



## **MINUTES**

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

#### **BOARD MEETING NO. CC-138**

**March 23, 2006**

**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 10:30 a.m.**

**There were present:**

**John L. Buono, Chairman  
John R. Riedman, Board Member**

**Constituting a majority 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  
Christopher Waite, Director, Engineering Services and Assistant Chief Engineer**

**George Tanner, Director, Maintenance Engineering and Assistant Chief Engineer**  
**Jill Warner, Secretary and Board Administrator**  
**Major George Beach, Troop T**  
**Daniel Gilbert, Director, Public Affairs**  
**Thomas Fitzgerald, Acting Director, Administrative Services**  
**Donald Bell, Director, Albany Division**  
**Carmella Mantello, Director of Canal Corporation**  
**Lawrence Frame, Deputy Director of Canal Corporation**  
**Richard Garrabrant, Director, Syracuse Division**  
**William Leslie, Director, Buffalo Division**  
**Ramesh Mehta, Director, New York Division**  
**Jennifer Meicht, Deputy Director of Canal Corporation**  
**Will Ristau, Deputy Director, Department of Planning Services**  
**Dorraine Steele, Director, Office of Fiscal Audit and Budget**  
**Cathy Sheridan, Canal Capital Program**  
**Kevin Allen, Unit Supervisor, Audit and Management Services**  
**Michael Sikule, Director, Office of Investments and Asset Management**  
**Peter Casper, Assistant Counsel**  
**Richard Harris, Deputy Director of Canal Community Development and Land Management**  
**Sharon Leighton, Senior Canal Project Development Specialist**  
**Also in Attendance:**  
**Kathy Garceau, Auditor, Office of the State Comptroller**  
**Roger Mazula, Auditor, Office of the State Comptroller**  
**Cathy Woodruff, Reporter, *Albany Times Union***  
**William Kahn, Partner, UHY, LLP**  
**Robert Urban, Senior Manager, UHY, LLP**

Chairman Buono noted that he 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.

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**Item 1 by Ms. Warner (Appendix A)**  
**Minutes of Meeting No. CC-137**

On the motion of Mr. Riedman, seconded by Chairman Buono, without any objections, the Board approved the minutes of Meeting No. CC-137 held on January 19, 2006 which were made available to the Board Members as part of the Agenda.

**Item 2 by Mr. Fleischer (Appendix B)**  
**Approving Certain Amendments to the Canal Corporation ByLaws**

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

**RESOLUTION NO. 372**  
**APPROVING CERTAIN AMENDMENTS TO THE**  
**CANAL CORPORATION BYLAWS**

RESOLVED, that the amendments to the Canal Corporation ByLaws attached hereto as Exhibit A are hereby approved (material to be deleted is identified with a strike through, material to be added is underscored); and be it further

RESOLVED, that such amendments shall take effect immediately; and be it further

RESOLVED, that the Executive Director, in consultation with the General Counsel, is hereby directed to modify Corporation policies and procedures as necessary to incorporate and be consistent with these amendments; and be it further

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



**Item 3 by Mr. Bryan (Appendix C)**

**Approving Revised Policy 25-6-01C - Canal Real Property Management Policy and Designating the Corporation's Chief Financial Officer as the Contracting Officer for both the Disposal and Acquisition of Real Property**

Mr. Riedman noted for the record that staff should pay close attention to matters of valuation relative to determinations on whether to proceed with a staff appraisal of the property or an outside consultant appraisal of the property. If it is unclear or is a close call as to whether or not the estimated value of the property is below the \$10,000 threshold for a staff appraisal, then an outside consultant appraisal should be obtained.

