

20-14-05


**RESOLUTION ADOPTING AMENDED BY-LAWS OF THE HUDSON RIVER-BLACK RIVER REGULATING DISTRICT**

**WHEREAS**, the Board of the Hudson River-Black River Regulating District has considered certain changes to its By-Laws, adopted on November 12, 1979, amended on July 13, 2010, and last amended on April 10, 2012; and

**WHEREAS**, the Board deems it necessary and appropriate to make those changes as attached hereto and made a part hereof; and

**NOW THEREFORE BE IT RESOLVED**, that the Board of the Hudson River-Black River Regulating District does hereby adopt and approve the language changes in the By-Laws of the Hudson River-Black River Regulating District in the manner set forth in the By-Laws at Article X, Section 1, Amendments.

Approved as to form:



Robert Leslie  
General Counsel

Motion was made by Mr. Bird and seconded by Mr. DeWitt that the Resolution be approved.

Present and Voting:

<u>MEMBER</u>	<u>AYE</u>	<u>NOE</u>	<u>ABSTAIN</u>
Mr. Finkle .....	<u>  X  </u>	_____	_____
Mr. Hayes.....	<u>  X  </u>	_____	_____
Mr. Rosenthal.....	<u>  X  </u>	_____	_____
Mr. DeWitt.....	<u>  X  </u>	_____	_____
Mr. Bird.....	<u>  X  </u>	_____	_____



**BY-LAWS**  
**OF**  
**THE HUDSON RIVER-BLACK RIVER REGULATING DISTRICT**

**(Adopted –May 12, 2020)**

**BY-LAWS**  
**OF**  
**THE HUDSON RIVER-BLACK RIVER REGULATING DISTRICT**

**ARTICLE I: ORGANIZATION AND PURPOSE**

- Section 1: The name of the organization shall be The Hudson River – Black River Regulating District.
- Section 2: The Hudson River - Black River Regulating District shall have an official corporate seal consisting of an embossed impression of a circular metallic disc containing in the outer rim the words, “Hudson River - Black River Regulating District, State of New York,” and in the center the words, “Created, May 22, 1959.” The seal on any obligation may be a facsimile, engraved or printed.
- Section 3: The principal offices of the Hudson River - Black River Regulating District shall be:
- Hudson River Area Office, 350 Northern Boulevard, Albany, New York  
12204
- Section 4: The powers, organization and administration of the Hudson River – Black River Regulating District shall be in accordance with the provisions of Article 15, Title 21 of the Environmental Conservation Law, other applicable laws, and these By-Laws.
- Section 5: The mission of the Hudson River-Black River Regulating District is to construct, maintain, and operate reservoirs in the upper Hudson River and Black River watershed, including the Sacandaga, Indian, Moose, and Beaver Rivers for the purpose of regulating the flow of streams or rivers, when required by public

welfare, including public health and safety. Regulating reservoirs operated by the Regulating District include Great Sacandaga Lake, Indian Lake, Stillwater Reservoir, Sixth Lake, and Old Forge. Benefits derived through the successful completion of the mission include, but may not be limited to, flood protection to the public corporations (counties) and parcels of real estate (power plants) downstream of said impoundments; low flow augmentation to provide sufficient water flow enabling downstream wastewater treatment plants to avoid increased treatment costs associated with waste discharge to lower volume rivers and enabling downstream hydroelectric plants to generate low cost hydroelectric power in the hot summer months when rates are generally highest.

The Regulating District accomplishes its mission by:

- At Great Sacandaga Lake, providing flood protection and low flow augmentation through reservoir releases in accordance with the Upper Hudson/Sacandaga Offer of Settlement
- At Indian Lake, Stillwater Reservoir, Old Forge and Sixth Lake, providing storage during periods of high flow and augmenting flows during periods of low flow
- Operating a data-gathering system for precipitation, stream flow, snow depth and flood conditions
- Providing the public with information pertinent to its mission
- Operating and maintaining facilities
- Maintaining a sound financial status for Regulating District operations

- Managing the lands of the State of New York under the Regulating District's jurisdiction
- Promulgating rules and regulations necessary to fulfilling its mission

## **ARTICLE II: ANNUAL MEETING**

Section 1: Annual Meeting: The annual meeting of the Board shall be held immediately preceding the regular meeting scheduled for January of each year. This shall be an organizational meeting for the purpose of electing the officers of the Board, designating official newspapers and receiving reports, as requested by the Board or required by law. At the conclusion of the annual meeting, a regular meeting shall be convened for the regular transaction of business.

## **ARTICLE III: AUTHORITY AND DUTIES OF THE BOARD**

Section 1: The Board may exercise all the powers and authority granted to the Regulating District by Article 15, Title 21, of the Environmental Conservation Law. The Board shall consist of seven members to be appointed by the Governor, not less than three shall be residents of the territory comprising the Black River area and not less than three shall be residents of the territory comprising the Hudson River area. The terms of members shall be as defined in legislation.

Section 2: Members of the Board including the Chairperson shall not receive a salary or other compensation but shall receive all necessary expenses incurred in the performance of his or her duties. Expenses for any member shall be approved by the Board before being paid.

Section 3: Each member of such Board, before entering upon his or her duties, shall take and subscribe the constitutional oath of office, which oath shall be filed in the office

of the Secretary of State. In accordance with NY Public Authorities Law §2824(1)(h), each Board member shall also execute an acknowledgment that he or she understands his or her role and fiduciary responsibilities and duty of loyalty and care to the Regulating District and commitment to the authority's mission and the public interest.

Section 4: The Governor may remove a member of such Board for inefficiency, neglect of duty or misconduct in office, giving to him, or her, a copy of the charges and an opportunity to be publicly heard in person or by counsel in his or her defense upon not less than ten days' notice. If such member shall be removed, the Governor shall file in the office of the Secretary of State a complete statement of all charges made against such member and the findings thereon, together with a complete record of the proceedings.

Section 5: Vacancies of the Board will be filled by the Governor.

#### **ARTICLE IV: MEETINGS**

Section 1: Regular Meetings: Except during the months of February and August, the Board will typically hold one meeting per month.

Section 2: Special Meetings: A special meeting may be called by the Chairperson, or any two members of the Board, on reasonably practicable notice to act on any matter(s) specified in the Notice of such special meeting. No other matters may be considered at a special meeting except on unanimous consent of those members present; provided a quorum exists.

Section 3: Notice of Meeting: The Board shall give public notice of all board meetings in compliance with Article 7 of the Public Officers Law (known as the Open

Meetings Law). Each such Notice shall be posted on a bulletin board at each of the various offices of the Regulating District. Notice of meetings shall also be published in the official newspapers of the Regulating District, designated as such at the annual meeting of the Board. As practicable, Notice shall be posted on the Regulating District's website and social media accounts and distributed to media and public stakeholders through other available means including email.

