

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

**September 9, 2025  
10 AM**

**Hudson River Area Office Conference Room  
54 State Street, Suite 501  
Albany, NY 12207**

*Remote Conference-In Information*  
Sacandaga Field Office  
737 Bunker Hill Road  
Mayfield, NY 12117

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 10:08 A.M.

**ROLL CALL**

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

**Video:** Board Member Timothy J. Reagan; Director of Admin Serv Stephanie V. Ruzycky.

**Excused:** Second Vice-Chair Alfred J. Candido.

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

Chair Finkle asked for a motion to adopt or revise the agenda. Mr. DeWitt moved to adopt the agenda. Mr. Bird seconded. The Board approved the motion in a unanimous vote.

**PUBLIC COMMENT**

Chair Finkle opened the meeting to public comment. A resident presented his concerns about the Regulating District's erosion control program.

## **APPROVAL OF THE JULY 8, 2025 REGULAR BOARD MEETING MINUTES**

Chair Finkle asked for a motion to adopt the July 8, 2025 regular board meeting minutes. Mrs. Allen advanced the motion to approve the July 8, 2025 regular meeting minutes. Mr. DeWitt seconded. The Board approved the motion by unanimous vote.

## **REPORT OF THE EXECUTIVE DIRECTOR**

Mr. Callaghan presented his report; referring the Board to his written report.

## **CONTRACTS**

### **RESOLUTION TO APPROVE AMENDMENT #2 TO CONTRACT C062016 WITH ARCADIS OF NEW YORK TO PERFORM ENGINEERING SERVICES IN CONNECTION WITH THE OLD FORGE & SIXTH LAKE DAM RECOMMENDATION FOR REMEDIAL MEASURES**

Mr. Foltan presented a resolution authorizing an extension and change in scope to Contract C062016. Mr. Foltan explained that, pursuant to resolution 17-01-02, the Board authorized the Executive Director to enter into a contract with Arcadis of New York to perform work associated with remedial measures at the Old Forge & Sixth Lake Dams for a not-to-exceed amount of \$1,008,000.00. The Board subsequently adopted resolution 23-45-10 extending the resulting Contract C062016 with Arcadis of New York through December 31, 2025. Mr. Foltan noted that, over the past six years, Arcadis completed data review, field investigations, hydrologic and hydraulic analyses, engineering assessment and alternatives analysis, and preliminary and final design services for the proposed Old Forge Dam and Sixth Lake Dam rehabilitation projects, and that Arcadis recently completed Basis of Design Reports and 100% Design documents in support of the project's bidding phase, including construction drawings, material and performance specifications, and a probable cost estimate. Mr. Foltan explained that, on June 20, 2025, staff advertised the joint Old Forge and Sixth Lake rehabilitation projects for competitive bidding forecasting that rehabilitation work is scheduled to begin October 20, 2025. Mr. Foltan recommended that the Board authorize additional work for Arcadis under the contract. He and Mr. Mosher solicited from Arcadis of New York a proposal to provide engineering services in support of construction activities and Arcadis proposes to perform construction administration, field observation, and inspection during the rehabilitation project; work tasks to include:

- Project Management
- Provide on-site Resident Project Representative
- Attend bi-weekly construction progress meetings
- Respond to contractor Submittals and Request for Information
- Provide general inspection and confirm general compliance with contract documents
- Prepare Monthly Progress Reports
- Provide Project Closeout and Record Drawings.

Mr. Foltan reported that Arcadis will provide engineering services in support of construction activities for a not-to-exceed price of \$3,626,000 and noted that a copy of the Arcadis proposal is included in the Board packet. Finally, he noted that a contract extension to December 31, 2028 would be warranted. Mr. Finkle noted that the contract amendment, change in contract scope and extension of the contract term is subject to the review and approval of the Office of the New York State Attorney General and the New York State Office of the State Comptroller.

Board Chair Mark Finkle asked for a motion to adopt the resolution accepting the Arcadis of New York, Inc. proposal, modifying the scope of work for Contract C062016 to include engineering services in support of construction activities for the Old Forge Dam & Sixth Lake Dam Rehabilitation Projects and authorizing the Executive Director to amend Contract C062016 to include the scope of work and fee outlined in Arcadis' proposal dated August 26, 2025 increasing the value of Contract C062016 by \$3,626,000 to a total not-to-exceed contract value of \$4,634,000; and extending the termination date of Contract C062016 to December 31, 2028. Mr. Bird so moved and Mr. DeWitt seconded. In discussion, Mr. Reagan asked if a breakdown for the percentage of costs between the Old Forge and Sixth Lake sites was available. Mr. Foltan indicated that since the proposal was for a single project, the cost proposal was provided by task and that Regulating District had not obtained such a breakdown by site. Mr. Reagan also questioned the overall cost of the proposal and sought to clarify what scope of services was included in the proposal. Mr. Foltan and Mr. Callaghan addressed these questions, and the Board approved the motion by unanimous vote.