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

**RESOLUTION NO. 373**

**APPROVING REVISED POLICY 25-6-01C – CANAL REAL PROPERTY MANAGEMENT POLICY AND DESIGNATING THE CORPORATION'S CHIEF FINANCIAL OFFICER AS THE CONTRACTING OFFICER FOR BOTH THE DISPOSAL AND THE ACQUISITION OF REAL PROPERTY**

**RESOLVED**, that the revised Canal Real Property Management Policy 25-6-01C, attached hereto as Exhibit A be, and the same hereby is, approved, replacing all prior real property policies; and be it further

**RESOLVED**, that the Chief Financial Officer be, and he hereby is, designated the Contracting Officer required by the Public Authorities Accountability Act of 2005, and that he will be responsible for the Corporation's compliance with, and enforcement of, the Policy as it applies to the disposal and acquisition of real property; and be it further

**RESOLVED**, that the revised Policy shall take effect immediately; and be it further

**RESOLVED**, that the Executive Director be, and he hereby is directed to, in consultation with the Chief Financial Officer, the Chief of Staff and the Director of



**Item 3 by Mr. Bryan (Appendix C)**

**Approving Revised Policy 25-6-01C - Canal Real Property Management Policy and Designating the Corporation's Chief Financial Officer as the Contracting Officer for both the Disposal and Acquisition of Real Property (Continued)**

Canals, develop and/or modify operational policies and/or administrative procedures as necessary to incorporate and be consistent with the revised Policy by September 30, 2006 for presentation to the Board thereafter; and be it further

RESOLVED, that the Chief Financial Officer be, and he hereby is, authorized to take all actions necessary to arrange for independent review of the Schedule of Fees by an independent party to verify the methodology used to establish permit fees and to redraft the Schedule of Fees to reflect current real property values by December 31, 2006; and be it further

RESOLVED, that the Chief Financial Officer and the Director of Canals will advise the Board of the results of such review and any proposed revisions to the Schedule of Fees; and be it further

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

**Item 4 by Ms. Mantello (Appendix D)**

**Authorizing the Executive Director to Execute a Non-Engineering Personal Services Contract with Green Thumb Environmental Beautification, Inc. for Provision of Basic Maintenance and Beautification Services at Facilities Under the Control of the Canal Corporation**

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

**RESOLUTION NO. 374**

**AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A NON-ENGINEERING PERSONAL SERVICES CONTRACT WITH GREEN THUMB ENVIRONMENTAL BEAUTIFICATION, INC. FOR PROVISION OF BASIC MAINTENANCE AND**



**Item 4 by Ms. Mantello (Appendix D)**

**Authorizing the Executive Director to Execute a Non-Engineering Personal Services Contract with Green Thumb Environmental Beautification, Inc. for Provision of Basic Maintenance and Beautification Services at Facilities Under the Control of the Canal Corporation (Continued)**

**BEAUTIFICATION SERVICES AT FACILITIES UNDER  
THE CONTROL OF THE CANAL CORPORATION.**

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**RESOLVED**, that the Executive Director is hereby authorized to execute a non-engineering personal services contract with Green Thumb Environmental Beautification, Inc. for the provision of basic maintenance and beautification services at facilities under the control of the Canal Corporation, and be it further

**RESOLVED**, that such contract shall provide for payment not to exceed \$9.84 per hour per employee, with a maximum amount payable under the contract of \$204,988, and be it further

**RESOLVED**, that such contract will be effective May 1, 2006 through April 30, 2007, 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 5 by Ms. Mantello (Appendix E)**

**Recreational Boating Improvement and Enhancement Program**

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



**Item 5 by Ms. Mantello (Appendix E)**  
**Recreational Boating Improvement and Enhancement Program (Continued)**

**RESOLUTION NO. 375**  
**RECREATIONAL BOATING IMPROVEMENT AND  
ENHANCEMENT PROGRAM**

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**RESOLVED**, that the Director of Canals is authorized to create a Recreational Boating Improvement and Enhancement Program, funded by the Office of Parks, Recreation, and Historic Preservation in the amount of \$200,000; and be it further

**RESOLVED**, that the Program shall include the reallocation of seasonal personnel to duties associated with the Program and a competitive grants program for communities for new docking facilities; and be it further

**RESOLVED**, that collection of tolls for recreational use of the Canals is hereby waived for the 2006 navigation season to further the goals of the Program and increase recreational use of the Canal; and be it further

