

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

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

**Remote Conference-In Locations:**

Ocean Pearl Clubhouse	Longboat Harbour Office/Library
3920 Ocean Pearl	4454 Gulf of Mexico Drive
Atlantic Beach Blvd (A-1-A)	Longboat Key, FL 34228
North Hutchinson Island, FL 34949	

**January 14, 2020**

**Immediately following the Annual Organizational Meeting Scheduled for 10:00 A.M.**

**CALL TO ORDER**

Chairman Mark M. Finkle called the meeting to order at 10:08 A.M.

**ROLL CALL**

**Present:** Board Chairman Mark M. Finkle; Board Members Albert J. Hayes and Richard Bird; Executive Director John C. Callaghan; General Counsel Robert P. Leslie; Chief Engineer Robert S. Foltan; Chief Fiscal Officer Timothy Maniccia; Area Administrator John Hodgson; and Compliance Officer Stephanie Ruzycky.

**Video Feed:** First Vice-Chair Jeffrey Rosenthal; Second Vice-Chair Kenneth DeWitt

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

Chairman Finkle asked for a motion to adopt the agenda. Mr. Hayes made a motion to adopt the agenda. Mr. Rosenthal seconded. The Board approved the motion by unanimous vote.

**PUBLIC COMMENT**

Chairman Finkle opened the floor to public comment. One speaker addressed the Board regarding an access permit matter.

**APPROVAL OF THE DECEMBER 10, 2019 BOARD MEETING MINUTES**

Chairman Finkle asked for a motion to adopt the December 10, 2019 Board meeting Minutes. Mr. Hayes advanced the motion to approve the regular meeting minutes. Mr. DeWitt seconded and the Board approved the motion by unanimous vote.

## **REPORT OF THE EXECUTIVE DIRECTOR**

Mr. Callaghan presented his report to the Board. Mr. Callaghan noted that during the reporting period he worked closely with the incoming and outgoing IT consultants (TAG Solutions and Logical Net) and staff to recover from a malicious “cryptolocker” virus which deployed on or about December 25<sup>th</sup>. The ransomware attack, on the consultant, ultimately impacted Regulating District email accounts and files. However, working with both the outgoing and incoming IT professionals, the Regulating District has been able to recover most of the files masked by the virus encryption. Mr. Callaghan noted that the widespread, non-targeted attack, did not attempt, nor succeed, in capturing or even accessing any HRBRRD files or data, nor did it impact payroll, personnel or permit system files or data. While inconvenient, the incident could have been much worse. Mr. Callaghan noted that he and staff continue to work with Logical Net to recover lost files, bolster new and more robust anti-virus software, and establish and implement procedural controls to back-up and protect HRBRRD systems and files. He introduced Nikollaj Tush, Logical Net’s President/CEO, who addressed the Board’s questions regarding the attack and the security of Regulating District files. Mr. Callaghan continued his report applauding the exemplary calm and professional manner with which HRBRRD staff dealt with the crisis. Turning to other matters, Mr. Callaghan touched on the video-link in use at the Board meeting explaining it is his intention to establish dedicated video conferencing capabilities. He noted that the contract with Baker Public Relations is coming to a close and highlighted some of the firm’s accomplishments reached on the Regulating District’s behalf including a several-fold increase in page website page views, the Regulating District’s newsletter, and its Facebook presence. Mr. Callaghan reported on continued work with multiple partners, particularly members of the Safe Lake Initiative, to plan and execute the open house scheduled at the Sacandaga Field Office on Saturday, January 25, from 11-3.

Mr. Callaghan reminded the Board that Sue Visco, the administrative assistant representing the public’s primary point of contact with the Regulating District for access permit matters, would be retiring within weeks. He described for the Board the passion, professionalism and compassion Sue has exhibited over her more than 20-year career with the Regulating District.

## **CONTRACTS/ACTIONS**

### **RESOLUTION APPROVING ACCEPTANCE OF CREDIT AND DEBIT CARDS PRESENTED BY APPLICANTS FOR ACCESS PERMIT SYSTEM TRANSACTIONS**

Mr. Maniccia presented a revised resolution to the Board to authorize the Regulating District’s acceptance of credit and debit cards for payments associated with access permit system transactions. He noted the Board’s direction that staff seek and implement measures designed to improve customer service and efficiency by better utilizing available technology and that New York State agencies, public authorities and local governments are authorized to accept payment by credit card or debit card through the Office of General Services (OGS) Procurement Services’ Electronic Value Transfer (EVT) Program. Mr. Maniccia explained that the Regulating District sought and received approval from the New York State Division of the Budget in May 2017, and subsequently from OGS in March 2019, to accept credit card and debit card payments via the EVT Program. Next Mr. Maniccia outlined the procedures to govern acceptance of payment for the

access permit system via EVT. Mr. Rosenthal encouraged staff to move expeditiously with the next phases of the EVT roll-out.

Mr. Bird moved to adopt the revised resolution authorizing the Regulating District to accept credit and debit cards for access permit transactions. Mr. Rosenthal seconded and the Board adopted the resolution by unanimous vote.

## **RESOLUTION TO AUTHORIZE THE ENGAGEMENT OF FISCAL ADVISORS & MARKETING, INC. IN CONNECTION TO THE ISSUANCE OF DEBT TO FINANCE CAPITAL PROJECTS**

Mr. Maniccia presented a resolution to the Board to authorize the engagement of Fiscal Advisors & Marketing, Inc. in connection with the issuance of debt to finance capital projects. He noted that pursuant to the Regulating District's discretionary authority, he reached out to Fiscal Advisors & Marketing, Inc., a registered Municipal Advisor with the U.S. Securities & Exchange Commission and the Municipal Securities Rulemaking Board, in furtherance of the District's desire to explore issuing debt to cover the cost of certain capital projects at various locations in the Hudson River and Black River areas. Mr. Maniccia estimated that the aforementioned projects, estimated to cost up to \$5 million in total, include various construction remediation and other activities that will improve dam safety and ensure compliance with federal and state dam safety regulations. Mr. Maniccia explained that Fiscal Advisors & Marketing, Inc. has provided excellent service to the District during a previous engagement involving the plan to issue tax anticipation notes and recommended that the Board award municipal advisory work to Fiscal Advisors & Marketing, Inc. conditional upon the successful negotiation of contract terms and conditions. He asked that the Board authorize the executive director to negotiate and execute a contract for a "not to exceed" amount of \$14,625.00.

