

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

**June 10, 2025
10 AM**

**Sacandaga Field Office Conference Room
Sacandaga Field Office
737 Bunker Hill Road
Mayfield, NY 12117**

Remote Conference-In Information

336 Buck Lane
Forestport, NY 13338

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CALL TO ORDER

Board Chair Mark M. Finkle called the meeting to order at 10:36 A.M.

ROLL CALL

Present: Board Chair Mark M. Finkle; First Vice-Chair Kenneth F. DeWitt; Board Members Albert J. Hayes, Richard Bird, Timothy J. Reagan and Nicole T. Allen; Executive Director John C. Callaghan; General Counsel Robert P. Leslie; Chief Engineer Robert S. Foltan; Chief Fiscal Officer Timothy M. Maniccia; and Director of Administrative Services Stephanie V. Ruzycky.

Video: Second Vice-Chair Alfred J. Candido, Jr. (Travel).

MOTION TO ADOPT OR REVISE THE MEETING AGENDA

Chair Finkle asked for a motion to adopt a revised agenda to reflect an executive session to discuss affirmative litigation involving Erie Boulevard Hydropower, L.P. Mr. Hayes moved to adopt the agenda. Mr. DeWitt seconded. The Board approved the motion in a unanimous vote.

PUBLIC COMMENT

Chair Finkle opened the meeting to public comment; hearing none.

APPROVAL OF THE MAY 13, 2025 REGULAR BOARD MEETING MINUTES

Chair Finkle asked for a motion to adopt the May 13, 2025 regular board meeting minutes. Mr. Reagan advanced the motion to approve the regular meeting minutes. Mrs. Allen seconded. The Board approved the motion by unanimous vote.

REPORT OF THE EXECUTIVE DIRECTOR

Mr. Callaghan presented his report to the Board. Mr. Callaghan expressed appreciation to SFO staff who have prepared the field office to host various state and local agencies to be engaged in a multi-jurisdiction aquatic training exercise on June 11th. He also lauded staff's outstanding effort on the roll-out for the Regulating District's 2024 Annual Report and highlighted several achievements articulated therein.

MOTION TO APPROVE REGULATING DISTRICT ANNUAL REPORT JANUARY 1, 2024-DECEMBER 31, 2024

Mr. Callaghan presented the Regulating District's annual report. Chair Mark Finkle asked for a motion to adopt the report and deliver it to the Commissioner of the NYS Department of Environmental Conservation as required by ECL Article 15, Title 21. Mr. Hayes moved to approve the Regulating District's Annual Report for January 1, 2024 through December 31, 2024 and to deliver the report to DEC as required. Mr. DeWitt seconded the motion and the Board adopted the motion by unanimous vote.

CONTRACTS

RESOLUTION AUTHORIZING THE EXPENDITURE OF UP TO \$112,411.95 FOR PURCHASE OF A MINI-EXCAVATOR IN THE HUDSON RIVER AREA

Mr. Callaghan presented a resolution authorizing an expenditure for the purchase of a mini-excavator for use in the Hudson River Area. He noted that the Regulating District's FY 2025-2026 budget included an expenditure of \$85,000 for replacement of the workboat's 1998 hydraulic crane. Staff had the opportunity to utilize borrowed and rented mini-excavators extensively for tornado cleanup activities in 2024, demonstrating the inherent effectiveness and flexibility of this equipment, and recommended that the replacement of the workboat's hydraulic crane be moved into a subsequent fiscal cycle in favor of the purchase of a mini-excavator. Mr. Callaghan agreed and noted that staff, utilizing the State Contract, identified a 2025 Bobcat E-88 R2-series mini-excavator at a cost of \$112,411.95 from Bobcat of Gloversville-Johnstown, LLC. Mr. Callaghan also recommended several budget transfers to ensure the availability of adequate funds for the purchase.

Board Chair Mark Finkle asked for a motion to approve the resolution authorizing the necessary budget transfers and the expenditure of up to \$112,411.95 for the purchase of a mini-excavator from Bobcat of Gloversville-Johnstown, LLC through New York State contract for the Hudson River Area. Mr. Hayes so moved. Mr. DeWitt seconded and the Board approved the motion by unanimous vote.