**RESOLUTION TO AWARD OLD FORGE DAM AND SIXTH LAKE DAM REHABILITATION CONSTRUCTION WORK TO TIOGA CONSTRUCTION CO., INC. (CONTRACT D012025)**

Mr. Foltan presented a resolution to award the Old Forge and Sixth Lake Dam rehabilitation projects. He noted that, with a primary goal to bring the Old Forge Dam and Sixth Lake Dam into compliance with the NYSDEC Regulations, in February 2017, the Regulating District solicited qualified firms to perform an Engineering Assessment and recommend remedial measures for the Old Forge and Sixth Lake Dams. The engineering assessment was to include: completion of a records review; on-site engineering inspection and investigation; engineering review; calculations; dam breach analysis; report generation; recommendation of remedial measures/options if necessary; and the presentation of an engineer's estimated cost of recommended remedial measures. On October 11, 2017, the Regulating District entered into an agreement (C062016) with Arcadis of New York, Inc. ("Arcadis") to perform the engineering assessment and following a series of submittals to, and review by, the Department of Environmental Conservation, the Board authorized Arcadis to complete a remediation final study and design work. Arcadis completed the Final Designs in March 2025 and staff placed a public notice advertising the work to perform the remediation in the State Contract Reporter on June 20, 2025. Mr. Foltan reported that five contractors participated in the mandatory pre-bid meetings at each site on July 9, 2025 and thus became eligible to submit a bid to perform the remediation. Three firms submitted a bid with staff publicly opening those bids at the 11:00 AM August 15, 2025 deadline. The following table summarizes the bids received.

*Old Forge Dam and Sixth Lake Dam Rehabilitation – Bid Summary*

<b>Bidder Name</b>	<b>Bid Amount</b>
<i>Tioga Construction Co., Inc.</i>	<i>\$12,785,695</i>
<i>Kubricky-Jointa Lime, LLC</i>	<i>\$13,198,301</i>
<i>Thalle Construction Company</i>	<i>\$33,646,395</i>

Mr. Foltan and Operations Engineer Michael Mosher reviewed the bids for compliance with the Bid Documents, determining the apparent low bidder according to Section I-27 of the Information for Bidders to be the Tioga Construction Co., Inc. (“Tioga”). Mr. Foltan and Mr. Mosher reviewed Tioga’s evidence of experience completing similar construction, and confirmed that Tioga has the experience necessary to responsibly and reliably complete the work. Mr. Foltan recommended that the Board conditionally award the work to Tioga Construction Co., Inc. and sought Board acceptance of the recommendation, authorization to form a contract to complete the work, and authorization for the Executive Director to execute an agreement in the amount of \$12,785,695. He noted that the agreement is subject to the review and approval of the NYS Attorney General and the NYS Office of the State Comptroller.

Board Chair Mark Finkle solicited a motion to approve the resolution conditionally awarding the remediation work at the Old Forge Dam and Sixth Lake Dam to Tioga Construction Co., Inc. and authorizing the Executive Director to form a contract to complete the work for an amount not-to-exceed \$12,785,695. Mr. Bird so moved and Mr. DeWitt seconded. During discussion, Mr. Reagan questioned whether Tioga Construction Co. was familiar with the winter weather patterns in the area. Mr. Foltan and Mr. Callaghan addressed that question. Mr. Reagan also asked if during the mandatory pre-bid site visit any questions regarding water control gates, the log boom, or landscaping had come up that could be potential sources of disagreement with the contractor. Mr. DeWitt asked about the use of coffer dams on the project, and Chair Finkle asked about the potential for change orders during the project. Mr. Foltan and Mr. Callaghan addressed these questions, and the Board approved the motion by unanimous vote.

## **GOVERNANCE COMMITTEE REPORT**

Acting Committee Chair DeWitt, upon motion by Mrs. Allen/second Mr. Hayes, secured approval of the Committee’s June 10 Committee Meeting Minutes and reported that he collected, or will collect, from each Board Member the Confidential Evaluation of Board Performance required annually of each member by the Authorities Budget Office. As the Committee took no other action, no minutes will be posted for the Committee’s September 9<sup>th</sup> meeting.

## **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

\$5,500,000 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 SFO IC compliance audit and daily online payment verification/reconciliation for the permit database. Ms. Ruzycky also reported on the departure of two employees (a maintenance specialist and a seasonal staff member) during the reporting period.

