

**HUDSON RIVER-BLACK RIVER REGULATING DISTRICT  
BOARD MEETING  
Utica State Office Building  
207 Genesee Street  
Utica, NY 13501  
Conference Room B**

March 10, 2015 - Immediately following Finance Committee Meeting

**CALL TO ORDER**

Chairman Mark M. Finkle called the meeting to order at 10:35 A.M.

**ROLL CALL**

**Present:** Board Chairman Mark M. Finkle; First Vice-Chair Albert J. Hayes; Second Vice-Chair David W. Berkstresser, and Board Member Anthony Neddo; 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.

Excused: Jeffrey Rosenthal

Notice of New Board Member: Chairman Finkle reported to the Board that a new Board Member, Robert Moore of Old Forge, has been appointed and is expected to join the Board at the April meeting in Watertown. Mr. Clark indicated that he had been in contact with Mr. Moore and that they would meet soon for a briefing.

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

Chairman Finkle asked for a motion to adopt the meeting agenda. Mr. Neddo 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 JANUARY 7, 2015 ORGANIZATIONAL MEETING MINUTES  
AND REGULAR BOARD MEETING MINUTES**

Chairman Finkle asked for a motion to adopt the January 7, 2015 Organizational Meeting Minutes. Mr. Hayes advanced the motion to approve the Board's January 7, 2015 Organizational Meeting Minutes. Mr. Berkstresser seconded it and the motion was unanimously approved.

Chairman Finkle asked for a motion to adopt the January 7, 2015 Regular Meeting Minutes. Mr. Hayes advanced the motion to approve the Board's January 7, 2015 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 during the reporting period he met with representatives from CMK Realty regarding the Access Permit System at Great Sacandaga Lake and with representatives from Albany Engineering regarding releases from the GSL Reservoir. Mr. Clark also related his experience meeting with all agency commissioners and the Secretary to the Governor. He noted that he participated in the first and second round of interviews of candidates for the Field Assistant position at Mayfield. Mr. Clark outlined for the Board the changes to the Regulating District's Vehicle use Policy necessary to reflect an update to the Statewide Vehicle Use Policy.

### **RESOLUTION TO INCORPORATE LANGUAGE WITHIN THE REGULATING DISTRICT'S VEHICLE USE POLICY TO ENSURE COMPLIANCE WITH THE STATEWIDE FLEET POLICY UPDATE INVOLVING PERSONALLY OWNED VEHICLE (POV) USAGE**

Mr. Clark noted that the Director of State Operations issued a January 20, 2015 memorandum setting forth additional requirements pertaining to Personally Owned Vehicle (POV) Usage applicable to all state agencies and public authorities. The new language to be incorporated into the Regulating District's Policy would require the assignment of a fleet vehicle to any employee expected to drive their personal vehicle over 15,000 a year for Regulating District purposes. Mr. Clark noted that it is highly unlikely that any Regulating District employee would be affected by such provision, but agreed that an amendment to the Regulating District's Policy was warranted to ensure compliance with the Statewide Policy.

Mr. Neddo moved to adopt the Resolution to amend the Regulating District's Vehicle Use Policy. Mr. Berkstresser seconded it and the Resolution was unanimously adopted.

Mr. Clark alerted the Board to an appeal lodged by Mr. & Mrs. Sansevera regarding a decision he rendered affecting the persons to whom an access permit is to be issued. Mr. Clark related that the appeal letter requested ample time for the parties to prepare their remarks and requested that the meeting at which the appeal be heard not be too far from the affected permit area. As such, Mr. Clark noted that he asked Counsel to contact the parties to schedule the public hearing on the appeal during the Board's Regulating meeting in Mayfield on May 12<sup>th</sup>.

