



**MINUTES**  
**NEW YORK STATE CANAL CORPORATION**  
**BOARD MEETING NO. CC-175**  
**September 15, 2011**

Minutes of a meeting of the New York State Canal Corporation, held in the Board Room at the Corporation's Buffalo Division Office, 455 Cayuga Road, Suite 800, Cheektowaga, NY 14225 as well as via video conference at NYSTA Administrative Headquarters, 200 Southern Boulevard, Albany, New York 12209 and at the New York Division Office, 4 Executive Blvd., Suite 400, Suffern, NY 10901.

The meetings of the New York State Thruway Authority and Canal Corporation Boards opened in joint session for the consideration of various matters. These minutes reflect only those items considered by the New York State Canal Corporation Board. The meeting began at 3:02 p.m.

There were present:

Chairman Howard P. Milstein  
Donna J. Luh, Vice Chair  
J. Donald Rice, Jr., Board Member  
Richard N. Simberg, Board Member  
Brandon R. Sall, Board Member

Jose Holguin-Veras, Ph.D., via video conference

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

E. Virgil Conway was not present at this meeting and did not vote on any of the Items.

In addition, there were present the following staff personnel:

Thomas J. Madison, Jr., Acting Executive Director

John Barr, Director, Administrative Services

Donald Bell, Director, Maintenance and Operations

John Bryan, Chief Financial Officer

William Estes, General Counsel

J. Marc Hannibal, Director, Audit and Management Services

Brian Stratton, Director, Canal Corporation

Thomas Ryan, Chief of Staff

Ted Nadratowski, Chief Engineer

Jill B. Warner, Board Administrator

Thomas Pericak, Division Director, Buffalo Division

Patrick Hoehn, Acting Division Director, Syracuse Division

Stephen Grabowski, Acting Division Director, New York Division

Michael Loftus, Acting Division Director, Albany Division, via video conference

John Callaghan, Deputy Director, Canal Corporation, via video conference

Catherine Sheridan, Acting Deputy Director for Canal Maintenance,  
Operations & Engineering, via video conference

Wendy Allen, Director, Management and Planning, via video conference

Dorraine Steele, Director, Fiscal Audit and Budget, via video conference

Jonathan Ehrlich, Special Assistant to the Chairman

Kathleen LeFave, Special Assistant to the Chief of Staff, via video conference

Peter Casper, Assistant Counsel, via video conference

Anthony Kirby, Director, Real Property Management

John Joyce, Director of Special Projects, Canal Corporation

Allan Bressette, Information Technology Specialist III  
Major Robert Meyers, Troop T  
Sergeant Marc Tryon, Troop T  
Sergeant Michael Nigrelli, Troop T  
Wai Cheung, Assistant Division Director, Operations, via video conference

Also in attendance:

Karl Diehl, New York Network  
Michael Milstein, public  
Murray Bodin, public, via video conference  
Helen Jones, Reporter, *Buffalo News*  
Mark Scheer, Reporter, *Niagara Gazette*  
Leonard DePrima, Vice President, The Liro Group; FAIR Committee  
Edward Stachura, Senior Project Manager, TVGA Consultants; FAIR Committee  
Senator Mark Grisanti, New York State Senate  
Senator George Maziarz, New York State Senate  
Ron Deschenes, Community Liaison, Senator Mark Grisanti's Office  
Jon McNulty, Field Representative, Senator Michael Rzenhofer's Office  
Todd Aldinger, Legislative Aide/Budget Director, Senator Patrick Gallivan's Office  
Barrett Price, President, Bear Metal Works  
Bill Boyer, WGRZ Channel 2  
Mark Mulville, Photographer, *Buffalo News*  
Dan Cappellazzo, Photographer, *Niagara Gazette*

Chairman Milstein noted that he, Ms. Luh, Mr. Rice, Mr. Simberg, Mr. Sall and Dr. Veras had received and reviewed the Agenda submitted for consideration at this meeting and were prepared to act on each of the Items.

Chairman Milstein called the meeting to order.

Ms. Warner recorded the minutes as contained herein (public notice of the meeting had been given).

