



MINUTES

NEW YORK STATE CANAL CORPORATION

BOARD MEETING NO. CC-136

November 14, 2005

Minutes of a meeting of the New York State Canal Corporation, held in the Board room at Administrative Headquarters, 200 Southern Boulevard, Albany, New York, 12209.

The meeting began at 10:42 a.m.

There were present:

**John L. Buono, Chairman
Nancy Carey Cassidy, Board Member
John R. Riedman, Board Member**

Constituting all of the members of the Canal Corporation Board.

In addition, there were present the following staff personnel:

**Michael R. Fleischer, Executive Director
John Brizzell, Deputy Executive Director, Chief Engineer
John Bryan, Chief Financial Officer
Sharon O'Connor, General Counsel
William Rinaldi, Acting Director, Operations
Joanne Riddett, Director, Information Technology**

Wendy Allen, Director, Department of Planning Services
James Chicoine, Assistant to the Director, Engineering Services
George Tanner, Director, Maintenance Engineering and Assistant Chief Engineer
Kevin Allen, Unit Supervisor Audit and Management Services
Jill Warner, Secretary and Board Administrator
Major George Beach, Troop T
Daniel Gilbert, Director, Public Affairs
Wilma DeLucco, Director, Administrative Services
Donald Bell, Director, Albany Division
Carmella Mantello, Director of Canal Corporation
Lawrence Frame, Deputy Director of Canal Corporation
Richard Garrabrant, Director, Syracuse Division
William Leslie, Director, Buffalo Division
Ramesh Mehta, Director, New York Division
David Boshart, Director, Office of Canal Land Management
Jennifer Meicht, Deputy Director of Canal Corporation
Michael Sikule, Director, Office of Investments and Asset Management
Will Ristau, Deputy Director, Department of Planning Services
Marc Herbst, Project Manager, Tappan Zee Project Management Team
Also in Attendance:
Cathy Woodruff, Reporter, *Albany Times Union*
Cara Matthews, Reporter, *Gannett News Service*

Chairman Buono noted that he, Ms. Carey Cassidy and Mr. Riedman had received and reviewed the Agenda submitted for consideration at this meeting and were prepared to act on each of the items.

Ms. Warner recorded the minutes as contained herein.

Public notice of the meeting had been given, Ms. Warner said.

Item 1 by Ms. Warner (Appendix A)
Minutes of Meeting No. CC-135

On the motion of Ms. Carey-Cassidy, seconded by Mr. Riedman, without any objections, the Board approved the minutes of Meeting No. CC-135 held on October 20, 2005 which were made available to the Board Members as part of the Agenda.



Item 2 by Mr. Bryan (Appendix B)

Approving the Selection of an Insurance Broker for the Canal Corporation's Insurance Policies

Board Member Riedman requested that language be included in the Contract indicating that the selected broker will be contracted on a fee only basis and will not receive commissions.

After full discussion, on the motion of Ms. Carey Cassidy, seconded by Mr. Riedman, without any objections, the Board adopted the following resolution:

RESOLUTION NO.357

**APPROVING THE SELECTION OF AN INSURANCE
BROKER FOR THE CANAL CORPORATION'S
INSURANCE POLICIES**

RESOLVED, that the Board approves the selection of Rose & Kiernan, Inc. to provide insurance brokerage services for the Canal Corporation's insurance policies for a three-year period with two one-year options to renew at a total contract price not to exceed \$493,500 for both Canal Corporation and Authority services, and be it further

RESOLVED, that the Executive Director, or his designee, is hereby authorized to execute an Agreement with Rose & Kiernan, Inc. in accordance with the terms of this item, and be it further

RESOLVED, that the Executive Director or his designee shall have the authority to exercise all powers reserved to the Canal Corporation under the provisions of the Agreement, manage and administer the Agreement, amend the provisions of the Agreement consistent with the terms of this item, and other Board authorizations and suspend or terminate the Agreement in the best interests of the Canal Corporation, and be it further

RESOLVED, that this resolution be incorporated in the minutes of this meeting.