STAFF/COMMITTEE REPORTS

FINANCE COMMITTEE REPORT

RESOLUTION TO APPROVE THE ANNUAL ASSESSMENT FOR THE OPERATION AND MAINTENANCE OF STORAGE RESERVOIRS IN THE BLACK RIVER AREA FOR THE SECOND YEAR (JULY 1, 2025 - JUNE 30, 2026) OF THE THREE YEAR BUDGET PERIOD BEGINNING JULY 1, 2024

Finance Committee Chair Kenneth DeWitt presented the annual assessment for the operation and maintenance of storage reservoirs in the Black River Area for the period July 1, 2025 through June 30, 2026 pursuant to Environmental Conservation Law, Article 15, Title 21, Sections 15-2123 and 15-2125, and requested that the Board approve a resolution setting the annual assessment (\$1,257,019.00) accordingly. The Black River Area assessment is attached.

Chair Mark Finkle asked for a motion to adopt the resolution setting the annual assessment for the operation and maintenance of storage reservoirs in the Black River Area for the second year (July 1, 2025 through June 30, 2026) of the three year budget period (July 1, 2024 – June 30, 2027) in the amount of \$1,257,019.00. Mr. Reagan so moved. Mrs. Allen seconded and the Board approved the motion by unanimous vote.

RESOLUTION TO APPROVE THE STATE SHARE FOR THE OPERATION AND MAINTENANCE OF STORAGE RESERVOIRS IN THE BLACK RIVER AREA FOR THE SECOND YEAR (JULY 1, 2025 - JUNE 30, 2026) OF THE THREE YEAR BUDGET PERIOD BEGINNING JULY 1, 2024

Committee Chair Kenneth DeWitt presented a resolution setting the state share for the operation and maintenance of storage reservoirs in the Black River Area for the period of July 1, 2025 – June 30, 2026 pursuant to Environmental Conservation Law, Article 15, Title 21, Sections 15-2123 and 15-2125, and requested the Board approve the resolution setting the Black River Area state share (\$460,672.00) accordingly. The Black River Area state share statement is attached.

Chair Mark Finkle asked for a motion to adopt the resolution setting the Black River Area state share for the second year (July 1, 2025 - June 30, 2026) of the three year budget period (July 1, 2024 - June 30, 2027) in the amount of \$460,672.00. Mr. Hayes so moved. Mrs. Allen seconded and the Board approved the motion by unanimous vote.

RESOLUTION TO APPROVE THE ANNUAL ASSESSMENT FOR THE OPERATION AND MAINTENANCE OF STORAGE RESERVOIRS IN THE HUDSON RIVER AREA FOR THE SECOND YEAR (JULY 1, 2025 - JUNE 30, 2026) OF THE THREE YEAR BUDGET PERIOD BEGINNING JULY 1, 2024

Finance Committee Chair DeWitt presented the annual assessment for the operation and maintenance of storage reservoirs in the Hudson River Area for the period July 1, 2025 through June 30, 2026 pursuant to Environmental Conservation Law, Article 15, Title 21, Sections 15-

2123 and 15-2125, and requested that the Board approve a resolution setting the annual assessment (\$2,576,526.00) accordingly. The Hudson River area assessment is attached.

Chair Mark Finkle asked for a motion to adopt the resolution setting the annual assessment for the operation and maintenance of storage reservoirs in the Hudson River Area for the second year (July 1, 2025 through June 30, 2026) of the three year budget period (July 1, 2024 – June 30, 2027) in the amount of \$2,576,526.00. Mr. Reagan so moved. Mrs. Allen seconded and the Board approved the motion by unanimous vote.