- Section 4: Quorum: A majority of the Board shall constitute a quorum. Concurrence of a majority of the full Board in any matter shall be sufficient for its determination; except as otherwise provided by the Local Finance Law.
- Section 5: Participation in Meeting by Board Members not Physically Present: Members of the Board may participate in a meeting through use of technologies which comply with the Public Officers Law (known as the Open Meetings Law).
- Section 6: Agendas: The agenda for all regular meetings shall be prepared by the Executive Director prior to each meeting and delivered to members of the Board at least seventy-two (72) hours before the meeting. Other matters and Resolutions may be added to the agenda upon majority vote of the members present at a regular meeting. All resolutions shall be in writing, titled, numbered and a copy kept in a Minute Book of the Regulating District by the Secretary.
- Section 7: Manner of Voting: All questions coming before the Board shall be presented in the form of motions or resolutions chronologically numbered. The vote on all resolutions shall be by roll call, and each resolution and roll call shall be entered in full into the Minutes of the meeting. For all resolutions, the ayes, nays and abstentions shall be recorded.

Section 8: Board Meetings Open to the Public: Any and all Board Meetings shall be open to the public and conducted in accordance with the Open Meetings Law and all provisions of law that may apply.

Section 9: Public Comment Period: At any and all meetings of the Board open to the public in accordance with Section 8 above, a period of time prior to acting on business shall be devoted as a public comment period to allow for comment on all motions and or resolutions on the agenda for the meeting. No person shall be entitled to speak more than five minutes without unanimous consent of the Board.

Section 10: Procedure: The order of business and all other matters of procedure at each meeting of the Regulating District may be determined by the presiding officer using Robert's Rules of Order as a reference.

#### **ARTICLE V: AUTHORITY AND DUTIES OF OFFICERS**

Section 1: Officers and Duties: At the annual meeting, the Board shall elect a President from among its members by majority vote who shall, by virtue of the office, be Chairperson of the Board. The Board shall elect a Secretary and a Treasurer from among the Regulating District's employees. The Board shall also elect the following officers from among its members: First Vice-Chairperson and Second Vice-Chairperson. Each such officer shall be elected for a one year term.

Chairperson: The Chairperson shall preside at all meetings of the Board at which he/she is present. The Chairperson, or the Chairperson's designee, shall sign instruments on behalf of the Regulating District as shall be authorized by a majority vote of the Board. At each meeting, the Chairperson shall submit such

recommendations and information as he or she may consider proper concerning the business affairs and policies of the Regulating District.

First Vice-Chairperson: The First Vice-Chairperson shall perform the duties of the Chairperson in the absence or incapacity of the Chairperson and in case of a vacancy in the office of the Chairperson.

Second Vice-Chairperson: The Second Vice-Chairperson shall perform the duties of the Chairperson in the absence or incapacity of the Chairperson and the First Vice-Chairperson, and in case of a vacancy in the offices of the Chairperson and First Vice-Chairperson.

Secretary: The Secretary shall perform all duties as may be set forth in Article 15 Title 21 of the Environmental Conservation Law, and act as Secretary of the Board. The Secretary shall: (1) record all notes, and shall keep a record of the proceedings of the Board in a Minute Book to be kept for such purposes; (2) send notices of all meetings to members of the Board and to the elected and appointed officers; (3) prepare an agenda for the meetings of the Board; and (4) perform all duties incidental to the office. He or she shall keep a reasonably detailed current list by subject matter of all records in possession of the agency as required pursuant to Section 87(3)(c) of the Public Officers Law. The Secretary shall also serve as Treasurer if the Board has not selected a Treasurer, or in the absence or incapacity of the Treasurer. The Board may appoint Assistant Secretaries.

Treasurer: The Treasurer shall perform all duties as may be set forth in Article 15 Title 21 of the Environmental Conservation Law and be responsible for the receipt, care, and disbursements of funds. The Treasurer will render or cause to

be rendered a statement of financial condition of the Regulating District at the annual meeting and at each regular meeting thereof and at such other meetings as shall be required by the Regulating District. The Treasurer will render or cause to be rendered a full financial report to the Regulating District after the expiration of each fiscal year. The Treasurer shall also serve as Secretary if the Board has not selected a Secretary, or in the absence or incapacity of the Secretary. The Board may appoint such Assistant Treasurers.

#### **ARTICLE VI: COMMITTEES**

Section 1: Committees: There shall be three (3) standing committees— Governance, Finance, and Audit. The Board may, by resolution adopted by a majority vote, establish additional committees composed of at least three persons. Each Committee shall include, at a minimum, one Board Member from the Hudson River Area and one Board Member from the Black River Area. A majority of the whole committee shall constitute a quorum for the transaction of business. All action shall be taken by a vote of a majority of the whole number of the members of the committee. The Chairperson will serve as ex-officio on all committees. The Chairperson's attendance at a committee meeting shall not be counted for the purpose of a quorum, and the Chairperson shall be entitled to vote on any action being taken by the committee. The committee will report to the full Board and advise the Chairperson and full Board of any recommendations regarding resolutions that come before the Board. The Board shall adopt a committee charter to govern the conduct of each committee.

**ARTICLE VII: AUTHORITY AND DUTY OF APPOINTED STAFF MANAGEMENT**

Section 1: The Board by majority vote shall appoint management staff members to include: Executive Director, General Counsel, Chief Fiscal Officer, Chief Engineer and such other staff as may be needed. All such employees shall serve at the pleasure of the Board and shall have their compensation set by the board.

Section 2: Executive Director: The Executive Director, as Chief Executive Officer (CEO) of the Regulating District, shall be responsible directly to the Board for the direction, coordination, supervision and implementation of all Regulating District policies, programs, projects and directives of the Board. The Executive Director shall have direct authority over all Regulating District personnel, including appointment and removal, subject to Board approval, except that the General Counsel, Chief Fiscal Officer, and Chief Engineer shall continue to be appointed by the Board and serve at the pleasure of the Board. The Executive Director may not be a member of the Board.

The Executive Director shall: (1) be responsible for the administration and operation of the Regulating District; (2) prepare and submit to the Board for approval a personnel organizational plan, inclusive of both areas of the Regulating District, detailing the duties and responsibilities of all Regulating District personnel including but not limited to engineering, legal, finance, clerical and field force; (3) formulate, subject to Board approval, an appropriate public relations program designed to keep the public informed as to the Regulating District's policies, programs and projects; (4) carry out the policies and directives of the Hudson River - Black River Regulating District Board; (5) furnish the

Board with necessary information regarding the Regulating District; (6) make recommendations to the Board, from time to time, as he/she deems necessary and advisable; (7) be responsible for obtaining and furnishing the Board with financial and other reports as may be required; (8) be responsible for the preparation and submission to the Board, the annual budget for adoption; (9) keep the Board informed as to financial needs and conditions of the Regulating District; (10) prepare and submit to the members of the Board an agenda for the regular meeting; (11) exercise such other powers and perform such other duties as the Board may determine.

