



MINUTES

NEW YORK STATE CANAL CORPORATION

BOARD MEETING NO. CC-131

June 21, 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 10:35a.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
Christopher Waite, Director, Engineering Services and Assistant Chief Engineer
George Tanner, Director, Maintenance Engineering and Assistant Chief Engineer
Michael Flynn, Director, Audit and Management Services
Jill Warner, Secretary and Board Administrator
Captain Richard Smith, Troop T
Daniel Gilbert, Director, Public Affairs
Wilma DeLucco, Director, Administrative Services
Donald Bell, Director, Albany Division
Ramesh Mehta, Director, New York Division
Lawrence Frame, Acting Director of Canals
Richard Garrabrant, Acting Director, Syracuse Division
Marc Hannibal, Chief Attorney for Public Finance
Peter Casper, Assistant Counsel
Cecelia Lu, Legal Intern
Sharon Leighton, Senior Project Development Specialist, Canals
Also in Attendance:
Cathy Woodruff, Reporter, *Albany Times Union*
Michelle Breidenbach, *Syracuse Post Standard*
Carmella Mantello
Lisa-Ann Acquario
Richard Harris
Bill Kahn, Partner, UHY

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-130

On the motion of Mr. Riedman, seconded by Ms. Carey-Cassidy, without any objections, the Board approved the minutes of Meeting No. CC-130 held on May 17, 2005 which were made available to the Board Members as part of the Agenda.



Item 2 by Ms. DeLuco (Appendix B)

Approval of the Unit V Collective Bargaining Agreement between the Corporation and the Public Employees Federation, Division 504, AFL-CIO and Authorization of the Executive Director to Execute the Agreement

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. 343

APPROVAL OF THE UNIT V COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CORPORATION AND THE PUBLIC EMPLOYEES FEDERATION, DIVISION 504, AFL-CIO AND AUTHORIZATION OF THE EXECUTIVE DIRECTOR TO EXECUTE THE AGREEMENT

RESOLVED, that the proposed Unit V Agreement between representatives of the Corporation and the Public Employees Federation, Division 504 (PEF) (as representatives of employees in Negotiating Unit V) 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 PEF to clarify or otherwise settle questions or disputes regarding the interpretation and application of this Agreement, 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 3 by Mr. Bryan as Amended (Appendix C)

Approving the Selection of a Consultant for Workers Compensation Claims Review Services

The Board requested that a resolution be added to this Item to indicate that the Contract will contain a termination clause.

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

RESOLUTION NO. 344

**APPROVING THE SELECTION OF A CONSULTANT
FOR WORKERS' COMPENSATION CLAIMS REVIEW
SERVICES**

RESOLVED, that the Board authorizes the selection of Risk Management Planning Group to provide workers' compensation review services for the a three year period with two one year options at a total contract price not to exceed \$726,329, and be it further

RESOLVED, that such contract shall contain a provision granting the Authority the right to suspend, abandon or terminate the contract at any time in its sole discretion, provided that the contractor shall be entitled to compensation for work performed prior to such suspension, abandonment or termination, 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 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 terminate the Contract in the best interests of the Corporation, and be it further

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



Item 4 by Mr. Frame (Appendix D)

Authorizing Amendment to the Lease of 1.89± Acres of Canal Land Located in the Village and Town of Herkimer, County of Herkimer, to Unlocked Legends Inc.

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. 345

AUTHORIZING AMENDMENT TO THE LEASE OF 1.89± ACRES OF CANAL LAND LOCATED IN THE VILLAGE AND TOWN OF HERKIMER, COUNTY OF HERKIMER, TO UNLOCKED LEGENDS INC.

RESOLVED, that the proposed lease amendment to the lease with Unlocked Legends Inc. is consistent with the Canal Recreationway Plan approved on September 17, 1995 at meeting number CC-29; and be it further

RESOLVED, that the proposed lease amendment to the lease with Unlocked Legends Inc. on the terms contained in this agenda item, and such additional terms as may be deemed by the Executive Director, or his designee, to be consistent with this agenda item and in the best interest of the Canal Corporation be, and the same hereby is, approved; and be it further

RESOLVED, that the Executive Director, or his designee is authorized to approve sublease agreements entered into and between Unlocked Legends Inc. and sublessees for kiosk space and/or operation of the restaurant; 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; and be it further

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



Item 5 by Mr. Frame (Appendix E)

Authorizing Withdrawal of Resolution No. 260 Adopted at Meeting No. CC-90 held on March 22, 2201 and Lease of Approximately 2.2± Acres of Land to the City of Little Falls

This Item was withdrawn from consideration at this time.

Item 6 by Mr. Frame (Appendix F)

Authorizing Withdrawal of Resolution No. 262 Adopted at Meeting No. CC-90 Held on March 22, 2201 and Lease of Approximately 5.2± Acres of Land to the Town of Whitehall

This Item was withdrawn from consideration at this time.

Item 7 by Mr. Waite (Appendix G)

Authorizing an Amendment to the 2005 Canal Contracts Program to Include a Project for the Rehabilitation of the Dam and Taintor Gate at Lock E-26 to be Let in 2005 and to Postpone Two Other Projects

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. 346

AUTHORIZING AN AMENDMENT TO THE 2005 CANAL CONTRACTS PROGRAM TO INCLUDE A PROJECT FOR THE REHABILITATION OF THE DAM AND TAINTOR GATE AT LOCK E-26 TO BE LET IN 2005 AND TO POSTPONE TWO OTHER PROJECTS

RESOLVED, that the 2005 Contracts Program be, and it hereby is, amended to include the project to rehabilitate the Dam and Taintor Gate at Lock E-26 for a letting in 2005, and be it further

RESOLVED, that projects C129, Cartersville Waste Weir, and C140, Lock E-8 included in the 2005 Contracts Program be postponed to a future Contracts Program, and be it further



Item 7 by Mr. Waite (Appendix G)

Authorizing an Amendment to the 2005 Canal Contracts Program to Include a Project for the Rehabilitation of the Dam and Taintor Gate at Lock E-26 to be Let in 2005 and to Postpone Two Other Project (Continued)

RESOLVED, that there is sufficient Canal Corporation funding available in the 2005 Contracts Program, 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 these added contracts, manage and administer the contracts, amend the provisions of the contracts consistent with the terms of this item and other Board authorizations and suspend or terminate any contracts if it's 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 8 by Mr. Fleischer (Appendix H)

Approving the Appointment of Carmella Mantello as Director of Canals

Board Member Riedman asked that the record reflect that there are no funds in the Canal Budget for projects along the Hudson River which is outside the boundaries of the Canal System.

Mr. Fleischer assured the Board that the Canal Corporation has no intention of taking over the budget of the Hudson River Valley Greenway Communities Council, where Ms. Mantello formerly served as Executive Director.

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. 347
APPROVING THE APPOINTMENT OF CARMELLA
MANTELLO AS DIRECTOR OF CANALS

RESOLVED, that the Board hereby appoints Carmella Mantello as Director of Canals effective June 22,



Item 8 by Mr. Fleischer (Appendix H)

Approving the Appointment of Carmella Mantello as Director of Canals (Continued)

2005 at Salary Grade 36 and at an annual salary of \$125,000, funds for which are available in the 2005 Operating Budget, 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. Riedman, seconded by Ms. Carey-Cassidy, without any objections, the meeting was adjourned.

Jill B. Warner
Secretary

