

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

Black River Field Office
116 Necessary Dam Road
Stillwater Reservoir
Lowville, New York 13367
October 10, 2018

CALL TO ORDER

Chairman Mark M. Finkle called the meeting to order at 10:05 A.M.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Board Chairman Mark M. Finkle; First Vice-Chair Albert J. Hayes; Board Members Jeffrey Rosenthal and Kenneth DeWitt; Interim Executive Director John Hodgson; General Counsel Robert P. Leslie; Chief Engineer Robert Foltan; Chief Fiscal Officer Richard J. Ferrara; and Compliance Officer Stephanie Ruzycky.

MOTION TO ADOPT OR REVISE THE MEETING AGENDA

Chairman Finkle asked for a motion to revise the meeting agenda to reflect an Executive Session to discuss personnel issues and to add a public comment period. He noted that the Board would not likely return to conduct business after the Executive Session. Mr. Rosenthal made a motion to adopt the agenda as revised. Mr. DeWitt seconded. The Board approved the motion by unanimous vote.

PUBLIC COMMENT

Chairman Finkle opened the floor to public comment; hearing from two gentleman concerned with the elevation at Stillwater Reservoir and questioning whether the Regulating District coordinates with Canal Corp on Reservoir levels.

Chairman Finkle asked for a moment of silence in remembrance of the victims of last week's traffic accident in Schoharie.

APPROVAL OF THE SEPTEMBER 13, 2018 GOVERNANCE COMMITTEE AND REGULAR MEETING MINUTES

Chairman Finkle asked for a motion to adopt the September 13, 2018 Governance Committee and Regular meeting minutes. Mr. Hayes advanced the motion to approve the Governance Committee and Regular meeting minutes. Mr. Rosenthal seconded and the Board approved the motion by unanimous vote.

REPORT OF THE INTERIM EXECUTIVE DIRECTOR

Mr. Hodgson presented his report. He first extended a thanks to Erin Dwyer for the excellent work she did preparing and distributing the Regulating District's Quarterly Newsletter. Mr. Rosenthal asked for an update on the Regulating District's efforts to accept on-line processing and credit card payments for Access Permit System renewals. Mr. Ferrara noted that our IT contractor can load a module onto the Regulating District's website to connect with an OGS EVTA system, and that while such controls are complicated, he could produce a draft of the necessary internal controls in time for processing the 2019 renewals.

CONTRACTS

Schnabel Presentation

Although on today's Board agenda, Representatives from Schnabel Engineering of New York will provide the board with an update regarding progress on phase E1 of the Conklingville Dam Spillway Grouting and Concrete Repair Project at the November meeting in Ballston Spa.

RESOLUTION TO APPROVE AMENDMENT #3 TO HDR CONTRACT C022012 TO PERFORM STILLWATER DAM BREACH ANALYSIS SITE SPECIFIC PROBABLE MAXIMUM PRECIPITATION STUDY

Mr. Foltan presented a resolution to the board explaining that the Board adopted resolution 13-06-04 awarding the work for a Dam Breach Analysis at the Stillwater Dam to Henningson, Durham & Richardson Architecture and Engineering, P.C. (HDR) contingent upon the successful negotiation of contract terms and conditions. Subsequently, the Board adopted resolution 14-15-06 authorizing the Executive Director to execute a contract C022012 with HDR for a not to exceed amount of \$28,000.00 and then approved resolution 15-36-10, in response to the Federal Energy Regulatory Commissions review of HDR's report requiring certain additional hydraulic analysis to be completed. In May, the Board approved resolution 18-11-05, in response to the September 2017 FERC letter the Regulating District proposed (and FERC accepted) the completion of a site specific probable maximum precipitation (SSPMP) analysis. Mr. Foltan noted that the aforementioned additional scope of work has not been completed requiring an additional 24 months to complete. He recommended that the board authorize the Interim Executive Director to execute contract amendment #3, extending the contract termination date to December 31, 2020. Mr. Foltan noted that the contract amendment would be subject to the review and approval of the Office of the New York State Attorney General and the New York State Office of the State Comptroller.

Chairman Finkle asked for a motion to authorize the interim Executive Director to execute an amendment to contract C022012 extending the contract term through December 31, 2020. Mr. Hayes so moved and Mr. DeWitt seconded. The Board approved the motion by unanimous vote.

