

**HUDSON RIVER-BLACK RIVER REGULATING DISTRICT
BOARD MEETING –SEPTEMBER 14, 2010
SARATOGA SPRINGS, NY– 10:00 A.M.**

CALL TO ORDER

Chairman Klein called the regularly scheduled meeting to order at 10:00 A.M.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Chairman Philip W. Klein; Second Vice Chair David Berkstresser and Board members; Paul J. Cornell; Thomas Stover and Albert J. Hayes; General Counsel Robert P. Leslie; Chief Engineer Robert S. Foltan; Chief Fiscal Officer Richard J. Ferrara; Hudson River Area Administrator Michael A. Clark; Black River Area Administrator Carol L. Wright; and other Regulating District staff.

Excused: Michael F. Astafan

INTRODUCTION OF NEW BOARD MEMBER

Chairman Klein stated that the Board welcomes Mr. Albert J. Hayes who was appointed to the Board. Chairman Klein said Mr. Hayes recently retired from the Regulating District after 21 years of service and his history with the Regulating District will be an asset to the Board.

MOTION TO ADOPT MEETING AGENDA

Chairman Klein assumed the motion and stated the question to adopt the meeting agenda and the motion was unanimously approved.

**RESOLUTION CONFERRING UPON THE HUDSON RIVER AREA
ADMINISTRATOR THE RESPONSIBILITIES AND DUTIES OF THE EXECUTIVE
DIRECTOR**

Chairman Klein read the resolution for the record. Chairman Klein assumed the motion and stated the question to approve the Resolution. Chairman Klein asked for a roll call vote.

Philip W. Klein	Aye
David Berkstresser	Aye
Paul J. Cornell	Aye
Thomas Stover	Aye
Albert J. Hayes	Abstain

The roll call vote was four yes and one abstention, with a majority passing the resolution.

PUBLIC COMMENT PERIOD

There were four speakers who made comments on the Regulating District improving communications with the Great Sacandaga Lake community, the Great Sacandaga Lake Association, the state of the Regulating District and the Executive Director position.

APPROVAL OF MEETING MINUTES

Chairman Klein assumed the motion and stated the question to accept the regular July 13, 2010 Board Meeting minutes. The motion carried with one abstention. (Mr. Klein)

ACTING EXECUTIVE DIRECTOR REPORT

Mr. Clark presented his report to the Board.

COMMITTEE BUSINESS

(a) Permit System –

(1) Old Business – None

(2) New Business

(A) Resolution Authorizing the Acting Executive Director to Appoint an Alternate to Hear Access Permit Appeals

Chairman Klein asked for clarification on the Acting Executive Director's latitude for making such appointments. Mr. Leslie responded that the expectation is that the Acting Executive Director that the Board appoints will carefully consider the qualifications of an alternate person to hear access permit appeals. Mr. Leslie stated this is a delegation of authority.

A motion was made by Mr. Berkstresser to approve the Resolution. Mr. Cornell seconded the motion. Mr. Hayes voted against. The resolution passed 4-1, with no abstentions.

(b) Governance – Mr. Astafan (In the absence of Chairman Astafan Mr. Cornell served as Acting Chair and asked that the committee business be heard by the Board as a whole.)

(1) Old Business - None

(2) New Business

(A) First Reading of Workplace Violence Prevention Policy – Mr. Leslie

Mr. Leslie reported that this is the first reading of the Workplace Violence Prevention Policy in compliance with the Hudson River-Black River Regulating District's Resolution Adopting the District's Prospective Policy-Making Policy #06-08-02, wherein the Board shall review and discuss proposed policies at a series of at least three (3) open public Board Meetings before adoption by Resolution. He stated that this policy is in response to a request from the

Chair of the Assembly Subcommittee on Workplace Violence Prevention requesting the Regulating District assess its level of compliance with the Public Employment Workplace Violence Prevention Law. Mr. Leslie indicated that the Regulating District convened a Task Force comprising of management and unionized employees to conduct a security checklist assessment and document review to identify risks and suggest mitigation measures regarding workplace violence. He also said that the Regulating District solicited and secured input from the CSEA's expert on Workplace Violence Prevention programs. Mr. Leslie said the Regulating District has crafted the proposed Workplace Violence Prevention program designed to identify and mitigate risks of workplace assault and/or homicide as required by the law. The completed survey and prevention policy and program have been submitted to the Chair of the Subcommittee on Workplace Safety. Mr. Leslie stated the Board could contact him with any proposed changes or questions.

