



MINUTES

NEW YORK STATE CANAL CORPORATION

BOARD MEETING NO. CC-139

May 4, 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

Nancy E. Carey Cassidy, Board Member

(Ms. Carey Cassidy arrived late and was not recorded as voting on any Items with the exception of the motion to adjourn and the reconsidered Contract Program Item No. 5)

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 Bryan, Chief Financial Officer

Sharon O'Connor, General Counsel

William Rinaldi, Director, Albany Division
Joanne Riddett, Director, Information Technology
Christopher Waite, Director, Engineering Services and Chief Engineer
Jill Warner, Secretary and Board Administrator
Major George Beach, Troop T
Daniel Gilbert, Chief of Staff
Wendy Allen, Deputy Chief of Staff
Thomas Fitzgerald, Acting Director, Administrative Services
Donald Bell, Director, Operations and Maintenance
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
Cathy Sheridan, Canal Capital Program
Richard Harris, Deputy Director of Canal Community Development and Land Management
John Brizzell, Transportation Federation Liaison
Mark Andersen, Director, Office of Travelers' Services
Fred Rudin, Director, Bureau of Purchasing
Patrick Hoehn, Deputy Division Director, Syracuse Division
Also in Attendance:
Christopher Fahey, Director of Special Projects for Congressman Brian Higgins
Joe O'Rourke, Channel 2, Buffalo
Scott Brown, Reporter, Channel 2, Buffalo
Aaron Saykin, Reporter, Channel 2, Buffalo
Bob Mancuso, Channel 2, Buffalo
George Richert, Reporter, Channel 4, Buffalo
David Hutchinson, Channel 4, Buffalo
Paul Butler, General Public
Brian Donovan, General Public

Chairman Buono noted that he, Mr. Riedman and Ms. Carey Cassidy 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-138

On the motion of Mr. Riedman, seconded by Chairman Buono, without any objections, the Board approved the minutes of Meeting No. CC-138 held on March 23, 2006 which were made available to the Board Members as part of the Agenda.

Item 2 by Mr. Fleischer (Appendix B)
Report to Canal Corporation Board for Personal Service Contracts Up to \$150,000 for the Period January 1, 2006 through March 31, 2006

Mr. Fleischer submitted as Exhibit I a listing containing Personal Service Contracts up to \$150,000 for the period of January 1, 2006 through March 31, 2006.

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

Item 3 by Ms. Mantello (Appendix C)
Authorizing Abandonment of Approximately 14,810 Square Feet of Canal Land Located in the Town of Arcadia, County of Wayne; and Authorizing Sale of Such Land to Helen Fellows

Authorizing Abandonment of Approximately 12,197 Square Feet of Canal Land Located in the Town of Arcadia, County of Wayne; and Authorizing Sale of Such Land to June Renner

Authorizing Abandonment of Approximately 16,117 Square Feet of Canal Land Located in the Town of Arcadia, County of Wayne; and Authorizing Sale of Such Land to Christina Robertson

Authorizing Abandonment of Approximately 13,504 Square Feet of Canal Land Located in the Town of Arcadia, County of Wayne; and Authorizing Sale of Such Land to Robert and June Wage

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



Item 3 by Ms. Mantello (Appendix C)

Authorizing Abandonment of Approximately 14,810 Square Feet of Canal Land Located in the Town of Arcadia, County of Wayne; and Authorizing Sale of Such Land to Helen Fellows (Continued)

RESOLUTION NO. 378

AUTHORIZING ABANDONMENT OF APPROXIMATELY 14,810 SQUARE FEET OF CANAL LAND LOCATED IN THE TOWN OF ARCADIA, COUNTY OF WAYNE; AND AUTHORIZING SALE OF SUCH LAND TO HELEN FELLOWS

RESOLVED, that approximately 14,810 square feet of Canal land located in the Town of Arcadia, County of Wayne are no longer necessary or useful as a part of the Barge Canal System, as an aid to navigation thereon, or for Barge Canal purposes have no essential purpose for navigation; and be it further

RESOLVED, that such approximately 14,810 square feet of land, as shown on Exhibits I and II, may be abandoned; and be it further

RESOLVED, that the Office of Canal Maintenance and Operations shall prepare an Official Order abandoning the land for Canal purposes together with a Map and description for review and execution by the Executive Director; and be it further

RESOLVED, that the Executive Director, or his designee, be, and he hereby is, authorized to execute such order of abandonment; and be it further

RESOLVED, that in accordance with the State Environmental Quality Review Act an environmental assessment was completed and issuance of a Negative Declaration is approved, and be it further

RESOLVED, that the Executive Director, or his designee, be, and he hereby is, authorized to execute all



Item 3 by Ms. Mantello (Appendix C)