STAFF REPORTS

Mr. Leslie presented his report. He noted that the Marchione/McDonald bill has yet to be delivered to the Governor, and that permitting for Hawkinsville will commence once the

Comptroller returns the Kleinschmidt contract. Mr. Leslie noted that he offered the Interim Executive Director and Board Chair advice/counsel on personnel issues over the summer. He reported that counsel hired by the Regulating District's insurance carrier believes that the Regulating District faces no liability with regard to the recent Notice of Claim filed last summer.

Ms. Ruzycky presented her report to the Board. She noted that the 1st Quarter fiscal year 2017/2018 utilization report, the EFC 3rd Quarter MWBE report and the 1st Quarter Integrated Report have been accepted.

Mr. Ferrara presented his report to the Board. He noted that the independent audit is late, but that the remaining elements of the report due to the Authorities Budget Office are ready for submission. Further, he noted that at the close of fiscal September 30, 2018, the general fund balances for the HRA and BRA were approximately \$1,687,502 and \$1,665,308 respectively. He noted that District's transactional processing and reporting are current. District bank reconciliations are complete through August 31, 2018.

Mr. Foltan presented the Chief Engineer's report to the Board. Mr. Foltan noted that the September average daily release from the Sacandaga Reservoir (Great Sacandaga Lake) was approximately 1,420 cubic feet per second (cfs). Precipitation during the month of September was below normal across the Great Sacandaga Lake and Indian Lake watersheds. The monthly inflow to Great Sacandaga Lake and Indian Lake reservoir was approximately 70% and 46% of historic average, respectively. Monthly release of water from Great Sacandaga Lake and Indian Lake measured 78% and 50% of historic average, respectively.

The September average daily release from Stillwater Reservoir was approximately 300 cfs. Monthly total precipitation measured 46%, 48%, and 48% of historic average at Stillwater, Old Forge, and Sixth Lake, respectively, as of September 24th. Precipitation in the month of September was below average at Stillwater, Old Forge and Sixth Lake. The monthly inflow to Stillwater Reservoir was approximately 23% of historic average. The inflow to Sixth Lake and Old Forge Reservoir totaled 0.01 and 0.04 billion cubic feet, respectively, in September. Release of water from Stillwater Reservoir averaged 73% of historic discharge.

Mr. Hodgson presented the Administrator's report. Mr. Hodgson noted that staff attended confined space training at the Conklingville dam and gave an update regarding the purchase of scaffolding to alleviate some of the confined space concerns at Conklingville. Staff also participated in training regarding blood borne pathogens. Mr. Hodgson reported other sundry maintenance activities completed during the reporting period.

BOARD MEMBER COMMENT

Mr. Rosenthal thanked Mr. Hodgson for arranging the tour of the Stillwater reservoir & impoundment.

EXECUTIVE SESSION

Chairman Finkle called for a motion to adjourn to Executive Session to discuss a personnel issue. Chairman Finkle noted that the Board will not likely conduct business upon its

return from Executive Session. Mr. DeWitt advanced the motion, Mr. Hayes seconded. After a time, the Board Chair invited Mr. Ferrara to participate in the Executive Session.

The Board adjourned to Executive Session at 10:42 A.M. and returned at 11:10 A.M.

RESOLUTION SCHEDULING DATE, TIME AND LOCATION OF THE REGULAR MEETING FOR NOVEMBER 13, 2018

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, November 13, 2018 at the Saratoga County Offices 40 McMaster St. 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. DeWitt seconded and the Board adopted the Resolution by unanimous vote.

ADJOURNMENT

Chairman Finkle called for a motion to adjourn the meeting. Mr. Hayes advanced the motion. Mr. DeWitt seconded. The meeting adjourned at 11:10 A.M.

RESOLUTIONS

18-33-10 RESOLUTION TO APPROVE AMENDMENT #3 TO HDR CONTRACT C022012 TO PERFORM STILLWATER DAM BREACH ANALYSIS SITE SPECIFIC PROBABLE MAXIMUM PRECIPITATION STUDY

Chairman Finkle asked for a motion to authorize the interim Executive Director to execute an amendment to contract C022012 extending the contract term through December 31, 2020. Mr. Hayes so moved and Mr. DeWitt seconded. The Board approved the motion by unanimous vote.

18-34-10 RESOLUTION SCHEDULING DATE, TIME AND LOCATION OF THE REGULAR MEETING FOR NOVEMBER 13, 2018

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

Respectfully submitted,

Richard J. Ferrara,
Secretary/Treasurer

Mark M. Finkle
Board Chairman