

**HUDSON RIVER-BLACK RIVER REGULATING DISTRICT  
BOARD MEETING**

**MAY 14, 2013**

**10:00 A.M.**

Mayfield Municipal Complex  
28 North School Street  
Mayfield, New York 12117

**CALL TO ORDER**

Chairman David W. Berkstresser called the meeting to order at 10:00 A.M.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**Present:** Board Chairman David W. Berkstresser; First Vice Chair Mark M. Finkle; Second Vice Chair Albert J. Hayes; Board Member Thomas Stover 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; Black River Area Administrator Carol L. Wright.

**Excused: None**

**MOTION TO ADOPT OR REVISE THE MEETING AGENDA**

Chairman Berkstresser noted a need for a Motion to revise the meeting agenda to reflect an Executive Session at the end of the meeting. Chairman Berkstresser indicated that there would be no business conducted after the Executive Session. Mr. Stover made a Motion to adopt the proposed meeting agenda as revised. Mr. Finkle seconded it and the motion was unanimously approved.

**PUBLIC COMMENT PERIOD**

Chairman Berkstresser solicited comments from the public. Hearing none.

**APPROVAL OF THE APRIL 9, 2013 BOARD MEETING MINUTES**

A motion was made by Mr. Hayes to approve the Minutes of the Board's April 9, 2013 regular board meeting. Mr. Finkle seconded it and the motion was unanimously approved.

**EXECUTIVE DIRECTOR'S REPORT**

Mr. Clark provided his report. He noted that the Apportionment has been finalized and that all of the past due and most of the currently due assessments from the Five Counties have been received. Further, Mr. Clark noted that, as per the 2013 Apportionment by Consent, the first installment of past due taxes and all currently due taxes to Hamilton and Fulton County have

been processed and paid. Mr. Clark explained the need to re-hire three or four Hudson River Area employees laid-off in May 2010 noting that Spring/Summer activity at Great Sacandaga Lake is picking-up.

## **CONTRACTS**

### **MOTION TO APPROVE REGULATING DISTRICT ANNUAL REPORT FOR JANUARY 1, 2012 THROUGH DECEMBER 31, 2012**

Mr. Clark offered the Regulating District's Annual Report to the Board.

Mr. Hayes made a Motion to submit the Regulating District's Annual Report to the Commissioner of the Department of Environmental Conservation in accordance with Environmental Conservation Law section 15-2131. Mr. Stover seconded and the Motion was adopted by unanimous vote.

### **RESOLUTION TO ACCEPT HDR PROPOSAL TO COMPLETE STILLWATER DAM BREACH ANALYSIS**

Mr. Foltan noted that the Hudson River-Black River Regulating District Board adopted Resolution 13-06-04 awarding the work for the Stillwater Dam Breach Analysis to Henningson, Durham & Richardson Architecture and Engineering, P.C. (HDR) contingent upon the successful negotiation of contract terms and conditions. Contract negotiations have resulted in a proposed contract for a not to exceed amount of \$26,975 with terms and conditions which Mr. Foltan recommends to the Board. The contract is subject to review and approval of the Office of the New York State Attorney General and the New York State Office of the State Comptroller.

Chairman Berkstresser asked for a brief explanation of the Contract's purpose. Mr. Foltan and Mr. Clark explained that the mapping performed by HDR will identify areas which would be flooded in a worst case scenario and that this information then becomes the basis for the Regulating District's Emergency Action Plan. They noted that every five years, the Regulating District conducts an exercise with Police, Fire/Rescue & Emergency Management forces to develop and then simulate a failure scenario for the Dam.

Mr. Finkle moved to adopt the Resolution to accept the HDR proposal to complete the Stillwater Dam Breach Analysis. Mr. Stover seconded it and the Resolution was unanimously adopted.

## **STAFF REPORTS**

Mr. Leslie presented his report to the Board.

Mr. Leslie noted the 2012 Financial Disclosure Reports are due May 15<sup>th</sup>. He urged any affected Board Member or staff member to contact him in the event they have difficulty meeting the deadline.

