

**HUDSON RIVER-BLACK RIVER REGULATING DISTRICT
BOARD MEETING
JANUARY 28, 2014**

Mayfield Municipal Complex
28 North School Street
Mayfield, New York 12117
Immediately following Organizational Meeting

CALL TO ORDER

Chairman Mark M. Finkle called the meeting to order at 10:18 A.M.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Board Chairman Mark M. Finkle; First Vice Chair Thomas Stover; Second Vice Chair Albert J. Hayes; Board Member David W. Berkstresser and; Executive Director Michael A. Clark; General Counsel Robert P. Leslie; Chief Fiscal Officer Richard J. Ferrara; Chief Engineer Robert Foltan; Hudson River Area Administrator John Hodgson.

MOTION TO ADOPT OR REVISE THE MEETING AGENDA

Chairman Finkle asked for a motion to adopt or revise the meeting agenda. Mr. Berkstresser made a motion to adopt the proposed meeting agenda without revision. Mr. Stover seconded it and the motion was unanimously approved.

PUBLIC COMMENT PERIOD

Chairman Berkstresser solicited comments from the public. A representative of the "Save the Hawkinsville Dam" committee spoke in favor of the remediation alternative favoring the adoption of the inflatable weir alternative. A discussion ensued. Mr. Clark offered to move the March meeting, scheduled for Utica to Boonville to accommodate additional public comment on Hawkinsville. Mr. Clark also agreed to place notice regarding said meeting, and subsequent meetings on the Hawkinsville remediation in the weekly paper covering that area: The Boonville Herald.

APPROVAL OF THE DECEMBER 10, 2013 BOARD MEETING MINUTES

Chairman Finkle asked for a motion to adopt the December 10, 2013 Meeting Minutes. Mr. Hayes advanced the motion to approve the Minutes of the Board's December 10, 2013 Regular Board Meeting. Mr. Berkstresser seconded it and the motion was unanimously approved.

EXECUTIVE DIRECTOR'S REPORT

Mr. Clark provided his report. Mr. Clark noted that the PERB mediation concerning a new employment contract for the Regulating District's CSEA local has concluded without resolution. CSEA's representative has petitioned PERB to conduct Fact-Finding.

BOARD RESOLUTIONS

RESOLUTION APPROVING BUDGET & FINANCIAL PLAN REQUIRED PURSUANT TO SECTION 2801 OF PUBLIC AUTHORITIES LAW

Mr. Ferrara explained to the Board that Section 2801 of the Public Authorities Law requires state authorities to submit budget information prior to the start of their fiscal year, which for the District is July 1, 2014. The financial data required, which Mr. Ferrara pointed to in the Board packet, is based in part on the Board approved revised three year budget reflecting a modified Hudson River Area apportionment which includes, pursuant to the Districts enabling legislation, an "amount chargeable to the state". The financial data for the "Proposed Years" or "out years" is based on the prior budget, actual and other estimated information. The required Budget & Financial Plan must be submitted to the required oversight entities by way of the Public Authorities Reporting & Information System by no later than 90 days prior to the start of the District's next fiscal year beginning July 1, 2014.

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

RESOLUTION TO AMEND THE HUDSON RIVER-BLACK RIVER REGULATING DISTRICT VEHICLE USE POLICY

Mr. Leslie pointed the Board to the proposed revision to the Regulating District's Vehicle Use Policy. Mr. Leslie explained that the Board's existing policy provides vehicles, for use by employees in the performance of their duties and establishes a uniform policy for the regulation of such vehicles. That policy is based on the Division of Budget BPRM (Budget Policy and Reporting Manual) D-750 issued on September 18, 2009 which imposed what were then new requirements on the use of such vehicles. In a November 27, 2013 memorandum, the Secretary to the Governor set forth a uniform policy for the use of state vehicles applicable to all state agencies and public authorities and superseding any inconsistent policy now in effect. In light of the fact that the Board has had ample time to review the attached vehicle use policy to ensure its compliance with the new statewide policy on state vehicles and thus can dispense with the third reading contemplated by the Regulating District's Policy on Policy Making, Mr. Leslie recommended the Board adopt the revised vehicle use policy attached hereto and acknowledge that this policy will replace and rescind the one contained in resolution 10-54-11.

Mr. Berkstresser moved to adopt the Resolution. Mr. Stover seconded it and the Resolution was unanimously adopted.