### **RESOLUTION TO HIRE DANIELLE THORNE AS A FIELD ASSISTANT IN THE HUDSON RIVER AREA OF THE HUDSON RIVER-BLACK RIVER REGULATING DISTRICT**

Mr. Clark reported that the Regulating District solicited and received 33 resumes for the open Field Assistant position and that after interviewing twelve (12) candidates, five candidates were interviewed a second time. From among the five well qualified candidates, Mr. Clark and the Board's First Vice Chairman selected Danielle Thorne as the best candidate to fill the full-time Field Assistant position in the Hudson River Area. Mr. Clark presented a draft Resolution for the Board to consider. The Resolution would authorize the employment of Danielle Thorne effective March 26, 2015. Ms. Thorne's annual salary would be set at \$36,821.00 as established by the Agreement between the Hudson River-Black River Regulating District and the District's

Local 120 of the CSEA Local 1000 for the period July 1, 2012 – June 30, 2016. Mr. Clark noted that Danielle Thorne’s employment with the District should be made subject to the terms and conditions set forth in the aforementioned Agreement.

Mr. Hayes moved to adopt the Resolution to authorize the employment of Danielle Thorne effective March 26, 2015. Mr. Berkstresser seconded it and the Resolution was unanimously adopted.

**RESOLUTION TO NAME STEPHANIE V. RUZYCKY COMPLIANCE OFFICER OF THE HUDSON RIVER-BLACK RIVER REGULATING DISTRICT**

Mr. Clark related to the Board that Article 15-A of the Public Authorities Law requires all state contracting agencies to set and meet specific goals for increasing the participation of minority and women owned businesses. He noted that while the Board authorized the employment of an Engineering Assistant, who as part of her duties would assume compliance with MWBE goals, since such hire it has become apparent that ensuring compliance with such MWBE goals and other reporting requirements is a full-time endeavor. As such, Mr. Clark recommended that the Board establish the position of Compliance Officer and ask the incumbent Engineering Assistant to assume such duties full-time. He noted that the Engineering Assistant, Stephanie Ruzicky has demonstrated the skills necessary to be effective in the position of Compliance Officer, and recommended that the Board name Stephanie V. Ruzicky, to be the District’s Compliance Officer, effective on the first payroll period following this meeting at an annual salary of \$74,259.00. Further, he recommended that Stephanie V. Ruzicky’s employment with the District remain subject to the terms and conditions set forth in the Management/Exempt Employee Guidelines. Chairman Finkle recommended that the next three year budget be modified to reflect replacement of the Engineering Assistant.

Mr. Berkstresser moved to adopt the Resolution creating the position of Compliance Officer and authorizing that such position be filled by Stephanie Ruzicky at the annual salary of \$74,249.00. Mr. Hayes seconded it and the Resolution was unanimously adopted.

**FINANCE COMMITTEE REPORT**

Finance Committee Chairman Neddo reported one Resolution out of the Finance Committee.

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

Committee Chairman Neddo outlined the requirement at section 2801 of the Public Authorities Law which requires that no later than 90 days before the start of an authorities’ fiscal year, it must submit a budget and financial plan by way of the Public Authorities Reporting & Information system (PARIS). Mr. Neddo related that the required financial data is based in part on the Board approved three year budget reflecting a modified Hudson River Area apportionment which includes, pursuant to the Regulating District’s enabling legislation, an amount chargeable to the state. Mr. Neddo presented the Board with a Resolution authorizing the submission of the 2016 Budget and Financial Plan.

Mr. Hayes moved to adopt the Resolution to authorize submission of the 2016 Budget and Financial Plan via PARIS. Mr. Berkstresser seconded it and the Resolution was unanimously adopted.

## **STAFF REPORTS**

Mr. Leslie presented his report to the Board. Mr. Leslie noted that it has been quiet on the litigation front; the Regulating District awaits outcomes of the competing dispositive motions in NiMo's federal court challenge and the slip in fall case in front of Captain Nauti's.. He noted that he has begun to prepare materials for the Sansevera appeal and awaits a response from FERC concerning the commencement of HWB payments. Mr. Leslie related that as the HRBRRD's liaison, he attended training provided by the Office for the Prevention of Domestic Violence and that he attended a meeting with all agency counsel at the capitol. Mr. Leslie related that counsel for the Thompsons, a party involved in an enforcement action initiated by DEC's Region Six concerning use of a Ferry at Stillwater Reservoir, have asked whether the Board would consent to allowing such Ferry to be docked or moored periodically on Regulating District lands.