RESOLUTION TO APPROVE THE STATE SHARE FOR THE OPERATION AND MAINTENANCE OF STORAGE RESERVOIRS IN THE HUDSON RIVER AREA FOR THE SECOND YEAR (JULY 1, 2025 - JUNE 30, 2026) OF THE THREE YEAR BUDGET PERIOD BEGINNING JULY 1, 2024

Committee Chair Kenneth DeWitt presented a resolution setting the state share for the operation and maintenance of storage reservoirs in the Hudson River Area for the period of July 1, 2025 – June 30, 2026 pursuant to Environmental Conservation Law, Article 15, Title 21, Sections 15-2123 and 15-2125, and requested that the Board approve the resolution setting the Hudson River Area state share (\$789,328.00) accordingly. The Hudson River Area state share statement is attached.

Chair Mark Finkle asked for a motion to adopt the resolution setting the Hudson River Area state share for the second year (July 1, 2025 - June 30, 2026) of the three year budget period (July 1, 2024 - June 30, 2027) in the amount of \$789,328.00. Mr. Reagan so moved. Mr. Hayes seconded and the Board approved the motion by unanimous vote.

GOVERNANCE COMMITTEE REPORT

RESOLUTION TO AWARD THE REGULATING DISTRICT'S INSURANCE PROGRAM FOR POLICY YEAR JULY 1, 2025 THROUGH JUNE 30, 2026

Governance Committee Chair Candido presented a resolution to award the Regulating District's insurance program for policy year July 1, 2025 through June 30, 2026. Committee Chair Candido noted that the New York State Office of General Services, Bureau of Risk and Insurance Management dedicates staff to provide professional services and guidance on risk coverage and insurance needs for government agencies, authorities and public benefit corporations. He explained that the Bureau has competed the competitive procurement process for a wide range of insurance coverage; including General Liability, Umbrella-Excess Liability Property, Employment Practices Liability, Cyber/Data Breach Coverage and other coverage previously utilized by the Regulating District. Mr. Candido recommended that the Board determine that the insurance program for the policy year of July 1, 2025 through June 30, 2026 is a necessary service and that the Board award the Regulating District's insurance program for the policy year July 1, 2025 through June 30, 2026 to the New York State Office of General Services, Bureau of Risk and Insurance Management.

Chair Mark Finkle asked for a motion to adopt a resolution awarding the Regulating District's insurance program for policy year July 1, 2025 - June 30, 2026 to the New York State Office of General Services, Bureau of Risk and Insurance Management. Mrs. Allen so moved and Mr. Hayes seconded. The Board approved the motion adopting the resolution by unanimous vote.

RESOLUTION TO APPROVE INSURANCE PROPOSAL FOR POLICY YEAR JULY 1, 2025 THROUGH JUNE 30, 2026

Governance Committee Chair Candido presented a resolution to approve the insurance proposal for policy year July 1, 2025 through June 30, 2026. Building upon the resolution awarding the New York State Office of General Services, Bureau of Risk and Insurance Management the Regulating District's insurance program for the policy year ending June 30, 2026, Mr. Candido, the Executive Director and Chief Fiscal Officer recommended that the Board accept the insurance proposal developed by the Bureau for an annual premium amount not to exceed \$415,000.00; which includes the cost of insurance coverage and the cost recovery fee charged by the Bureau (but excludes Stamping and other fees charged by insurance carriers and expected to be minimal).

Chair Mark Finkle asked for a motion to adopt the resolution awarding the Regulating District's insurance coverage contract for the period July 1, 2025 through June 30, 2026 to the New York State Office of General Services, Bureau of Risk and Insurance Management for an annual premium amount not to exceed \$415,000.00. Mr. DeWitt so moved and Mr. Reagan seconded. The Board approved the motion adopting the resolution by unanimous vote.

RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO NEGOTIATE AND ENTER INTO AN AGREEMENT WITH INTERACTIVE MEDIA CONSULTING, LLC

Committee Chair Candido presented a resolution authorizing an agreement with Interactive Media Consulting, LLC. He noted that the Regulating District implemented a new online payment system in 2021 to allow customers the ability to renew access permits online. The permit transaction system has resulted in greater speed for renewals, and improved record keeping such as a definitive email confirmation of a successful transaction. Mr. Candido suggested that the Regulating District should build on these improvements by further enhancing the functionality of the online system. He noted that Interactive Media Consulting, LLC ("IMC"), a certified WBE, has provided necessary technical support services pursuant to Board authorizations enacted in May 2020, November of 2021, May 2022, August 2023 and June 2024 and that IMC also manages the Regulating District's Constant Contact account and provides website hosting services. Mr. Candido recommended the Board approve IMC's May 30, 2025, proposal for the services described above to the Regulating District for the period July 1, 2025 through June 30, 2026.