RESOLUTION TO NAME JOHN HODGSON ADMINISTRATOR IN THE BLACK RIVER AREA OF THE HUDSON RIVER-BLACK RIVER REGULATING DISTRICT AND TO DEVOLVE UPON THE CHIEF FISCAL OFFICER CERTAIN DUTIES OF THE BLACK RIVER AREA ADMINISTRATOR

Mr. Berkstresser noted that during his tenure as Board Chairman, the Board had appointed John Hodgson as the Acting Black River Area Administrator and asked Richard Ferrara to assume certain of the duties handled by the previous Black River Area Administrator. Mr. Berkstresser noted that the move resulted in significant savings because the Board did not have to appoint a new employee to handle the Black River Area Administrator's duties. Mr. Berkstresser proposed making the two appointments permanent with modest salary adjustments.

Mr. Stover moved to adopt the Resolution. Mr. Berkstresser seconded it and the Resolution was unanimously adopted.

STAFF REPORTS

Mr. Leslie presented his report to the Board. Mr. Leslie noted that he had prepared for the NYS Attorney General's office a Summons and Complaint for their use in the HRBRRD v. Erie case. The assigned AAG filed the case on January 21, 2014. Mr. Leslie reported that he submitted the list of the HRBRRD's Financial Disclosure Statement Filers to the Joint Commission on Public Ethics and reminded everyone of JCOPE's May 15th deadline for submission of such statements. He also reminded staff and the Board to submit to him any reportable contact as required by NYS's Project Sunlight.

Mr. Ferrara presented his report to the Board. Mr. Ferrara noted that at the close of fiscal December 2013, general fund balances for the HRA and BRA were approximately \$1,095,806 and \$962,719 respectively. Regulating District transactional processing and reporting for the fiscal month of December was completed in an accurate and timely fashion. District bank reconciliations are complete through December 31, 2013.

Mr. Ferrara noted that District financials and cash flows are attached for the Board's review. Current HRA assessment receivables are up to date. BRA assessment receivables collected to date totals \$1,087,419 of \$1,170,936.

Mr. Ferrara noted that serial bond issuance status remains unchanged. He related that the main issue continues to be the delay in approving the mandatory bond resolution which requires five (5) affirmative Board member votes to proceed. Finally, he noted that there were no material disbursements for the period.

Mr. Foltan presented the Chief Engineer's report to the Board.

1. Hawkinsville Dam - Remediation/Removal Project Status
2. Indian Lake - Engineering Assessment Scope & Fee Status

Mr. Hodgson presented his report to the Board.

RESOLUTION SCHEDULING DATE, TIME AND LOCATION OF THE REGULAR MEETING FOR MARCH 11, 2014 BOARD MEETING

Chairman Finkle asked for a motion to adopt a Resolution setting the next meeting of the Board of the Hudson River-Black River Regulating District for Tuesday, March 11, 2014 at the Booneville Town Hall at 10:00 A.M.

Mr. Berkstresser moved to adopt the Resolution. Mr. Hayes seconded it and the Resolution was unanimously adopted.

ADJOURNMENT

There being no further business to come before the Board, Mr. Hayes moved to adjourn the meeting. Mr. Stover seconded it. The motion was unanimously approved. The meeting adjourned at 11:12 P.M.

RESOLUTIONS

14-1-1 RESOLUTION APPROVING BUDGET & FINANCIAL PLAN REQUIRED PURSUANT TO SECTION 2801 OF PUBLIC AUTHORITES LAW

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

14-2-1 RESOLUTION TO AMEND THE HUDSON RIVER-BLACK RIVER REGULATING DISTRICT VEHICLE USE POLICY

Mr. Berkstresser moved to adopt the Resolution. Mr. Stover seconded it and the Resolution was unanimously adopted.

14-3-1 RESOLUTION TO NAME JOHN HODGSON ADMINISTRATOR IN THE BLACK RIVER AREA OF THE HUDSON RIVER-BLACK RIVER REGULATING DISTRICT AND TO DEVOLVE UPON THE CHIEF FISCAL OFFICER CERTAIN DUTIES OF THE BLACK RIVER AREA ADMINISTRATOR

Mr. Stover moved to adopt the Resolution. Mr. Berkstresser seconded it and the Resolution was unanimously adopted.

14-4-1 RESOLUTION SCHEDULING DATE, TIME AND LOCATION OF THE REGULAR MEETING FOR MARCH 11, 2014 BOARD MEETING

Mr. Berkstresser moved to adopt the Resolution. Mr. Hayes seconded it and the Resolution was unanimously adopted.

Respectfully submitted,

Richard J. Ferrara
Secretary/Treasurer