



MINUTES

NEW YORK STATE CANAL CORPORATION

BOARD MEETING NO. CC-148

July 18, 2007

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 and via video conference from the Authority's New York Division Office at 4 Executive Boulevard, Suffern, New York 10901.

The meeting began at 9:40 a.m.

There were present:

**John L. Buono, Chairman
Nancy E. Carey Cassidy, Vice Chairman
E. Virgil Conway, Board Member
Erin M. Crotty, Board Member
Frederick M. Howard, Board Member
Jeffrey D. Williams, Board Member
Kevin J. Plunkett, Board Member via video conference from Suffern**

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 Bryan, Chief Financial Officer**

Sharon O'Connor, General Counsel
William Rinaldi, Director, Albany Division
Christopher Waite, Chief Engineer
Jill Warner, Secretary and Board Administrator
Daniel Gilbert, Chief of Staff
Wendy Allen, Deputy Chief of Staff
John Barr, Director, Administrative Services
Donald Bell, Director, Operations and Maintenance
Carmella Mantello, Director of Canal Corporation
Joanne Riddett, Director, Information Technology
Michael Flynn, Director, Audit & Management Services
Kevin Allen, Unit Supervisor, Audit & Management Services
Betsy Graham, Acting Director, Office of Public Affairs
Tracie Sandell, Assistant Counsel
Peter Casper, Assistant Counsel
Liz Yanus, Office Manager, Office of the Deputy Chief of Staff
Ramesh Mehta, Director, New York Division
Thomas Pericak, Acting Director, Buffalo Division
Richard Harris, Deputy Director of Canal Community Development & Land Management
Kenneth Flood, Director, Real Property Management
Lieutenant Gene Demczar, Troop T
Patrick Hoehn, Deputy Division Director, Syracuse Division
Also in Attendance:
Karl Diehl, Production Coordinator, NYN
Doron M. Bar-Levav, Esq., Member, Harris Beach PLLC

Chairman Buono noted that he, Mr. Howard, Mr. Plunkett, Mr. Conway, Mr. Williams, Ms. Crotty and Ms. Carey Cassidy 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.

Chairman Buono recognized Authority employee Ernest Feeney for his efforts in rescuing a person from the Tappan Zee Bridge and issued the following statement on behalf of the Authority Board:



On behalf of the Board and the entire organization, I would like to read the following acknowledgement into the record, to be included in the minutes of this morning's meeting.

On the morning of July 10, 2007, Mr. Ernest Feeney, Bridge Maintenance Supervisor 1 in the New York Division, jumped into quick action while working on the Tappan Zee Bridge.

Mr. Feeney's heroics prevented a young woman from jumping off the Bridge, and thus helped to save the life of a fellow human being.

Mr. Feeney, your act of kindness should serve as an example to us all. Please accept the Board's heartfelt appreciation for your courage, and the 25 years of exemplary service you have dedicated to the Authority.

Item 1 by Ms. Warner (Appendix A)
Minutes of Meeting No. CC-147

On the motion of Ms. Carey Cassidy, seconded by Ms. Crotty, without any objections, the Board approved the minutes of Meeting No. CC-147 held on May 16, 2007 which were made available to the Board Members as part of the Agenda.

Item 2 by Ms. Mantello and Mr. Bryan (Appendix B)
Authorizing the Abandonment of Approximately 2,638 Square Feet of Canal Land Located in the Town of Glenville, County of Schenectady; and Authorizing Their Sale to Pasquale Popolizio

After full discussion, on the motion of Mr. Plunkett, seconded by Mr. Howard, without any objections, the Board adopted the following resolution:

RESOLUTION NO. 429

AUTHORIZING THE ABANDONMENT OF APPROXIMATELY 2,638 SQUARE FEET OF CANAL LAND LOCATED IN THE TOWN OF GLENVILLE, COUNTY OF SCHENECTADY; AND AUTHORIZING THEIR SALE TO PASQUALE POPOLIZIO

RESOLVED, that approximately 2,638 square feet of Canal land located in the Town of Glenville, County of Schenectady are no longer useful or necessary as part of the