Mr. Ferrara presented his report to the Board. He noted that at the close of fiscal February 28, 2015, the general fund balances for the HRA and BRA were estimated to be \$394,454 and \$962,876 respectively. He noted that District transactional processing and reporting for the fiscal months of January and February were completed in an accurate and timely fashion. District bank reconciliations are complete through January 31, 2015.

Mr. Ferrara distributed District financials for the months ending January 31, 2015 and February 28, 2015. He also reported upon the new server installations in Mayfield and Watertown.

Mr. Ferrara presented affidavits evidencing necessary and reasonable Board expenses incurred by Thomas Stover in the amount of \$1,015.84 and by Anthony Neddo in the amount of \$564.27 in the course of their duties as Board members. 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. Foltan presented the Chief Engineer's report to the Board.

Mr. Hodgson presented his report to the Board.

## **BOARD MEMBER QUESTIONS AND COMMENTS**

Chairman Finkle led the Board in a discussion of the adoption of the Management Confidential salary schedules employed for agency M/C's for the purpose of setting consistent salaries for the Regulating District's Management Confidential staff.

**RESOLUTION SCHEDULING DATE, TIME AND LOCATION OF THE REGULAR BOARD MEETING FOR APRIL 14, 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, April 14, 2015 at the Dulles State Office Building, 317 Washington Street, 1<sup>st</sup> Floor Conference Room, Watertown, NY 13601 at 10:00A.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. Berkstresser moved to adjourn the meeting. Mr. Hayes seconded it. The motion was unanimously approved. The meeting adjourned at 11:15 A.M.

**RESOLUTIONS**

**15-04-03 RESOLUTION TO INCORPORATE LANGUAGE WITHIN THE REGULATING DISTRICT’S VEHICLE USE POLICY TO ENSURE COMPLIANCE WITH THE STATEWIDE FLEET POLICY UPDATE INVOLVING PERSONALLY OWNED VEHICLE (POV) USAGE**

Mr. Neddo moved to adopt the Resolution to amend the Regulating District’s Vehicle Use Policy. Mr. Berkstresser seconded it and the Resolution was unanimously adopted.

**15-05-03 RESOLUTION TO HIRE DANIELLE THORNE AS A FIELD ASSISTANT IN THE HUDSON RIVER AREA OF THE HUDSON RIVER-BLACK RIVER REGULATING DISTRICT**

Mr. Hayes moved to adopt the Resolution to authorize the employment of Danielle Thorne effective March 26, 2015. Mr. Berkstresser seconded it and the Resolution was unanimously adopted.

**15-06-03 RESOLUTION TO NAME STEPHANIE V. RUZYCKY COMPLIANCE OFFICER OF THE HUDSON RIVER-BLACK RIVER REGULATING DISTRICT**

Mr. Berkstresser moved to adopt the Resolution creating the position of Compliance Officer and authorizing that such position be filled by Stephanie Ruzycky at the annual salary of \$74,259.00. Mr. Hayes seconded it and the Resolution was unanimously adopted.

**15-07-03 RESOLUTION APPROVING BUDGET & FINANCIAL PLAN REQUIRED PURSUANT TO SECTION 2801 OF PUBLIC AUTHORITIES LAW**

Mr. Hayes moved to adopt the Resolution to authorize submission of the 2016 Budget and Financial Plan via PARIS. Mr. Berkstresser seconded it and the Resolution was unanimously adopted.

**15-08-03 RESOLUTION SCHEDULING DATE, TIME AND LOCATION OF THE REGULAR BOARD MEETING FOR APRIL 14, 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