Authorizing Abandonment of Approximately 14,810 Square Feet of Canal Land Located in the Town of Arcadia, County of Wayne; and Authorizing Sale of Such Land to Helen Fellows(Continued)

documents necessary to effectuate such transfer, and be it further

RESOLVED, that the Executive Director, the Director of Canals and the General Counsel be, and the same hereby are, authorized to take all actions to implement this Board item, and be it further

RESOLVED, the Canal Corporation Environmental Engineer be, and he hereby is, authorized to sign the required documents and distribute any required notices on behalf of the Board with relation to this action in accordance with the determination of environmental significance herein; and be it further

RESOLVED, that the sale of said 14,810 square feet of land by quitclaim deed to Helen Fellows on the terms contained in this agenda item and be, and hereby is, approved, subject to such 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, including, but not limited to, the cost of a survey that the Applicant shall furnish; 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



Item 3 by Ms. Mantello (Appendix C)

Authorizing Abandonment of Approximately 14,810 Square Feet of Canal Land Located in the Town of Arcadia, County of Wayne; and Authorizing Sale of Such Land to Helen Fellows (Continued)

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 the conveyance of the subject Property must be completed within one (1) year of the date that this resolution is adopted by the Canal Corporation Board, and that if the conveyance is not completed, all authorization to complete the conveyance shall be deemed to have expired; and be it further

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

Item 3 by Ms. Mantello (Appendix C)

Authorizing Abandonment of Approximately 12,197 Square Feet of Canal Land Located in the Town of Arcadia, County of Wayne; and Authorizing Sale of Such Land to June Renner

RESOLUTION NO. 378

AUTHORIZING ABANDONMENT OF APPROXIMATELY 12,197 SQUARE FEET OF CANAL LAND LOCATED IN THE TOWN OF ARCADIA, COUNTY OF WAYNE; AND AUTHORIZING SALE OF SUCH LAND TO JUNE RENNER

RESOLVED, that approximately 12,197 square feet of Canal land located in the Town of Arcadia, County of Wayne are no longer necessary or useful as a part of the Barge Canal System, as an aid to navigation thereon, or for Barge Canal purposes and have no essential purpose for navigation; and be it further

RESOLVED, that such approximately 12,197 square feet of land, as shown on Exhibit I may be abandoned; and be it further



Item 3 by Ms. Mantello (Appendix C)

Authorizing Abandonment of Approximately 12,197 Square Feet of Canal Land Located in the Town of Arcadia, County of Wayne; and Authorizing Sale of Such Land to June Renner (Continued)

RESOLVED, that the Office of Canal Maintenance and Operations shall prepare an Official Order abandoning the land for Canal purposes together with a Map and description for review and execution by the Executive Director; and be it further

RESOLVED, that 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 Executive Director, or his designee, be, and he hereby is, authorized to execute all documents necessary to effectuate such transfer, and be it further

RESOLVED, that in accordance with the State Environmental Quality Review Act an environmental assessment was completed and issuance of a Negative Declaration is approved, and be it further

RESOLVED, that the Executive Director, the Director of Canals and the General Counsel be, and the same hereby are, authorized to take all actions to implement this Board item, and be it further

RESOLVED, the Canal Corporation Environmental Engineer be, and he hereby is, authorized to sign the required documents and distribute any required notices on behalf of the Board with relation to this action in accordance with the determination of environmental significance herein; and be it further

RESOLVED, that the sale of said 12,197 square feet of land by quitclaim deed to June Renner on the terms contained in this agenda item and hereby is, approved, subject to such legal, financial, engineering and other terms



Item 3 by Ms. Mantello (Appendix C)

Authorizing Abandonment of Approximately 12,197 Square Feet of Canal Land Located in the Town of Arcadia, County of Wayne; and Authorizing Sale of Such Land to June Renner (Continued)

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, including, but not limited to, the cost of a survey that the Applicant shall furnish; 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 the conveyance of the subject Property must be completed within one (1) year of the date that this resolution is adopted by the Canal Corporation Board, and that if the conveyance is not completed, all authorization to complete the conveyance shall be deemed to have expired; and be it further

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



Item 3 by Ms. Mantello (Appendix C)

Authorizing Abandonment of Approximately 16,117 Square Feet of Canal Land Located in the Town of Arcadia, County of Wayne; and Authorizing Sale of Such Land to Christina Robertson

RESOLUTION NO. 378

AUTHORIZING ABANDONMENT OF APPROXIMATELY 16,117 SQUARE FEET OF CANAL LAND LOCATED IN THE TOWN OF ARCADIA, COUNTY OF WAYNE; AND AUTHORIZING SALE OF SUCH LAND TO CHRISTINA ROBERTSON

RESOLVED, that approximately 16,117 square feet of Canal land located in the Town of Arcadia, County of Wayne are no longer necessary or useful as a part of the Barge Canal System, as an aid to navigation thereon, or for Barge Canal purposes and have no essential purpose for navigation; and be it further

RESOLVED, that such approximately 16,117 square feet of land, as shown on Exhibits I and II, may be abandoned; and be it further