Item 2 by Ms. Mantello and Mr. Bryan (Appendix B)
Authorizing the Abandonment of Approximately 2,638 Square Feet of Canal Land Located in the Town of Glenville, County of Schenectady; and Authorizing Their Sale to Pasquale Popolizio (Continued)

Barge Canal System, as an aid to navigation thereon, or for Barge Canal purposes; and be it further

RESOLVED, that following publication of the notice of abandonment for the Property as required by Section 51 of the Canal Law and transmittal of such notice to the CRC, the Office of Canal Maintenance and Operations shall prepare an Official Order abandoning the land for canal purposes, together with a map and description of such lands for review and execution by the Executive Director, provided, however, that if negative comments are received in response to the notice, no order shall be prepared until the Canal Corporation Board has been informed and has determined whether a hearing is warranted, and be it further

RESOLVED, that following preparation of the Official Order of Abandonment the Executive Director, or his designee, be, and he hereby is, authorized to execute such order of abandonment; and be it further

RESOLVED, that the recommendation for issuance of a Negative Declaration based on an environmental assessment of the proposed action completed in accordance with the provisions of the State Environmental Quality Review Act (SEQRA) be, and hereby is, approved, and be it further

RESOLVED, the Chief Engineer, or his designee, be, and he hereby is, authorized to sign the SEQRA Environmental Assessment and issue the Negative Declaration, and to distribute any required notices on behalf of the Canal Corporation Board with relation to this action, and be it further



Item 2 by Ms. Mantello and Mr. Bryan (Appendix B)
Authorizing the Abandonment of Approximately 2,638 Square Feet of Canal Land Located in the Town of Glenville, County of Schenectady; and Authorizing Their Sale to Pasquale Popolizio (Continued)

RESOLVED, that the sale of said approximately 2,638 square feet of land by quitclaim deed to Pasquale Popolizio for \$4,350 be, and hereby is, approved, subject to such other legal, financial, engineering and other terms as may be deemed by the Executive Director, the Director of Canals, or the General Counsel, to be in the best interest of the Canal Corporation and consistent with the intent of this agenda item; and be it further

RESOLVED, that such sale shall be conditioned upon the payment of certain costs incidental to the transfer of real property; and be it further

RESOLVED, that the Corporation's Contracting Officer determined that this property may be sold by negotiation without public advertising because such disposal falls under Section 2897 (6) (c) (ii) of the Public Authorities Law, and Section IV. H. of the Canal Real Property Management Policy, and that the sale of the Property on the terms recommended in the agenda item complies with all applicable provisions of law, including Article 9, Title 5-A of the Public Authorities Law, and with the Canal Real Property Management Policy; and be it further

RESOLVED, that the Executive Director, or his designee, be authorized to execute a contract of sale, and all other documents necessary for closing of title; and be it further

RESOLVED, that the Executive Director, the Director of Canals, the Chief Financial Officer, and the General Counsel be, and the same hereby are, authorized to take all actions necessary to effectuate closing of title and implement this Board Item; and be it further



Item 2 by Ms. Mantello and Mr. Bryan (Appendix B)
Authorizing the Abandonment of Approximately 2,638 Square Feet of Canal Land Located in the Town of Glenville, County of Schenectady; and Authorizing Their Sale to Pasquale Popolizio (Continued)

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

Item 3 by Ms. Mantello and Mr. Bryan (Appendix C)
Authorizing the Abandonment of Approximately 0.24+ Acre of Canal Land Located in the Village of Canajoharie, Montgomery County and Transfer of Jurisdiction over Such Land by the New York State Office of General Services to the New York State Department of Transportation

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

RESOLUTION NO. 430

AUTHORIZING THE ABANDONMENT OF APPROXIMATELY 0.24+ ACRE OF CANAL LAND LOCATED IN THE VILLAGE OF CANAJOHARIE, MONTGOMERY COUNTY AND TRANSFER OF JURISDICTION OVER SUCH LAND BY THE NEW YORK STATE OFFICE OF GENERAL SERVICES TO THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION

RESOLVED, that approximately 0.24+ acre of Canal land located in the Village Canajoharie, County of Montgomery, is no longer necessary or useful as part of the barge canal system, as an aid to navigation thereon, or for barge canal purposes, and be it further

