

**HUDSON RIVER-BLACK RIVER REGULATING DISTRICT
BOARD MEETING
Northampton Town Hall
412 South Main Street
Northville, NY 12134
September 13, 2019**

Immediately following the Governance Committee Meeting scheduled for 8:00 AM

CALL TO ORDER

Chairman Mark M. Finkle called the meeting to order at 8:08 A.M.

ROLL CALL

Present: Board Chairman Mark M. Finkle; First Vice-Chair Jeffrey Rosenthal; Second Vice-Chair Kenneth DeWitt; Board Member Albert J. Hayes; Executive Director John C. Callaghan; General Counsel Robert P. Leslie; Chief Engineer Robert S. Foltan; Chief Fiscal Officer Richard J. Ferrara; Area Administrator John Hodgson and Compliance Officer Stephanie Ruzicky.

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. Mr. DeWitt seconded. The Board approved the motion by unanimous vote.

PUBLIC COMMENT

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

APPROVAL OF THE JULY 23, 2019 BOARD MEETING MINUTES

Chairman Finkle asked for a motion to adopt the July 23, 2019 Board 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.

RE-APPROVAL OF THE SEPTEMBER 20, 1919 INAUGURAL BOARD MEETING MINUTES

Chairman Finkle noted the occasion of the 100th anniversary of the Black River Regulating District's initial meeting, and asked for a motion to re-approve the September 20, 1919 Board meeting minutes. Mr. DeWitt advanced the motion to re-approve the September 20, 1919 regular meeting minutes. Mr. Rosenthal seconded and the Board approved the motion by unanimous vote.

RESOLUTION AUTHORIZING THE EMPLOYMENT OF A CHIEF FISCAL OFFICER FOR THE HUDSON RIVER-BLACK RIVER REGULATING DISTRICT

Mr. Callaghan noted that the Regulating District’s Chief Fiscal Officer has announced his intention to retire. The Regulating District placed a solicitation seeking qualified candidates. Staff interviewed a slate of 17 candidates deemed to be highly qualified and, after calling back 5 candidates, deemed to be most qualified for a second interview, recommends that the Board appoint Timothy M. Maniccia to fulfill the responsibilities of the Chief Fiscal Officer position.

Mr. Hayes made a motion that the Board adopt a Resolution to employ Timothy M. Maniccia as the Chief Fiscal Officer of the Hudson River-Black River Regulating District effective September 13, 2019 and that upon hire the new Chief Fiscal Officer shall be placed at and shall progress from Service Rate of Grade M3 (\$125,629) of the management/confidential salary schedule maintained by the Governor’s Office of Employee Relations for the state’s M/C employees. Mr. DeWitt seconded and the Board adopted the Resolution by unanimous vote. Chairman Finkle welcomed Mr. Maniccia to his new role.

CONTRACTS

RESOLUTION TO AUTHORIZE THE PURCHASE OF A SLOPE MOWER FOR THE MAINTENANCE OF THE CONKLINGVILLE DAM SITE

Mr. Hodgson presented a resolution through which the Board could authorize the purchase of a Ventrac slope mower to assist staff with the maintenance of the Conklingville Dam site. He noted that a standard mower cannot safely perform the required maintenance and recommended that the Regulating District purchase a slope mower designed to more effectively and efficiently cut the grass on the embankment and adjoining area.

Mr. Rosenthal made a motion to adopt the Resolution authorizing the purchase of the Slope Mower from Ventrac for an amount not to exceed \$25,738.95. Mr. DeWitt seconded and the Board approved the motion by unanimous vote.

RESOLUTION TO ACCEPT PAUL C. RIZZO ENGINEERING – NEW YORK, PLLC AMENDMENT # 1 PROPOSAL TO PERFORM COMPLETION OF SEISMIC STABILITY AND LIQUEFACTION & DEFORMATION ANALYSIS OF THE STILLWATER DAM

Mr. Foltan presented a resolution to the Board. He explained that pursuant to Resolution 18-38-12, the Board accepted a proposal offered by Paul C. Rizzo Engineering – New York, PLLC (Rizzo) to complete a Federal Energy Regulatory Commission (FERC) required Liquefaction & Deformation Analysis of the Stillwater Dam. The contract (C022018) not-to-exceed amount was \$84,926.00. In August 2019 Rizzo indicated that it did not include a work task or budget to develop a newly FERC-mandated Drilling Program Plan (DPP) in its November 2018 proposal. Mr. Foltan explained that the completion of which is required prior to completing subsurface drilling and exploration activities. Mr. Foltan noted that Rizzo proposes to complete the work required to develop the DPP, as detailed in the Contract C022018

Amendment # 1 Proposal included in the Board's packet, for a not-to-exceed fee of \$13,708.00. Mr. Foltan recommended that the Board accept Rizzo's Contract Amendment # 1 Proposal and sought Board authorization to amend Contract C022018 to include the completion of work, and authorization for the Executive Director to execute an amendment to the agreement, in the amount of \$13,708.00. Mr. Ferrara noted that the agreement is subject to the review and approval of the NYS Attorney General and the NYS Office of the State Comptroller.

