lake Advisory Council meeting on October 30th reviewed the upcoming documentary, "Harnessing Nature" on the creation of the Great Sacandaga Lake reservoir and that the documentary will be shown on November 25th at the Northville Central School in Northville, NY. Mr. Smullen reported that planning with the New York Naval Militia of the NYS Department of Military and Naval Affairs, and Saratoga County, is underway for a training exercise centered on the Conklingville Dam in September 2018. Finally, Mr. Smullen reported that the Regulating District's next quarterly newsletter is scheduled for publication next Tuesday.

STAFF REPORTS

Mr. Leslie presented Counsel's report to the Board. Mr. Leslie reported that as of yet, there has been no decision on the Erie v. FERC appeal, but that cases argued a late as the second week in September have been decided while other cases heard as early as March and May of 2017 have yet to be decided. A three judge panel of the U.S.C.A. DC Cir. heard oral argument in the Erie v. FERC appeal on September 25th. Erie's challenge to FERC's Orders concerned FERC's August 21, 2015 Order Calculating Dates for the Commencement of Headwater Benefits Assessments and FERC's November 19, 2015 Order on Rehearing and Dismissing Motion for Stay. Mr. Leslie reported that with respect to the BREIA land purchase connected to the Hawkinsville project the parties still await the abstract of title previously ordered. The abstractor has explained that some confusion in the title dating to 1918 & 1925 may require a caveat in the title policy. Mr. Leslie noted that he and the Executive Director met with Counsel for DEC's Division of Water at the site to explore the extent of DEC's willingness to fund the access projects contemplated. Mr. Leslie noted that he issued an Opinion of Local Counsel in connection with EFC's State Revolving Fund financing at Conklingville. Finally, Mr. Leslie noted his participation in several interviews of candidates for the soon to be vacated Administrative Assistant position.

Ms. Ruzycky presented her report to the Board. She noted the MWBE utilization for the quarter was \$7,018.42 and the year to date utilization is 11.9%. Ms. Ruzycky reported that the Service-Disabled Veteran-Owned Business (SDVOB) utilization was \$88.72.

Mr. Ferrara presented his report to the Board. Mr. Ferrara reported that the receipt of Assessments is on pace. He noted that at the close of fiscal October 31, 2017, the general fund balances for the HRA and BRA were approximately \$3,583, 174 and \$2,099,585 respectively. He noted that the Regulating District's transactional processing and reporting are current. Regulating District bank reconciliations are complete through October 31, 2017. Mr. Ferrara

noted that the EFC Bond Issue for the Conklingville Ice Sluice Remediation project closed on Thursday, November 2nd.

Mr. Ferrara presented Board expenses for Mr. Rosenthal (\$123.96). Mr. Berkstresser made a motion to reimburse said expenses. Mr. Hayes seconded. The Board approved reimbursement of such expenses by unanimous vote. Mr. De Witt abstained.

Mr. Foltan presented the Chief Engineer's report. Mr. Foltan noted that the October average daily release from the Sacandaga Reservoir (Great Sacandaga Lake) was approximately 1,640 cubic feet per second (cfs). Precipitation during the month of September was above normal across the Great Sacandaga Lake and Indian Lake watersheds. The monthly inflow to Great Sacandaga Lake and Indian Lake reservoir was approximately 82% and 46% of historic average, respectively. Monthly release of water from Great Sacandaga Lake and Indian Lake measured 86% and 77% of historic average, respectively.

The September average daily release from Stillwater Reservoir was approximately 325 cfs. Monthly total precipitation measured 151%, 149%, and 108% of historic average at Stillwater, Old Forge, and Sixth Lake, respectively, as of October 29th. Precipitation in the month of September was above average at Stillwater, Old Forge and Sixth Lake. The monthly inflow to Stillwater Reservoir was approximately 54% of historic average. The inflow to Sixth Lake and Old Forge Reservoir totaled 0.11 and 0.26 billion cubic feet, respectively, in October. Release of water from Stillwater Reservoir averaged 100% of historic discharge.