RESOLVED, that following publication of the notice of abandonment for the Property as required by Section 51 of the Canal Law and transmittal of such notice to the CRC, the Office of Canal Maintenance and Operations shall prepare an Official Order abandoning the land for canal purposes, together with a map and description of such lands for review and execution by the Executive Director, provided, however, that if negative comments are received



Item 3 by Ms. Mantello and Mr. Bryan (Appendix C)
Authorizing the Abandonment of Approximately 0.24+ Acre of Canal Land Located in the Village of Canajoharie, Montgomery County and Transfer of Jurisdiction over Such Land by the New York State Office of General Services to the New York State Department of Transportation (Continued)

in response to the notice, no order shall be prepared until the Corporation Board has been informed and has determined whether a hearing is warranted, and be it further

RESOLVED, that following preparation of the Official Order of Abandonment the Executive Director, or his designee be, and he hereby is, authorized to execute such order of abandonment, and be it further

RESOLVED, that the recommendation for issuance of a Negative Declaration based on an environmental assessment of the proposed action completed in accordance with the provisions of the State Environmental Quality Review Act (SEQRA) be, and hereby is, approved, and be it further

RESOLVED, the Chief Engineer, or his designee, be, and he hereby is, authorized to sign the SEQRA Environmental Assessment and issue the Negative Declaration, and to distribute any required notices on behalf of the Canal Corporation Board in relation to this action, and be it further

RESOLVED, that the transfer of jurisdiction over such lands to NYSDOT in accordance with the terms of this agenda item be, and hereby is, authorized, and be it further

RESOLVED, that the Executive Director, or his designee be, and he hereby is, authorized to execute all documents to effectuate such transfer, and be it further

RESOLVED, that the Executive Director, the Director of Canals and the General Counsel be and the same



Item 3 by Ms. Mantello and Mr. Bryan (Appendix C)
Authorizing the Abandonment of Approximately 0.24+ Acre of Canal Land Located in the Village of Canajoharie, Montgomery County and Transfer of Jurisdiction over Such Land by the New York State Office of General Services to the New York State Department of Transportation (Continued)

hereby are, authorized to take all actions to implement this Board item, and be it further

RESOLVED, that the transfer of jurisdiction over the subject Property must be completed in accordance with all applicable provisions of the Canal Real Property Management Policy, and be it further

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

Item 4 by Ms. Mantello and Mr. Bryan (Appendix D)
Approval of Extension of 180 Days to Complete Transfer Authorized by Resolution No. 390: Authorizing the Abandonment of Approximately 0.79+ Acre of Canal Land Located in the Village/Town of Fort Ann, County of Washington, For a Transfer of Jurisdiction over Such Land by the New York State Office of General Services to the New York State Department of Transportation

After full discussion, on the motion of Mr. Williams, seconded by Mr. Conway, without any objections, the Board adopted the following resolution:

RESOLUTION NO. 431

APPROVAL OF EXTENSION OF 180 DAYS TO COMPLETE TRANSFER AUTHORIZED BY RESOLUTION NO. 390: AUTHORIZING THE ABANDONMENT OF APPROXIMATELY 0.79+ ACRE OF CANAL LAND LOCATED IN THE VILLAGE/TOWN OF FORT ANN, COUNTY OF WASHINGTON, FOR A TRANSFER OF JURISDICTION OVER SUCH LAND BY THE NEW YORK STATE OFFICE OF GENERAL SERVICES TO THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION

RESOLVED, that an extension of 180 days to complete the transfer of jurisdiction authorized by



Item 4 by Ms. Mantello and Mr. Bryan (Appendix D)

Approval of Extension of 180 Days to Complete Transfer Authorized by Resolution No. 390: Authorizing the Abandonment of Approximately 0.79+ Acre of Canal Land Located in the Village/Town of Fort Ann, County of Washington, For a Transfer of Jurisdiction over Such Land by the New York State Office of General Services to the New York State Department of Transportation (Continued)

Resolution No. 390, be, and the same hereby is, approved;
and be it further

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

Item 5 by Ms. Mantello and Mr. Bryan (Appendix E)

Authorizing: Withdrawal of Canal Corporation Board Resolution No. 292 Adopted at Meeting CC-99 Held on April 22, 2002; Abandonment of Approximately 0.23 Acre of Canal Land Located in the Town of Pendleton, County of Niagara; and Authorizing Its Sale to Edward Trouse

Mr. Plunkett requested that the appraisal for the property be attached to the Item and included in the Minutes of this meeting. Mr. Williams asked if Mr. Trouse had been encroaching on the property, to which he received an affirmative response from Mr. Bryan.

