

**HUDSON RIVER-BLACK RIVER REGULATING DISTRICT  
BOARD MEETING –FEBRUARY 11, 2008  
MAYFIELD, NY – 10:00 A.M.**

**CALL TO ORDER**

Chairman Klein called the regularly scheduled meeting to order at 10:27 A.M.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**Present:** Chairman Philip W. Klein; First Vice Chair Pamela S. Beyor; Second Vice Chair Ronald Pintuff; Board members Anne B. McDonald; and John K. Bartow, Jr.; Executive Director Glenn A. LaFave; General Counsel William L. Busler; Chief Engineer Robert S. Foltan; Chief Fiscal Officer Richard J. Ferrara; Hudson River Area Administrator Michael A. Clark; Black River Area Administrator Carol L. Simpson; and other Regulating District staff.

**Excused:** Board Members Patrick B. Dugan and Arthur E. Eyre

**Guests:** Four

**MOTION TO ADOPT OR REVISE MEETING AGENDA**

Chairman Klein asked for a motion to adopt or revise the meeting agenda. Mr. Pintuff made a motion to move the Motion to Accept Changes to Management/Exempt Employees Guidelines to Accommodate Audit/Procedural Requirements from the Governance Committee to the Employment and Compensation Committee. Mrs. McDonald seconded the motion and it was unanimously approved.

Mr. Pintuff made a motion to adopt the revised meeting agenda. Mrs. McDonald seconded the motion and it was unanimously approved.

**INTRODUCTION OF GUESTS**

There were no guests introduced at the meeting.

**EXECUTIVE SESSION**

Chairman Klein asked for a motion for Executive Session for the purpose of discussing litigation matters. Mr. Pintuff made a motion for Executive Session. It was seconded by Mr. Bartow and was unanimously approved. Chairman Klein stated that no business will be conducted during that time, however the Board would reconvene after Executive Session to

conduct business. Chairman Klein asked the Executive Director and General Counsel to join the Board for Executive Session.

## **PUBLIC FORUM**

Mr. Guy Poulin commented on the Permit System rules.

Mr. Peter Van Avery commented on the Shorey Public Relations firm; Rip Rap and Permit System rules.

Mr. Larry Hogan commented on Shorey Public Relations firm; Permit renewals; web-cast of Board Meetings; water levels; elimination of Q & A sessions; and the Saratoga Associates.

## **APPROVAL OF MEETING MINUTES**

On the motion of Mr. Pintuff, seconded by Mr. Bartow and without any objections, the Board unanimously approved the minutes of the Organizational Meeting held on January 14, 2008.

Ms. Beyor asked whether the meeting minutes are reviewed by the Senior Staff before they are issued to the Board. Mr. LaFave stated that Senior Staff each reviews their portion of the meeting minutes and then Mr. Ferrara, Mr. Busler and Mr. LaFave review the entire content prior to issuance to the Board.

On the motion of Ms. Beyor, seconded by Mrs. McDonald and without any objections, the Board unanimously approved the minutes of the Regular Board Meeting held on January 14, 2008.

## **EXECUTIVE DIRECTOR'S REPORT**

Mr. LaFave reported that this month he had many interagency meetings with the Department of Environmental Conservation (DEC), the Adirondack Park Agency (APA), the Governor's Office, Regional DEC, Town Supervisors and other groups. Mr. LaFave and Mr. Pintuff have also been working with the State Historic Preservation Office (SHPO). The Board received at the January 14<sup>th</sup> meeting the complete updated time line for the permit system rulemaking. Mr. LaFave indicated that he will present complete updates every six months and for the next few Board meetings the report will reflect only recent permit system rulemaking activities. Mr. LaFave stated his other comments have to do with other agenda items that will come up later so in the interest of time he ended his report and asked if there were any questions from the Board.

Mrs. McDonald asked if we have heard anything more from the Governor's Office of Regulatory Reform.

Mr. LaFave stated we have not heard anything from the Governor's Office of Regulatory Reform, and until we do, the rules cannot be posted on the state website.