(B) Resolution Authorizing Acting Executive Director to Execute Agreement By and Between the Hudson River-Black River Regulating District and the Civil Service Employees Association, Inc., AFSCME Local 1000, AFL-CIO, Hudson River-Black River Regulating District Local 120

Chairman Klein assumed the motion and stated the question. Chairman Klein asked for a roll call vote.

Philip W. Klein	Aye
David Berkstresser	Aye
Paul J. Cornell	Aye
Thomas Stover	Aye
Albert J. Hayes	Recused

The roll call vote was four yes and one recusal, with a majority passing the resolution

(C) Resolution to Approve an Eighth Amendment to the Retainer Agreement for Legal Services in Connection to Ongoing Litigation with Erie Boulevard Hydropower, L.P. and Niagara Mohawk Power Corporation

A motion was made by Mr. Berkstresser to approve the Resolution. Mr. Stover seconded it and without objections, the Board unanimously approved.

(D) General Counsel Report – Mr. Leslie

Mr. Leslie presented his report to the Board.

(c) Finance Committee

(1) Approval of Expenses

Mr. Berkstresser made a motion to approve the expenses in the amount of \$690.93. Mr. Cornell seconded it and without objections, the Board unanimously approved.

(2) Old Business – None

(3) New Business

(A) CFO's Report – Mr. Ferrara

Mr. Ferrara presented his report to the Board.

(d) Operations Committee – Mr. Berkstresser

(1) Old Business -None

(2) New Business

(A) Chief Engineer's Report – Mr. Foltan

Mr. Foltan presented his report to the Board. Mr. Foltan reviewed the projects that were postponed for one year by the Board in September 2009 and discussed the rescheduling of Black River Area 2009-2012 Budgeted Maintenance Projects.

(B) Hudson River Area Administrator Report – Mr. Clark

Mr. Clark presented his report to the Board.

(C) Black River Area Administrator's Report – Mrs. Wright

Mrs. Wright presented her report to the Board.

(e) Employment and Compensation Committee – Mr. Berkstresser

(1) Old Business –None

(2) New Business

(A) Resolution to Recall Randy T. Palmateer as a Maintenance Specialist in the Hudson River Area of the Hudson River-Black River Regulating District - Mr. Clark

Chairman Klein assumed the motion and stated the question. The Board unanimously approved.

(B) Resolution Authorizing the Reemployment of Daniel A. Holtje as a Licensed Land Surveyor for the Hudson River-Black River Regulating District – Mr. Clark

A motion was made by Mr. Stover to approve the Resolution. It was seconded by Mr. Cornell. Mr. Hayes voted against. The resolution passed 4-1, with no abstentions.

Meeting recessed for a break: 11:13 A.M.

Meeting reconvened: 11:22 A.M.

BOARD BUSINESS

(1) Old Business -None

(2) New Business

Chairman Klein appointed Mr. Hayes to Chair the Permit System Committee and to serve on the Governance and Operations Committees.

(A) AEG Apportionment Study Report Update – Board Discussion

The Board discussed the findings of the AEG Apportionment Study and the March 2010 in-house Apportionment. Staff recommended that the March 2010 apportionment, based on the in-house methodology and formula form the basis for the 2010-2011 Hudson River Area Assessment. Mr. Ferrara read for the record the Resolution to Approve the Annual Assessment for the Operation and Maintenance of The Great Sacandaga Lake for the Second Year of the Three Year Budget Period Beginning July 1, 2009 through June 30, 2012. Mr. Ferrara clarified that the assessment will be sent out to the counties in September and payment from the counties would be due in January 2011.

Resolution To Approve The Annual Assessment For The Operation And Maintenance Of The Great Sacandaga Lake For The Second Year Of The Three Year Budget Period Beginning July 1, 2009 Through June 30, 2012

Chairman Klein assumed the motion and stated the question. Chairman Klein asked for a roll call vote.

Philip W. Klein	Aye
David Berkstresser	Aye
Paul J. Cornell	Aye
Thomas Stover	Aye
Albert J. Hayes	Aye

The roll call vote was unanimous passing the resolution.