Mr. Rosenthal moved to adopt the resolution authorizing the executive director to execute a contract 'not to exceed' \$14,625 with Fiscal Advisors & Marketing, Inc. in connection with the issuance of debt to finance upcoming projects. Mr. DeWitt seconded and the Board adopted the resolution by unanimous vote.

## **STAFF REPORTS**

Mr. Leslie presented his report. He reported upon his continued work with representatives from the Executive Chamber, DEC, the APA, and the Lake George Park Commission to review and work toward the advancement of revisions to the LGPC's stormwater management regulations. Mr. Leslie reported on efforts to comply with Executive Law §100-a through reporting upon the number of agency/authority employees and directors subject to the financial disclosure law. Mr. Leslie noted that he has matched each active Board policy with its enacting resolution and that he will solicit recommendations from staff to revise such policies as warranted.

Ms. Ruzycky presented her report to the Board. Ms. Ruzycky noted that the heavy duty vehicle/engine useful life waiver requests for the Regulating District's two diesel vehicles have been approved. Ms. Ruzycky noted the MWBE and SDVOB Goal Plan documents and the MWBE utilization reports for the 3<sup>rd</sup> quarter are due by January 15<sup>th</sup>.

Mr. Maniccia presented his report to the Board. He noted that at the close of fiscal December 31, 2019, the general fund balances for the HRA and BRA were approximately \$3,296,465 and \$2,431,516 respectively; a 2.1% increase year over year. He noted that District's transactional processing and reporting are current. District bank reconciliations are complete through November 30, 2019.

Mr. Foltan presented the Chief Engineer's report to the Board. Mr. Foltan noted that the December average daily release from the Sacandaga Reservoir (Great Sacandaga Lake) was approximately 3,960 cubic feet per second (cfs). Precipitation during the month of December 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 126% and 114% of historic average, respectively. Monthly release of water from Great Sacandaga Lake and Indian Lake measured 150% and 188% of historic average, respectively.

The December average daily release from Stillwater Reservoir was approximately 700 cfs. Monthly total precipitation measured 80%, 89%, and 79% of historic average at Stillwater, Old Forge, and Sixth Lake, respectively, as of December 18<sup>th</sup>. Precipitation in the month of December was below average at Stillwater, Old Forge and Sixth Lake. The monthly inflow to Stillwater Reservoir was approximately 83% of historic average. The inflow to Sixth Lake and Old Forge Reservoir totaled 0.28 and 0.12 billion cubic feet, respectively, in December. Release of water from Stillwater Reservoir averaged 156% of historic discharge.

Mr. Hodgson presented the Administrator's report. He noted that during the reporting period staff participated in annual emergency action plan training, conducted the surveillance monitoring test, and mailed the access permit system renewal applications.

Mr. Hodgson invited Susan Visco to join the meeting describing for the Board the respect he and staff have for Sue and her invaluable role running the permit system over her more than 20-year career with the Regulating District. Chairman Finkle entertained a motion lauding Ms. Visco's efforts and success as she moves to retire at the end of the month. The Board, staff, and meeting attendees joined in a standing ovation.

## **RESOLUTION SCHEDULING DATE, TIME AND LOCATION OF THE MARCH 10, 2020 REGULAR BOARD MEETING**

Chairman Finkle asked for a motion to adopt a resolution setting the date, place and time for the next meeting of the Board of the Hudson River-Black River Regulating District for Tuesday, March 10, 2020 at the Sacandaga Field Office Conference Room, 737 Bunker Hill Road, Mayfield, NY 12117. The meeting will be scheduled for 10:00 A.M.

Mr. Bird moved to adopt the Resolution setting the date, time and place of the next meeting. Mr. Hayes 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. Bird seconded. The meeting adjourned at 11:11 A.M.

## **RESOLUTIONS**

### **20-01-01 RESOLUTION APPROVING ACCEPTANCE OF CREDIT AND DEBIT CARDS PRESENTED BY APPLICANTS FOR ACCESS PERMIT SYSTEM TRANSACTIONS**

Mr. Bird moved to adopt the revised resolution authorizing the Regulating District to accept credit and debit cards for access permit transactions. Mr. Rosenthal seconded and the Board adopted the resolution by unanimous vote.

### **20-02-01 RESOLUTION TO AUTHORIZE THE ENGAGEMENT OF FISCAL ADVISORS & MARKETING, INC. IN CONNECTION TO THE ISSUANCE OF DEBT TO FINANCE CAPITAL PROJECTS**

Mr. Rosenthal moved to adopt the resolution authorizing the executive director to execute a contract 'not to exceed' \$14,625 with Fiscal Advisors & Marketing, Inc. in connection with the issuance of debt to finance upcoming projects. Mr. DeWitt seconded and the Board adopted the resolution by unanimous vote.

### **20-03-01 RESOLUTION SCHEDULING DATE AND TIME OF THE ANNUAL ORGANIZATIONAL AND REGULAR MEETINGS FOR MARCH 10, 2020**

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

Respectfully Submitted,

Robert P. Leslie,  
Secretary

Mark M. Finkle  
Board Chairman