Item 3 by Ms. DeLuco (Appendix C)

Approval of the Unit III Collective Bargaining Agreement between the Canal Corporation and the Civil Service Employees Association, Local 1000, AFSCME, AFL-CIO and Authorization for the Executive Director to Execute the Agreement and to Extend Appropriate Provisions to Managerial/Confidential Employees

After full discussion, on the motion of Ms. Carey Cassidy, seconded by Mr. Riedman, without any objections, the Board adopted the following resolution:

RESOLUTION NO. 358

APPROVAL OF THE UNIT III COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CANAL CORPORATION AND THE CIVIL SERVICE EMPLOYEES ASSOCIATION LOCAL 1000, AFSCME, AFL-CIO AND AUTHORIZATION FOR THE EXECUTIVE DIRECTOR TO EXECUTE THE AGREEMENT AND TO EXTEND APPROPRIATE PROVISIONS TO MANAGERIAL/CONFIDENTIAL EMPLOYEES

RESOLVED, that the proposed Unit III Agreement between representatives of the Canal Corporation and the Civil Service Employees Association, Local 1000, AFSCME, AFL-CIO (as representatives of employees in Negotiating Unit III) be, and the same hereby is, approved, and be it further

RESOLVED, that the Executive Director be, and hereby is, authorized to execute the Agreement, and be it further

RESOLVED, that the Executive Director or his designee be and hereby is, authorized to enter into Memoranda of Understanding or Settlement Agreements with representatives of CSEA to clarify or otherwise settle questions or disputes regarding the interpretation and application of this Agreement, and be it further



Item 3 by Ms. DeLuco (Appendix C)

Approval of the Unit III Collective Bargaining Agreement between the Canal Corporation and the Civil Service Employees Association, Local 1000, AFSCME, AFL-CIO and Authorization for the Executive Director to Execute the Agreement and to Extend Appropriate Provisions to Managerial/Confidential Employees (Continued)

RESOLVED, that the salary schedules for Managerial/Confidential Unit III counterparts at salary grade 15 and below be modified to be consistent with the Unit III salary provisions by adding a Step 6, and be it further

RESOLVED, that an exact copy of the proposed Agreement shall be, and the same hereby is, included in the official notes for this meeting, and be it further

RESOLVED, that this resolution be incorporated in the minutes of this meeting.

Item 4 by Mr. Rinaldi (Appendix D)

Approval of General Policy 15-8-01 Duty Officers

After full discussion, on the motion of Ms. Carey Cassidy, seconded by Mr. Riedman, without any objections, the Board adopted the following resolution:

RESOLUTION NO. 359
APPROVAL OF GENERAL POLICY 15-8-01 DUTY OFFICERS

RESOLVED, that the revised General Policy on Duty Officers (as set forth in Exhibit A attached) is hereby approved, and be it further

RESOLVED, that this resolution be incorporated in full in the minutes of this meeting.



Item 5 by Mr. Brizzell (Appendix E)

Authorizing an Amendment to the 2005 and 2006 Contracts Programs to Include TAA 05-43C, Emergency Repairs to the Lower Miter Gates and Sill at Lock E-5 on the Erie Canal for a Letting in 2005

After full discussion, on the motion of Mr. Riedman, seconded by Ms. Carey Cassidy, without any objections, the Board adopted the following resolution:

RESOLUTION NO. 360

AUTHORIZING AN AMENDMENT TO THE 2005 AND 2006 CONTRACTS PROGRAMS TO INCLUDE TAA 05-43C, EMERGENCY REPAIRS TO THE LOWER MITER GATES AND SILL at LOCK E-5 ON THE ERIE CANAL FOR A LETTING IN 2005

RESOLVED, that the 2005 and 2006 Contracts Programs be, and they hereby are, amended so that TAA 05-43C, Emergency Repairs to the Lower Miter Gates and Sill at Lock E-5 on the Erie Canal in Albany Division can be included for a letting in 2005, and be it further

