



## **MINUTES**

### **NEW YORK STATE CANAL CORPORATION**

#### **BOARD MEETING NO. CC-152**

**March 19, 2008**

**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 10:40 a.m.**

**There were present:**

**John L. Buono, Chairman  
Frederick M. Howard, Board Member  
Kevin J. Plunkett, Board Member  
Jeffrey D. Williams, Board Member, via video conference**

**Constituting a majority of the members of the Canal Corporation Board.**

**Mr. Conway and Ms. Crotty were not present at this meeting and did not vote on any of the Items.**

**In addition, there were present the following staff personnel:**

**Michael R. Fleischer, Executive Director  
Sharon O'Connor, General Counsel  
Christopher Waite, Chief Engineer**

**John Bryan, Chief Financial Officer**  
**Jill Warner, Secretary and Board Administrator**  
**William Rinaldi, Director, Albany Division**  
**Ramesh Mehta, Division Director, New York Division**  
**Richard Garrabrant, Division Director, Syracuse Division**  
**Michael Sikule, Director, Office of Investments and Asset Management**  
**Kevin Allen, Acting Director, Audit and Management Services, via video conference**  
**Joanne Riddett, Director, Information Technology**  
**John Barr, Director, Administrative Services**  
**Donald Bell, Director, Operations and Maintenance**  
**Carmella Mantello, Director of Canal Corporation**  
**Betsy Graham, Acting Director, Office of Public Affairs**  
**Major Robert Meyers, Troop T**  
**Daniel Gilbert, Chief of Staff**  
**Wendy Allen, Deputy Chief of Staff**  
**Richard Harris, Deputy Director of Canal Community Development & Land Management**  
**Kenneth Flood, Director, Office of Real Property Management**  
**Dorraine Steele, Director, Office of Fiscal Audit and Budget**  
**Liz Yanus, Office Manager, Office of the Deputy Chief of Staff**  
**Dave Malone, Assistant Director, Office of Accounting and Disbursements**  
**Also in Attendance:**  
**Scott Fein, Partner, Whiteman, Osterman & Hanna**  
**Bob Connor, Reporter, *Daily Gazette***  
**William M. Kahn, CPA, Partner, UHY Advisors NY, Inc.**  
**Luke Slayton, Staffer, Assemblyman Steve Hawley's Office**  
**Paul Minni, Production Coordinator, NYN**

**Chairman Buono noted that he, Mr. Howard, Mr. Plunkett and Mr. Williams 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.**

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**Item 1 by Ms. Warner (Appendix A)**  
**Minutes of Meeting No. CC-151**

On the motion of Mr. Plunkett, seconded by Mr. Howard, without any objections, the Board approved the minutes of Meeting No. CC-151 held on February 20, 2008 which were made available to the Board Members as part of the Agenda.

**Item 2 by Mr. Fleischer (Appendix B)**  
**Report to the Canal Corporation Board for Personal Service Contracts Up to \$150,000 for the Period October 1, 2007 through December 31, 2007**

Mr. Fleischer submitted as Exhibit I a listing containing Personal Service Contracts up to \$150,000 for the period of October 1, 2007 through December 31, 2007.

After full discussion, on the motion of Mr. Howard, seconded by Mr. Williams, without any objections, the Board accepted Mr. Fleischer's report.

**Item 3 by Mr. Fleischer (Appendix C)**  
**Revising the Board Audit and Finance Committee Charter**

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

**RESOLUTION NO. 444**  
**REVISING THE BOARD AUDIT AND FINANCE  
COMMITTEE CHARTER**

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**RESOLVED**, that the Audit and Finance Committee Charter, attached hereto as Exhibit 1, be, and hereby is adopted, replacing all prior Audit and Finance Committee Charters, and be it further

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



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

**Approving the Canal Real Property Management Policy (25-6-01C), the Revised Canal Real Property Management Standard Operating Procedures (900-1) and the Canal Personal Property Disposal Policy (26-6-02C)**

Mr. Williams asked if there were any substantial changes. Mr. Bryan responded negatively, advising that the biggest change was the elimination of the requirement that prohibited the Corporation from issuing permits if the permittee would generate revenue on the property. Recognizing that the Corporation may have a long term need for a piece of property, but not an immediate need, the Corporation would now be able to issue a permit in order to generate revenue for the Authority.

Mr. Williams then asked if there were any technical revisions. Mr. Bryan responded that the revisions to the standard operating procedures were already approved by the Executive Director in accordance with a delegation of authority from the Board. Revisions to the policies require Board approval prior to implementation; however, there were no proposed changes to either policy.