## **COMMITTEE BUSINESS**

### **(a) Operations – Ms. Beyor**

#### **(1) Old Business**

##### **(A) Gomez and Sullivan’s Presentation on the Operational Abandonment Alternative for the Intake Repair at Conklingville Dam – Mr. Foltan**

Mr. Russell D. Coleman, PE of Gomez and Sullivan Engineers, P.C. made a presentation to the Board. The following discussions took place:

- Mr. Coleman mentioned that there was a gate hoist that has been repaired in the past year and it is now operational. Ms. Beyor asked Mr. Foltan if the Regulating District installed that. Mr. Foltan explained that Erie Boulevard made the repairs to the hoist mechanism as well as the bulk head gates when they replaced their trash rack, and they made the repairs at their expense.
- Mr. Bartow asked if the gates have been used other than when the trash racks were replaced. Mr. Coleman indicated that as far as he knew that was the only time they were used.
- Mr. Bartow asked Mr. Coleman if his recommendation is to remove the gates. Mr. Coleman stated that he would recommend removing them.
- Mr. Foltan stated that the bulk head gates serve as redundant gates for the purpose of the District or the State discontinuing the flow to the hydro plant. A second set of gates are the actual gates that are typically incorporated in a hydro plant for eliminating the flow to the hydro units.
- Ms. Beyor asked if the structure, either upstream or downstream of the gates, is in jeopardy of collapse. Mr. Coleman stated it is not.
- Ms. Beyor stated that the 2 to 3 million dollars in repairs were centered on maintaining operation of the gates, and asked, if we abandon the operation at this time is anything else in jeopardy. Mr. Coleman responded that the hydro plant has the ability to stop the flow by other means rather than using these gates. Gomez and Sullivan’s position is to just let the concrete deteriorate with time and address it at some future date if needed.
- Mr. Bartow pointed out that abandonment could eventually cause damage to the piers and therefore you might never be able to get the gates in. Mr. Coleman agreed and said that if the gates were going to be used regularly then you would want to do the more expensive repair.
- Mr. Bartow asked Mr. Coleman if his recommendation is that we not use the gates. Mr. Coleman stated that was the Board’s decision and mentioned that the gates were used once.
- Mr. Bartow asked Mr. Foltan for his recommendation on this. Mr. Foltan pointed out that the pursuit of this abandonment alternative was at the suggestion of the Board.

- He indicated that they are not needed for operation and as Mr. Pintuff suggested, they probably were only there in the event that there was a dispute between the District and whoever operated the hydro facility. Mr. Foltan stated that obviously, it is in our best interests to see that Brookfield is able to continue operating because they do release water for us, but in conversations with the manager in Glens Falls, who is responsible for operation, other than trash rack repair or maintenance, Brookfield really does not see a need to have them in place.
- Ms. Beyor asked and Mr. Foltan concurred that he had no objection to option number three.
  - Ms. Beyor asked if there was a strong reason to keep the bulkhead gates after operational abandonment. Mr. Foltan stated he recommended that the Regulating District keep the bulkhead gates. He further explained that short of major construction or reconfiguration, if there was ever a need to move forward with major repair, to reinstall them we would use the same general structure and guides in which case it would make better sense to store and repair the bulkhead gates (ten years down the road) rather than rebuild from scratch.
  - Ms. Beyor asked where the gates would be stored. Mr. Foltan indicated that in the capital plan we propose to construct a pole barn, the exact location has not yet been determined, but we are considering the southern end, the Kathan Road at the end, of the embankment dam. This would provide easy access and they could be stored there permanently.
  - Ms. Beyor pointed out that the Operations Committee needed concurrence from the Board to pursue this option and that there would need to be further discussions with Gomez and Sullivan as to the preparation of the contract. She stated this will be discussed at the April Board meeting.
  - Mr. Foltan indicated there was also the need to obtain FERC concurrence if the Board decided to recommend that the engineering staff move forward. He stated, if the Board does recommend proceeding with operational abandonment, he would follow up with FERC reminding them that we would like a response and hopefully prompting them to move a little more quickly on commenting on the Regulating District's plan.
  - Mr. Klein asked if it is reasonable to expect Erie's cooperation for the shutdown of plant operations for the six hours a day needed to do the work. Mr. Foltan said he did not foresee any problems with this being done during the summer months since the release would be for 8 to 12 hours in a 24 hour period and the release could be made at the beginning and the end of the day. However, he would contact Erie to confirm once the Board accepted the plan to move forward.
  - Ms. Beyor asked if we get FERC's concurrence, could we expect that this work would be done this summer. There was discussion between Mr. Foltan, Mr. Ferrara and Ms. Beyor as to the procedures and the process involved in procuring FERC's approval and procurement of a contractor, as well as, the fact that the time period for procuring contractor services is usually six months. Mr. Foltan and Mr. Ferrara indicated that they would do their best to move the process along as promptly as possible.
  - Chairman Klein recommended that the staff be instructed to work with Gomez and Sullivan to attempt to get the project done in this calendar year.