Board Chair Mark Finkle called for a motion adopting the resolution authorizing the Executive Director to enter into an agreement with Interactive Media Consulting, LLC for the period of July 1, 2025 through June 30, 2026 at an amount not-to-exceed \$8,325.00. Mr. Reagan so moved and Mr. Hayes seconded. The Board approved the motion adopting the resolution by unanimous vote.

STAFF REPORTS

Mr. Leslie presented his report. Mr. Leslie and Mr. Callaghan hosted representatives from the General Recoveries Unit of the OAG's Civil Recoveries Bureau at a site visit to the Conklingville Dam to discuss the commencement of an affirmative case seeking redress against Erie Boulevard Hydropower, L.P. in the state and/or federal court system. The OAG continues to engage Erie's outside counsel to discuss, without success, a meaningful resolution to the dispute. Nonetheless, unless such discussions prove fruitful, and barring Erie's payment of nearly \$4,600,000 now due, the Bureau has indicated continued willingness to go forward with its Summons and Complaint. Counsel, continues to work with representatives from the Village of Northville to advance the Village project to construct a pedestrian walkway over lands underlying the causeway (Hunter Creek Dam) creating Little Lake. Counsel also continues to work with counsel for its insurance carrier with respect to discovery demands received concerning an injury alleged to have befallen a mason working for a sub-contractor on the Indian Lake rehabilitation project.

Ms. Ruzycky presented her report to the Board. Ms. Ruzycky reported completion of the HRAO IC compliance audit and daily online payment verification/reconciliation for the permit database.

Mr. Maniccia presented his report to the Board. Therein he noted that at the close of May 31, 2025, the general fund balances for the HRA and BRA were approximately \$5,623,958 and \$2,259,231 respectively. When combined (in the amount of \$7,883,190), this total is \$107,184 or 1.3% less than the same period last year. Year-to-date Regulating District Expenses exceeded Revenue by \$5,195,419. This amount is \$5,212,467 more than the Jul-May 2024 period. This arises largely because Regulating District payments to the engineering and construction firms for their work at Indian Lake are Capital (a.k.a., long-term) Expenses. The reimbursement for the construction expenses the Regulating District receives from the New York State Environmental Facilities Corporation (EFC), while increasing cash on hand, is not a Revenue, thus leaving the shortfall noted above. Significant disbursements for the period include: Payroll, Health Insurance, CD Perry, Bergmann/Colliers and HDR. Mr. Maniccia reported that the Regulating District's transactional processing and reporting are current.

Mr. Maniccia presented an affidavit evidencing necessary and reasonable Board expenses incurred by Tim Reagan (\$123.20) in the course of his duties as a Board Member. Mr. Hayes moved to approve payment of such expenses. Mrs. Allen seconded and the Board passed the motion in a unanimous vote.

Mr. Foltan presented the Chief Engineer's report. Therein Mr. Foltan noted that the May average daily release from the Sacandaga Reservoir (Great Sacandaga Lake) was approximately 3,960 cubic feet per second (cfs). Precipitation during the month of May was above normal across the Great Sacandaga Lake watershed and above average in the Indian Lake watershed. The monthly inflow to Great Sacandaga Lake and Indian Lake reservoir was approximately 136% and 158% of historic average, respectively. Monthly release of water from Great Sacandaga Lake and Indian Lake measured 164% and 179% of historic average, respectively.

The May average daily release from Stillwater Reservoir was approximately 350 cfs. Monthly total precipitation measured 93%, 105%, and 98% of historic average at Stillwater, Old Forge, and Sixth Lake, respectively, as of May 20th. Precipitation in the month of May was below average at Stillwater, and above average at Old Forge and Sixth Lake. The monthly inflow to Stillwater Reservoir was approximately 89% of historic average. The inflow to Sixth Lake and Old Forge Reservoir totaled 0.15 and 0.34 billion cubic feet, respectively, in May. Release of water from Stillwater Reservoir averaged 75% of historic discharge.

