

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

**Saratoga County Offices**

Cornell Cooperative Extension (Auditorium)

50 West High Street

Ballston Spa, NY 12020

November 13, 2018

**CALL TO ORDER**

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

**PLEDGE OF ALLEGIANCE**

**Schnabel Presentation**

Representatives from Schnabel Engineering of New York provided the board with an update regarding progress on phase E1 of the Conklingville Dam Spillway Grouting and Concrete Repair Project.

**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 adopt or revise the meeting agenda. Mr. Rosenthal made a motion to adopt the agenda without revision. Mr. Hayes seconded. The Board approved the motion by unanimous vote.

**PUBLIC COMMENT**

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

**APPROVAL OF THE OCTOBER 10, 2018 REGULAR MEETING MINUTES**

Chairman Finkle asked for a motion to adopt the October 10, 2018 regular meeting minutes. Mr. DeWitt advanced the motion to approve the 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 noted his attendance at the Great Sacandaga Lake Action Committee meeting in Edinburg. Mr. Hodgson thanked Mr. Foltan for authoring an article explaining elevations at GSL and Stillwater and noted the distribution of the HRBRRD newsletter.

## **CONTRACTS**

### **Board Authorization to Procure Engineering Services for Completion of *Fourth Independent Consultant Safety Inspection for the Great Sacandaga Lake Project P-12252***

Mr. Foltan requested that the Board authorize staff to procure engineering services to complete the 4<sup>th</sup> Part 12D Independent Consultant Safety Inspection for Conklingville Dam. He noted that the Federal Energy Regulatory Commission (FERC) requires an Independent Consultant Safety Inspection of Conklingville Dam, and an Independent Consultant Inspection Report be completed, every five years. The 4<sup>th</sup> Part 12D Independent Consultant Safety Inspection Report for Conklingville Dam must be submitted to FERC by February 1, 2020.

Chairman Finkle asked for a motion to authorize staff to procure engineering services to complete the 4<sup>th</sup> Part 12D Independent Consultant Safety Inspection at Conklingville. Mr. Rosenthal so moved. Mr. DeWitt seconded and the Board adopted the motion by unanimous vote.

### **RESOLUTION TO APPROVE AMENDMENT #4 TO HDR CONTRACT C022012 TO PERFORM STILLWATER DAM BREACH ANALYSIS SITE SPECIFIC PROBABLE MAXIMUM PRECIPITATION STUDY**

Mr. Foltan presented a resolution to the Board. He explained that in June 2014 the Board accepted a scope and fee proposal from Henningson, Durham & Richardson Architecture and Engineering, P.C. (HDR) to complete a design flood and breach analysis for Stillwater Dam for a “not-to-exceed” price of \$28,000. HDR completed its engineering analysis and report, consistent with the requirements of the contract, in April 2015. The Regulating District submitted the analysis and report to the Federal Energy Regulatory Commission (FERC) in April 2015. In September 2015 FERC provided comments on the analysis and report, and requested certain additional hydraulic analysis be completed. HDR completed additional engineering analysis and the Regulating District submitted the revised analysis, report, and breach inundation maps to FERC in March 2016.

Mr. Foltan noted that in November 2016 the FERC provided additional comments on the revised analysis, report, and inundation maps. Several of the FERC's comments, and its general position on the analyses, were unsuccessfully disputed by the Regulating District and HDR for approximately nine months culminating in a September 20, 2017 letter from FERC, again requesting additional design flood and breach analysis. The findings and results from HDR's final determination of the design flood and breach analysis could have a negative impact on other studies at Stillwater Dam, including the evaluation of the dam stability. Because of the potential for negative impacts on other studies, the Regulating District did not respond directly to the

FERC's September 20, 2017 letter requesting additional design flood and breach analyses. Instead, the Regulating District proposed the completion of a precursor study which had the potential to improve the outcome of the design flood and breach analyses and the outcome of the other studies. In response to the September 2017 FERC letter the Regulating District proposed a plan (and FERC accepted the plan) for the completion of a Site-Specific Probable Maximum Precipitation (SSPMP) analysis. A SSPMP is an analysis of the greatest precipitation/runoff event which might occur in a watershed. This precursor study evaluates the *site-specific* characteristics of the watershed (in response to a large precipitation event) rather than the industry practice of evaluating the watershed's responses to a large precipitation event using generalized watershed characteristics. A SSPMP analysis better defines the conditions which exist in a watershed and at a dam during the design flood, and could result in a reduction in the breach flow, peak breach stage, and hydraulic loads assumed and applied while completing other studies and evaluations of dam stability. To that end, the Regulating District accepted a scope and fee proposal from HDR to complete a SSPMP analysis. In May 2018 the Board authorized Proposal Task 1 (preliminary SSPMP feasibility study) to be completed to determine if a full SSPMP is warranted.

HDR completed the preliminary SSPMP feasibility study which examined the potential reduction in the probable maximum precipitation (PMP) based on site specific conditions and storm events. HDR's findings indicated a potential 27% reduction in the PMP from the current FERC-accepted PMP calculation used to determine the project design flood. Regulating District engineering staff have reviewed the preliminary SSPMP feasibility study. The potential reduction in the PMP supports further investigation. Mr. Foltan explained that following a discussion with HDR regarding the findings and results of the preliminary SSPMP feasibility study it was determined that certain elements of the preliminary SSPMP feasibility study (ie. precipitation reduction factors and assumptions which reduce total precipitation values), if applied to the current FERC-accepted PMP calculation, may beneficially reduce the current FERC-accepted PMP value and may reduce the current FERC-accepted design flood without the need to complete a full SSPMP analysis. Mr. Foltan feels confident that application of this "alternate methodology" will produce a beneficial reduction in the current FERC-accepted PMP value and be considered by the FERC to be an acceptable evaluation method. In this "alternate methodology" precipitation reduction factors would be applied to the current FERC-accepted PMP calculation using engineering analysis techniques and judgment comparable to that which would be used during a full SSPMP analysis. However, the "alternate methodology" could be completed for about 10% of the cost of a full SSPMP analysis.