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

RESOLUTION NO. 432

**WITHDRAWAL OF CANAL CORPORATION BOARD
RESOLUTION NO. 292 ADOPTED AT MEETING NO.
CC-99 HELD ON APRIL 22, 2002; AUTHORIZING THE
ABANDONMENT OF APPROXIMATELY 0.23 ACRE OF
CANAL LAND LOCATED IN THE TOWN OF
PENDLETON, COUNTY OF NIAGARA; AND
AUTHORIZING ITS SALE TO EDWARD TROUSE**

RESOLVED, that approximately 0.23 acre of Canal
land located in the Town of Pendleton, County of Niagara is
no longer useful or necessary as part of the Barge Canal
System, as an aid to navigation thereon, or for Barge Canal
purposes, and be it further



Item 5 by Ms. Mantello and Mr. Bryan (Appendix E)

Authorizing: Withdrawal of Canal Corporation Board Resolution No. 292 Adopted at Meeting CC-99 Held on April 22, 2002; Abandonment of Approximately 0.23 Acre of Canal Land Located in the Town of Pendleton, County of Niagara; and Authorizing Its Sale to Edward Trouse (Continued)

RESOLVED, that the Office of Canal Maintenance and Operations shall prepare an Official Order abandoning the land for canal purposes, together with a map and description of such lands for review by the Executive Director; and be it further

RESOLVED, that the Executive Director, or his designee, be, and he hereby is, authorized to execute such order of abandonment; and be it further

RESOLVED, that the recommendation for issuance of a Negative Declaration based on an environmental assessment of the proposed action completed in accordance with the provisions of the State Environmental Quality Review Act (SEQRA), be, and hereby is, approved, and be it further

RESOLVED, the Chief Engineer, or his designee, be, and he hereby is, authorized to sign the SEQRA Environmental Assessment and issue the Negative Declaration, and to distribute any required notices on behalf of the Canal Corporation Board in relation to this action, and be it further

RESOLVED, that the sale of said approximately 0.23 acre of land by quitclaim deed to Edward Trouse for \$8,700 be, and hereby is, approved, subject to such other legal, financial, engineering and other terms as may be deemed by the Executive Director, the Director of Canals, or the General Counsel, to be in the best interest of the Canal Corporation and consistent with the intent of this agenda item; and be it further



Item 5 by Ms. Mantello and Mr. Bryan (Appendix E)

Authorizing: Withdrawal of Canal Corporation Board Resolution No. 292 Adopted at Meeting CC-99 Held on April 22, 2002; Abandonment of Approximately 0.23 Acre of Canal Land Located in the Town of Pendleton, County of Niagara; and Authorizing Its Sale to Edward Trowse (Continued)

RESOLVED, that such sale shall be conditioned upon the payment of certain costs incidental to the transfer of real property; and be it further

RESOLVED, that the Corporation's Contracting Officer determined that property may be sold by negotiation without public advertising because such disposal falls under Section 2897(6)(c)(ii) of the Public Authorities Law, and Section IV.H. of the Canal Real Property Management Policy, and that the sale of the Property on the terms recommended in the agenda item in all other respects also complies with applicable law, including Article 9, Title 5-A of the Public Authorities Law, and with the Canal Real Property Management Policy, and be it further

RESOLVED, that the Executive Director, or his designee, be authorized to execute a contract of sale, and all other documents necessary for closing of title; and be it further

RESOLVED, that the Executive Director, the Director of Canals, the Chief Financial Officer, and the General Counsel, be, and the same hereby are, authorized to take all actions necessary to effectuate closing of title and implement this Board Item; and be it further

RESOLVED, that Resolution No. 292 adopted at Meeting No. CC-99 held on April 22, 2002 be, and the same hereby is, withdrawn, and be it further

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



Item 6 by Mr. Waite (Appendix F)

