

**HUDSON RIVER-BLACK RIVER REGULATING DISTRICT
BOARD MEETING –APRIL 12, 2011
LAKE GEORGE, NY– 10:00 A.M.**

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Chairman David W. Berkstresser; First Vice Chairperson Michael F. Astafan; Second Vice Chairperson Albert J. Hayes and Board members; Philip W. Klein, Thomas Stover and Mark M. Finkle; Acting Executive Director and Hudson River Area Administrator Michael A. Clark; General Counsel Robert P. Leslie; Chief Engineer Robert S. Foltan; Chief Fiscal Officer Richard J. Ferrara; Black River Area Administrator Carol L. Wright; and other Regulating District staff.

MOTION TO ADOPT MEETING AGENDA

A motion was made by Mr. Astafan to adopt the meeting agenda. Mr. Stover seconded it and the motion was unanimously approved.

MOTION FOR EXECUTIVE SESSION

Chairman Berkstresser asked for a motion for Executive Session to discuss litigation involving Albany, Rensselaer, Saratoga, Warren and Washington Counties. Mr. Klein made a motion for Executive Session. It was seconded by Mr. Astafan and was unanimously approved. Chairman Berkstresser stated there will be no business conducted after Executive Session. Chairman Berkstresser asked the Acting Executive Director, General Counsel, Chief Fiscal Officer and Chief Engineer to join the Board for Executive Session.

PUBLIC COMMENT PERIOD

There were three speakers, who commented on exclusive use on permit areas at Great Sacandaga Lake, the Regulating District's litigation with Albany, Saratoga, Rensselaer, Warren and Washington Counties, Federal legislation and dam safety.

APPROVAL OF MEETING MINUTES

Mr. Hayes moved to approve the Regular Board Meeting minutes of March 8, 2011. Mr. Stover seconded it and the motion was unanimously approved.

ACTING EXECUTIVE DIRECTOR REPORT

Mr. Clark presented his report to the Board. Mr. Clark reported to the Board that Mr. Foltan had a conversation with a representative from the Federal Energy Regulatory Commission (FERC) regarding the progress of the 10f headwater benefit study and the study schedule. Pursuant to the conversation, Mr. Clark stated that staff estimates that the earliest FERC will issue a letter report summarizing the Section 10f benefit calculation will be mid-November 2011. Mr. Clark also reported that the sale of used vehicles through sealed bids, which the Board approved at the March 8, 2011 Board meeting had been concluded. He said the 2000 Toyota Tacoma was sold to the highest bidder for \$5,283.83; the 2007 International Single Axle Dump truck was sold to the highest bidder for \$50,160.00 and the miscellaneous lot of equipment was sold to the highest bidder for \$2,100.00. The total revenue received was \$57,543.83. Mr. Clark said there were no bids received on the 2003 Ford Explorers. Mr. Clark stated that the 2003 Ford Explorers will be rebid within the next month.

Mr. Clark acknowledged the Regulating District's staff dedication and professionalism to seek and secure solutions to the financial crisis facing the Hudson River Area.

Mr. Finkle thanked Mr. Clark for an informative and very interesting tour of the Conklingville Dam.

COMMITTEE BUSINESS

(a) Permit System –Mr. Hayes

(1) Old Business – None

(2) New Business – None

(b) Governance – Mr. Astafan

(1) Old Business - None

(2) New Business

(A) Resolution to Satisfy Annual Review and Approval of Investment Policy – Mr. Ferrara

A motion was made by Mr. Stover to adopt the Resolution to Satisfy Annual Review and Approval of Investment Policy. It was seconded by Mr. Hayes and was unanimously approved.

(B) Resolution to Satisfy Annual Review and Approval of Procurement Policy – Mr. Ferrara

A motion was made by Mr. Hayes to adopt the Resolution to Satisfy Annual Review and Approval of Procurement Policy. It was seconded by Mr. Stover and was unanimously approved.

(C) Resolution to Satisfy Annual Review and Approval of Property Guidelines Policy – Mr. Ferrara

A motion was made by Mr. Hayes to adopt the Resolution to Satisfy Annual Review and Approval of Property Guidelines. It was seconded by Mr. Stover and was unanimously approved.

(D) General Counsel Report – Mr. Leslie

Mr. Leslie presented his report to the Board and stated he had the following to report since the writing of his report.

The Regulating District had not yet received an answer from the Attorney General's Office regarding the request for representation in the Matter of the application of County of Fulton, New York, Broadalbin-Perth Central School District, Mayfield Central School District, and Northville Central School District vs. The State of New York and Hudson River-Black River Regulating District. Mr. Leslie noted that the Attorney General's office requested and opposing counsel's consented to an extension for the Regulating District to file an answer in this matter.

In the matter John McDonald and Kandy McDonald vs. Board of the Hudson River-Black River Regulating District, et al., the McDonald's have filed their Appellant's Brief with the Appellant Division-Third Department of the New York State Supreme Court.

In the matter of Christina V. Chera vs. Board of Hudson River-Black River Regulating District. Clemente J. Parente of Crane & Parente, attorneys representing the Regulating District, have filed a motion seeking summary judgment on the grounds of collateral estoppel and assumption of risk.