RESOLVED, that the Corporation declares that this canal system project is deemed to be necessary due to the existence of an emergency involving danger to life, safety or property based on the information provided in Exhibit A and in accordance with the provisions of Section 383(1)(c) of the Public Authorities Law and authorizes the use of \$1,300,000 in bond proceeds issued in accordance with the provisions of the Public Authorities Law towards contract TAA 05-43, and be it further

RESOLVED, that contract TAA 05-43C be administered in accordance with the 2005 and 2006 Contracts Program Resolutions, and be it further

RESOLVED, that the Executive Director or his designee shall have the authority to exercise all powers reserved to the Authority under the provisions of the contract, manage and administer the contract, amend the provisions of the contract consistent with the terms of this item and other Board authorizations and suspend or



Item 5 by Mr. Brizzell (Appendix E)

Authorizing an Amendment to the 2005 and 2006 Contracts Programs to Include TAA 05-43C, Emergency Repairs to the Lower Miter Gates and Sill at Lock E-5 on the Erie Canal for a Letting in 2005 (Continued)

terminate the contract in the best interests of the Authority, and be it further

RESOLVED, that this resolution be incorporated in the minutes of this meeting.

Item 6 by Ms. Mantello (Appendix F)

Authorizing Preliminary Actions for the Abandonment of Approximate 0.373 Acre of Canal Land Located in the Town of Minden, County of Montgomery for Transfer of Jurisdiction over Such Land by the New York State Office of General Services to the New York State Office of Parks, Recreation and Historic Preservation

After full discussion, on the motion of Ms. Carey Cassidy, seconded by Mr. Riedman, without any objections, the Board adopted the following resolution:

RESOLUTION NO. 361

AUTHORIZING PRELIMINARY ACTIONS FOR THE ABANDONMENT OF APPROXIMATE 0.373 ACRE OF CANAL LAND LOCATED IN THE TOWN OF MINDEN, COUNTY OF MONTGOMERY FOR TRANSFER OF JURISDICTION OVER SUCH LAND BY THE NEW YORK STATE OFFICE OF GENERAL SERVICES TO THE NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION

RESOLVED, that the Director of Canals, or her designee, be, and she hereby is, authorized to take all actions necessary for the Canal Corporation Board to review and determine whether jurisdiction by the Canal Corporation over approximately 0.373 acre of Canal Land located in the Town of Minden, County of Montgomery can and should be transferred to the New York State Office of Parks, Recreation and Historic Preservation in accordance with this agenda item, including those actions enumerated in this Agenda Item, and be it further



Item 6 by Ms, Mantello (Appendix F)

Authorizing Preliminary Actions for the Abandonment of Approximate 0.373 Acre of Canal Land Located in the Town of Minden, County of Montgomery for Transfer of Jurisdiction over Such Land by the New York State Office of General Services to the New York State Office of Parks, Recreation and Historic Preservation (Continued)

RESOLVED, that since title to said 0.373 acre of Canal Land shall remain with the People of the State of New York and since the Office of Parks, Recreation and Historic Preservation has requested the lands for public recreational purposes, the requirement for an appraisal set forth Section III.A. of the Canal Real Property Management Policy shall be, and hereby is, waived, and be it further

RESOLVED, that the Director of Canals, or her designee, shall be authorized to take all actions necessary to implement this Board action, and be it further

RESOLVED, that this resolution be incorporated in the minutes of this meeting.

Withdrawn - Item 7 by Ms, Mantello (Appendix G)

Authorizing Withdrawal of Resolution No. 291 Adopted at Meeting No. CC-99 Held on April 15, 2002; and Lease of Approximately .75 Acre of Land on the Black River Canal to the Village of Boonville

This Item was withdrawn from consideration at this time.

Adjournment

There being no further business to come before the Board, on the motion of Mr. Riedman, seconded by Ms. Carey-Cassidy, without any objections, the meeting was adjourned.

Jill B. Warner
Secretary