Mr. Foltan opined that the "alternate methodology" to reduce the current FERC-accepted PMP value be evaluated as it has the potential to significantly reduce the design flood at significantly lower cost than completing the full SSPMP analysis. HDR has developed a scope and fee proposal (revised October 31, 2018) to complete the "alternate methodology" analysis. The "alternate methodology" is detailed in *Task 1A – Cool Season PMP*. He recommended that the Board accept HDR's Proposal for completion of *Task 1A – Cool Season PMP* and sought Board authorization to amend the Contract scope of work and fee to include Task 1A of SSPMP Feasibility Study, and authorization for the Interim Executive Director to execute an amendment to the agreement to increase the contract price by \$28,500 to a total price of \$87,250.

Chairman Finkle asked for a motion to authorize the interim Executive Director to execute amendment #4 to contract C022012 amending the scope of work and increasing the 'not to exceed' contract price by \$28,500 to \$87,250. Mr. Rosenthal so moved and Mr. DeWitt seconded. The Board approved the motion by unanimous vote.

## **STAFF REPORTS**

Mr. Leslie presented his report. Mr. Leslie reported that Carthage Specialty Paperboard, Inc. has paid its 2017-2018 Black River Area beneficiary assessment. He noted that the Marchione/McDonald bill has yet to be delivered to the Governor. Mr. Leslie noted that he offered the Interim Executive Director and Board Chair advice/counsel on personnel issues during the reporting period and that the office has addressed a few FOIL requests in the time between preparation of the Board packet and the meeting.

Ms. Ruzycky presented her report to the Board. She noted that the necessary MWBE reports have been submitted and her work with IMC and Elavon to design an on-line payment process. Mr. Rosenthal expressed his displeasure that staff have not moved further along with the on-line payment project. In response to Mr. Rosenthal's question, Mr. Ferrara offered that the request that staff make provision for on-line payment dated back nearly two years, but that complications made progress difficult. Mr. Rosenthal demanded that, by the December meeting, staff outline the necessary tasks and establish a specific timeline for completion of those tasks necessary to establish an on-line payment option for the permit system.

Mr. Ferrara presented his report to the Board. He noted that the independent audit remains 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 October 31, 2018, the general fund balances for the HRA and BRA were approximately \$2,988,171 and \$2,323,351 respectively. He noted that District's transactional processing and reporting are current. District bank reconciliations are complete through September 30, 2018. Mr. Ferrara noted that he would reach out to beneficiaries delinquent on assessment payments.

Mr. Ferrara presented Board expenses for Mr. Neddo (\$321.96) and Mr. DeWitt (\$453.54). Mr. De Witt made a motion to reimburse said expenses. Mr. Rosenthal seconded. The Board approved reimbursement of such expenses by unanimous vote.

Mr. Foltan presented the Chief Engineer's report to the Board. Mr. Foltan noted that the October average daily release from the Sacandaga Reservoir (Great Sacandaga Lake) was approximately 1,570 cubic feet per second (cfs). Precipitation during the month of October 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 94% and 58% of historic average, respectively. Monthly release of water from Great Sacandaga Lake and Indian Lake measured 82% and 101% of historic average, respectively.

The October average daily release from Stillwater Reservoir was approximately 224 cfs. Monthly total precipitation measured 97%, 92%, and 97% of historic average at Stillwater, Old Forge, and Sixth Lake, respectively, as of October 23<sup>rd</sup>. Precipitation in the month of October

was below average at Stillwater, Old Forge and Sixth Lake. The monthly inflow to Stillwater Reservoir was approximately 74% of historic average. The inflow to Sixth Lake and Old Forge Reservoir totaled 0.06 and 0.18 billion cubic feet, respectively, in October. Release of water from Stillwater Reservoir averaged 69% of historic discharge.

Mr. Hodgson presented the Administrator's report. Mr. Hodgson reported that staff rented an excavator and placed riprap at several areas on GSL. He noted staff had addressed a number of permit matters, identified a number of encroachments along the NYS property boundary, and have begun processing permit renewals. Mr. Hodgson reported training and other sundry maintenance activities completed during the reporting period.

### **RESOLUTION SCHEDULING DATE, TIME AND LOCATION OF THE REGULAR MEETING FOR DECEMBER 11, 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, December 11, 2018 at the Warren County Municipal Center, Conference Room 5110, 1340 State Route 9, Lake George, NY 12845 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. Rosenthal advanced the motion. Mr. DeWitt seconded. The meeting adjourned at 11:35 A.M.

### **RESOLUTIONS**

#### **18-35-11 RESOLUTION TO APPROVE AMENDMENT #4 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 amendment #4 to contract C022012 amending the scope of work and increasing the 'not to exceed' contract price by \$28,500 to \$87,250. Mr. Rosenthal so moved and Mr. DeWitt seconded. The Board approved the motion by unanimous vote.

#### **18-36-11 RESOLUTION SCHEDULING DATE, TIME AND LOCATION OF THE REGULAR MEETING FOR DECEMBER 11, 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