

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

July 8, 2025

Immediately after the Finance Committee Meeting Scheduled for 10 AM

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

Remote Conference-In Information

Participants were invited to join the meeting via computer, tablet or smartphone.

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CALL TO ORDER

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

ROLL CALL

Present: Board Chair Mark M. Finkle; First Vice-Chair Kenneth F. DeWitt; Board Members Albert J. Hayes, and Timothy J. Reagan; 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: Board Members Richard Bird (caregiving) and Nicole T. Allen (bereavement).

Excused: Second Vice-Chair Alfred J. Candido, Jr.

MOTION TO ADOPT OR REVISE THE MEETING AGENDA

Chair Finkle asked for a motion to adopt or revise the agenda. 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 JUNE 10, 2025 REGULAR BOARD MEETING MINUTES

Chair Finkle asked for a motion to adopt the June 10, 2025 regular board meeting minutes. Mr. DeWitt advanced the motion to approve the regular meeting minutes. Mr. Bird seconded. The Board approved the motion by unanimous vote.

REPORT OF THE EXECUTIVE DIRECTOR

Mr. Callaghan presented his report to the Board. He introduced the inaugural customer satisfaction survey highlighting several patterns expressed in the over 350 responses. The vast majority of those who responded are permit holders who had interacted with HRBRRRD staff within the last six months and that most indicated staff had been helpful, very helpful, or extremely helpful. Mr. Callaghan highlighted staff action pursuant to the recent NYS Division of Budget Bulletin D-1153 entitled *FY 2026 3% General Salary Increase, Performance Advances, and Longevity Awards for Management / Confidential (M/C) Employees* effective March 27, 2025. He noted that, pursuant to Resolution 15-17-05, which placed each of the Regulating District's management confidential (M/C) staff at a specific grade and step pursuant to salary schedules administered by the Governor's Office of Employee Relations (GOER) and linked M/C raises for Regulating District employees to future schedules as adopted by the GOER, the CFO has executed the appropriate salary actions for applicable M/C employees. Mr. Callaghan took a moment to acknowledge the tragedy unfolding along the Guadalupe River in Texas. He noted the corollary between the ACOE's impoundment forming Canyon Lake on that river and the flood protection provided by the Regulating District's principal reservoirs; both instrumental in saving many lives below such impoundments. Finally, Mr. Callaghan reported upon another tragedy closer to home. He resolved to continue the Regulating District's support for local law enforcement training, to support the Great Sacandaga Lake Safe Lake initiative, continue and expand the life jacket loaner station project, and to continue boater safety courses with an aim to forestall such tragedy.

CONTRACTS

RESOLUTION AUTHORIZING A THREE YEAR SUBSCRIPTION FOR AUTOCAD THROUGH DLT SOLUTIONS LLC FOR AN AMOUNT NOT-TO-EXCEED \$7,200.26

Ms. Ruzycky presented a resolution to authorize two three-year subscriptions for AutoCad. She noted that DLT Solutions, LLC has licensed, for a fee, the use of AutoCad software by Engineering and Field staff to facilitate the performance of their respective duties and that because the initial license is set to expire, staff solicited a proposal from the vendor, DLT Solutions, LLC,. DLT quoted \$7,200.26 to supply two AutoCad software licenses for three years and, as this exceeds the 'non-emergency purchase' dollar threshold and the multi-year threshold requiring Board approval pursuant to Sections III & VI of the Procurement Policy, she presents the instant resolution.

Board Chair Mark Finkle asked for a motion to approve the resolution authorizing a three-year subscription for two AutoCad licenses through DLT Solutions LLC for an amount not-to-exceed \$7,200.26. Mr. Reagan so moved. Mr. DeWitt seconded and the Board approved the motion by unanimous vote.

RESOLUTION TO INCREASE THE PROJECT BUDGET FOR CONTRACT D012023 WITH C.D. PERRY, INC. FOR ADDITIONAL WORK AT INDIAN LAKE DAM