**(b) Permit System Committee - Mr. Pintuff**

**(1) Old Business**

Mr. Pintuff stated there are no changes in the calendar to report.

**(2) New Business - none**

**(c) Governance Committee - Mr. Bartow**

**(1) Old Business - none**

**(2) New Business**

**(A) Counsel Report – Mr. Busler**

Mr. Busler stated his Board report is contained in the packet, and, in the interest of time, he believes it to be self explanatory. He stated that he has been spending a lot his time on labor relation issues with the District.

Mr. Bartow asked how the new assistant was working out. Mr. Busler stated that she is doing a very good job.

**(d) Audit Committee – Mrs. McDonald**

**(1) Old Business**

**(A) Update Independent Audit Mini-Bid – Mr. Ferrara**

Mr. Ferrara stated that he had provided the Board with a letter update. The mini-bids were due February 4, 2008 and Mr. Ferrara indicated that one response was received. He stated that only receiving one response could have been the result of the time of year since many CPA firms are heavily involved in tax returns. The one response was from Bonadio and Company, LLP. They are a Geneva /Syracuse /Buffalo based mid to large size firm with 47 partners and 250 employees. Mr. Ferrara reached out to the Office of State Comptroller (OSC) because he was concerned about receiving only one bid. The OSC stated there is nothing in State Finance or any of the procurement law that would prevent the Board from considering awarding to a single bidder, as long as the same protocol was followed if there was more than one bid. That being to justify they meet the desired scope of the work and that the price is reasonable.

OSC also requested feedback concerning the reasons for the lack of responses. Mr. Ferrara indicated that out of nine potential bidders he received seven responses. All the responders fell under two categories, the smaller firms were too busy to actually respond and the

larger firms do not generally bid to public benefit corporations or to the District's agency size and structure.

Mr. Ferrara stated that there are two options. First, the Board can review and possibly award to the single responder or start the process over.

With respect to Mr. Ferrara's review of the Bonadio proposal, he cited that they perform a large amount of governmental audits and therefore, are very familiar with the Governmental Accounting Standards Board (GASB) statements that are most critical to us.

Ms. Beyor asked what the cost would be for the Bonadio bid. Mr. Ferrara indicated that it would be \$12,000 for the audit and \$2,500 for travel expenses since they are a Geneva/Syracuse/Buffalo based firm for a total of \$14,500.

Ms. Beyor asked who did the audit last year and how much did they charge. Mr. Ferrara stated that it was Cusack & Company and they charged just under \$10,000. There was discussion as to why they did not respond. Mr. Ferrara stated that they were not part of the mini-bid.

Mr. Pintuff asked if the \$12,000 was a fixed price. Mr. Ferrara indicated that is for year one and that they are only allowed to increase it at a maximum of five percent which is standard among mini-bid specifications. Mr. Ferrara pointed out that many firms, the first time in, will also charge a fee to "get up to speed". Bonadio is waiving this \$4,000 fee.

Mr. Pintuff asked if we needed the auditor in place by July 1<sup>st</sup> and is that the reason for the tentative time line for the Board to appoint the auditor at the April meeting. Mr. Ferrara concurred and stated that this would give the auditor ample time to schedule us.

Mr. Pintuff questioned if the Board went with option two, would there be enough time to put out an RFP and get a solicitation back with proposals to bring to the Board's April meeting. Mr. Ferrara stated that it would be difficult, but could be done. However, with what he has seen from previous responders the effort he would put into a RFP probably would not give much bang for the buck. However, the RFP would go on the contract reporter and he would expect to get responses.