**Item 1 by Ms. Warner (Appendix A)**

**Approval of Minutes of Board Meeting No. CC-174**

On the motion of Mr. Sall, seconded by Ms. Luh, without any objections, the Board approved the minutes of Meeting No. CC-174 held on July 18, 2011, which were made available to the Board Members as part of the Agenda.

**Item 2 by Chairman Milstein (Appendix B)**

**Recognizing and Honoring Michael R. Fleischer**

Chairman Milstein stated that Michael R. Fleischer served as Executive Director of the New York Thruway Authority and the New York State Canal Corporation beginning on April 30, 2003. Mr. Fleischer's commitment to providing an enhanced travel experience for Thruway and Canal system patrons was reflected in his management of the day-to-day operations of both organizations.

Equally significant was his dedication to the people of the State of New York, demonstrated by his support of projects designed to stimulate local commerce. Significant E-Z Pass improvements, customer service enhancements, operational efficiencies and economic development initiatives were advanced under his leadership.

In honor of his many years of dedicated leadership, it is appropriate that the Boards recognize Michael Fleischer's distinguished service. The Boards of the New York State Thruway Authority and the New York State Canal Corporation, on behalf of the people of the State of New York, extend to Michael R. Fleischer their thanks and appreciation for his dedicated service, his many contributions to the advancement of infrastructure improvements and economic development initiatives, and his commitment to customer service.

A copy of this resolution, signed by the Board Members, will be framed and presented to Michael R. Fleischer at the request of Chairman Milstein.

Mr. Sall added that it has been a pleasure to work with Michael and wished him all the luck in his new career.

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

**RESOLUTION NO. 554**  
**RECOGNIZING AND HONORING**  
**MICHAEL R. FLEISCHER**

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WHEREAS, Michael R. Fleischer served as Executive Director of the New York State Thruway Authority and the New York State Canal Corporation from April 30, 2003 to August 2, 2011, and

WHEREAS, Michael R. Fleischer has provided meritorious leadership and has contributed to several significant New York State Thruway Authority and New York State Canal Corporation accomplishments during his tenure including adoption of a seven-year, \$2.74 billion Capital Plan, initial deployment of highway speed E-ZPass on the Thruway, completion of significant reconstruction projects at Interchange 17 and Interchange 8 that have resulted in enhanced mobility, reduced congestion and improved air quality, progression of two major Tappan Zee Bridge deck replacement projects that ensure safe and efficient travel for the thousands of motorists that cross the bridge daily, initiation of a reconstruction project between Interchanges 23 and 24 that aims to improve mobility in the heavily traveled commuter corridor, commencement of a 15-mile pavement reconstruction project between Interchanges 39 and 40 that will afford customers traveling between Syracuse and Weedsport a smoother ride, installation of more than 100 intelligent transportation systems components that provide real-time traffic, weather, construction and emergency information through the “Thruway Regional

Advisory Network System” and the “Advanced Traffic Management System,” which collectively improved the efficiency of the Authority’s incident response and traffic management programs, support of development in Canal communities through grant awards from the “Erie Canal Greenway Grant Program” and the bi-annual tourism matching grants program, support of educational projects using historic vessels, promotion of tourism through the advancement of initiatives to rehabilitate and expand the Erie Canalway Trail, as well as partnering in annual events such as “Canal Splash!,” “Canal Clean Sweep,” “Canalway Trail Celebration,” and “Cycling the Erie Canal,” and completion of major Canal initiatives including the 2010 World Canal Conference, streamlining policies and procedures related to managing Canal real property, responding to devastating flooding along the Mohawk Valley in 2006, and continuing to rehabilitate and restore Canal infrastructure now, therefore, be it further

RESOLVED, that Michael R. Fleischer’s service is hereby proclaimed as meeting the very highest standards of excellence in public service, and be it further

RESOLVED, that the Boards of the New York State Thruway Authority and the New York State Canal Corporation, on behalf of the People of the State of New York, hereby extend to Michael R. Fleischer their thanks and appreciation for his dedicated service, his many contributions to the advancement of infrastructure improvements and economic development initiatives, and his commitment to customer service, and be it further

RESOLVED, that a copy of this resolution be presented to Michael R. Fleischer and be incorporated in the minutes of this meeting

**Item 3 by Chairman Milstein (Appendix C)**

**Appointing Thomas J. Madison, Jr. as Acting Executive Director, and Pending Senate Approval, Executive Director, of the New York State Thruway and New York State Canal Corporation**

Chairman Milstein stated that it was his privilege to formally introduce Tom Madison to the Board. Mr. Madison was nominated by Governor Cuomo as the new Executive Director of the Thruway Authority and Canal Corporation. He will serve as Acting Executive Director upon the Board's approval pending Senate confirmation of his appointment.