Mr. Foltan presented a resolution to amend Contract D012023 with C.D. Perry to acknowledge expenditures by the State for additional work; recognize a net increase in the project cost for work related to the original scope of the project; and extend the term of Contract D012023 through December 31, 2026. Mr. Foltan explained that in August 2023, pursuant to resolution 23-38-08, the Board awarded the Indian Lake Dam Remediation construction project to C.D. Perry, LLC (C.D. Perry) for a price not to exceed \$10,834,860.17 funded through a combination of pay-as-you-go basis and \$10,053,346 in EFC financing through the Clean Water State Revolving Fund Program. Construction commenced in November 2023 with completion projected for December 31, 2025. During construction, the Regulating District, C.D. Perry and the engineering consultant, (Colliers), identified additional work related to the original scope of work but beyond the scope of the original contracted tasks at the logway sluice, and in other areas. The Regulating District authorized field changes necessary to achieve the dam safety and stability goals inherent to the project, but also worked with Colliers and C.D. Perry to reduce costs in other areas. Once these off-setting savings were applied, the resulting net increase to the project cost for work related to the original scope of the project totals \$1,776,543.

The Regulating District, Colliers and C.D. Perry also identified additional emergent work at the gatehouse foundation unrelated to the original scope of work but necessary to meet the dam safety and stability goals inherent to the project. Working with Colliers, C.D. Perry and NYSDEC dam safety, staff identified a repair approach for the emergent gatehouse foundation work acceptable to NYSDEC dam safety. C.D. Perry provided a proposal to complete the emergent gatehouse foundation work in accordance with Collier's plans and specifications for an amount not to exceed \$4,934,972.88. New York State will provide external funding to the extent of the emergent gatehouse foundation work and a portion of the additional scope of work described above. The remainder (\$780,003.12) being available to the Regulating District. Mr. Foltan noted that the amendment is subject to the review and approval of the NYS Attorney General and the NYS Office of the State Comptroller and requested that the Board also authorize an extension to the term of Contract D012023 to December 31, 2026.

Board Chair Mark Finkle asked for a motion to approve the resolution authorizing an amendment to increase Contract D012023 by an amount not to exceed \$7,491,519, for a total contract value not to exceed \$18,326,379.17 and extending the contract term to December 31, 2026. Mr. Hayes so moved. Mr. DeWitt seconded and the Board approved the motion by unanimous vote.

FINANCE COMMITTEE REPORT

RESOLUTION TO AUTHORIZE REAPPROPRIATIONS FOR CAPITAL PROJECTS

Finance Committee Chair Kenneth DeWitt presented a resolution to establish the use of re-appropriations for capital project accounts to include: 5260 (Capital Improvements); 5650 (Repairs to Structures); 5695 (Engineering Consultant) and 5770 (Contingencies). He noted the resolution

would establish an August 31 lapse date and would authorize the Chief Fiscal Officer/Treasurer to make initial use of re-appropriations in managing these accounts effective immediately; to wit:

Re-appropriations in the following accounts and amounts for the Fiscal Year 2025-26 budget.

Account	Subaccount	Account Name	Re-appropriation: 2025-26
5260	0200	Capital Improvements	\$41,200
	0300	Capital Improvements	8,581
	0400	Capital Improvements	10,565
	0700	Capital Improvements	86,533
	0000	Capital Improvements	3,102
5650	0400	Repairs to Structures	3,111,917
5695	0300	Engineering Consultant	8,494
	0400	Engineering Consultant	9,314
	0000	Engineering Consultant	9,618
5770	0200	Contingencies	75,104
	0400	Contingencies	1,006,661
	0500	Contingencies	23,005
		Total	\$4,394,095

Board Chair Mark Finkle called for a motion. Mr. Reagan made a motion to adopt the resolution to authorize re-appropriations for capital projects. Mr. Hayes seconded and the Board approved the motion adopting the resolution by unanimous vote.

STAFF REPORTS

Mr. Leslie presented his report. Mr. Leslie and Mr. Callaghan have hosted and will again this week host 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. In light of Erie counsel's failure to respond, the OAG has ceased attempts to engage Erie's outside counsel to discuss a meaningful resolution to the dispute. With the amount of Erie's unpaid obligation now in excess of \$5,000,000, the Bureau has indicated continued willingness to move 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. The executed deed has been delivered. Outside counsel for the Regulating District's insurance carrier continues to engage in discovery concerning an injury alleged to have befallen a mason working for a sub-contractor on the Indian Lake rehabilitation project. Once outside counsel is satisfied with the progress of the document exchange, he will accompany the Executive Director to a deposition by plaintiff's counsel.

