

**HUDSON RIVER-BLACK RIVER REGULATING DISTRICT  
BOARD MEETING –MAY 11, 2010  
JOHNSTOWN, 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; First Vice Chair Pamela S. Beyor; Second Vice Chair Ronald Pintuff and Board members; David Berkstresser; Paul J. Cornell and Michael F. Astafan; Executive Director Glenn A. LaFave; 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.

**INTRODUCTION OF NEW BOARD MEMBER –Chairman Klein**

Chairman Klein introduced new Board member Michael F. Astafan from Carthage. Chairman Klein welcomed Mr. Astafan to the Board and appointed him to Chair the Governance Committee and to be a member of the Finance Committee and the Procurement Policy Committee.

**MOTION TO REVISE MEETING AGENDA**

Mr. Pintuff moved to adopt the revised meeting agenda. Mr. Berkstresser seconded it and the motion was unanimously approved.

**MOTION FOR EXECUTIVE SESSION**

Chairman Klein asked for a motion for Executive Session to discuss collective bargaining negotiations and proposed acquisition of real property. Mr. Pintuff made a motion for Executive Session. It was seconded by Mr. Cornell and was unanimously approved. Chairman Klein stated there will be business conducted after Executive Session. Chairman Klein asked the Executive Director, General Counsel, Chief Fiscal Officer, Chief Engineer, Black River Area Administrator, Hudson River Area Administrator and Legal Assistant to join the Board for Executive Session.

**PUBLIC COMMENT PERIOD**

There were four speakers who made comments on the permit system rules regarding exclusive use and litigation.

## **GREAT SACANDAGA LAKE ACCESS PERMIT SYSTEM RULES**

The Board discussed the issuance of signage to access permit holders and whether the signage should expressly confer 'exclusive use' of relevant access permit areas upon the permit holder. Ms. Beyor expressed objection to the Board taking action on this matter. Mr. Leslie pointed out that the Board is permitted to deviate from the agenda.

Mr. Pintuff made a motion that, to be consistent with section 606.37 of the Rules and Regulations governing use by permit holders of state-owned property at Great Sacandaga Lake, the Regulating District should again begin issuing signs and permit documents that include the words 'exclusive use'; and that the Regulating District should accept the Sacandaga Protection Committee's offer to pay the expense of printing the new signs. Mr. Pintuff noted that the phrase 'exclusive use' had been used extensively on signage and permit applications before its removal three (3) years ago. Mr. Clark indicated that thousands of signs with the exclusive use language remain in use around the Lake. The motion was seconded by Mr. Astafan. Ms. Beyor voted against. The motion passed 5-1, with no abstentions.

## **HUDSON RIVER AREA APPORTIONMENT PRESENTATION BY AMERICAN ECONOMICS GROUP (AEG) – Mr. LaFave**

American Economics Group President Charles W. de Seve gave a presentation to the Board regarding the apportionment study AEG was commissioned to undertake. Dr. de Seve noted that AEG expects to complete the study by the end of May 2010.

**Meeting recessed for a break: 11:45 A.M.**

**Meeting reconvened: 12 Noon**

## **APPROVAL OF MEETING MINUTES**

Chairman Klein asked for a motion to accept the regular April 20, 2010 Board Meeting minutes and if there were any additions or corrections.

Mr. Cornell asked that the minutes be corrected on page 6 to ~~[Ms]~~ Mr. Cornell under Resolution 10-19-04. Ms. Beyor noted on page 13, Resolution 10-17-04 should reflect resolution ~~[08-25-05]~~ 09-17-05 in the second 'whereas' paragraph. Ms. Beyor requested the minutes memorialize the discussion regarding erosion control work that took place during the Hudson River Area Administrators report. The following is a summary of that discussion.

Ms. Beyor asked Mr. Clark if the plan was to start the process for the Erosion Control in the summer of 2010. Mr. Clark indicated that there have already been distributed 38 tons and 90 feet. He noted that the average price per ton this year is about \$11.00 a ton and there has been \$400.00 expended to date for this year. Mr. Clark stated the plan for the current season was to accomplish as much of the work as possible. Ms. Beyor asked whether there has been any thought given to deferring the scope of work on the erosion control with cost, material and manpower given the financial situation that the Regulating District is in. Mr. LaFave said that

this is under consideration and review and staff will be preparing a report to the Board at the May 2010 Board meeting.

Mr. Pintuff moved to approve the minutes with the noted corrections. Mr. Cornell seconded the motion. The motion passed 5-1, with one abstention (Mr. Astafan).

## **EXECUTIVE DIRECTOR'S REPORT**

Mr. LaFave presented his report to the Board.

## **COMMITTEE BUSINESS**

### **(a) Permit System – Mr. Pintuff**

**(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 presented his report to the Board.

### **(c) Finance Committee – Mr. Pintuff**

#### **(1) Approval of Expenses**

Mr. Pintuff asked that the motion to approve the expenses be moved to the Board as a whole. Mr. Pintuff made a motion to approve the expenses in the amount of \$376.60. Mr. Klein seconded the motion. The motion carried with one abstention (Mr. Berkstresser).