Section 3: General Counsel: The General Counsel shall be the chief legal officer of the Regulating District and shall have been licensed to practice law in the State of New York for at least five (5) years prior to appointment. The Counsel shall: (1) attend to the legal affairs of the Regulating District and shall render legal opinions and advice as requested, relating to the administration, operations and financing of the Regulating District and as to the laws governing the Regulating District; (2) approve all resolutions of the Board as to form; (3) approve all contracts, leases and other agreements as to form prior to their execution; (4) represent the Regulating District in litigation, administrative hearings and such other matters, as directed by the Board; (5) serve as a liaison between the Regulating District and Special Counsel retained by the Board; and (6) exercise such other powers and perform such other duties as the Executive Director and/or the Board may determine. General Counsel shall serve as the Regulating District's FOIL Appeals Officer pursuant to Section 89(4) (a) of the Public Officers Law

(Freedom of Information Law) with respect to any appeal which may be brought resulting from a denial of access to Regulating District records. In addition, the General Counsel shall serve as the Regulating District's Ethics Officer. The General Counsel shall report to the Executive Director.

Section 4: Chief Fiscal Officer: There shall be a Chief Fiscal Officer who shall oversee all matters relative to the fiscal policies, programs and projects of the Regulating District, participate in the preparation of the Regulating District's budget and all financial reports and assist the Executive Director in all areas concerning the Regulating District's finances. The Treasurer may serve as Chief Fiscal Officer. The Chief Fiscal Officer shall report to the Executive Director.

Section 5: Chief Engineer: The Chief Engineer shall be a New York State Licensed Professional Engineer. The Chief Engineer shall report to the Executive Director and shall have general supervision over the engineering staff and field force of the Regulating District in the operation and maintenance of the Regulating District reservoirs and in the river regulatory functions of the Regulating District. The Chief Engineer shall report to the Executive Director on the work of his or her staff and shall make periodic recommendations for Board action consistent with his or her area of responsibilities. He or she shall be responsible for implementing Board policy and shall serve as Assistant Treasurer or Assistant Secretary in the absence or incapacity of the person or persons performing said duties, with authority to assume the duties of either position. At any time the Chief Engineer is absent due to illness or any other good cause, an Assistant Engineer may be designated by the Executive director to act in the Chief

Engineer's place or stead. If an Assistant Engineer is unavailable, one of the Staff Engineers with a P.E. License can be designated in writing to act in his or her place or stead.

**ARTICLE VIII: PROCUREMENT POLICY**

Section 1: Procurement Policy: The procurement procedures of the Regulating District shall be in conformity with those procedures required by Section 2879 of the Public Authorities Law, and any other provisions of law that may apply.

**ARTICLE IX: INDEMNIFICATION OF MEMBERS, OFFICERS, AND EMPLOYEES**

Section 1: Right of Defense and Indemnification: Each present and former member, officer, and employee of the Regulating District, his or her estate or personal representative shall be entitled to defense against and indemnification by the Regulating District in the amount of any judgment or claim arising while such person was acting within the scope of his or her public employment or duties, including actions brought under the provisions of civil rights laws, all in accordance with the rights, procedures and restrictions contained in Section 18 of the Public Officers Law.

Section 2: Other Rights of Indemnification: The right of Indemnification wherein provided shall not be deemed exclusive of any other rights to which any such member, officer or employee may now or hereafter be otherwise entitled and specifically, without limiting the generality of the foregoing, shall not be deemed exclusive of any rights, pursuant to statute or otherwise, of any such member, officer or employee in any such action or proceeding to have assess or allowed in his or

her favor, against the Regulating District or otherwise, his or her costs and expenses incurred therein or in connection therewith or any part thereof.

**ARTICLE X: AMENDMENTS**

Section 1: Amendments to By-Laws: The By-Laws of the Regulating District may be amended by a majority vote of the full board, by resolution at a regular or special meeting held after seven (7) days' notice in writing to each member of the Board of the substance of the proposed amendment.

**BY-LAWS CERTIFICATION**

I HEREBY CERTIFY that the following is a true and correct copy the District's By-Laws duly adopted at a meeting of the Board of Directors of **The Board of Hudson River – Black River Regulating District** a corporation incorporated under the laws of the State of New York duly called and held on the 12th day of May, 2020, a quorum then being present; that the said By-Laws have been entered upon the regular minute book of the corporation and are in accordance with the certificate of incorporation and the by-laws and are now in full force and effect.

I FURTHER CERTIFY that the names of the persons holding titles referred to in the foregoing resolutions are as follows:

NAME	TITLE
Mark. M. Finkle	Board Chair
Jeffrey Rosenthal	First Vice Chairperson
Kenneth DeWitt	Second Vice Chairperson
Albert J. Hayes	Board Member
Richard Bird	Board Member



Secretary: *Robert Leslie*  
*Robert Leslie*  
Date: May 12, 2020



20-15-05

**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO NEGOTIATE AND ENTER INTO AN AGREEMENT WITH INTERACTIVE MEDIA CONSULTING, LLC**

**WHEREAS**, the Regulating District's is authorized to administer a permit system for access to and on Great Sacandaga Lake; and

**WHEREAS**, increasingly, members of the public are familiar and comfortable with conducting online transactions; and

**WHEREAS**, the Regulating District now offers a credit card payment option for its transactions, currently limited to in-person transactions at the Sacandaga Field Office; and

**WHEREAS**, the credit card payment option was preceded by a significant effort to build an online permit database, a necessary precursor to online permit transactions; and

**WHEREAS**, many individuals who may prefer to pay by credit card may not be able to physically appear at the Sacandaga Field Office due to their location over the winter, work schedule, or mobility; and

**WHEREAS**, an online permit transaction system will result in greater speed for routine transactions, such as renewals, and can result in definitive email confirmation of a successful transaction; and

**WHEREAS**, for the reasons listed above, the Regulating District's service to residents on and around Great Sacandaga Lake can be significantly ameliorated by the introduction of an online permit transaction option; and

**WHEREAS**, the Regulating District's annual MWBE goal is 30%; and

**WHEREAS**, Interactive Media Consulting, LLC, a certified WBE, has provided a proposal to provide the services described above to the Regulating District;

**NOW THEREFORE BE IT RESOLVED**, that the Board of the Hudson River-Black River Regulating District authorizes the Executive Director to enter into an agreement with Interactive Media Consulting, LLC at an amount not to exceed \$8,500.

Approved as to form:



Robert P. Leslie  
General Counsel

Motion was made by Mr. Rosenthal and seconded by Mr. DeWitt that the Resolution be approved.