After full discussion, on the motion of Chairman Milstein, seconded by Ms. Luh, without any objections, the Board adopted the following resolution:

**RESOLUTION NO. 555**

**APPOINTING THOMAS J. MADISON, JR. AS ACTING EXECUTIVE DIRECTOR, AND PENDING SENATE APPROVAL, EXECUTIVE DIRECTOR, OF THE NEW YORK STATE THRUWAY AUTHORITY AND NEW YORK STATE CANAL CORPORATION**

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RESOLVED, that the Boards of the New York State Thruway Authority and New York State Canal Corporation hereby appoint Thomas J. Madison Jr. as Acting Executive Director effective September 19, 2011, at an annual salary of \$165,800, funds for which are available in the 2011 Operating Budget, and be it further

RESOLVED, that should the New York State Senate be inclined to approve of Mr. Madison's nomination, he would become Executive Director at an annual salary set forth above, and be it further

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

**Item 4 as Amended by Mr. Stratton and Mr. Bryan (Appendix D)**

**Authorizing the Abandonment of Approximately 0.43+ Acre of Canal Land Located in the Town of Forestport, County of Oneida, and Authorizing Its Sale to John H. Rosky**

Mr. Stratton stated that the Canal Corporation is pursuing compliance on the Kayuta Reservoir and has issued more than 100 permits in the last several months. Residents that have encroachments on Canal land are being asked to cure their and the Corporation's hardship by purchasing the encumbered Canal land above the elevation of 1144 feet above sea level. The 1144 feet control area around the whole reservoir is based on a contour survey done by the Department of Transportation long ago, but still considered accurate. The \$9,000 value is based on an independent consultant's appraisal. Mr. Rosky, who has a current permit, is the fourth of approximately 40 sales on Kayuta Lake to cure encroachments.

Chairman Milstein stated that he was advised by staff that there was some inaccurate mapping done years ago and that it was accidental, not intentional, on the part of these 40 owners. John Bryan mentioned that the Corporation has a problem on some of this land, with squatters that come onto the land and then staff has a difficult time finding out about them or getting them to leave. In the future, staff should consider adding a covenant to these transactions, that for 200 feet on each side of the property being sold along the Canal the buyer be responsible to make sure there are no squatters on the property and have some kind of liquidated damages if they do come on. He asked that Executive Management consider this idea and come back to the Board with an answer by the next transaction.

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

**RESOLUTION NO. 556**  
**AUTHORIZING THE ABANDONMENT OF  
APPROXIMATELY 0.43± ACRE OF CANAL LAND  
LOCATED IN THE TOWN OF FORESTPORT, COUNTY  
OF ONEIDA, AND AUTHORIZING ITS SALE TO JOHN H.  
ROSKY**

RESOLVED, that approximately 0.43± acre of Canal land  
located in the Town of Forestport, County of Oneida 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

RESOLVED, that following publication of the notices of abandonment for the Property as required by Section 51 of the Canal Law and transmittal of such notice to the Canal Recreationway Commission (“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 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, that 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

RESOLVED, that the sale of said land by quitclaim deed to John H. Rosky for \$9,000 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 the 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.I. 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, and he hereby is, 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 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 Boards, without any objections, on the motion of Ms. Luh, seconded by Mr. Sall, the meeting was adjourned.

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Jill B. Warner  
Secretary

*Note: Webcasts, which include dialogue of Authority/Corporation Board Meetings, are available on the Thruway Authority website 48 hours after such meetings occur and remain on the website for a period of 4 months.*