Mr. Foltan presented an update on the progress of construction of the Indian Lake Dam Rehabilitation project and informed the Board of the status of field investigation work being completed by CD Perry in support of its development of a cost proposal to repair previously unidentified structural deficiencies at the gatehouse foundation walls. The Regulating District and CD Perry continue negotiation of the scope of work and additional cost to repair the gatehouse foundation walls.

RESOLUTION SCHEDULING DATE AND TIME OF THE JULY 8, 2025 REGULAR BOARD MEETING

Chair Mark Finkle asked for a motion to adopt a resolution setting the date, and time for the next Regular Board meeting of the Board of the Hudson River-Black River Regulating District for Tuesday, July 8, 2025 at the Regulating District's Sacandaga Field Office Conference Room, 737 Bunker Hill Road, Mayfield, NY 12117, at 10:00 A.M. Mr. Bird moved to adopt the resolution setting the date, time and location of the Regular meeting. Mrs. Allen seconded and the Board adopted the resolution by unanimous vote.

EXECUTIVE SESSION

Chair Mark Finkle called for a motion to adjourn to Executive Session to discuss affirmative litigation to recover funds from Erie Boulevard Hydropower, L.P. Mr. Reagan advanced the motion, Mr. DeWitt seconded and the Board approved the motion by unanimous vote. Chair Finkle invited the Executive Director, Chief Fiscal Officer, General Counsel, Chief Engineer and the Director of Administrative Services to participate. He noted that the Board will not conduct business upon its return from Executive Session.

The Board adjourned to Executive Session at 10:59 A.M. and returned at 11:20 A.M.

The Regular Board Meeting resumed at 11:20 A.M. Chair Finkle noted that the Board had taken no action in Executive Session.

ADJOURNMENT

Chair Mark Finkle called for a motion to adjourn the meeting. Mrs. Allen advanced the motion. Mr. Reagan seconded. The meeting adjourned at 11:20 A.M.

25-20-06 RESOLUTION AUTHORIZING THE EXPENDITURE OF UP TO \$112,411.95 FOR PURCHASE OF A MINI-EXCAVATOR IN THE HUDSON RIVER AREA

Board Chair Mark Finkle asked for a motion to approve the resolution authorizing the necessary budget transfers and the expenditure of up to \$112,411.95 for the purchase of a mini-excavator from Bobcat of Gloversville-Johnstown, LLC through New York State contract for the Hudson River Area. Mr. Hayes so moved. Mr. DeWitt seconded and the Board approved the motion by unanimous vote.

25-21-06 RESOLUTION TO APPROVE THE ANNUAL ASSESSMENT FOR THE OPERATION AND MAINTENANCE OF STORAGE RESERVOIRS IN THE BLACK RIVER AREA FOR THE SECOND YEAR (JULY 1, 2025 - JUNE 30, 2026) OF THE THREE YEAR BUDGET PERIOD BEGINNING JULY 1, 2024

Chair Mark Finkle asked for a motion to adopt the resolution setting the annual assessment for the operation and maintenance of storage reservoirs in the Black River Area for the second year (July 1, 2025 through June 30, 2026) of the three year budget period (July 1, 2024 – June 30, 2027) in the amount of \$1,257,019.00. Mr. Reagan so moved. Mrs. Allen seconded and the Board approved the motion by unanimous vote.

25-22-06 RESOLUTION TO APPROVE THE STATE SHARE FOR THE OPERATION AND MAINTENANCE OF STORAGE RESERVOIRS IN THE BLACK RIVER AREA FOR THE SECOND YEAR (JULY 1, 2025 - JUNE 30, 2026) OF THE THREE YEAR BUDGET PERIOD BEGINNING JULY 1, 2024

Chair Mark Finkle asked for a motion to adopt the resolution setting the Black River Area state share for the second year (July 1, 2025 - June 30, 2026) of the three year budget period (July 1, 2024 - June 30, 2027) in the amount of \$460,672.00. Mr. Hayes so moved. Mrs. Allen seconded and the Board approved the motion by unanimous vote.