Mr. Maniccia presented his report to the Board. Therein he noted that at the close of August 31, 2025, the general fund balances for the HRA and BRA were approximately \$4,120,334 and \$1,935,045 respectively. When combined (in the amount of \$6,055,379), this total is \$744,174 or 10.9% less than the same period last year. Year-to-date Regulating District Expenses exceeded Revenue by \$85,408. This amount is \$311,720 less than the July-August 2024 period. This arises largely because the timing of Revenue and Expenses in these early days of the fiscal year are more impactful than they are at the end of the year. Significant disbursements for the period include: Payroll, Health Insurance, CD Perry, and Bergmann/Colliers. Mr. Maniccia reported that the Regulating District's transactional processing and reporting are current.

Mr. Foltan presented the Chief Engineer's report. Therein Mr. Foltan noted that the August average daily release from the Sacandaga Reservoir (Great Sacandaga Lake) was approximately 1,610 cubic feet per second (cfs). Precipitation during the month of August 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 -0.6% and 14% of historic average, respectively. Monthly release of water from Great Sacandaga Lake and Indian Lake measured 84% and 73% of historic average, respectively.

The August average daily release from Stillwater Reservoir was approximately 240 cfs. Monthly total precipitation measured 9%, 6%, and 14% of historic average at Stillwater, Old Forge, and Sixth Lake, respectively, as of August 19<sup>th</sup>. Precipitation in the month of August was below average at Stillwater, and below average at Old Forge and Sixth Lake. The monthly inflow to Stillwater Reservoir was approximately 0.9% of historic average. The inflow to Sixth Lake and Old Forge Reservoir totaled 0.01 and 0.00 billion cubic feet, respectively, in August. Release of water from Stillwater Reservoir averaged 56% of historic discharge.

## **BOARD MEMBER QUESTIONS AND COMMENTS**

Board Chair Mark Finkle noted that he and the Executive Director continue to work their way around Great Sacandaga Lake to visit each marina.

## **RESOLUTION SCHEDULING DATE AND TIME OF THE OCTOBER 15, 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 Wednesday, October 15, 2025 at the Regulating District's Black River Field Office Conference Room at the Stillwater Reservoir Office, 116 Necessary Dam Road, Lowville, NY 13367 at 10:00 A.M. Mrs. Allen moved to adopt the resolution setting the date, time and location of the Regular meeting. Mr. Hayes seconded and the Board adopted the resolution by unanimous vote.

## **ADJOURNMENT**

Chair Mark Finkle called for a motion to adjourn the meeting. Mr. DeWitt advanced the motion. Mr. Hayes seconded. The meeting adjourned at 10:50 A.M.

### **25-33-09 RESOLUTION TO APPROVE AMENDMENT #2 TO CONTRACT C062016 WITH ARCADIS OF NEW YORK TO PERFORM ENGINEERING SERVICES IN CONNECTION WITH THE OLD FORGE & SIXTH LAKE DAM RECOMMENDATION FOR REMEDIAL MEASURES**

Board Chair Mark Finkle asked for a motion to adopt the resolution accepting the Arcadis of New York, Inc. proposal, modifying the scope of work for Contract C062016 to include engineering services in support of construction activities for the Old Forge Dam & Sixth Lake Dam Rehabilitation Projects and authorizing the Executive Director to amend Contract C062016 to include the scope of work and fee outlined in Arcadis' proposal dated August 26, 2025 increasing the value of Contract C062016 by \$3,626,000 to a total not-to-exceed contract value of \$4,634,000; and extending the termination date of Contract C062016 to December 31, 2028. Mr. Bird so moved. Mr. DeWitt seconded and the Board approved the motion by unanimous vote.

### **25-34-09 RESOLUTION TO AWARD OLD FORGE DAM AND SIXTH LAKE DAM REHABILITATION CONSTRUCTION WORK TO TIOGA CONSTRUCTION CO., INC. (CONTRACT D012025)**

Board Chair Mark Finkle solicited a motion to approve the resolution conditionally awarding the remediation work at the Old Forge Dam and Sixth Lake Dam to Tioga Construction Co., Inc. and authorizing the Executive Director to form a contract to complete the work for an amount not-to-exceed \$12,785,695. Mr. Bird so moved. Mr. DeWitt seconded and the Board approved the motion by unanimous vote.

### **25-35-09 RESOLUTION SCHEDULING DATE AND TIME OF THE OCTOBER 15, 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 Wednesday October 15, 2025 at the Regulating District's Stillwater Reservoir Office, 116 Necessary Dam Road, Lowville, NY 13367, at 10:00 A.M. Mrs. Allen moved to adopt the resolution setting the date, time and location of the Regular meeting. Mr. Hayes seconded and the Board adopted the resolution by unanimous vote.

Robert P. Leslie  
Secretary

Mark M. Finkle  
Board Chair