

**HUDSON RIVER-BLACK RIVER REGULATING DISTRICT
BOARD MEETING –May 10, 2011
Johnstown, 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. Klein to adopt the meeting agenda. Mr. Stover seconded it and the motion was unanimously approved.

MOTION FOR EXECUTIVE SESSION

Chairman Berkstresser asked if there was a need an Executive Session; hearing none.

PUBLIC COMMENT PERIOD

There were five speakers who commented on staffing at the District's Mayfield office, exclusive use of the state owned lands under the Regulating District's jurisdiction, enforcement of Regulating District rules regarding 'exclusive use', and the Conklingville Dam emergency action plan condition B.

APPROVAL OF MEETING MINUTES

Mr. Stover moved to approve the Regular Board Meeting minutes of April 12, 2011. Mr. Hayes seconded and the motion was unanimously approved.

ACTING EXECUTIVE DIRECTOR REPORT

Mr. Clark presented his report to the Board. Significant remaining snow pack and unusually high rainfall amounts in late April and early May required the Regulating District to re-focus its efforts on the fulfillment of the flood protection portion of its core mission. Faced with high flows in the Hudson River, Black, Beaver and Moose Rivers, the Regulating District's

engineering staff held and then released water to the greatest extent possible under the Hudson River Area's Offer of Settlement and the operating parameters in place in the Black River Area.

Mr. Clark noted that this past weekend, the Regulating District activated the Conklingville Dam Emergency Action Plan Condition "B" in response to datum indicating a potentially hazardous condition. Analysis of the event demonstrates that relief staff's use of the correct reference point triggered action limits when compared with readings based on the reference point utilized by regular line staff. Mr. Clark and the Chief Engineer have taken immediate steps to refresh all involved staff regarding the basis for and procedure to be employed in taking such measurements.

Mr. Clark acknowledged the central role played by the Chief Engineer and other Regulating District staff throughout the EAP activation. The Board Chair and other Board Members conveyed to the Acting Director the Board's appreciation for the level-headed manner in which he conducted the activation; the timely and accurate information provided to the Board throughout the incident; and his willingness to act on the Chief Engineer's recommendation when clearly warranted.

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) General Counsel Report – Mr. Leslie

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

The Attorney General's office is preparing the answer to be filed on behalf of the Regulating District and the State 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.

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, who have yet to appeal the Ferradino ruling, have thirty days from the date of the filing of the decision to file an appeal and nine months to perfect that appeal.

The annual report to the NYS Commission on Public Integrity of 'honoraria' and travel reimbursement earned by Regulating District Board and staff will be filed shortly indicating no such honoraria received by staff. Mr. Leslie reminded the Board and relevant senior staff to satisfy the Commission on Public Integrity's annual financial disclosure affidavit filing requirement by the May 15th deadline.

(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 the Regulating District has collected over \$410,000 in access permit system fees; representing 97% of such fees due this fiscal year. He is confident that the remaining 3% will be collected shortly. Mr. Ferrara indicated that at the June Board meeting he should have in hand a new proposal from the District's webcasting contractor and that he expects the new contract proposal will represent a 50% savings over the existing contract. Mr. Ferrara noted that as of the close of April 2011, the Hudson River Area funds balance stands at \$506,000. The slight uptick in the fund balance over the previous month is due in large part to deposit of onetime 'sale of surplus' receipts totaling over \$57,000. 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 July 2012.

(d) Operations Committee – Mr. Hayes

(1) Old Business -None

(2) New Business

(A) Resolution to accept Gomez and Sullivan Engineers, P.C. proposal to provide supplemental engineering services & to amend Contract No. C092007 – Mr. Foltan

Mr. Foltan stated that in May 2008, the Board accepted Gomez and Sullivan Engineers, P.C. proposal for the completion of a dam failure analysis for the Conklingville Dam to satisfy requirements of the Federal Energy Regulatory Commission (FERC) license. After a preliminary review of a report draft, FERC requested that the Regulating District complete additional computer modeling prior to submitting a final report to FERC. In response, Gomez and Sullivan Engineers, P.C. developed a supplemental scope of work and fee proposal to address FERC's comments. Gomez and Sullivan had proposed completion of the additional work for a 'not-to-exceed' price of \$103,090. This contract amendment would bring the new total contract cost to \$273,090. Mr. Foltan recommended that the Board accept the Gomez and

Sullivan proposal and authorize the Acting Executive Director to execute an amendment to the contract as indicated.

A motion was made by Mr. Klein to adopt the Resolution to Amend Contract C092007 with Gomez and Sullivan Engineers, P.C. in Connection to the Conklingville Dam Breach Analysis. It was seconded by Mr. Stover and unanimously approved.

(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.

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, June 14, 2011 at the Town of Inlet Town Hall, 160 State Route 28, Inlet, New York 13360 at 10:00 A.M. Mr. Stover 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 presented two framed copies of the Resolution in Memoriam of Paul J. Cornell to Mr. Cornell's mother.

RESOLUTIONS

11-12-05 RESOLUTION TO ACCEPT GOMEZ AND SULLIVAN ENGINEERS, P.C. PROPOSAL TO PROVIDE SUPPLEMENTAL ENGINEERING SERVICES & TO AMEND CONTRACT NO. C092007

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

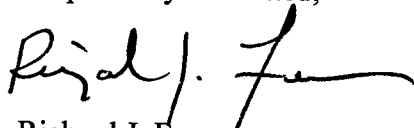
**11-13-05 RESOLUTION SCHEDULING DATE, TIME AND LOCATION OF THE
JUNE 14, 2011 BOARD MEETING**

Mr. Astafan moved to adopt the resolution. Mr. Stover seconded 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 12:11 P.M.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard J. Ferrara". The signature is fluid and cursive, with a long horizontal stroke at the end.

Richard J. Ferrara
Secretary/Treasurer