The Board asked for Mr. Ferrara's recommendation and he stated that he would recommend option one.

Mr. Bartow made a motion for the Audit Committee and Mr. Ferrara to pursue option one and to present the contract at the Board's April meeting. Mrs. McDonald seconded it and without any objections, the Board unanimously approved.

**2) New Business - none**

**(e) Finance Committee - Mr. Pintuff**

**(1) Approval of Expenses**

Mr. Pintuff said he would bring the approval of expenses to the Board as a whole. Mr. Pintuff made a motion to approve the expenses in the amount of \$225.12. Mrs. McDonald seconded the motion. There being no discussion the motion was unanimously approved.

**(2) Old Business - none**

**(3) New Business**

**(A) Resolution to Approve the Installation of a Network Server – Mr. Ferrara**

Mr. Bartow asked Mr. Ferrara to discuss with the Board the Resolution to Approve the Installation of Network Servers. He directed the Committee's attention to a memo that was received at the meeting.

Mr. Ferrara expressed the increased urgency of this request is based on the need to upgrade the current desktop machine currently in place in Mayfield due to several acute problems. One concerns the retrieval and saving of data to a desktop "shared" drive versus a server. Another issue is the limited disk space and the chance of not only losing data but not being able to recover it.

Mr. Ferrara pointed out that the Watertown server cost is already in the budget and he is not requesting that the Board make a decision as to that. The cost of the Mayfield server which is in the Resolution is \$6,636.97 which is the sum of \$4,836.97 for all of the hardware and software, plus the estimated time to install the server of \$1,800.

Mr. Ferrara recommended to the Board to approve the Resolution for the purchase and installation of both servers.

Mr. Bartow asked how old the Albany server is and if it should be considered for an upgrade. Mr. Ferrara stated that the Albany server is under two years old and any software upgrades that would be needed are covered in the regular operating budget. There was discussion clarifying that the Watertown server is already in the budget and if the Resolution is passed there will be ample funds to install both servers.

Mr. Pintuff asked if the District had redundancy off site for backup. Mr. Ferrara stated that there is redundancy for the permit system database. A discussion followed pertaining to backup systems in place at the District and overall data security. Mr. Ferrara stated that all of the District's financial data is backed up and kept off site. He further articulated that the protocol is that any business data would be saved to that server which then would be backed up each

evening. Chairman Klein declared to look further into the situations addressed by Mr. Pintuff and Mr. Bartow.

Mr. Bartow made a motion to approve the Resolution for Purchase and Installation for Network Servers for Hudson River and Black River offices. Mrs. McDonald seconded the motion and it was unanimously approved. Mr. Pintuff presented to the Board the motion passed by the Finance committee to approve a resolution for the purchase and installation of network servers at the Mayfield office in the amount of \$6,636.97. Chairman Klein asked if there was any discussion. There was none. The motion was unanimously approved.

**(B) Resolution to Approve Albany Office Lease Extension – Mr. Ferrara**

Mr. Ferrara provided the Board with a summary of the Albany office's original lease, dated 1987 and subsequent amendments.

Mr. Ferrara stated that when the current lease extension to June 2006 ended, there was an option providing for the parties to continue the lease on a month to month basis.

Mr. Ferrara stated that he and the landlord had negotiated a square foot fee of \$14.00 per foot.

Mr. Ferrara also recommended a five year lease from March 1, 2008 to 2013. He explained that over the life of that extension the increase would represent \$11,250 or \$187.50 a month. This would include the landlord recarpeting the office and painting.

Mrs. McDonald questioned if there was language concerning termination of the lease. Mr. Ferrara stated that the original terms of the lease would still stand.

Mr. Bartow asked if in executing the lease, is there an agreement that the consolidation of any offices would be put off until the termination of this lease. Mr. LaFave stated that at the September 10, 2007 Board meeting there was a resolution to put off the consolidation of any offices until the end of the budget cycle. The budget cycle ends in June of 2009. He further indicated that there was a 60 day buyout of the lease and that the Board generally entered into leases that are longer than the budget cycle.