Present and Voting:

<u>MEMBER</u>	<u>AYE</u>	<u>NOE</u>	<u>ABSTAIN</u>
Mr. Finkle .....	<u>  X  </u>	_____	_____
Mr. Hayes.....	<u>  X  </u>	_____	_____
Mr. Rosenthal.....	<u>  X  </u>	_____	_____
Mr. De Witt.....	<u>  X  </u>	_____	_____
Mr. Bird.....	<u>  X  </u>	_____	_____

20-16-05

**RESOLUTION TO AWARD AUDIT SERVICES WORK TO  
GALLEROS ROBINSON CERTIFIED ACCOUNTANTS, LLP  
FOR FISCAL YEAR ENDING JUNE 30, 2020**

**WHEREAS**, the Board approved resolution 19-25-05 awarding audit services to Galleros Robinson Certified Accountants, LLP (Galleros Robinson), an MBE/WBE firm, for fiscal year July 1, 2018 through June 30, 2019; and

**WHEREAS**, resolution 19-25-05 authorized the Regulating District to extend the audit services engagement for one additional year; and

**WHEREAS**, Galleros Robinson has provided satisfactory audit services for fiscal year July 1, 2018 through June 30, 2019; and

**WHEREAS**, the Hudson River-Black River Regulating District staff believes it is in the best interest of the District to engage a MWBE qualified firm; and

**WHEREAS**, Nora Galleros, Partner in Charge at Galleros Robinson, has agreed to perform the District's audits going forward; and

**WHEREAS**, Galleros Robinson has agreed to perform the District's audit services for fiscal year ending June 30, 2020 at the amount not to exceed \$24,885.00; and

**NOW THEREFORE BE IT RESOLVED**, the Board of the Hudson River-Black River Regulating District hereby awards audit services work, for fiscal year ending June 30, 2020, to Galleros Robinson; and

**BE IT FURTHER RESOLVED**, the Board of the Hudson River-Black River Regulating District hereby authorizes the Executive Director to exercise the one year option contemplated in contract C012019 for a not to exceed amount of \$24,885.00, plus expenses up to \$4,000.00, for the audit of fiscal year ending June 30, 2020.

Approved as to form:



Robert P. Leslie  
General Counsel

Motion was made by Mr. Rosenthal and seconded by Mr. DeWitt that the Resolution be approved.

Present and Voting:

<u>MEMBER</u>	<u>AYE</u>	<u>NOE</u>	<u>ABSTAIN</u>
Mr. Finkle .....	<u>X</u>	_____	_____

*Approved at the May 12, 2020 Board Meeting*

Mr. Hayes .....	<u>X</u>	_____	_____
Mr. Rosenthal .....	<u>X</u>	_____	_____
Mr. De Witt .....	<u>X</u>	_____	_____
Mr. Bird .....	<u>X</u>	_____	_____

20-17-05

**A SECOND AMENDED AND RESTATED RESOLUTION AUTHORIZING THE  
ISSUANCE OF \$7,224,344.00 SERIAL OR SERIAL INSTALLMENT BONDS OF THE  
HUDSON RIVER-BLACK RIVER REGULATING DISTRICT TO FINANCE A  
PORTION OF THE COST OF THE RECONSTRUCTION OF THE SPILLWAY AT  
THE CONKLINGVILLE DAM.**

**WHEREAS**, the Hudson River-Black River Regulating District (the "District") operates and maintains the Conklingville Dam on the Sacandaga River in Hadley, New York (the "Dam"), which impounds the reservoir known as Great Sacandaga Lake (the "Reservoir") in the District's Hudson River Area; and

**WHEREAS**, the Board of the District has previously adopted that certain Bond Resolution, dated January 7, 2015 (the "Original Bond Resolution"), which among other actions (i) authorized the reconstruction of the spillway at Conklingville (the "Spillway"), including, without limitation, the installation of original or replacement equipment, machinery, apparatus, appurtenances and incidental improvements and expenses in connection therewith as further described in the Original Bond Resolution (the "Project") at a maximum estimated cost of \$3,246,867.00, and (ii) authorized the issuance of up to \$3,246,867.00 serial bonds of the District to finance the entire cost of such object or purpose, including soft costs such as the cost of issuance of such bonds associated therewith (the "Costs of the Project"); and

**WHEREAS**, the Board of the District has previously adopted an amendment and restatement to the Original Bond Resolution, dated June 13, 2017 (the "Amended Bond Resolution"), which among other changes to the Original Bond Resolution (i) amended the maximum estimated Cost of the Project to \$5,325,867.00, and (ii) authorized the issuance of up to \$3,246,867.00 serial bonds of the District to finance the entire cost of such object or purpose; and

**WHEREAS**, the District's management has revised the estimated Costs of the Project from \$5,325,867.00 to \$9,486,144.00, reflecting the results of engineering studies and bids received through January 24, 2020 (the "Revised Engineering Studies and Bids"); and

**WHEREAS**, pursuant to the Revised Engineering Studies and Bids it is proposed that the maximum Costs of Project be revised to the maximum estimated cost of \$9,486,144.00, and

**WHEREAS**, the Board of the District has previously determined, pursuant to a motion carried at the December 9, 2014 Regular meeting of the Board and in accordance with the State Environmental Quality Review Act (Article 8 of the Environmental Conservation Law) and the regulations promulgated thereunder, that the Project as proposed will not result in any significant adverse environmental impacts; and

**WHEREAS**, the Board of the District affirms that notwithstanding the revisions to the reconstruction Costs of the Project as described in the Revised Engineering Studies and Bids there is no change in the scope and breadth of the Project; and

**WHEREAS**, it is proposed that, if and to the extent the actual Costs of the Project exceeds the amount of the proceeds of the bonds of the District authorized to be issued under this Second Amended Bond Resolution, the balance of the Cost of the Project (not to exceed the maximum amount established by this Second Amended Bond Resolution) shall be paid out of available amounts in the District's general fund; and

**WHEREAS**, it is proposed that, as an alternative to serial bonds, in the discretion of the Chief Fiscal Officer, one or more statutory installment bonds may be issued and sold by the District for the purpose of financing the Costs of the Project (not to exceed the maximum amount of bonds to be issued by the District as established by this Second Amended Bond Resolution); and

**NOW THEREFORE BE IT RESOLVED** by the Board of the District, that the Original Bond Resolution, as amended or amended and restated by the Amended Bond Resolution, the First Amended Bond Resolution (collectively, the "Prior Bond Resolutions"), is hereby further amended and restated, as follows:

**Section 1.** The authorized maximum Cost of the Project as set forth in the Prior Bond Resolutions is hereby amended to a maximum estimated cost of \$9,486,144.00.

**Section 2.** It is hereby determined that the plan for the Cost of the Project is hereby amended to authorize (i) the issuance of up to \$7,224,344.00 serial or serial installment bonds of the District hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law, and (ii) funding the balance, if any, of the Cost of the Project out of available amounts in the District's general fund.

**Section 3.** It is hereby determined that the period of probable usefulness of the Project is forty (40) years, pursuant to subdivision 2 of paragraph a of Section 11.00 of the Local Finance Law.

**Section 4.** The faith and credit of the District are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year in a manner pursuant to the provisions of the Local Finance Law. There shall annually be levied and assessed upon the public corporations and parcels of real estate benefited by the Dam and the Reservoir an assessment sufficient, together with other available funds, to pay the principal of and interest on such bonds as the same become due and payable.