**(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 informed the Board of two conference calls held with the Department of Environmental Conservation and Brookfield Renewable Power (Brookfield) during the past seven days concerning the low flow conditions in the Beaver River. Mr. Foltan explained that discussions focused on the potential need to release more water from Stillwater Reservoir to supplement the natural flow of the Beaver River and the affect this additional release would have on the reservoir elevation.

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

Mr. Clark presented his report to the Board.

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

Mrs. Wright presented her report to the Board.

**(e) Employment and Compensation Committee – Ms. Beyor**

**(1) Old Business –None**

**(2) New Business**

**(A) Management Hiring Policy (second reading) – Mr. LaFave**

Mr. LaFave presented the Management Hiring Policy to the Board for a second reading. After Board discussion Ms. Beyor asked that Mr. Leslie's written comments provided to Mr. LaFave be forwarded to the Board for their review. Ms. Beyor requested staff to review the Management Hiring Policy and make recommended changes in writing to the Board prior to the June 8, 2010 Board meeting.

**BOARD BUSINESS**

**(1) Old Business -None**

**(2) New Business**

**(A) Motion to Approve Regulating District Annual Report for January 1, 2009 through December 31, 2009 – Mr. LaFave**

Mr. Pintuff made a motion to approve the Regulating District's Annual Report for January 1, 2009 through December 31, 2009. Ms. Beyor seconded the motion. The motion carried with one abstention (Mr. Astafan).

## **BOARD MEMBER QUESTIONS AND COMMENTS**

Ms. Beyor requested that the June 8, 2010 Board meeting agenda include the Finance Committee review and approval of the next fiscal year of the three year budget.

## **MOTION FOR NEXT BOARD MEETING**

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

A motion was made by Mr. Berkstresser for approval of the Resolution for the Regular Board Meeting to be held on Tuesday, June 8, 2010 at the Town of Webb Town Hall, 183 Park Avenue, Old Forge, NY 13420 at 10:00 A.M. Mr. Cornell seconded it. Chairman Klein asked if there was any discussion. There was none. The motion was unanimously approved.

## **EXECUTIVE SESSION**

**The Board entered Executive Session at 1:14 PM until 3:05 PM**

**HUDSON RIVER-BLACK RIVER REGULATING DISTRICT  
BOARD MEETING – EXECUTIVE SESSION – MAY 11, 2010  
JOHNSTOWN, NEW YORK – 10:00 AM**

**CALL TO ORDER** Chairman Klein called the Executive Session to order at 1:14 PM.

## **ROLL CALL**

**Present:** Chairman Philip W. Klein; First Vice Chair Pamela S. Beyor; Second Vice Chair Ronald Pintuff; Board members David Berkstresser; Paul J. Cornell and Michael F. Astafan; Executive Director Glenn A. LaFave; General Counsel Robert 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 Legal Assistant Ann E. Fisher.

## **DISCUSSION REGARDING SALE OF MERCER POWER PLANT**

The Board discussed the Regulating District's authority to exercise the Right of First Refusal to purchase the Mercer Power Plant. Thereafter, the present Board members reached a consensus not to exercise the option.

## **MOTION TO APPROVE LAYOFFS**

Mr. Pintuff noted that at this time a layoff of designated Regulating District employees would allow remaining staff an additional seven weeks of funding to work on resolving the current fiscal crisis. After a lengthy discussion by the Board and Sr. Staff of the unprecedented fiscal crisis facing the Hudson River-Black River Regulating District the following action took place.

Mr. Pintuff made a motion that effective May 26, 2010 the Hudson River Area would have a layoff of designated personnel. Mr. Ferrara will prepare a memorandum giving a two week notice, to be delivered on May 12, 2010, to each designated person to be laid off outlining the terms and payouts of accrued vacation time to date. Mr. LaFave and Mr. Berkstresser will prepare a press release to be issued on May 12, 2010 concerning the Hudson River Area layoffs that will be posted on the website. Mr. Klein seconded the motion and asked for a roll call vote.

Philip W. Klein	Yes
Pamela S. Beyor	Yes
Ronald Pintuff	Yes
David Berkstresser	Yes
Paul J. Cornell	Yes
Michael F. Astafan	Yes

## **RESOLUTIONS**

### **10-24-05 RESOLUTION SCHEDULING DATE, TIME AND LOCATION OF THE JUNE 8, 2010 BOARD MEETING**

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

## **ADJOURNMENT**

There being no further business to come before the Board, Mr. Pintuff moved to adjourn the meeting. Mr. Berkstresser seconded it. The motion was unanimously approved. The meeting adjourned at 3:06 P.M.

Respectfully submitted,

Richard J. Ferrara  
Secretary/Treasurer