Mr. Bartow made a motion to approve the resolution for the Albany office lease extension. Mrs. McDonald seconded it. The motion was unanimously approved. Mr. Pintuff presented to the Board a resolution passed by the Finance committee to extend for a period of five years the lease agreement for the Albany office with Sky Four Realty in the amount of \$3,500 per month to March 2013. Chairman Klein presented the motion to the Board and asked if there was any discussion. There was none. The motion was unanimously approved.

**(C) CFO Report – Mr. Ferrara**

Mr. Ferrara stated his report was on page 65. Mr. Ferrara reported that he had received

the preliminary report of the District's OSC audit for the New York State Health Insurance Program and retirement process enrollment procedure and that he met with the OSC audit principals. The entire audit was reviewed and there were zero findings. Mr. Ferrara further indicated that upon receipt of the aforementioned draft, the District would receive 30 days to review. Upon receipt of the final report, the District would receive an additional 90 days to review that.

**(f) Operations Committee – (continued) Ms. Beyor**

**(1) Old Business**

**(A) Resolution to Award Conklingville Dam Breach Analysis Work – Mr. Foltan**

Ms. Beyor asked for a motion for a conditional award of the work to perform the Dam Breach Analysis for the Conklingville Dam by the highest average scoring respondent which is Gomez and Sullivan Engineers, P.C. Mrs. McDonald made the motion. Ms. Beyor seconded it. Chairman Klein presented the motion to the Board and asked if there was any discussion. There was none. The motion was unanimously approved.

**(B) Update of Authorization to Procure Equipment and Materials and Solicit Proposal(s) for the Surveillance Cameras and Water Level Monitoring Equipment for Conklingville Dam- Mr. Foltan**

Mr. Foltan stated that the engineering staff is ready to move forward having done some additional research into the type of video network equipment that would be available and appropriate. He stated that the recommendation for a budgetary price would be \$35,000. Mr. Foltan said that he would be going through state contracts or through RFP process to supply the equipment.

Ms. Beyor asked for a motion in Committee to authorize Mr. Foltan to solicit proposals from suppliers of equipment necessary to install a surveillance camera system and water level monitoring as described in memorandum dated January 28, 2008. Mrs. McDonald made the motion. It was seconded by Ms. Beyor. Chairman Klein presented the motion to the Board and asked if there was any discussion.

Chairman Klein asked if this monitoring would be tied to the sheriff's station in Ballston Spa. Mr. Foltan stated that the cameras, through a secure network with password protection could be accessed by law enforcement. However, there had not been discussions with specific law enforcement as of yet.

Mr. Pintuff asked as to the nature of the alarms and who would the alarm warn. Mr. Foltan expressed that the alarm would be built into the platform and it would be a routine part of the program that would be sensitive to rapid changes in water elevation. There would be an additional device downstream of the outlet structure, that would monitor tail water in the event of a rapid change, and this would also send an alarm through a phone line, dial-out process,

where Mr. Foltan or other staff members would be contacted to respond to determine what the change is related to.

Following the discussion the Board unanimously approved the motion.

## **(2) New Business**

### **(A) Resolution to Hire maintenance Specialist in the Hudson River Area – Mr. LaFave**

Ms. Beyor made a motion to approve the resolution to hire John E. Stuart, Jr. as a Maintenance Specialist in the Hudson River-Black River Regulating District. Mrs. McDonald seconded it. Chairman Klein presented the motion to the Board and asked if there was any discussion. There was none. The motion was unanimously approved.

### **(B) Chief Engineer Report – Mr. Foltan**

Ms. Beyor asked Mr. Foltan to give his report to the Board. Mr. Foltan stated that his report was on page 77. He told the Board that there was significant increase in inflow at the reservoirs as reflected on Table 3 on page 76. As a result of increased precipitation and increased inflow, release of water was suspended at the Great Sacandaga Lake for approximately a five day period while the natural high flow in Hudson River receded. The elevation at the Great Sacandaga Lake and Indian Lake increased in response to the higher inflow for the period of January 8-17. There has been a continued maximum release out of the reservoir in an attempt to bring the reservoir back down to the target elevation. He told the Board that since the writing of his report there had been additional inflow and precipitation and are again releasing the maximum allowed under the Offer of Settlement. In the Black River area, on page 80, in January, there was an increase in inflow. The Stillwater reservoir release was suspended for a 7-day period due to natural high flow in the Black River. The elevation of Stillwater increased in response to the higher inflow from January 8-18. Mr. Foltan stated there has been, more recently, some additional inflow and higher flows in the Black River and, as of today, there was a continued suspension of the release from Stillwater Reservoir as a result of a high flow in Black River.