Mr. Ferrara presented his report to the Board.

At the close of fiscal February 2013, general fund balances for the HRA and BRA were approximately \$2,822,070 and \$406,000 respectively. Regulating District transactional processing and reporting for the fiscal month of April was completed in an accurate and timely

fashion. Regulating District expenses for the month came in at forecasted levels. Mr. Ferrara noted that permit system renewal fee receipts through March are \$421,000 and thus are essentially complete.

Mr. Ferrara noted the receipt of all past due assessments from the Five Counties (\$2,289,175) and receipt of \$381,486 representing current assessments for Warren and Washington Counties. Outstanding amounts due from Albany and Rensselaer Counties (\$1,034,698 & \$542,447 respectfully) for current assessments are due to be received on or about May 21<sup>st</sup>.

Finally, Mr. Ferrara noted that checks to Fulton and Hamilton County representing payments in accordance with the Stipulation of Settlement and Discontinuance issued by the Fulton County Supreme Court have been issued. These include 50% of past due taxes and all current taxes. Per the agreement, the balance of the past due taxes will be paid in March 2014. In addition, the Regulating District has begun processing additional checks to cover the FERC Headwater Benefits Study Fee (\$154,790) and the annual NYS Retirement System payment (\$289,439). Mr. Ferrara noted that the amount due to the Retirement System rose from 7% of payroll in 2010 to 18.6% of payroll in 2013.

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

Mr. Foltan presented a Memorandum in response to the Board's inquiry at the last Board meeting regarding the recommendation to resume completion of certain maintenance and capital improvement projects.

Mr. Clark added that staff engineering acumen provided the Board with an opportunity to realize savings with respect to construction monitoring.

Chairman Berkstresser asked for a Motion to authorize staff to solicit engineering services in connection with the warning siren project and the ice sluice repair at Conklingville Dam. Mr. Hayes made the Motion. Mr. Stover seconded, and the Motion was adopted by unanimous vote of the Board.

Chairman Berkstresser asked for a Motion to approve the Capital Project priority list as delineated on page 136 of the Chief Engineer's report for May 14, 2013. Mr. Finkle made the Motion. Mr. Stover seconded, and the Motion was adopted by unanimous vote of the Board.

Mr. Hodgson presented his report to the Board.

Mrs. Wright presented her report to the Board.

## **RESOLUTION SCHEDULING DATE, TIME AND LOCATION OF THE JUNE 11, 2013 BOARD MEETING**

Chairman Berkstresser asked for a Motion to adopt a revised Resolution setting the June 11, 2013 date of the Board's next meeting at the Town of Inlet Town Hall.

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

## **EXECUTIVE SESSION**

Chairman Berkstresser called for a motion to adjourn to Executive Session to discuss the Albany Engineering, Boralex and NYSEG litigation and personnel matters. The Chairman invited the Executive Director, Chief Fiscal Officer, and General Counsel to join the Board in Executive Session. Mr. Finkle advanced the motion, Mr. Hayes seconded. The Board adjourned to Executive Session at 11:05A.M. and returned at 12:08P.M. Chairman Berkstresser noted that the Board anticipated no Board action following the Executive Session.

## **ADJOURNMENT**

There being no further business to come before the Board, Mr. Finkle moved to adjourn the meeting. Mr. Stover seconded it. The motion was unanimously approved. The meeting adjourned at 12:08 P.M.

## **RESOLUTIONS**

### **13-13-05 RESOLUTION TO ACCEPT HDR PROPOSAL TO COMPLETE STILLWATER DAM BREACH ANALYSIS**

Mr. Finkle moved to adopt the Resolution to accept the HDR proposal to complete the Stillwater Dam Breach Analysis. Mr. Stover seconded it and the Resolution was unanimously adopted.

### **13-14-04 RESOLUTION SCHEDULING DATE, TIME AND LOCATION OF THE MAY 14, 2013 BOARD MEETING**

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

Respectfully submitted,  
Richard J. Ferrara  
Secretary/Treasurer