Mr. Hodgson presented the Area Administrator's report. He reported that he attended an Ice Jam Education & Training Workshop in Watertown and that he met with several permit holders regarding proposed work at GSL. He reported that staff continue to work on the Stillwater garage and shoreline erosion control at GSL...and that he is pleased with their progress.

RESOLUTION SCHEDULING DATE, TIME AND LOCATION OF THE REGULAR MEETING FOR DECEMBER 12, 2017

Chairman Finkle asked for a motion to adopt a Resolution setting the next meeting of the Board of the Hudson River-Black River Regulating District for Tuesday, December 12, 2017 at the Saratoga County Municipal Center, Cornell Cooperative Extension, 50 West High Street, Ballston Spa, NY 12020 at 10:00 A.M.

Mr. Hayes moved to adopt the Resolution setting the date, time and place of the next meeting. Mr. Rosenthal seconded and the Board adopted the Resolution by unanimous vote.

EXECUTIVE SESSION

Chairman Finkle called for a motion to adjourn to Executive Session to discuss personnel issues. Chairman Finkle invited Senior Staff to participate and noted that the Board will not likely conduct business upon its return from Executive Session. Mr. Rosenthal advanced the

motion, Mr. Berkstresser seconded. The Board adjourned to Executive Session at 10:36 A.M. and returned at 10:45 A.M. During Executive Session, the Board acted upon two Resolutions.

RESOLUTION TO HIRE AN ADMINISTRATIVE ASSISTANT IN THE HUDSON RIVER AREA OF THE HUDSON RIVER – BLACK RIVER REGULATING DISTRICT

Mr. Rosenthal moved to adopt the Resolution authorizing the employment of an Administrative Assistant at an annual salary of \$39,328.00 subject to the collective bargaining agreement with CSEA. Mr. De Witt seconded and the Board adopted the Resolution by unanimous vote.

RESOLUTION TO HIRE AN ADMINISTRATIVE ASSISTANT - BOOKKEEPER IN THE HUDSON RIVER AREA OF THE HUDSON RIVER – BLACK RIVER REGULATING DISTRICT

Mr. Rosenthal moved to adopt the Resolution authorizing the employment of an Administrative Assistant - Bookkeeper at an annual salary of \$39,328.00 subject to the collective bargaining agreement with CSEA. Mr. Berkstresser seconded and the Board adopted the Resolution by unanimous vote.

ADJOURNMENT

Chairman Finkle called for a motion to adjourn the meeting. Mr. Berkstresser advanced the motion. Mr. De Witt seconded. The meeting adjourned at 10:46 A.M.

RESOLUTIONS

17-42-11 RESOLUTION SCHEDULING DATE, TIME AND LOCATION OF THE REGULAR MEETING FOR DECEMBER 12, 2017

Mr. Hayes moved to adopt the Resolution setting the date, time and place of the next meeting. Mr. Rosenthal seconded and the Board adopted the Resolution by unanimous vote.

17-43-11 RESOLUTION TO HIRE AN ADMINISTRATIVE ASSISTANT IN THE HUDSON RIVER AREA OF THE HUDSON RIVER – BLACK RIVER REGULATING DISTRICT

Mr. Rosenthal moved to adopt the Resolution authorizing the employment of an Administrative Assistant at an annual salary of \$39,328.00 subject to the collective bargaining agreement with CSEA. Mr. De Witt seconded and the Board adopted the Resolution by unanimous vote.

17-44-11 RESOLUTION TO HIRE AN ADMINISTRATIVE ASSISTANT - BOOKKEEPER IN THE HUDSON RIVER AREA OF THE HUDSON RIVER – BLACK RIVER REGULATING DISTRICT

Mr. Rosenthal moved to adopt the Resolution authorizing the employment of an Administrative Assistant - Bookkeeper at an annual salary of \$39,328.00 subject to the collective bargaining agreement with CSEA. Mr. Berkstresser seconded and the Board adopted the Resolution by unanimous vote.

Respectfully submitted,

Richard J. Ferrara,
Secretary/Treasurer

Mark M. Finkle
Board Chairman