Mr. Klein asked if Mr. Foltan could provide information as to the amount of snow in the watershed of the Stillwater Reservoir. Mr. Foltan recalled, not having the actual snow surveys, with him that generally, it is 120-130 percent of average for this time of year. In Indian Lake it is upwards of 150 percent of historic water content and for Sacandaga it is 100-130 percent of average water content for this time of the year.

Mr. Bartow pointed out that some water content of the snow pack has been lost as a result of the two thaws which have occurred.

Mr. Foltan further expressed that it is too early to predict where the water content is going to be when the snowpack finally melts. That estimate is usually made at the end of February or beginning of March, and reservoir operations will be fine tuned within the operating plans for each reservoir accordingly. The water content measured for Great Sacandaga Lake

snow pack during the first week in March is used to determine if deviation from the Offer of Settlement limitations on release is allowed. After consultation with the Offer of Settlement signatories, we can, if needed, make an adjustment in the release limits.

Mr. LaFave mentioned that if the Board would like in the future, either in the Chief Engineer's Report or the Administrator's report to have the precipitation report for the snow surveys included that it would be done. Chairman Klein requested that the Board be notified, outside of its regular meeting, when the determinations as to where the actual snow expected runoffs will be.

Mr. Foltan addressed this issue, indicating that typically he begins the calculations at the end of February estimating target reservoir elevation needed in the middle of March.

Ms. Beyor mentioned that the Board appreciated receiving binders with the Capital Plan data compiled in a central location and looked forward to an update at the April Board meeting.

Mr. LaFave stated the format that will be utilized is any ongoing Board projects that require Board action will be included in the Board packet. He explained that once the Board has taken action on a project, it will be added to the Capital Project's Plan in the binders and Board members will be provided corresponding new sheets as necessary.

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

Ms. Beyor asked for Mr. Clark's report. Mr. Clark stated that in the month of January, the staff in the Mayfield office processed, printed and mailed 4,723 permit renewals. Mr. Clark indicated that since the writing of his report a large number of them have been returned by permit holders with payment. To date, there have been four snow surveys completed, with another one scheduled for later this month. There were two safety cages installed at the Conklingville dam around the flywheels of the Dow Valve operating mechanisms. The purpose for those installations is operator safety, protecting them from spinning shafts exposed gears. Mr. Clark noted that they were fabricated in house and then subsequently installed.

Chairman Klein questioned the reason for the installations. Mr. Clark stated that it was a good idea to protect operators against any pinch points or moving shafts that employees could come in contact with and that OSHA required this.

Mr. Foltan added that through routine review of the safety procedures it was determined that it was appropriate to place a structure.

Ms. Beyor asked Mr. Pintuff or Mr. LaFave to respond to the change in permit renewal language which was referenced by an Appellant at the Special Board meeting. Mr. LaFave stated that standard operating procedure is any time new forms are ordered the language in that form is reviewed for updates or revisions. Through meetings with other agencies and organizations, it was brought to the Regulating District's attention that this particular form was not consistent with the current permit system rules. Mr. LaFave articulated the inconsistency is with current permit system rules not the proposed rules. He referenced the Rules and

Regulations that were approved in 1992 by the Regulating District and the Department of Environmental Conservation which states under §606.37, “The granting and issuance of any permit, or any renewal thereof, for access to and on the reservoir and its area, shall not constitute an exclusive right or privilege...” Mr. LaFave indicated that he and Mr. Pintuff, Chair of the Permit Committee agreed that the obligation is to be consistent with the Rules and Regulations and therefore the words “exclusive right or privilege” had to be removed because the Regulating District is not allowed to give exclusive use.

Ms. Beyor asked if permit holders were notified as to the reason for the change in the language. Mr. LaFave reported that there was no notification given. Chairman Klein suggested that perhaps a Frequently Asked Question (FAQ) could be posted on the website providing this question and answer, thereby giving notice to the public.

