

**HUDSON RIVER-BLACK RIVER REGULATING DISTRICT
BOARD MEETING
Northampton Town Hall
412 South Main Street
Northville, NY 12134**

January 7, 2015 - Immediately following Finance Committee Meeting

CALL TO ORDER

Chairman Mark M. Finkle called the meeting to order at 11:00 A.M. Chairman Finkle called for a moment of silence in honor of Governor Mario Cuomo.

ROLL CALL

Present: Board Chairman Mark M. Finkle; Second Vice- Chair Albert J. Hayes; Board Members David W. Berkstresser, Anthony Neddo and Jeffrey Rosenthal; Executive Director Michael A. Clark; General Counsel Robert P. Leslie; Chief Fiscal Officer Richard J. Ferrara; Chief Engineer Robert Foltan; Hudson River - Black River Area Administrator John Hodgson.

MOTION TO ADOPT OR REVISE THE MEETING AGENDA

Chairman Finkle asked for a motion to adopt the meeting agenda. Mr. Hayes made a motion to adopt the meeting agenda. Mr. Berkstresser seconded it and the motion was unanimously approved.

PUBLIC COMMENT

Chairman Finkle solicited comments from the public; hearing none.

APPROVAL OF THE DECEMBER 9, 2014 BOARD MEETING MINUTES

Chairman Finkle asked for a motion to adopt the December 9, 2014 regular meeting minutes. Mr. Rosenthal advanced the motion to approve the Board's December 9, 2014 regular meeting minutes. Mr. Berkstresser seconded it and the motion was unanimously approved.

EXECUTIVE DIRECTOR'S REPORT

Mr. Clark provided his report. Mr. Clark reported that he executed a Memorandum of Agreement with CSEA Local 1000 and implemented a collective bargaining agreement for the term July 1, 2012 through June 30, 2016. The terms of the C.B.A. are per the Board Resolution 14-22-07 adopted in July 2014. Mr. Clark reported his attendance with the CFO and the Engineering assistant wherein representatives of the Governor's office outlined the rollout of the State's 30% MWBE goal. Mr. Clark noted that he and counsel met with representatives from Erie Boulevard Hydropower (Brookfield Renewable Energy) to further discuss resolution of the upper Hudson/Sacandaga Headwater Benefits and Reservoir Operating Agreement issues. The parties reached no agreement and both parties have now filed with FERC requests that FERC appoint a settlement judge to address the issues in dispute. Mr. Clark reported on the Regulating

District's efforts to comply with the new NYS branding guidelines and lead a discussion with the Board regarding the Comptroller's recommendation that the Board consider an increase in the Access Permit Fees at Great Sacandaga Lake. The Board Chair promised to open the permit fee matter to public comment during the summer months when lake visitors were more likely to be present.

FINANCE COMMITTEE REPORT

Finance Committee Chairman Neddo reported two Resolutions out of the Finance Committee. First, Committee Chairman Neddo presented a Resolution through which the Board would authorize the issuance of serial bonds in the amount of \$1,249,098.00 for the reconstruction of the Hawkinsville Dam. He noted that this is the same project considered by the Board throughout 2014 and for which the Board issued a negative declaration under SEQRA as reflected in Resolution 14-38-12 at the December meeting in Watertown.

Second, Committee Chairman Neddo presented a Resolution through which the Board would authorize the issuance of serial bonds in the amount of \$3,246,867.00 for the ice sluice/spillway concrete repair at Conklingville. Committee Chairman Neddo pointed out that this project has also been considered by the Board throughout 2014 and that the Board had determined by Motion at the December meeting that this particular project should be characterized as a Type II action pursuant to SEQRA.

BOND RESOLUTION DATED JANUARY 7, 2015. A RESOLUTION AUTHORIZING THE ISSUANCE OF \$3,246,867.00 SERIAL BONDS OF THE HUDSON RIVER-BLACK RIVER REGULATING DISTRICT TO PAY THE COST OF THE RECONSTRUCTION OF THE ICE SLUICE AT THE CONKLINGVILLE DAM.

Chairman Finkle sought a Motion to adopt the resolution authorizing the issuance of serial bonds in the amount of \$3,246,867.00 for the ice sluice/spillway concrete repair at the Conklingville Dam. Mr. Neddo made the motion. Mr. Rosenthal seconded and the Board passed the Motion adopting the bond resolution by unanimous 5-0 vote.

BOND RESOLUTION DATED JANUARY 7, 2015. A RESOLUTION AUTHORIZING THE ISSUANCE OF \$1,249,098.00 SERIAL BONDS OF THE HUDSON RIVER-BLACK RIVER REGULATING DISTRICT TO PAY THE COST OF THE RECONSTRUCTION OF THE HAWKINSVILLE DAM.

Chairman Finkle sought a Motion to adopt the resolution authorizing the issuance of serial bonds in the amount of \$1,249,098 for the reconstruction of the Hawkinsville Dam. Mr. Neddo made the motion. Mr. Hayes seconded and the Board passed the Motion adopting the bond resolution by unanimous 5-0 vote.

