



**Canal
Corporation**

**MINUTES
NEW YORK STATE CANAL CORPORATION
BOARD MEETING NO. CC-197
August 31, 2015**

Minutes of a meeting of the New York State Canal Corporation, held at the New NY Bridge Project Office, in Tarrytown, New York and by video conference from the board room at 200 Southern Boulevard, Albany, NY.

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. The meeting began at 1:20 p.m.

Members of the Board present were:

Joanne M. Mahoney, Chair
Donna J. Luh, Vice Chairperson
Richard N. Simberg, Board Member
Jose Holguin-Veras, Ph.D., Board Member, via video conference
Virgil Conway, Board Member, via teleconference but abstained from voting

Members of the Board not present:

J. Donald Rice, Jr.

Constituting a majority of the members of the Thruway Authority Board.

Staff Present:

Robert Megna, Executive Director
Gordon Cuffy, General Counsel
Maria Lehman, Interim Director of Maintenance and Operations
Brian Stratton, Director of the NYS Canal Corporation
John Barr, Director of Administrative Services
Harry Lennon, Acting Director of Department of Audit & Management Services
Matt Howard, Treasurer and Chief Financial Officer

Kevin Allen, Director of Thruway Purchasing
Larry Norville, Chief Compliance Officer
Cathy Sheridan, Acting Chief Engineer
Joseph Moloughney, Acting Albany Division Director
Pat Hoehn, Acting Syracuse Division Director
Stephen Grabowski, Acting New York Division Director
John Callaghan, Deputy Director of the NYS Canal Corporation
Jennifer Givner, Director of Media Relations & Communications
Jerry Yomoah, Board Administrator

Chair Mahoney called the meeting of the Thruway Authority and Canal Corporation Boards to order.

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

Item 1 by Chair Mahoney (Appendix A)
Approval of Minutes of Meeting No. 196

Chair Mahoney asked for a motion to approve the minutes of the previous meeting. Upon motion duly made and seconded, the Board approved the minutes of Meeting No. 196 held on July 13, 2015, which were made available to the Board Members as part of the Agenda.

Item 2 by Mr. Megna (Appendix B)
Report to the Thruway Authority and Canal Corporation Boards on Procurement Contracts and Other Agreements Up to \$150,000 Executed by the Executive Director During the Period April 1, 2015 through June 30, 2015

Chair Mahoney invited Kevin Allen to present the report of procurement contracts.

Upon motion duly made and seconded, without any objections, the Board accepted the Report on Procurement Contracts and other Agreements up to \$150,000 Executed by the Executive Director during the Period January 1, 2015 through March 31, 2015.

RESOLUTION NO. 632
AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A PROJECT PARTNERSHIP AGREEMENT WITH THE UNITED STATES ARMY CORPS OF ENGINEERS TO CONDUCT A FEASIBILITY STUDY FOR CONSTRUCTION OF A PHYSICAL BARRIER ON THE CHAMPLAIN CANAL

RESOLVED, that the Executive Director, or his designee, is authorized to execute a Project Partnership Agreement with the U.S. Army Corps of Engineers to study the feasibility of a dispersal barrier project on the Champlain Canal to prevent the spread of aquatic nuisance species; and be it further

RESOLVED, that the New England Interstate Water Pollution Control Council provide the required financial match of \$199,500; and be it further

RESOLVED, that the Canal Corporation will contribute staff time and technical data as part of its role in the project, but shall make no financial contribution to the study; and be it further

RESOLVED, that the Executive Director, or his designee, shall have the authority to exercise all powers reserved to the Corporation under 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 Corporation; and be it further

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

Item 3 by Ms. Lehman (Appendix C)

Authorizing the Executive Director to Execute an Agreement with the New York State Department of Transportation (DOT) for the sharing of employees, services and resources and to work on each other's facilities and property to address an emergency situation or extreme weather conditions

Ms. Lehman presented the item seeking board approval to enter into a shared services agreement with DOT. Details of the presentation and discussion with Board Members are included in the video recording of the meeting

Upon duly motioned, seconded and without any objections, the Board authorized the Executive Director to execute a shared services agreement with DOT and adopted the following resolution:

RESOLUTION NO. 6057
AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE AN AGREEMENT WITH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION (DOT) FOR THE SHARING OF EMPLOYEES, SERVICES AND RESOURCES AND TO WORK ON EACH OTHER'S FACILITIES AND PROPERTY TO ADDRESS AND

**EMERGENCY SITUATION OR EXTREME WEATHER
CONDITIONS**

RESOLVED, that the Executive Director be, and he hereby is, authorized to execute an Agreement with DOT for the sharing of employees, services and resources and to work on each other's facilities and property to address an emergency situation or extreme weather conditions, 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 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 interest of the Authority, and be it further

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

Item 4 by Mr. Howard (Appendix D)

Authorizing the Abandonment of Approximately 0.89+ Acres of Canal Land Located in the Town of Ohio, Herkimer County; Transmittal of Notice to the New York State Department of Environmental Conservation Providing Sixty Day Right of First Refusal to Accept Jurisdiction Over Said Approximately 0.89+ Acres; And, Sale of Said Canal Land to David and Diane Kaiser

Mr. Howard presented the item seeking Board approval to execute a real property transaction in the town of Ohio, NY. Details of the presentation and discussion with Board Members are included in the video recording of the meeting.

