

**HUDSON RIVER-BLACK RIVER REGULATING DISTRICT  
BOARD MEETING –June 14, 2011  
Inlet, 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; 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.

Excused: First Vice Chairperson Michael F. Astafan

**MOTION TO ADOPT MEETING AGENDA**

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

**MOTION FOR EXECUTIVE SESSION**

Chairman Berkstresser called for an Executive Session to discuss the Five Counties Litigation and the potential to fill personnel vacancy. The Chairman asked that the Board be joined in Executive Session by the Acting Executive Director, General Counsel and the Chief Fiscal Officer. A motion was made by Mr. Klein to later adjourn to Executive Session. Mr. Stover seconded it and the motion was unanimously approved.

**PUBLIC COMMENT PERIOD**

There were two speakers who commented on enforcement of Regulating District rules, and operation of the Conklingville Reservoir under the Offer of Settlement.

**APPROVAL OF MEETING MINUTES**

Mr. Stover moved to approve the Regular Board Meeting minutes of May 10, 2011. Mr. Finkle seconded and the motion was unanimously approved.

## ACTING EXECUTIVE DIRECTOR REPORT

Mr. Clark presented his report to the Board. Mr. Clark noted that he and staff met with representatives from the NYS DEC in a series of meetings exploring the causes for the elevated reservoir and river flow levels resulting from this year's wet spring. Mr. Clark lead a discussion between the Board and staff explaining a consensus reached with NYSDEC regarding an interpretation of the Office of Settlement permitting deviations from the elevation and flow tables where the Chief Engineer observes data indicating elevations will rise above 771'. Members of the Board asked Mr. Clark to seek confirmation in writing from the DEC that the agency concurs with the District's interpretation.

Mr. Clark complimented the Chief Engineer, stating that without Mr. Foltan's thorough understanding of the workings and history of the Offer of Settlement, the HRBRRD would not presently be able to interpret the Offer of Settlement to deal with extreme reservoir levels.

Mr. Clark discussed posting the 'Board Packet' electronically rather than producing and mailing a paper copy to each Board member. The Board agreed that electronic posting, of non-confidential material, would be an appropriate cost and paper saving measure.

## COMMITTEE BUSINESS

### (a) Permit System –Mr. Hayes

(1) Old Business – None

(2) New Business – None

### (b) Governance – Mr. Hayes

(1) Old Business - None

(2) New Business

### (A) General Counsel Report – Mr. Leslie

Mr. Leslie highlighted the following issues raised in his report to the Board:

The Attorney General's office has filed an Answer on behalf of the Regulating District and the State in the matter of the application of County of Fulton, New York, Broodalbin-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. After submission of papers and oral argument, the parties await the Court's decision.

Staff met with counsel for the Counties 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. Mr. Leslie indicated that, at the Board request, he would further address the matter in Executive Session.

Helen Kenny and Vincent Ruggiero have filed a Notice of Claim alleging that they were passengers in a car involved in an accident approximately .5 miles west of the intersection of County Route 4 and County Route 8 in the Town of Hadley, Saratoga County. The incident is alleged to have occurred at approximately 8:11pm on March 18, 2011. The claimants allege that the Regulating District was negligent in maintaining the roadway. The Regulating District's insurance carrier has been notified of the claim.

**(c) Finance Committee – Mr. Stover**

**(1) Approval of Expenses** - Mr. Klein made a motion to approve expenses in the amount of \$527.47. Mr. Hayes seconded the motion. The Board passed the motion unanimously.

**(2) Old Business -None**

**(3) New Business**

**(A)** Resolution to Approve the Annual Assessment for the Operation and Maintenance of Storage Reservoirs in the Black River Area for the Third Year of the Three Year Budget Period Beginning July 1, 2011 through June 30, 2012 - Mr. Ferrara presented the Black River Area's annual assessment for the third year of the three year budget. Mr. Finkle moved to adopt the Resolution. Mr. Stover seconded and the Resolution was unanimously approved.

**(B)** Resolution to Approve the Annual Assessment for the Operation and Maintenance of Storage Reservoirs in the Hudson River Area for the Third Year of the Three Year Budget Period Beginning July 1, 2011 through June 30, 2012 - Mr. Ferrara presented the Hudson River Area's annual assessment for the third year of the three year budget. Mr. Hayes moved to adopt the Resolution. Mr. Finkle seconded and the Resolution was unanimously approved.

**(C)** Resolution to Approve District Insurance Contract Period Beginning July 1, 2011 through June 30, 2012 - Mr. Ferrara noted that the District's current commercial insurance coverage is set to expire on June 30, 2011 and recommended that the Board extend an additional option year of coverage. Mr. Klein moved to adopt the Resolution. Mr. Hayes seconded and the Resolution was unanimously approved.