**Section 5.** Such bonds shall be in fully registered form and shall be signed in the name of the District by the manual or facsimile signature of the Chief Fiscal Officer, and the seal or a facsimile of the seal of the District shall be imprinted or impressed thereon. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the Chief Fiscal Officer shall determine.

**Section 6.** Subject to the provisions of this Second Amended Bond Resolution and of the Local Finance Law, and pursuant to the provisions of Sections 21.00, 50.00, 56.00 through 60.00, 62.00 and 63.00 of the Local Finance Law, the powers and duties of this Board relating to the sale and issuance of such bonds and to prescribe the terms, form and contents of such bonds and all other matters relating to such bonds, including, without limitation, determining whether

to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the District by the facsimile signature of the Chief Fiscal Officer, providing for the manual countersignature of a fiscal agent or of a designated official of the District), the date, denominations, maturity and interest payment dates, provisions (if any) for redemption prior to maturity, place or places of payment, determining whether or not interest on such bonds is intended to be excluded from gross income for federal income tax purposes, determining whether such bonds shall be sold at public or private sale, and determining whether the issuance of such bonds should be consolidated with issuances of other bonds, are hereby delegated to the Chief Fiscal Officer.

**Section 7.** It is hereby determined that it is to the financial advantage of the District not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent.

**Section 8.** This Second Amended Bond Resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this Second Amended Bond Resolution or the Prior Bond Resolutions, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

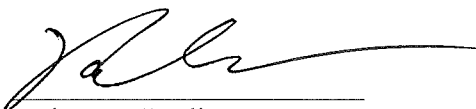
**Section 9.** Subject to the requirements of the Local Finance Law, the validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which the District is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this Second Amended Bond Resolution or the Prior Bond Resolutions, as applicable, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

**Section 10.** This Second Amended Bond Resolution is adopted subject to the approval of the New York State Department of Environmental Conservation pursuant to paragraph (f) of subdivision 4 of Section 2.00 of the Local Finance Law.

**Section 11.** Subject to the requirements of the Local Finance Law, this Second Amended Bond Resolution shall be published in summary form in the (Albany) Times Union and the Watertown Daily Times together with a notice of the Secretary-Treasurer of the District in substantially the form provided in Section 81.00 of the Local Finance Law.

Approved as to form:



Robert P. Leslie  
General Counsel

Motion was made by Mr. Rosenthal and seconded by Mr. Bird that the Resolution be approved.

Present and Voting:

<u>MEMBER</u>	<u>AYE</u>	<u>NOE</u>	<u>ABSTAIN</u>
Mr. Finkle.....	<u>  X  </u>	<u>      </u>	<u>      </u>
Mr. Hayes.....	<u>  X  </u>	<u>      </u>	<u>      </u>
Mr. DeWitt.....	<u>  X  </u>	<u>      </u>	<u>      </u>
Mr. Rosenthal.....	<u>  X  </u>	<u>      </u>	<u>      </u>
Mr. Bird.....	<u>  X  </u>	<u>      </u>	<u>      </u>

## CERTIFICATE OF RECORDING OFFICER

The undersigned hereby certifies that:

(1) He is the duly qualified and acting Secretary of the Hudson River-Black River Regulating District (hereinafter called the "District") and the custodian of the records of the District, including the minutes of the proceedings of the Board (hereinafter called the "Governing Body"); and is duly authorized to execute this certificate.

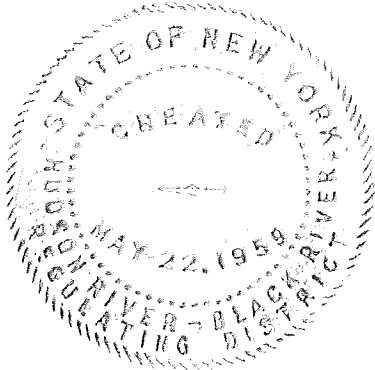
(2) Attached hereto is a true and correct copy of a resolution duly adopted at a meeting of the Governing Body held on the 12th day of May, 2020 and entitled:

A SECOND AMENDED AND RESTATED RESOLUTION AUTHORIZING THE ISSUANCE OF \$7,224,344.00 SERIAL OR SERIAL INSTALLMENT BONDS OF THE HUDSON RIVER-BLACK RIVER REGULATING DISTRICT TO FINANCE A PORTION OF THE COST OF THE RECONSTRUCTION OF THE SPILLWAY AT THE CONKLINGVILLE DAM.

(3) Said meeting was duly convened and held and said resolution was duly adopted in all respects in accordance with law and the regulations of the District. To the extent required by law or said regulations, due and proper notice of said meeting was given. A legal quorum of members of the Governing Body was present throughout said meeting, and a legally sufficient number of members of the Governing Body voted in the proper manner for the adoption of the resolution. All other requirements and proceedings under law, said regulations, or otherwise, incident to said meeting and the adoption of the resolution, including any publication, if required by law, have been duly fulfilled, carried out and otherwise observed.

(4) The seal appearing below constitutes the official seal of the District and was duly affixed by the undersigned at the time this certificate was signed.

IN WITNESS WHEREOF, the undersigned has hereunto set his hand this 12th day of May, 2020.



  
\_\_\_\_\_  
Robert Leslie  
Secretary

(SEAL)



20-18-05

**RESOLUTION, DATED MAY 12, 2020, APPROVING (I) AN AMENDMENT OF THE SHORT-TERM PROJECT FINANCE AGREEMENT AND (II) THE AMENDMENT AND RESTATEMENT OF THE E.F.C. CLEAN WATER FACILITY NOTE - 2017 A (BOND ANTICIPATION NOTE) WITH THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION IN CONNECTION WITH THE FINANCING OF THE RECONSTRUCTION OF THE SPILLWAY AT THE CONKLINGVILLE DAM**

**WHEREAS**, the Board of the Hudson River-Black River Regulating District (the “District”) has previously adopted that certain second Amended and Restated Bond Resolution, dated the date hereof (the “Bond Resolution”), which amended and restated the Original Bond Resolution, and the Amended Bond Resolution (in each case as defined in the Bond Resolution), (i) authorizing the reconstruction of the spillway at the Conklingville Dam on the Sacandaga River in Hadley, New York, being a specific object or purpose under the Local Finance Law at an increased cost of up to \$9,486,144.00 (the “Project”), and (ii) authorizing the issuance and sale of serial or statutory installment bonds of the District at an increased amount of up to \$7,224,344.00 to finance a portion of the cost of the Project; and

**WHEREAS**, the District and the New York State Environmental Facilities Corporation (“EFC”) entered into a Project Finance Agreement (Short-Term Financing Program) State Revolving Fund Project No.: C5-5601-01-00, dated November 2, 2017 (the “Short-Term PFA”), pursuant to which the District issued that certain E.F.C. Clean Water Facility Note - 2017 A (Bond Anticipation Note) in the principal amount of \$3,246,867.00, maturing on November 2, 2020 (the “Note”) to finance the Project; and