Upon motion duly made and seconded, the Board authorized the Abandonment of Approximately 0.89+ Acres of Canal Land Located in the Town of Ohio, Herkimer County; Transmittal of Notice to the New York State Department of Environmental Conservation Providing Sixty Day Right of First Refusal to Accept Jurisdiction Over Said Approximately 0.89+ Acres; And, Sale of Said Canal Land to David and Diane Kaiser and adopted the following resolution:

RESOLUTION NO. 638

AUTHORIZING THE ABANDONMENT OF APPROXIMATELY 0.89+ ACRES OF CANAL LAND LOCATED IN THE TOWN OF OHIO, HERKIMER COUNTY; TRANSMITTAL OF NOTICE TO THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION PROVIDING SIXTY DAY RIGHT OF FIRST REFUSAL TO ACCEPT JURISDICTION OVER SAID

APPROXIMATELY 0.89+ ACRES; AND, SALE OF SAID CANAL LAND TO DAVID AND DIANE KAISER

RESOLVED, that approximately 0.89+ acres of Canal land located in the Town of Ohio, County of Herkimer is no longer useful or necessary as part of the Barge Canal System, as an aid to navigation thereon, or for Barge Canal purposes, excepting however, a permanent easement to overflow and flood the Property, and be it further

RESOLVED, that following the publication of a notice of proposed abandonment pursuant to Section 51 of the Canal Law, and holding a public hearing if warranted, the Office of Canal Maintenance and Operations shall prepare an Official Order abandoning the lands for Canal purposes, subject to a permanent easement to overflow and flood the Property, together with a map and description of such lands for review and execution by the Executive Director, or his designee, 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 NYSDEC shall be provided sixty (60) days to determine whether a transfer of jurisdiction over the Property is requested, and be it further

RESOLVED, that if the NYSDEC does not exercise its right to accept jurisdiction over the Property within the statutory 60 day period, the sale of said Canal land for \$40,000 by quitclaim deed to David and Diane Kaiser by negotiation be, and hereby is, approved, subject to such other legal, financial, engineering, and other terms as may be deemed by the Executive Director, the Chief Financial Officer, 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 the Corporation's Contracting Officer determined that the sale of said 0.89+ acres of land by negotiation is in compliance with Section 2897 (6) of the Public Authorities Law, and Section IV.I. of the Canal Real Property Management Policy, and that the transfer 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 such transfer or sale shall be conditioned upon the payment of certain costs incidental to the transfer of real property, and be it further

RESOLVED, that the Executive Director, or his designee, be, and the same hereby is, authorized to execute any and all documents related to the transfer of jurisdiction over the Property to the NYSDEC should a transfer be requested, or an Agreement for Sale of Real Property with the Kaisers should the NYSDEC not request a transfer along with any amendments and/or conforming changes thereto consistent with the terms of this agenda item, along with all other documents necessary to effectuate the conveyance of the Property, in accordance with the terms authorized during this meeting, 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 Acting Chief Engineer, or her 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 Executive Director, or his designee, 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 the transfer of jurisdiction to the NYSDEC or closing of title, and be it further

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

Item 5 by Mr. Howard (Appendix E)

Authorizing the Abandonment of Approximately 151+/- Acres of Canal Land Located in the Town of Schroepfel, Oswego County for a Transfer of Jurisdiction over Such Land by the New York State Office of General Services to the New York State Department of Conservation

Mr. Howard presented the item seeking Board approval to execute a real property transaction in the town of Schroepfel, NY. Details of the presentation and discussion with Board Members are included in the video recording of the meeting.

Upon motion duly made and seconded, the Board authorized the abandonment of approximately 151+/- acres of canal land located in the Town of Schroepfel, Oswego County for a transfer of jurisdiction over such land by the New York State Office of General Services to the New York State Department of Conservation and adopted the following resolution:

RESOLUTION NO. 639

**AUTHORIZING ABANDONMENT OF APPROXIMATELY 151.0+ ACRES
OF CANAL LAND LOCATED IN THE TOWN OF SCHROEPPEL,
OSWEGO COUNTY AND TRANSFER OF JURISDICTION OVER SUCH
LAND BY THE NEW YORK STATE OFFICE OF GENERAL SERVICES TO
THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL
CONSERVATION**

RESOLVED, that approximately 151.0± acres of Canal land located in the Town of Schroepfel, County of Oswego is no longer useful or necessary as part of the Barge Canal System, as an aid to navigation thereon, or for Barge Canal purposes, excepting however, the right to overflow and flood said land, 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, excepting the right to overflow and flood the Property, together with a map and description of such lands for review and execution by the Executive Director, 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 Transfer of Jurisdiction over such lands to the NYSDEC in accordance with all other terms of this agenda item be, and hereby is, authorized, 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 Acting Chief Engineer, or her designee, be, and she hereby is, authorized to sign the SEQRA Environmental Assessment and issue the Negative Declaration, and to distribute any required notices on behalf of the Corporation Board with relation to this action, 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 implement this Board item, and be it further

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

PUBLIC COMMENT PERIOD

There were no comments from the public.

ADJOURNMENT

There being no other business, upon motion duly made and seconded, the meeting was adjourned.

Jerry B. Yomoah
Board Administrator

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 four months.