**(D)** Resolution to Award Webcasting Services to Granicus – Mr. Ferrara noted that Executive Order No. 3 “Promotion of Public Access to Government Decision Making” requires all state authorities to webcast with closed captions any Regular, Special and/or Committee Board Meetings. The current contract with Granicus expires June 30, 2011. Mr. Ferrara explored ways to cut the contract costs. Granicus advanced a proposal that will allow the District to achieve a 50% cost annual savings. Mr. Ferrara recommended that the Board authorize the Executive Director to negotiate and execute an agreement with Granicus. Mr. Stover moved to adopt a Resolution providing the Executive Director with such authority. Mr. Finkle seconded and the Resolution was unanimously approved.

**(E) Motion to Authorize CFO to Submit Budget Request Part 203 to PARIS – Mr. Ferrara** noted that pursuant to Regulations promulgated by the Office of the State Comptroller, the Regulating District must annually submit a budget report to PARIS (Public Authorities Reporting Information System, 2 NYCRR Part 203). Mr. Ferrara recommended that the Board authorize by Motion the submission of the report indicated. Mr. Hayes moved the motion. Mr. Klein seconded the Motion and the Motion carried unanimously.

**(F) CFO’s Report – Mr. Ferrara**

Mr. Ferrara noted that as of the close of May 2011, the Hudson River Area funds balance stands at \$490,000. The slight downtick in the fund balance over the previous month is due to continuing operation at a budgetary structural deficit. Mr. Ferrara directed the Board to a chart depicting a Hudson River Area cash flow analysis which demonstrates that, at the current burn rate and assuming no significant change in revenue or unforeseen expenses, the Hudson River Area funds balance will be reduced to zero on or before May 2012.

**(d) Operations Committee – Mr. Hayes**

**(1) Old Business -None**

**(2) New Business**

**(A) Chief Engineer’s Report – Mr. Foltan**

Mr. Foltan presented his report to the Board.

**(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) Audit Committee – Mr. Finkle**

**(1) Old Business - None**

**(2) New Business –**

**(A) Resolution to Amend Audit Services Agreement & to Exercise Option – Mr. Ferrara** noted that pursuant to Public Authorities Law section 2802, the Regulating District must annually have an independent audit report prepared for submission to various elected officials. The Bonadio Group, a Certified Public Accounting firm, has ably prepared this audit on behalf of the Regulating District each of the last three years. Mr. Ferrara recommended that the Board approve a contract amendment for audit services for the current year. Mr. Stover moved

to adopt a Resolution providing the Executive Director with such authority. Mr. Finkle seconded and the Resolution was unanimously approved.

## **MOTION FOR NEXT BOARD MEETING**

### **(1) Regular Board Meeting**

A motion was made by Mr. Hayes for adoption of the Resolution for the Regular Board Meeting to be held on Tuesday, July 12, 2011 at the Mayfield Municipal Complex, 28 North School Street, Mayfield, New York 12117 at 10:00 A.M. Mr. Klein seconded it. The motion was unanimously approved.

## **BOARD BUSINESS**

### **(1) Old Business –None**

### **(2) New Business -None**

## **RESOLUTIONS**

**11-14-06 RESOLUTION TO APPROVE THE ANNUAL ASSESSMENT FOR THE OPERATION AND MAINTENANCE OF STORAGE RESERVOIRS IN THE BLACK RIVER AREA FOR THE THIRD YEAR OF THE THREE YEAR BUDGET PERIOD BEGINNING JULY 1, 2011 THROUGH JUNE 30, 2012**

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

**11-15-06 RESOLUTION TO APPROVE THE ANNUAL ASSESSMENT FOR THE OPERATION AND MAINTENANCE OF STORAGE RESERVOIRS IN THE HUDSON RIVER AREA FOR THE THIRD YEAR OF THE THREE YEAR BUDGET PERIOD BEGINNING JULY 1, 2011 THROUGH JUNE 30, 2012**

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

**11-16-06 RESOLUTION TO APPROVE DISTRICT INSURANCE CONTRACT PERIOD BEGINNING JULY 1, 2011 THROUGH JUNE 30, 2012**

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

**11-17-06 RESOLUTION TO AWARD WEBCASTING SERVICES TO GRANICUS**

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

**11-18-06 RESOLUTION TO AMEND AUDIT SERVICES AGREEMENT & TO EXERCISE OPTION**

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

**11-19-06 RESOLUTION FOR THE REGULAR BOARD MEETING TO BE HELD ON TUESDAY, JULY 12, 2011 AT THE MAYFIELD MUNICIPAL COMPLEX, 28 NORTH SCHOOL STREET, MAYFIELD, NEW YORK 12117 AT 10:00 A.M**

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

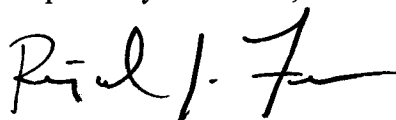
**EXECUTIVE SESSION**

**The Board adjourned to Executive Session at 11:40 am**

**ADJOURNMENT**

There being no further business to come before the Board, Mr. Stover moved to adjourn the meeting. Mr. Finkle seconded it. The motion was unanimously approved. The meeting adjourned at 12:29 P.M.

Respectfully submitted,



Richard J. Ferrara  
Secretary/Treasurer