**(D) Black River Area Administrator Report – Ms. Simpson**

Ms. Beyor asked Ms. Simpson to give her report. Ms. Simpson stated, regarding snow surveys, she heard on the radio this morning while traveling to the Board meeting that Highmarket, one of the Black River Area snow survey sites, had received 17.5 inches of snow the night before. That was on top of the 37 inches that they already had. Ms. Simpson stated she and the Executive Director attended the Lewis County Emergency Responder’s meeting on January 28<sup>th</sup>. She reported there were representatives attending from state agencies--State Police, the Health Department, NYS Emergency Management Office; and local county agencies--911, Red Cross, Lewis County Public Health, Lewis County General and the Lewis County Emergency Responder Coordinator. Ms. Simpson gave an update of the Regulating District’s web site information to the group. She said, in addition to their normal operations, the Black River Area field staff is making renovations to the Black River Field office. She offered an invitation to the Board members to come and inspect the work that is being done.

**(g) Employment and Compensation – Ms. Beyor**

**(1) Old Business - none**

**(2) New Business**

**(A) Motion to Accept Changes to Management/Exempt Employees Guidelines to Accommodate Audit/Procedural Requirements – Mr. Ferrara**

Ms. Beyor referenced Mr. Ferrara’s memorandum on page 34 regarding changes to the Management Exempt Employee Guidelines. The committee having no questions, Ms. Beyor asked for a motion. A motion was made by Mr. Pintuff. It was seconded by Ms. Beyor.

Mr. LaFave stated that for the benefit of the public, the changes only concern procedural issues pertaining to payroll processing. There is no other change for the management employees.

Chairman Klein presented the motion to the Board and asked if there was any discussion. There was none. The motion was unanimously approved.

## **BOARD BUSINESS**

**(1) Old Business - none**

**(3) New Business - none**

## **BOARD MEMBER QUESTIONS AND COMMENTS**

Chairman Klein asked Mr. LaFave to address the issue of Rip Rap, specifically if a permit holder could move certain kinds of beach stones. Mr. LaFave gave an overview stating, the Regulating District has Great Sacandaga Lake, a river regulating reservoir which has a FERC license to provide water to the EJ West Facility which is a FERC licensed power plant. Part of this is that the Regulating District is obligated to have a historic property management plan that is handled by the Engineering Department, Chief Engineer Rob Foltan and the HPMP Coordinator, who is the Operating Engineer with the District, Michael Mosher. The District works with the State Historic Preservation Office (SHPO) who oversees the work. The District is working on a Memorandum of Understanding (MOU) to make the whole permit system, especially as it relates to ground disturbances, more user friendly. Board member Mr. Pintuff along with Mr. LaFave and other staff have been meeting with SHPO on an ongoing basis. When the MOU is finalized, a new letter will go out to permit holders.

In the particular case that was raised at the Special Board meeting, Mr. LaFave indicated that his belief was that part of this issue predated some of the decisions that have been made and that this person was an exception to the Rule since the permit holder had already received permission from SHPO and also from Department of Environmental Conservation (DEC) to go ahead with the work.

Ms. Beyor asked when the MOU would be finalized. Mr. LaFave stated that there have been changes in the personnel at SHPO, but he was hopeful for it to be completed in this calendar year.

Chairman Klein inquired as to whether there are any conflicts in the proposed rules pertaining to this issue. Mr. LaFave stated that the Regulating District is still operating under the existing rules, but he would check the proposed rules regarding any possible conflicts.

Mr. Bartow stated his understanding was that the issue is about people going down into receded underwater lands, moving stones up and placing them as shoreline protection. He asked whether or not the District prohibits that throughout the entire reservoir or only at those historic properties. Mr. Bartow stated moving stones on the bottom of the reservoir to the shoreline would also fall under an Article 15 DEC permit. Also, he questioned who is regulating this area.

Mr. LaFave stated that SHPO and DEC are involved, but as the primary jurisdiction after they are satisfied, then the Regulating District issues a work permit. If the stones are being moved by hand, than DEC is not as concerned, it is when any equipment will be used or the movement involves the change in the character of the shoreline that DEC is concerned.