**WHEREAS**, the District and EFC desire to amend the Short-Term PFA (the “Amended Short-Term PFA”) to replace the form of Note attached thereto as Exhibit G, which replaced note shall be substantially in the form of the Note attached hereto as Exhibit 1 (the “Amended Note”); and

**WHEREAS**, the District and EFC desire replace the Note to (i) extend its term to a final maturity date of November 2, 2022, and (ii) increase the maximum principal amount of the Note to up to \$7,224,344.00 as set forth in the Amended Note; and

**WHEREAS**, the Board has concluded that it is in the best interest of the District to amend the Short-Term PFA to replace the Note attached thereto as Exhibit G as described above and to replace the Note in substantially the form of the Amended Note; and

**WHEREAS**, the Chief Fiscal Officer, with the concurrence of the District’s General Counsel and the District’s Bond Counsel, recommends that the Board approve the amendment of the Short-Term PFA to amend and restate Exhibit G as described above and to replace the Note in substantially the form of the Amended Note;

**WHEREAS**, the District’s Board shall delegate to the Chief Fiscal Officer the power to negotiate, finalize and execute the amendment of the Short-Term PFA to amend and restate

Adopted at the May 12, 2020 Board Meeting

Exhibit G attached thereto as described above and to replace the Note in substantially the form of the Amended Note;

**NOW THEREFORE BE IT RESOLVED** by the Board of the District, as follows:

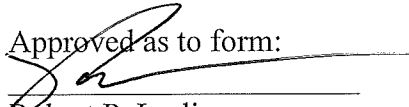
**Section 1.** The amendment of the Short-Term PFA to replace the form of the Note attached thereto as Exhibit G with the Amended Note, substantially in the form of the Amended Note, is hereby approved with such Amended Short Term PFA to be in a form that the Chief Fiscal Officer may negotiate with EFC and finalize and approve in his discretion, such approval to be evidenced conclusively by his execution of the Amended Short-Term PFA on behalf of the District.

**Section 2.** The Amended Note, substantially in the form of the Amended Note, is hereby approved with such changes as the Chief Fiscal Officer may in his discretion approve, such approval to be evidenced conclusively by his execution of the Amended Note on behalf of the District

**Section 3.** The Chief Fiscal Officer is hereby authorized and directed, for and on behalf of the District, to execute and deliver to EFC the Amended Short-Term PFA and the Amended Note.

**Section 4.** The Chief Fiscal Officer is hereby authorized and directed to execute and deliver such other documents and to take such other action in the consummation of the transactions herein contemplated as the Chief Fiscal Officer shall deem to be necessary or desirable, subject to applicable law.

**Section 5.** This Resolution is adopted subject to the approval of the New York State Department of Environmental Conservation pursuant to paragraph (f) of subdivision 4 of Section 2.00 of the Local Finance Law.

Approved as to form:  
  
Robert P. Leslie  
General Counsel

Motion was made by Mr. Rosenthal and seconded by Mr. Hayes that the Resolution be approved. Present and Voting:

<u>MEMBER</u>	<u>AYE</u>	<u>NOE</u>	<u>ABSTAIN</u>
Mr. Finkle.....	<u>  X  </u>	_____	_____
Mr. Hayes.....	<u>  X  </u>	_____	_____
Mr. DeWitt.....	<u>  X  </u>	_____	_____
Mr. Bird.....	<u>  X  </u>	_____	_____
Mr. Rosenthal.....	<u>  X  </u>	_____	_____

## CERTIFICATE OF RECORDING OFFICER

The undersigned hereby certifies that:

(1) He is the duly qualified and acting Secretary of the Hudson River-Black River Regulating District (hereinafter called the "District") and the custodian of the records of the District, including the minutes of the proceedings of the Board (hereinafter called the "Governing Body"); and is duly authorized to execute this certificate.

(2) Attached hereto is a true and correct copy of a resolution duly adopted at a meeting of the Governing Body held on the 12th day of May, 2020 and entitled:

RESOLUTION, DATED MAY 12, 2020, APPROVING (I) AN AMENDMENT OF THE SHORT-TERM PROJECT FINANCE AGREEMENT AND (II) THE AMENDMENT AND RESTATEMENT OF THE E.F.C. CLEAN WATER FACILITY NOTE - 2017 A (BOND ANTICIPATION NOTE) WITH THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION IN CONNECTION WITH THE FINANCING OF THE RECONSTRUCTION OF THE SPILLWAY AT THE CONKLINGVILLE DAM.

(3) Said meeting was duly convened and held and said resolution was duly adopted in all respects in accordance with law and the regulations of the District. To the extent required by law or said regulations, due and proper notice of said meeting was given. A legal quorum of members of the Governing Body was present throughout said meeting, and a legally sufficient number of members of the Governing Body voted in the proper manner for the adoption of the resolution. All other requirements and proceedings under law, said regulations, or otherwise, incident to said meeting and the adoption of the resolution, including any publication, if required by law, have been duly fulfilled, carried out and otherwise observed.

(4) The seal appearing below constitutes the official seal of the District and was duly affixed by the undersigned at the time this certificate was signed.

IN WITNESS WHEREOF, the undersigned has hereunto set his hand this 12th day of May, 2020.



Robert Leslie  
Secretary

(SEAL)



**EXHIBIT 1**

**EXHIBIT G**

**[FORM OF RECIPIENT NOTE]**

**Registered**

**Registered**

**No. RST-2**

**\$7,224,344.00**

**UNITED STATES OF AMERICA**

**STATE OF NEW YORK**

**HUDSON RIVER-BLACK RIVER REGULATING DISTRICT**

**E.F.C. Clean Water Facility Note - 2017 A  
(Bond Anticipation Note)**

**REGISTERED OWNER: NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION**

**MAXIMUM PRINCIPAL SUM: SEVEN MILLION TWO HUNDRED TWENTY FOUR THOUSAND THREE HUNDRED AND FORTY FOUR AND 00/100 DOLLARS (\$7,224,344.00)**

**INITIAL INTEREST RATE: 0.99% PER ANNUM**, but subject to change upon the terms and conditions set forth in the Project Finance Agreement referred to below.