On the motion of Mr. Williams, seconded by Mr. Plunkett, without any objections, the Board adopted the following resolution:

**RESOLUTION NO. 445**

**APPROVING THE CANAL REAL PROPERTY MANAGEMENT POLICY (25-6-01C), THE REVISED CANAL REAL PROPERTY MANAGEMENT STANDARD OPERATING PROCEDURES (900-1) AND THE CANAL PERSONAL PROPERTY DISPOSAL POLICY (25-6-02C)**

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**RESOLVED, that the Canal Real Property Management Policy (25-6-01C), attached as Exhibit A be, and the same hereby is, approved, and be it further**

**RESOLVED, that the revised Canal Real Property Management Standard Operating Procedures (900-1), attached as Exhibit B be, and the same hereby are, approved, and be it further**

**RESOLVED, that the Canal Personal Property Disposal Policy (25-6-02C), attached as Exhibit C be, and the same hereby is, approved, and be it further**



**Item 4 by Mr. Bryan and Ms. Mantello (Appendix D)**  
**Approving the Canal Real Property Management Policy (25-6-01C), the Revised Canal Real Property Management Standard Operating Procedures (900-1) and the Canal Personal Property Disposal Policy (26-6-02C) (Continued)**

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

**Item 5 by Ms. Mantello (Appendix E)**  
**Authorizing the Use of an Environmental Protection Fund (EPF) Grant for Interpretive Kiosks in Thirteen Municipalities within Schenectady, Montgomery, Herkimer, Oneida and Schoharie Counties**

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

**RESOLUTION NO. 446**

**AUTHORIZING THE USE OF AN ENVIRONMENTAL PROTECTION FUND (EPF) GRANT FOR INTERPRETIVE KIOSKS IN THIRTEEN MUNICIPALITIES WITHIN SCHENECTADY, MONTGOMERY, HERKIMER, ONEIDA AND SCHOHARIE COUNTIES**

RESOLVED, that the Mohawk Valley Heritage Corridor Commission (MVHCC) has proposed the use of an Environmental Protection Fund (EPF) grant by the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) for certain improvements along the Canalway Trail System located within the Mohawk Valley, and be it further

RESOLVED, that the MVHCC intends to use EPF funds to finance such improvements to Canal land, and be it further

RESOLVED, these EPF funds will serve as the 50/50 match requirement for the \$90,000 grant awarded by this Board under the 2006 Erie Canal Greenway Grant Program, and be it further



**Item 5 by Ms. Mantello (Appendix E)**

**Authorizing the Use of an Environmental Protection Fund (EPF) Grant for Interpretive Kiosks in Thirteen Municipalities within Schenectady, Montgomery, Herkimer, Oneida and Schoharie Counties (Continued)**

**RESOLVED**, that provisions of state law concerning EPF grants provided under Article 54 of the Environmental Conservation Law require that improvements made for park projects with funds authorized by the EPF shall be used for park purposes until such time as the legislature expressly provides for another use, and be it further

**RESOLVED**, that the conversion of these Canal lands to parkland resulting from the use of EPF funds is hereby approved, and be it further

**RESOLVED**, that the Executive Director, or his designee shall be authorized to take all actions necessary to implement this Board action, including notification to appropriate officials at MVHCC and OPRHP that the Canal Corporation approves the use of EPF funds in connection with the installation of interpretive kiosks at the following 13 locations within five counties: Niskayuna Lock E-7 in Schenectady County; Amsterdam Riverlink Park, Fort Hunter Lock E-12, Canajoharie Waterfront Park, Fort Plain Lock E-15 in Montgomery County; Little Falls Rotary Park, Herkimer Port, Frankfort Marina in Herkimer County; Utica Union Station, Rome Terminal, Rome Downtown, Sylvan Beach in Oneida County; and Howes Caverns in Schoharie County, and be it further

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



## Other Business

Mr. Plunkett asked when the Canal would open. Mr. Fleischer responded that the Canal is scheduled to open in early May; however, the Corporation is considering modifying the hours of operation. Ms. Mantello stated that the system is targeted to open May 1<sup>st</sup> and added that seasonal positions and hours may be reduced. Ms. Mantello provided an affirmative response to Mr. Plunkett's question asking if this was being instituted as a cost savings measure.

Mr. Howard inquired if the reservoir water supply was adequate. Ms. Mantello reported that the supply was sufficient due to the runoff from snow melt and pending rain. When asked by Mr. Howard if the Corporation was working with a group from a public health standpoint to manage the water supply, Ms. Mantello advised that Authority and Corporation staff, along with representatives from the New York State Department of Health, the New York State Department of Environmental Conservation (NYSDEC) and other agencies, are active participants in the Hinckley Working Group that was organized to address water management issues.

Chairman Buono asked if the topic of flood control had been addressed, to which Ms. Mantello responded that the Corporation is on a flood advisory task force that was created in legislation, passed by the legislature and signed into law but has not yet met. The NYSDEC is overseeing the task force and the Corporation will be a member. The Task Force will have recommendations for the Canal and other State waterways.

Mr. Williams asked if the New York State Office of Parks, Recreation and Historic Preservation will provide funding to offset Canal toll costs. Ms. Mantello and Mr. Fleischer explained that the Corporation is proceeding with reinstating the tolls. Ms. Mantello noted that the Corporation did not ask for funding; however considering the current economic climate and the State deficit it is not expected that a grant would be awarded.

## Adjournment

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

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Jill B. Warner  
Secretary