Ms. Beyor made a request that the Board receive a report on the activities of the Public Relations Committee at the April meeting.

There was discussion regarding the Appeals that were heard at the Special Board meeting. Mr. Bartow asked if deliberations would take place at the Regular Board Meeting or in Executive Session. Mr. Busler stated that it would be appropriate to deliberate in Executive Session. Ms. Beyor asked if there was a limit on the time the Board takes to deliberate the appeals. Mr. LaFave stated there was no time limit. Chairman Klein expressed that a letter should be sent to each of the Appellants notifying them that the Board will be taking more than 30 days to make a decision regarding their appeals.

### **MOTION FOR NEXT BOARD MEETING**

Chairman Klein stated that the next Board meeting will be held on Monday, April 14, 2008 at the Lowville Town Hall, 5533 Bostwick Street, Lowville, New York at 10:00 A.M.

Mr. Pintuff made the motion to pass the Resolution. Ms. Beyor seconded it. Chairman Klein asked if there was any discussion. There was none. The motion was unanimously approved.

### **EXECUTIVE SESSION**

The Board entered into Executive Session at this time to discuss litigation issues.

Executive Session began at 12:52 P.M. and ended at 1:32 P.M. Mr. Bartow made a motion to reconvene the Board meeting at 1:32 P.M. It was seconded by Mr. Pintuff and was unanimously approved.

### **GOVERNANCE COMMITTEE**

Mr. Bartow made a motion to adopt the Resolution to Authorize the Executive Director to enter into a Stipulation of Settlement in the case of Skorney vs. Todd, et al. Mr. Pintuff seconded it. Chairman Klein presented the motion to the Board and asked if there was any discussion. There was none. The motion was unanimously approved.

### **RESOLUTIONS**

#### **08-04-02 RESOLUTION AUTHORIZING EXECUTIVE DIRECTOR TO AMEND LEASE AGREEMENT WITH SKY FOUR REALTY COMPANY FOR THE ALBANY OFFICE**

Mr. Pintuff moved to adopt the resolution. Mrs. McDonald seconded it and the resolution was adopted.

#### **08-05-02 RESOLUTION TO APPROVE THE PURCHASE AND INSTALLATION OF NETWORK SERVERS FOR THE HUDSON RIVER AREA OFFICE (MAYFIELD) AND THE BLACK RIVER AREA OFFICE (WATERTOWN)**

Mr. Bartow moved to adopt the resolution. Mrs. McDonald seconded it and the resolution was adopted.

**08-06-02 RESOLUTION TO AWARD THE WORK TO PERFORM DAM BREACH ANALYSIS AT THE CONKLINGVILLE DAM TO GOMEZ AND SULLIVAN ENGINEERS**

Mrs. McDonald moved to adopt the resolution. Ms. Beyor seconded it and the resolution was adopted.

**08-07-02 RESOLUTION TO HIRE JOHN E. STUART, JR AS A MAINTENANCE SPECIALIST IN THE HUDSON RIVER AREA OF THE HUDSON RIVER-BLACK RIVER REGULATING DISTRICT**

Ms. Beyor moved to adopt the resolution. Mrs. McDonald seconded it and the resolution was adopted.

**08-08-02 RESOLUTION SCHEDULING DATE, TIME AND LOCATION OF THE APRIL 14, 2008 REGULAR BOARD MEETING**

Mr. Pintuff moved to adopt the resolution. Ms. Beyor seconded it and the resolution was adopted.

**08-09-02 RESOLUTION TO AUTHORIZE THE EXECUTIVE DIRECTOR TO ENTER INTO A STIPULATION OF SETTLEMENT IN THE CASE OF SKORNEY V. TODD, ET AL**

Mr. Bartow moved to adopt the resolution. Mr. Pintuff seconded it and the resolution was adopted.

**ADJOURNMENT**

There being no further business to come before the Board, Mr. Bartow moved to adjourn the meeting. Chairman Klein seconded it and the motion was unanimously approved. The meeting was adjourned at 1:33 P.M.

Respectfully submitted,

Richard J. Ferrara  
Secretary/Treasurer