25-23-06 RESOLUTION TO APPROVE THE ANNUAL ASSESSMENT FOR THE OPERATION AND MAINTENANCE OF STORAGE RESERVOIRS IN THE HUDSON RIVER AREA FOR THE SECOND YEAR (JULY 1, 2025 - JUNE 30, 2026) OF THE THREE YEAR BUDGET PERIOD BEGINNING JULY 1, 2024

Chair Mark Finkle asked for a motion to adopt the resolution setting the annual assessment for the operation and maintenance of storage reservoirs in the Hudson River Area for the second year (July 1, 2025 through June 30, 2026) of the three year budget period (July 1, 2024 – June 30, 2027) in the amount of \$2,576,526.00.

Mr. Reagan so moved. Mrs. Allen seconded and the Board approved the motion by unanimous vote.

25-24-06 RESOLUTION TO APPROVE THE STATE SHARE FOR THE OPERATION AND MAINTENANCE OF STORAGE RESERVOIRS IN THE HUDSON RIVER AREA FOR THE SECOND YEAR (JULY 1, 2025 - JUNE 30, 2026) OF THE THREE YEAR BUDGET PERIOD BEGINNING JULY 1, 2024

Chair Mark Finkle asked for a motion to adopt the resolution setting the Hudson River Area state share for the second year (July 1, 2025 - June 30, 2026) of the three year budget period (July 1, 2024 - June 30, 2027) in the amount of \$789,328.00. Mr. Hayes so moved. Mr. Reagan seconded and the Board approved the motion by unanimous vote.

25-25-06 RESOLUTION TO AWARD THE REGULATING DISTRICT'S INSURANCE PROGRAM FOR POLICY YEAR JULY 1, 2025 THROUGH JUNE 30, 2026

Chair Mark Finkle asked for a motion to adopt the resolution to award the Regulating District's insurance program for policy year July 1, 2025 through June 30, 2026 to the New York State Office of General Services, Bureau of Risk and Insurance Management. Mr. Hayes so moved and Mrs. Allen seconded. The Board approved the motion adopting the resolution by unanimous vote.

25-26-06 RESOLUTION TO APPROVE INSURANCE PROPOSAL FOR POLICY YEAR JULY 1, 2025 THROUGH JUNE 30, 2026

Chair Mark Finkle asked for a motion to adopt the resolution awarding the Regulating District's insurance coverage contract for the period July 1, 2025 through June 30, 2026 to the New York State Office of General Services, Bureau of Risk and Insurance Management for an annual premium amount not to exceed \$415,000.00. Mr. DeWitt so moved and Mr. Reagan seconded. The Board approved the motion adopting the resolution by unanimous vote.

25-27-06 RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO NEGOTIATE AND ENTER INTO AN AGREEMENT WITH INTERACTIVE MEDIA CONSULTING, LLC

Board Chair Mark Finkle called for a motion adopting the resolution authorizing the Executive Director to enter into an agreement with Interactive Media Consulting, LLC for the period of July 1, 2025 through June 30, 2026 at an amount not-to-exceed \$8,325.00. Mr. Reagan so moved and Mr. Hayes seconded. The Board approved the motion adopting the resolution by unanimous vote.

**25-28-06 RESOLUTION SCHEDULING DATE AND TIME OF THE JULY 8, 2025
REGULAR BOARD MEETING**

Chair Mark Finkle asked for a motion to adopt a resolution setting the date, and time for the next Regular Board meeting of the Board of the Hudson River-Black River Regulating District for Tuesday, July 8, 2025 at the Regulating District's Sacandaga Field Office Conference Room, 737 Bunker Hill Road, Mayfield, NY 12117, at 10:00 A.M. Mr. Bird moved to adopt the resolution setting the date, time and location of the Regular meeting. Mrs. Allen seconded and the Board adopted the resolution by unanimous vote.

Robert P. Leslie
Secretary

Mark M. Finkle
Board Chair