Ms. Ruzycky presented her report to the Board. Ms. Ruzycky reported completion of the BRAO 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 June 30, 2025, the general fund balances for the HRA and BRA were approximately \$5,095,645 and \$2,120,334 respectively. When combined (in the amount of \$7,215,979), this total is \$1,146,437 or 18.9% more than the same period last year. Year-to-date Regulating District Expenses exceeded Revenue by \$5,878,777. This amount is \$6,491,949 more than the Jul-June 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, CD Perry, Bergmann/Colliers, Joe Cecconi's Chrysler 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 Richard Bird (\$70.00) in the course of his duties as a Board Member. Mr. Reagan moved to approve payment of such expenses. Mr. DeWitt 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 June average daily release from the Sacandaga Reservoir (Great Sacandaga Lake) was approximately 1,970 cubic feet per second (cfs). Precipitation during the month of June was below average across the Great Sacandaga Lake and the Indian Lake watershed. The monthly inflow to Great Sacandaga Lake and Indian Lake reservoir was approximately 97% and 71% of historic average, respectively. Monthly release of water from Great Sacandaga Lake and Indian Lake measured 96% and 93% of historic average, respectively.

The June average daily release from Stillwater Reservoir was approximately 220 cfs. Monthly total precipitation measured 39%, 45%, and 38% of historic average at Stillwater, Old Forge, and Sixth Lake, respectively, as of June 17th. Precipitation in the month of June was below average at Stillwater, and below average at Old Forge and Sixth Lake. The monthly inflow to Stillwater Reservoir was approximately 34% of historic average. The inflow to Sixth Lake and Old Forge Reservoir totaled 0.02 and 0.07 billion cubic feet, respectively, in June. Release of water from Stillwater Reservoir averaged 52% of historic discharge.

Mr. Foltan presented an update on the progress of construction of the Indian Lake Dam Rehabilitation project and informed the Board that formal advertisement of the invitation for bid for the Old Forge Dam and Sixth Lake Dam rehabilitation project was published in the NYS Contract Reporter on June 20, 2025. Bids are due August 15th.

RESOLUTION SCHEDULING DATE AND TIME OF THE SEPTEMBER 9, 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, September 9, 2025 at the Regulating District's Albany Office Conference Room, 54 State Street, Suite 501, Albany, NY 12207, at 10:00 A.M. Mr. Hayes moved to adopt the resolution setting the date, time and location of the Regular meeting. Mr. DeWitt seconded and the Board adopted the resolution by unanimous vote.

ADJOURNMENT

Chair Mark Finkle called for a motion to adjourn the meeting. Mr. Reagan advanced the motion. Mr. Bird seconded. The meeting adjourned at 11:04 A.M.

25-29-07 RESOLUTION AUTHORIZING A THREE YEAR SUBSCRIPTION FOR AUTOCAD THROUGH DLT SOLUTIONS LLC FOR AN AMOUNT NOT- TO-EXCEED \$7,200.26

Board Chair Mark Finkle asked for a motion to approve the resolution authorizing a three-year subscription for two AutoCad licenses through DLT Solutions LLC for an amount not-to-exceed \$7,200.26. Mr. Reagan so moved. Mr. DeWitt seconded and the Board approved the motion by unanimous vote.

25-30-07 RESOLUTION TO INCREASE THE PROJECT BUDGET FOR CONTRACT D012023 WITH C.D. PERRY, INC. FOR ADDITIONAL WORK AT INDIAN LAKE DAM

Board Chair Mark Finkle asked for a motion to approve the resolution authorizing an amendment to increase Contract D012023 by an amount not to exceed \$7,491,519, for a total contract value not to exceed \$18,326,379.17 and extending the contract term to December 31, 2026. Mr. Hayes so moved. Mr. DeWitt seconded and the Board approved the motion by unanimous vote.

25-31-07 RESOLUTION TO AUTHORIZE REAPPROPRIATIONS FOR CAPITAL PROJECTS

Board Chair Mark Finkle called for a motion. Mr. Reagan made a motion to adopt the resolution to authorize re-appropriations for capital projects. Mr. Hayes seconded and the Board approved the motion adopting the resolution by unanimous vote.

**25-32-07 RESOLUTION SCHEDULING DATE AND TIME OF THE SEPTEMBER
9, 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, September 9, 2025 at the Regulating District's Albany Office Conference Room, 54 State Street, Suite 501, Albany, NY 12207, at 10:00 A.M. Mr. Hayes moved to adopt the resolution setting the date, time and location of the Regular meeting. Mr. DeWitt seconded and the Board adopted the resolution by unanimous vote.

Robert P. Leslie
Secretary

Mark M. Finkle
Board Chair