**DATED DATE:** November 2, 2017

**MATURITY DATE:** November 2, 2022

The HUDSON RIVER-BLACK RIVER REGULATING DISTRICT (the "Recipient"), a public corporation of the State of New York, hereby acknowledges itself indebted and for value received promises to pay to the Registered Owner named above, the lesser of (x) the Maximum Principal Sum set forth above and (y) the unpaid principal amount of all advances (the "Advances") made by or on behalf of New York State Environmental Facilities Corporation (the "Corporation") to the Recipient pursuant to Article IV of the Project Finance Agreement dated as of November 2, 2017, as amended (the "Project Finance Agreement"), between the Corporation and the Recipient (the lesser of such amounts being hereinafter referred to as the "Unpaid Principal Sum" plus any and all interest then accrued, late fees and other fees and expenses then due), such amount to be paid on the Maturity Date stated above or upon such later date as may be established pursuant to the Project Finance Agreement in accordance with **Exhibit E** thereto. All advances made by or on behalf of the Corporation to the Recipient pursuant to the Project Finance Agreement, and all prepayments made on account of the Unpaid Principal Sum hereof, interest, fees and other charges shall be recorded by or on behalf of the Corporation and endorsed on the grid attached hereto in accordance with the terms of the Project Finance Agreement, which is hereby made a part hereof. Recordation of Advances, confirmed by a certificate of the Recipient given in accordance with the

Project Finance Agreement, shall conclusively establish the principal amount outstanding hereunder. Interest, if any, shall accrue on said Unpaid Principal Sum and is payable on May 1, 2018 and November 1, 2018 and semi-annually thereafter until maturity and principal payments are due on November 2, 2019, or on such other date as determined in accordance with **Exhibit E** to the Project Finance Agreement, and annually thereafter until maturity. In the event of any default in the payment of said Unpaid Principal Sum on the earlier of the Maturity Date or the date of earlier redemption, the Recipient promises to pay interest on said Unpaid Principal Sum to the Registered Owner named above at the Overdue Interest Rate on and after said Maturity Date or date of earlier redemption until said Unpaid Principal Sum is paid in full. Principal of and interest, if any, on this Note shall be payable to the Registered Owner hereof, at its address set forth on the books of the Recipient maintained for registration of this Note. For so long as the Corporation is the registered owner of this Note, the Corporation may, by written instruction to the Recipient, direct the Recipient to pay any principal of and interest, if any, on this Note to any bank acting as custodian of the Corporation. Both principal of and interest, if any, on this Note will be paid, without presentment, in funds available on or before the due date and in any lawful coin or currency of the United States of America which at the date of payment is legal tender for the payment of public and private debts. Terms used and not otherwise defined herein shall have the respective meanings set forth in the Project Finance Agreement.

This Note shall be transferable or exchangeable, solely in accordance with the terms of the Project Finance Agreement, only upon presentation to the Recipient with a written transfer of title and such Recipient shall thereupon register this Note in the name of the transferee in his books and shall endorse a certificate of such registration hereon. Such transfer shall be dated and signed by the Registered Owner, or his legal representatives, and it shall be duly acknowledged or proved, or in the alternative the signature thereto shall be certified as to its genuineness by an officer of a bank or trust company located and authorized to do business in this State.

This Note may be called for redemption in whole or in part by the Recipient, at the Redemption Price, on any date prior to maturity after the giving of at least ten (10) days written notice of the date of redemption by delivery of written notice to the Registered Owner.

This Note shall be subject to mandatory redemption, in whole, prior to maturity, pursuant to and in accordance with Section 4.3(a) of the Project Finance Agreement if, following the award of the last major contract relating to the Project, (a) Recipient fails to satisfy all conditions precedent to the conversion of the Financing to Long-Term Financing within 60 days of receipt of a written notice from the Corporation setting forth such conditions precedent, (b) Long-Term Financing is made available to the Recipient by the Corporation, and (c) the Corporation makes written demand of the Recipient for such redemption.

This Note shall be subject to mandatory redemption prior to the Maturity Date pursuant to, and in accordance with, Section 4.3(a) of the Project Finance Agreement upon the date specified in a notice from the Corporation delivered to the Recipient not less than sixty (60) days prior to such redemption date that the Project financed or to be financed by Advances under this Note has been abandoned by the Recipient.

This Note shall further be subject to mandatory redemption, in whole or in part, prior to maturity, pursuant to and in accordance with Section 4.3(a) and **Exhibit E** of the Project Finance Agreement, within five (5) Business Days next succeeding the date the Recipient shall have

received any proceeds from any Third-Party Funding which are intended to pay, in whole or in part, any costs of this Project which have been, or are intended to be, financed with the Financing made pursuant to the Project Finance Agreement; provided, however, that this Note shall be subject to such mandatory redemption solely to the extent of, and in an amount equal to, the proceeds of such Third-Party Funding received by the Recipient on or after the date of this Note. If such Third-Party Funding is not paid to the Corporation within five (5) Business Days after the receipt of the Third-Party Funding by the Recipient, this Note or portions thereof in the sum of said Third-Party Funding shall bear interest until paid at the Overdue Interest Rate effective five (5) Business Days after the receipt of the Third-Party Funding and continue until such Third-Party Funding is paid to the Corporation.

This Note shall be redeemed upon the terms and conditions set forth in Article **VII** of the Project Finance Agreement.

This Note is issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York, the amended and restated bond resolution adopted by the Board of the Hudson River-Black River Regulating District on June 13, 2017, authorizing the issuance of \$3,246,867.00 serial bonds, and the Certificate of Determination executed by the Chief Fiscal Officer of the Hudson River-Black River Regulating District dated as of November 2, 2017, as supplemented and amended from time to time in accordance with the Project Finance Agreement. This Note replaces the original note issued on November 2, 2017 in the principal amount of 3,246,867.00, which has been cancelled simultaneously with the issuance of this Note.

The faith and credit of such Recipient are hereby irrevocably pledged for the punctual payment of the principal of and interest, if any, on this Note according to its terms.

It is hereby certified and recited that all conditions, acts and things required by the Constitution and statutes of the State of New York to exist, to have happened and to have been performed precedent to and in the issuance of this Note, exist, have happened and have been performed, and that this Note, together with all other indebtedness of such Recipient, is within every debt and other limit prescribed by the Constitution and laws of such State.\*

\* This Recipient Note must be authenticated if authentication is required pursuant to the Resolution or local law.

[SIGNATURE PAGE TO FOLLOW]

**IN WITNESS WHEREOF**, the Recipient has caused this Note to be executed by its Chief Fiscal Officer by manual signature or a facsimile thereof, and its corporate seal (or a facsimile thereof) to be affixed, imprinted, engraved, or otherwise reproduced hereon and attested by its Clerk and this Note to be dated as of the Dated Date set forth above.

HUDSON RIVER-BLACK RIVER REGULATING DISTRICT

(SEAL)

By: \_\_\_\_\_ FORM / DO NOT SIGN

Name: Timothy Maniccia

Title: Chief Fiscal Officer

ATTEST:

FORM / DO NOT SIGN

Name: Anna Tracy

(FORM OF ASSIGNMENT)

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FOR VALUE RECEIVED, the Undersigned hereby sells, assigns and transfers unto

~~(Please insert Social Security or other identifying number of Assignee(s))~~ the within note and all rights thereunder, and hereby irrevocably constitutes and appoints \_\_\_\_\_

attorney to transfer the within note on the books kept for registration thereof with full

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power of substitution in the premises.