STAFF REPORTS

Mr. Leslie presented his report to the Board. Mr. Leslie noted that, despite reaching out to representatives from New York State Electric & Gas and Northern Electric/South Glens Falls to address the Appellate Division decisions eliminating those companies' claims for refunds of

state-law based assessments and to address the agreements which must be advanced to FERC as part of FERC's expected Order directing the commencement of Headwater Benefit Assessment payments, he has heard no response. In light of that and Mr. Leslie's previous recommendation to reject Stillwater Associates' proposal to offset the next 71 years of its Headwater Benefit Assessments against such state-law based assessments, he prepared Mr. Clark's letter to FERC asking that FERC convene a settlement proceeding and/or appoint a settlement judge to address the outstanding issues. Mr. Leslie noted that in light of the agreement with CSEA as reported by Mr. Clark, there no longer exists a need to hold a hearing to address the Fact finder's report pursuant to Civil Service Law section 209(3)(e). In addition, he noted that the PERB ALJ had, at the request of the CSEA Local's CSEA representative, withdrawn the improper practices charge filed during negotiations; closing the matter. Mr. Leslie also noted that he filed the required Ethics Training Compliance Report with the Joint Commission on Public Ethics; the annual report to the Office of Domestic Violence Prevention and the legal portion of the 4th Quarter 2014 Quarterly Report to the Governor.

Mr. Ferrara presented his report to the Board. He noted that at the close of fiscal December 31, 2014, the general fund balances for the HRA and BRA were estimated to be \$504,365 and \$1,035,462 respectively. He noted that District transactional processing and reporting for the fiscal month of November was completed in an accurate and timely fashion. District bank reconciliations are complete through November 30, 2014. Mr. Ferrara distributed District financials for the month ending December 31, 2014. Mr. Ferrara noted that he prepared for the Executive Director revised procedures to address leave requests noting that, in accordance with findings outlined in the Comptroller Audit, the new procedure memorializes the existing practice that supervisors review weekly timesheets against such leave requests. He also noted changes to the inventory control procedures to memorialize the annual count and to establish a date upon which such counts must be completed.

Mr. Ferrara presented an affidavit evidencing \$105.28 in necessary and reasonable Board expenses incurred by Jeffrey Rosenthal in the course of his duties as a Board member. Chairman Finkle asked for a Motion to approve payment of such expenses. Mr. Berkstresser so moved. Mr. Hayes seconded and the Board passed the Motion by unanimous vote; Mr. Rosenthal abstaining. Mr. Clark explained to the Board that a recent travel advisory now requires that all such Board expenses be submitted within 90 days.

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

Mr. Hodgson presented his report to the Board.

BOARD MEMBER QUESTIONS AND COMMENTS

Mr. Rosenthal commended the Regulating District staff for the professional and timely manner in which they perform their assigned duties. Mr. Berkstresser agreed with such sentiment; noting that staff have taken on significant additional duties as of late.

RESOLUTION SCHEDULING DATE, TIME AND LOCATION OF THE REGULAR BOARD MEETING FOR MARCH 10, 2015

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 10, 2015 at the Utica State office Building, 207 Genesee Street, Utica, New York at 10:00 A.M. Chairman Finkle asked for a motion to set the meeting as indicated.

Mr. Berkstresser moved to adopt the Resolution. Mr. Neddo 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. Rosenthal seconded it. The motion was unanimously approved. The meeting adjourned at 11:50 A.M.

RESOLUTIONS

15-01-01 BOND RESOLUTION DATED JANUARY 7, 2015. A RESOLUTION AUTHORIZING THE ISSUANCE OF \$3,246,867.00 SERIAL BONDS OF THE HUDSON RIVER-BLACK RIVER REGULATING DISTRICT TO PAY THE COST OF THE RECONSTRUCTION OF THE ICE SLUICE AT THE CONKLINGVILLE DAM.

Chairman Finkle sought a Motion to adopt the resolution authorizing the issuance of serial bonds in the amount of \$3,246,867.00 for the ice sluice/spillway concrete repair at the Conklingville Dam. Mr. Neddo made the motion. Mr. Hayes seconded and the Board passed the Motion adopting the bond resolution by unanimous vote.

15-02-01 BOND RESOLUTION DATED JANUARY 7, 2015. A RESOLUTION AUTHORIZING THE ISSUANCE OF \$1,249,098.00 SERIAL BONDS OF THE HUDSON RIVER-BLACK RIVER REGULATING DISTRICT TO PAY THE COST OF THE RECONSTRUCTION OF THE HAWKINSVILLE DAM.

Chairman Finkle sought a Motion to adopt the resolution authorizing the issuance of serial bonds in the amount of \$1,249,098 for the reconstruction of the Hawkinsville Dam. Mr. Neddo made the motion. Mr. Rosenthal seconded and the Board passed the Motion adopting the bond resolution by unanimous 5-0 vote.

15-03-01 RESOLUTION SCHEDULING DATE, TIME AND LOCATION OF THE REGULAR BOARD MEETING FOR MARCH 10, 2015

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

Respectfully submitted,
Richard J. Ferrara
Secretary/Treasurer