BOARD MEMBER QUESTIONS AND COMMENTS

The Board Chair recognized former Board Member Ronald Pintuff and asked if Mr. Pintuff wanted to say a few words in connection with his distinguished tenure on the Board. Mr. Pintuff thanked the staff for its courtesies over the past six and half years that he served on the Board. He also wished the Board well.

MOTION FOR NEXT BOARD MEETING

(1) Regular Board Meeting

A motion was made by Mr. Cornell for approval of the Resolution for the Regular Board Meeting to be held on Wednesday, October 13, 2010 at the Stillwater Hotel, 2591 Stillwater Road, Lowville, NY 13367 at 10:00 A.M. Mr. Stover seconded it. The motion was unanimously approved.

RESOLUTIONS

10-42-09 RESOLUTION CONFERRING UPON THE HUDSON RIVER AREA ADMINISTRATOR THE RESPONSIBILITIES AND DUTIES OF THE EXECUTIVE DIRECTOR

Motion was assumed and question stated by Chairman Klein that the resolution be approved. The resolution was adopted.

10-43-09 RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO APPOINT AN ALTERNATE TO HEAR ACCESS PERMIT APPEALS

Mr. Berkstresser moved to adopt the resolution. Mr. Cornell seconded it and the resolution was adopted.

10-44-09 RESOLUTION AUTHORIZING ACTING EXECUTIVE DIRECTOR TO EXECUTE AGREEMENT BY AND BETWEEN THE HUDSON RIVER-BLACK RIVER REGULATING DISTRICT AND THE CIVIL SERVICE EMPLOYEES ASSOCIATION, INC., AFSCME LOCAL 1000, AFL-CIO, HUDSON RIVER-BLACK RIVER REGULATING DISTRICT LOCAL 120

Motion was assumed and question stated by Chairman Klein that the resolution be approved. The resolution was adopted.

10-45-09 RESOLUTION TO APPROVE AN EIGHTH AMENDMENT TO THE RETAINER AGREEMENT FOR LEGAL SERVICES IN CONNECTION TO ONGOING LITIGATION WITH ERIE BOULEVARD HYDROPOWER, L.P. AND NIAGARA MOHAWK POWER CORPORATION

Mr. Berkstresser moved to adopt the resolution. Mr. Stover seconded it and the resolution was adopted.

10-46-09 RESOLUTION TO RECALL RANDY T. PALMATEER AS A MAINTENANCE SPECIALIST IN THE HUDSON RIVER AREA OF THE HUDSON RIVER-BLACK RIVER REGULATING DISTRICT

Motion was assumed and question stated by Chairman Klein that the resolution be approved. The resolution was adopted.

10-47-09 RESOLUTION AUTHORIZING THE REEMPLOYMENT OF DANIEL A. HOLTJE AS A LICENSED LAND SURVEYOR FOR THE HUDSON RIVER-BLACK RIVER REGULATING DISTRICT

Mr. Berkstresser moved to adopt the resolution. Mr. Cornell seconded it and the resolution was adopted.

10-48-09 RESOLUTION TO APPROVE THE ANNUAL ASSESSMENT FOR THE OPERATION AND MAINTENANCE OF THE GREAT SACANDAGA LAKE FOR THE SECOND YEAR OF THE THREE YEAR BUDGET PERIOD BEGINNING JULY 1, 2009 THROUGH JUNE 30, 2012

Motion was assumed and question stated by Chairman Klein that the resolution be approved. The resolution was adopted.

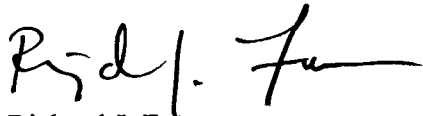
10-49-09 RESOLUTION SCHEDULING DATE, TIME AND LOCATION OF THE OCTOBER 13, 2010 BOARD MEETING

Mr. Cornell moved to adopt the resolution. Mr. Stover seconded it and the resolution was adopted.

ADJOURNMENT

There being no further business to come before the Board, Mr. Berkstresser moved to adjourn the meeting. Mr. Cornell seconded it. The motion was unanimously approved. The meeting adjourned at 11:51 A.M.

Respectfully submitted,



Richard J. Ferrara
Secretary/Treasurer