Dated:

NOTICE: The signature to this assignment must correspond with the name as it appears upon the face of the within note in every particular, without alteration or enlargement or any change whatever \_\_\_\_\_

20-19-05

**RESOLUTION CONFIRMING ACCESS PERMIT FEE SCHEDULE FOR GREAT SACANDAGA LAKE**

**WHEREAS**, sections 606.65, 606.66, 606.67, 606.69, 606.70 and 606.71 of the *Rules and Regulations Governing Use by Permit Holders of State-Owned Property at Great Sacandaga Lake* (6 NYCRR Part 606) authorize the Regulating District to collect fees in the administration of the access permit system at Great Sacandaga Lake; and

**WHEREAS**, section 606.68 reserves to the Board the right to fix the dollar amount for all charges or fees described therein; and

**WHEREAS**, the Board has compiled in the attached chart a complete list of the fees charged in association with the operation of the access permit system at Great Sacandaga Lake; and

**WHEREAS**, the attached chart displays: 1) the regulatory provision underlying each fee; 2) a description of the fee charged; 3), the amount of that fee, and; 4) the resolution through which the Board established the amount of each fee; and

**WHEREAS**, New York's Administrative Procedure Act (SAPA) §102 defines 'rule' to include any agency statement that prescribes a fee charged by, or paid to, any agency; and

**WHEREAS**, not included within the SAPA definition are fees which total less than \$100 or, if \$100 or more, fees which can be reasonably expected to result in an annual aggregate collection of not more than \$1,000; and

**WHEREAS**, in each instance depicted in the left most column of the attached chart for which no regulatory cite has been provided, the fee charged is either below \$100, or the Regulating District does not expect to collect more than \$1,000 annually from that fee; and

**WHEREAS**, for ease of reference, the chart's right most column includes the date upon which the Board most recently adopted the monetary amount of each such fee; and

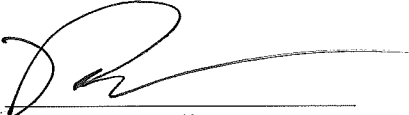
**WHEREAS**, the Board has determined that it is prudent to confirm, restate, and consolidate the basis underlying each of the fees charged in the administration of the access permit system; and

**NOW THEREFORE BE IT RESOLVED**, that the access permit fee schedule for the Great Sacandaga Lake as set forth in the schedule attached hereto and made a part hereof is hereby approved, effective May12, 2020.

*Approved at the May 12, 2020 Board Meeting*

**BE IT FURTHER RESOLVED THAT**, the Board directs staff to modify the right most column of the attached fee schedule to depict adoption of this resolution on today's date and to then publish said fee schedule upon the Regulating District's website.

Approved as to form:



Robert P. Leslie  
General Counsel

Motion was made by Mr. Rosenthal and seconded by Mr. Hayes that the Resolution be approved.

Present and Voting:

<u>MEMBER</u>	<u>AYE</u>	<u>NOE</u>	<u>ABSTAIN</u>
Mr. Finkle .....	<u>X</u>	_____	_____
Mr. Hayes.....	<u>X</u>	_____	_____
Mr. Rosenthal.....	<u>X</u>	_____	_____
Mr. DeWitt.....	<u>X</u>	_____	_____
Mr. Bird.....	<u>X</u>	_____	_____

“CURRENT ACCESS PERMIT FEES”

**New Access Permit Fees**

§606.65(a)(1)	Basic Survey Fee is \$125 per line (Typically Two Lines) – 0’-100’ width	\$250.00	R-91-16-05 1/1/92
§606.65(c)	Clerical Fee	\$40.00	R-91-16-05 1/1/92
§606.65(c)	Sign Fee	\$10.00	R-91-16-05 1/1/92
§606.65(c)	Late Fee Clerical (for payments made between March 15 - April 15)	\$20.00	R-93-29-06-1/1/92
§606.65(c)	Late Fee Clerical (for payments made after April 15 <sup>th</sup> )	\$50.00	R-93-29-06-1/1/92
§606.65(c)	Name Change – Marriage, Death, Court Order, etc.(Clerical & Sign)	\$50.00	R-03-03-2 2/10/03
§606.65(e)	Work Permit	\$10.00	R-91-16-05 1/1/92
§606.65(a)(2)	Additional 100’ (or portion thereof) Access Area Width	\$30.00	R-88-19-05 1/1/89
§606.65(b)	Permittee Request for New Survey - \$125 per line for ‘Re-Stakeout’	\$125.00	
	Event – Temporary Permits	\$25.00	Motion on 3/28/17

**Renewal Access Permit Fees**

§606.69	Access Permit Area Width up to 10’	\$43.00	R-00-49-12 1/1/01
§606.69	10.1 – 50’	\$48.00	R-00-49-12 1/1/01
§606.69	50.1 – 100’	\$56.00	R-00-49-12 1/1/01
§606.69	100.1 – 200’	\$72.00	R-00-49-12 1/1/01
§606.69	200.1 – 300’	\$92.00	R-00-49-12 1/1/01
§606.69	300.1 – 400’	\$112.00	R-00-49-12 1/1/01
§606.69	400.1 – 500’ (\$20 per extra 100’)	\$132.00	R-00-49-12 1/1/01
§606.69	Additional 100’ (or portion thereof) Access Area Width	\$20.00	R-00-49-12 1/1/01

**New & Renewal Commercial & Special/Association Fees**

§606.65(c)	Minimum Fee (If less than four Boats)	\$150.00	R-91-16-05 1/1/92
§606.67(a)(1)	Boat/Slip (Per Slip)	\$41.00	R-91-16-05 1/1/92
	Gas Pump (Per Pump)	\$40.00	R-91-16-05 1/1/92
§606.67(a)(2)	Boat Launch	\$150.00	R-91-16-05 1/1/92
§606.65(c)	Public Recreation Area (Clerical Fee – Commercial)	\$75.00	R-91-16-05 1/1/92
	Sewage Pump-out	\$40.00	

**Sacandaga Park Bathing Beach Fee**

Aison v Hrbrd (Sup Ct, Fulton 1/29/03) 79812	New Bathing Beach Permit (Issued only to eligible Sacandaga Park Property Owners)	\$50.00	
	Renewal ID Card	\$10.00	



20-20-05

**RESOLUTION SCHEDULED DATE, TIME AND LOCATION OF THE  
JUNE 9, 2020 REGULAR BOARD MEETING**

**BE IT RESOLVED**, that the next Regular Meeting of the Board of the Hudson River-Black River Regulating District will be held on Tuesday, June 9, 2020 at the Regulating District's Sacandaga Field Office, 737 Bunker Hill Road, Mayfield, NY 12117 at 10 AM.

Approved as to form:



Robert P. Leslie  
General Counsel

Motion was made by Mr. Rosenthal and seconded by Mr. Hayes that the Resolution be approved.

Present and voting:

<u>MEMBER</u>	<u>AYE</u>	<u>NOE</u>	<u>ABSTAIN</u>
Mr. Finkle.....	<u>  X  </u>	_____	_____
Mr. Hayes.....	<u>  X  </u>	_____	_____
Mr. Rosenthal.....	<u>  X  </u>	_____	_____
Mr. DeWitt.....	<u>  X  </u>	_____	_____
Mr. Bird.....	<u>  X  </u>	_____	_____