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

**Item 6 by Ms. Mantello and Mr. Waite (Appendix F)**  
**Authorizing an Amendment to Two Canal Rowing Access Facility Projects in the 2006 Canal Contracts Program**

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

**RESOLUTION NO. 376**  
**AUTHORIZING AN AMENDMENT TO TWO CANAL  
ROWING ACCESS FACILITY PROJECTS IN THE 2006  
CANAL CONTRACTS PROGRAM**

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**RESOLVED**, that Item RS47.1, Canal Rowing Access Facility and Training - Onondaga Lake, and Item RS48.1, Canal Rowing Access Facilities & Training –



**Item 6 by Ms. Mantello and Mr. Waite (Appendix F)**  
**Authorizing an Amendment to Two Canal Rowing Access Facility Projects in the 2006 Canal Contracts Program (Continued)**

Capital Region of the 2006 Canal Contracts Program be combined into a Statewide Canal Rowing Access Facilities and Training Grant Program (R15.1), and be it further

RESOLVED, that the funding for the Statewide Canal Rowing Access Facilities and Training Program shall not exceeded the \$400,000 that is provided for through Items RS47.1 and RS48.1 of the 2006 Canal Contracts Program, and it be further

RESOLVED, that the Executive Director or his designee shall have the authority to develop guidelines and grant procedures for the Statewide Canal Rowing Access Facilities and Training Program, 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(s), awarded pursuant to the Statewide Canal Rowing Access Facilities and Training Program, manage and administer the contract(s), amend the provisions of the contract(s) consistent with the terms of this item and other Board authorizations and suspend or terminate the contract(s) in the best interests of the Corporation, and be it further

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

**Item 7 by Mr. Waite (Appendix G)**  
**Authorizing Negotiation and Execution of Engineering Agreement D213530 with Edwards and Kelcey Engineers, Inc. for Canalway Trail and Ports Design Support Services Statewide**

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



**Item 7 by Mr. Waite (Appendix G)**  
**Authorizing Negotiation and Execution of Engineering Agreement D213530 with**  
**Edwards and Kelcey Engineers, Inc. for Canalway Trail and Ports Design Support**  
**Services Statewide (Continued)**

**RESOLUTION NO. 377**

**AUTHORIZING NEGOTIATION AND EXECUTION OF  
ENGINEERING AGREEMENT D213530 WITH  
EDWARDS AND KELCEY ENGINEERS, INC. FOR  
CANALWAY TRAIL AND PORTS DESIGN SUPPORT  
SERVICES STATEWIDE**

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**RESOLVED**, that the Chief Engineer or Director of Engineering Services be, and they hereby are, authorized to negotiate and execute engineering agreement D213530 with Edwards and Kelcey Engineers, Inc., 358 Broadway, Suite 303, Saratoga Springs, New York 12866 for canalway trail and ports design support services statewide, provided that the Maximum Amount Payable does not exceed the \$1,500,000 which is currently provided through the 2006 Canal Contracts Program (RS45.1), and be it further

**RESOLVED**, that the Chief Engineer or the Director of Engineering Services or their designees shall have the authority to exercise all powers reserved to the Corporation 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 in accordance with the 2006 Canal Contracts Program Resolution No. 353 and other Board authorizations, and suspend or terminate the Agreement in the best interests of the Corporation, and be it further

**RESOLVED**, that the information relating to this agreement be included in the Director of Engineering Services' Quarterly Report to the Board on Contracts Program activities, such information to include the exact Maximum Amount Payable and date of execution of the agreement and be it further



**Item 7 by Mr. Waite (Appendix G)**  
**Authorizing Negotiation and Execution of Engineering Agreement D213530 with**  
**Edwards and Kelcey Engineers, Inc. for Canalway Trail and Ports Design Support**  
**Services Statewide (Continued)**

**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  
Chairman Buono, seconded by Mr. Riedman, without any objections, the meeting was  
adjourned.

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**Jill B. Warner**  
Secretary