Approval of Extension of One Year To Complete Transfers Authorized By: Resolution Nos.: 385 Authorizing the Abandonment of Approximately 25.0+ Acres of Canal Land Located in the Town of Niskayuna, County of Schenectady, and Transfer of Jurisdiction over Such Lands by the New York State Office of General Services to the New York State Office of Parks, Recreation and Historic Preservation; 386 Authorizing the Abandonment of Approximately 18.75+ Acres of Canal Land Located in the Village of Fayetteville, Town of Manlius, County of Onondaga, and Transfer of Jurisdiction over Such Lands by the New York State Office of General Services to the New York State Office of Parks, Recreation and Historic Preservation; 387 Authorizing the Abandonment of Approximately 14.0+ Acres of Canal Land Located in the Village of Schuylerville, Town of Saratoga, County of Saratoga, and Transfer of Jurisdiction over Such Lands by the New York State Office of General Services to the New York State Office of Parks, Recreation and Historic Preservation; 388 Authorizing the Abandonment of Approximately 34.0 + Acres of Canal Land Located in the City of Rome, County of Oneida, and Transfer of Jurisdiction over Such Lands by the New York State Office of General Services to the New York State Office of Parks, Recreation and Historic Preservation; and, 389 Authorizing the Abandonment of Approximately 10.0+ Acres of Canal Land Located in the City of Little Falls, County of Herkimer, and Transfer of Jurisdiction over Such Lands 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 Mr. Howard, seconded by Ms. Crotty, without any objections, the Board adopted the following resolution:

RESOLUTION NO. 433

APPROVAL OF EXTENSION OF ONE YEAR TO COMPLETE TRANSFERS AUTHORIZED BY RESOLUTION NOS.: 385 AUTHORIZING THE ABANDONMENT OF APPROXIMATELY 25.0+ ACRES OF CANAL LAND LOCATED IN THE TOWN OF NISKAYUNA, COUNTY OF SCHENECTADY, AND TRANSFER OF JURISDICTION OVER SUCH LANDS BY THE NEW YORK STATE OFFICE OF GENERAL SERVICES TO THE NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION; 386 AUTHORIZING THE ABANDONMENT OF APPROXIMATELY 18.75+ ACRES OF CANAL LAND LOCATED IN THE VILLAGE OF FAYETTEVILLE, TOWN OF MANLIUS, COUNTY OF ONONDAGA, AND TRANSFER OF JURISDICTION



Item 6 by Mr. Waite (Appendix F)

Approval of Extension of One Year To Complete Transfers Authorized By: Resolution Nos.: 385 (Continued)

OVER SUCH LANDS BY THE NEW YORK STATE OFFICE OF GENERAL SERVICES TO THE NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION; 387 AUTHORIZING THE ABANDONMENT OF APPROXIMATELY 14.0+ ACRES OF CANAL LAND LOCATED IN THE VILLAGE OF SCHUYLERVILLE, TOWN OF SARATOGA, COUNTY OF SARATOGA, AND TRANSFER OF JURISDICTION OVER SUCH LANDS BY THE NEW YORK STATE OFFICE OF GENERAL SERVICES TO THE NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION; 388 AUTHORIZING THE ABANDONMENT OF APPROXIMATELY 34.0 + ACRES OF CANAL LAND LOCATED IN THE CITY OF ROME, COUNTY OF ONEIDA, AND TRANSFER OF JURISDICTION OVER SUCH LANDS BY THE NEW YORK STATE OFFICE OF GENERAL SERVICES TO THE NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION; AND, 389 AUTHORIZING THE ABANDONMENT OF APPROXIMATELY 10.0+ ACRES OF CANAL LAND LOCATED IN THE CITY OF LITTLE FALLS, COUNTY OF HERKIMER, AND TRANSFER OF JURISDICTION OVER SUCH LANDS BY THE NEW YORK STATE OFFICE OF GENERAL SERVICES TO THE NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION

RESOLVED, that an extension of one year to complete the transfers of jurisdiction authorized by the Resolution Nos. 385, 386, 387, 388 and 389 be, and the same hereby are, approved; and be it further

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



Adjournment

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

Jill B. Warner
Secretary