In the matter of Albany, Rensselaer, Saratoga, Warren and Washington Counties vs. The Hudson River-Black River Regulating District and The New York State Department of Environmental Conservation. the Honorable Stephen A. Ferradino, Justice Supreme Court, County of Saratoga by decision dated April 1, 2011 granted the respondents/defendants (Regulating District) motion for summary judgment dismissing the counties' complaint in its entirety. The counties have thirty days from the date of the filing of the decision to file an appeal and nine months to perfect that appeal.

Chairman Berkstresser asked Mr. Leslie to comment on the annual report to the NYS Commission on Public Integrity of 'honoraria' and travel reimbursement earned by Regulating District Board and staff. Mr. Leslie stated for the record Hudson River-Black River Board members are only reimbursed for their travel expenses to ten regular monthly meetings usually held each year throughout both watersheds. The Board members of the Regulating District receive no other compensation or benefits to serve on the Board.

Mr. Klein said he understands the road in Hadley that was washed away in March has reopened and he would like to know what if any is the Regulating District's responsibility in this matter. Mr. Leslie stated that the road in Hadley is a county highway under the jurisdiction of Saratoga County. He said because when the accident occurred it was in the proximity of the state's property he did work with Regulating District staff and the Insurance Adjuster assigned to investigate the road failure in Hadley. To date there has not been a claim filed.

(c) Finance Committee – Mr. Stover

(1) Approval of Expenses - None

(2) Old Business – None

(3) New Business

(A) CFO's Report – Mr. Ferrara

Mr. Ferrara presented his report to the Board. Mr. Ferrara noted that pursuant to the Small Business Jobs Act of 2010, the Deferred Compensation Plan will begin permitting participants to make Roth (post-tax) contributions. Mr. Ferrara recommends that the Board approve a motion in order that staff can facilitate the payroll system changes necessary to process post-tax contributions.

Mr. Klein made the motion to adopt the Roth Contribution Provision and requested that all staff be notified of the provision. It was seconded by Mr. Stover and was unanimously approved.

(d) Operations Committee – Mr. Hayes

(1) Old Business -None

(2) New Business

(A) Resolution To Amend Contract C052009 with GEI Consultants, Inc. In Connection to Conklingville Dam Part 12 Independent Consultant Safety Inspection – Mr. Foltan

Mr. Foltan stated that GEI has provided a proposal which contains a scope of work and fee to respond to the Federal Energy Regulatory Commission's (FERC) additional information request of October 2010 for completion of the Second Part 12D independent consultant safety inspection. He said staff seeks Board authorization to amend the scope of work and increase the contract price by \$9,000, to a total contract price of \$30,000.00.

A motion was made by Mr. Finkle to adopt the Resolution to Amend Contract C052009 with GEI Consultants, Inc. in Connection to Conklingville Dam Part 12 Independent Consultant Safety Inspection. It was seconded by Mr. Stover and was unanimously approved.

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

Mr. Foltan presented his report to the Board.

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

Mr. Clark presented his report to the Board.

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

Mrs. Wright presented her report to the Board.

MOTION FOR NEXT BOARD MEETING

(1) Regular Board Meeting

A motion was made by Mr. Astafan for adoption of the Resolution for the Regular Board Meeting to be held on Tuesday, May 10, 2011 at the Johnstown Town Hall, 2753 State Highway 29, Johnstown, New York 12095 at 10:00 A.M. Mr. Hayes seconded it. The motion was unanimously approved.

BOARD BUSINESS

(1) Old Business -None

(2) New Business

(A) Resolution in Memoriam of Paul J. Cornell – Mr. Clark

Mr. Clark read the Resolution in Memoriam of Paul J. Cornell for the record.

A motion was made by Mr. Stover to adopt the Resolution in Memoriam of Paul J. Cornell. It was seconded by Mr. Hayes and was unanimously approved.

EXECUTIVE SESSION

The Board entered Executive Session at 11:40 P.M. until 12:40 P.M.

RESOLUTIONS

11-06-04 RESOLUTION TO SATISFY ANNUAL REVIEW AND APPROVAL OF INVESTMENT POLICY

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

11-07-04 RESOLUTION TO SATISFY ANNUAL REVIEW AND APPROVAL OF PROCUREMENT POLICY

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

11-08-04 RESOLUTION TO SATISFY ANNUAL REVIEW AND APPROVAL OF PROPERTY GUIDELINES POLICY

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

11-09-04 RESOLUTION TO AMEND CONTRACT C052009 WITH GEI CONSULTANTS, INC. IN CONNECTION TO CONKLINGVILLE DAM PART 12 INDEPENDENT CONSULTANT SAFETY INSPECTION

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

11-10-04 RESOLUTION SCHEDULING DATE, TIME AND LOCATION OF THE MAY 10, 2011 BOARD MEETING

Mr. Astafan moved to adopt the resolution. Mr. Hayes seconded it and the resolution was adopted.

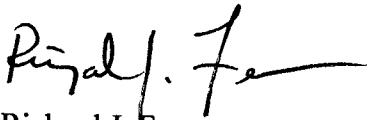
11-11-04 RESOLUTION IN MEMORIAM OF PAUL J. CORNELL

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

ADJOURNMENT

There being no further business to come before the Board, Mr. Klein moved to adjourn the meeting. Mr. Astafan seconded it. The motion was unanimously approved. The meeting adjourned at 12:41 P.M.

Respectfully submitted,



Richard J. Ferrara
Secretary/Treasurer