Mr. Rosenthal made a motion to accept Rizzo's Contract Amendment # 1 Proposal, authorize an amendment to Contract C022018 to include the completion of work, and authorize the Executive Director to execute an amendment to the agreement, in the amount of \$13,708.00. Mr. DeWitt seconded and the Board approved the motion by unanimous vote.

RESOLUTION TO ACCEPT HENNINGSON, DURHAM & RICHARDSON ARCHITECTURE AND ENGINEERING, P.C. (HDR) AMENDMENT # 1 PROPOSAL TO COMPLETE WORK NECESSARY TO RESPOND TO FERC'S ADDITIONAL REQUEST

Mr. Foltan presented a resolution to the Board. He noted that in February of 2019, the Board authorized contract C032018 with Henningson, Durham & Richardson Architecture and Engineering P.C. (HDR) to complete a 4th Part 12 Safety Inspection of Conklingville Dam. On April 30, 2019 FERC requested that the Regulating District have the 4th Part Independent Consultant review two specific issues related to the previous evaluations and analysis. Mr. Foltan explained that HDR has provided a scope of services and fee proposal to complete the work necessary to respond to FERC's additional information request and that HDR proposes to complete the work for a not-to-exceed fee of \$34,100.00. Mr. Foltan recommends the Board accept HDR's Amendment # 1 Proposal, seeks Board authorization to amend Contract C032018 to include the completion of work, and seeks authorization for the Executive Director to execute an amendment to the agreement, in the amount of \$34,100.00, bringing the not-to-exceed contract value to \$69,050.00. Mr. Ferrara noted that the agreement is subject to the review and approval of the NYS Attorney General and the NYS Office of the State Comptroller.

Mr. DeWitt made a motion to accept HDR's Amendment # 1 Proposal, authorize an amendment to Contract C032018 to include the completion of work, and authorize the Executive Director to execute an amendment to the agreement, in the amount of \$34,100.00, bringing the not-to-exceed contract value to \$69,050.00. Mr. Rosenthal seconded and the Board approved the motion by unanimous vote.

Mr. Ferrara presented Board expenses for Mr. Rosenthal (\$140.36). Mr. De Witt made a motion to reimburse said expenses. Mr. Hayes seconded. The Board approved reimbursement of such expenses by unanimous vote.

RESOLUTION SCHEDULING DATE AND TIME OF THE REGULAR MEETING FOR OCTOBER 8, 2019

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, October 8, 2019 at a place to be determined in the Town of Old Forge. The meeting will be scheduled for 10:00 A.M.

Mr. Hayes moved to adopt the Resolution setting the date and time 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 8:25 A.M.

RESOLUTIONS

19-36-09 RESOLUTION AUTHORIZING THE EMPLOYMENT OF A CHIEF FISCAL OFFICER FOR THE HUDSON RIVER-BLACK RIVER REGULATING DISTRICT

Mr. Hayes made a motion that the Board adopt a Resolution to employ Timothy M. Maniccia as the Chief Fiscal Officer of the Hudson River-Black River Regulating District effective September 13, 2019 and that upon hire the new Chief Fiscal Officer shall be placed at and shall progress from Service Rate of Grade M3 (\$125,629) of the management/confidential salary schedule maintained by the Governor’s Office of Employee Relations for the state’s M/C employees. Mr. DeWitt seconded and the Board adopted the Resolution by unanimous vote.

19-37-09 RESOLUTION TO AUTHORIZE THE PURCHASE OF A SLOPE MOWER FOR THE MAINTENANCE OF THE CONKLINGVILLE DAM SITE

Mr. Rosenthal made a motion to adopt the Resolution authorizing the purchase of the Slope Mower from Ventrac for an amount not to exceed \$25,738.95. Mr. DeWitt seconded and the Board approved the motion by unanimous vote.

19-38-09 RESOLUTION TO ACCEPT PAUL C. RIZZO ENGINEERING – NEW YORK, PLLC AMENDMENT # 1 PROPOSAL TO PERFORM COMPLETION OF SEISMIC STABILITY AND LIQUEFACTION & DEFORMATION ANALYSIS OF THE STILLWATER DAM

Mr. Rosenthal made a motion to accept Rizzo’s Contract Amendment # 1 Proposal, authorize an amendment to Contract C022018 to include the completion of work, and authorize the Executive Director to execute an amendment to the agreement, in the amount of \$13,708.00. Mr. DeWitt seconded and the Board

approved the motion by unanimous vote.

19-39-09 RESOLUTION TO ACCEPT HENNINGSON, DURHAM & RICHARDSON ARCHITECTURE AND ENGINEERING, P.C. (HDR) AMENDMENT # 1 PROPOSAL TO COMPLETE WORK NECESSARY TO RESPOND TO FERC'S ADDITIONAL REQUEST

Mr. DeWitt made a motion to accept HDR's Amendment # 1 Proposal, authorize an amendment to Contract C032018 to include the completion of work, and authorize the Executive Director to execute an amendment to the agreement, in the amount of \$34,100.00, bringing the not-to-exceed contract value to \$69,050.00. Mr. Rosenthal seconded and the Board approved the motion by unanimous vote.

19-40-09 RESOLUTION SCHEDULING DATE AND TIME OF THE REGULAR MEETING FOR OCTOBER 8, 2019

Mr. Hayes moved to adopt the Resolution setting the date and time 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