RESOLVED, that the Office of Canal Maintenance and Operations shall prepare an Official Order abandoning the land for Canal purposes together with a Map and description for review and execution by the Executive Director; and be it further

RESOLVED, that the Executive Director, or his designee, be, and he hereby is, authorized to execute such order of abandonment; and be it further

RESOLVED, that in accordance with the State Environmental Quality Review Act an environmental assessment was completed and issuance of a Negative Declaration is approved, and be it further

RESOLVED, that the Executive Director, or his designee, be, and he hereby is, authorized to execute all



Item 3 by Ms. Mantello (Appendix C)

Authorizing Abandonment of Approximately 16,117 Square Feet of Canal Land Located in the Town of Arcadia, County of Wayne; and Authorizing Sale of Such Land to Christina Robertson (Continued)

documents necessary to effectuate such transfer, and be it further

RESOLVED, that the Executive Director, the Director of Canals and the General Counsel be, and the same hereby are, authorized to take all actions to implement this Board item, and be it further

RESOLVED, the Canal Corporation Environmental Engineer be, and he hereby is, authorized to sign the required documents and distribute any required notices on behalf of the Board with relation to this action in accordance with the determination of environmental significance herein; and be it further

RESOLVED, that the sale of said 16,117 square feet of land by quitclaim deed to Christina Robertson on terms contained in this agenda item and be, and hereby is, approved, subject to such 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, including, but not limited to, the cost of a survey that the Applicant shall furnish; 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



Item 3 by Ms. Mantello (Appendix C)

Authorizing Abandonment of Approximately 16,117 Square Feet of Canal Land Located in the Town of Arcadia, County of Wayne; and Authorizing Sale of Such Land to Christina Robertson (Continued)

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 the conveyance of the subject Property must be completed within one (1) year of the date that this resolution is adopted by the Canal Corporation Board, and that if the conveyance is not completed, all authorization to complete the conveyance shall be deemed to have expired; and be it further

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

Item 3 by Ms. Mantello (Appendix C)

Authorizing Abandonment of Approximately 13,504 Square Feet of Canal Land Located in the Town of Arcadia, County of Wayne; and Authorizing Sale of Such Land to Robert and June Wage

RESOLUTION NO. 378

AUTHORIZING ABANDONMENT OF APPROXIMATELY 13,504 SQUARE FEET OF CANAL LAND LOCATED IN THE TOWN OF ARCADIA, COUNTY OF WAYNE; AND AUTHORIZING SALE OF SUCH LAND TO ROBERT AND JUNE WAGE

RESOLVED, that approximately 13,504 square feet of Canal land located in the Town of Arcadia, County of Wayne are no longer necessary or useful as a part of the Barge Canal System, as an aid to navigation thereon, or for Barge Canal purposes and have no essential purpose for navigation; and be it further

RESOLVED, that such approximately 13,504 square feet of land, as shown on Exhibits I and II, may be abandoned; and be it further



Item 3 by Ms. Mantello (Appendix C)

Authorizing Abandonment of Approximately 13,504 Square Feet of Canal Land Located in the Town of Arcadia, County of Wayne; and Authorizing Sale of Such Land to Robert and June Wage (Continued)

RESOLVED, that the Office of Canal Maintenance and Operations shall prepare an Official Order abandoning the land for Canal purposes together with a Map and description for review and execution by the Executive Director; and be it further

RESOLVED, that the Executive Director, or his designee, be, and he hereby is, authorized to execute such order of abandonment; and be it further

RESOLVED, that in accordance with the State Environmental Quality Review Act an environmental assessment was completed and issuance of a Negative Declaration is approved, and be it further

RESOLVED, that the Executive Director, or his designee, be, and he hereby is, authorized to execute all documents necessary to effectuate such transfer, and be it further

RESOLVED, that the Executive Director, the Director of Canals and the General Counsel be, and the same hereby are, authorized to take all actions to implement this Board item, and be it further

RESOLVED, the Canal Corporation Environmental Engineer be, and he hereby is, authorized to sign the required documents and distribute any required notices on behalf of the Board with relation to this action in accordance with the determination of environmental significance herein; and be it further

RESOLVED, that the sale of said 13,504 square feet of land by quitclaim deed to Robert and June Wage on the terms contained in this agenda item and, be, and hereby is, approved, subject to such legal, financial, engineering and



Item 3 by Ms. Mantello (Appendix C)

Authorizing Abandonment of Approximately 13,504 Square Feet of Canal Land Located in the Town of Arcadia, County of Wayne; and Authorizing Sale of Such Land to Robert and June Wage (Continued)

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, including, but not limited to, the cost of a survey that the Applicant shall furnish; 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 the conveyance of the subject Property must be completed within one (1) year of the date that this resolution is adopted by the Canal Corporation Board, and that if the conveyance is not completed, all authorization to complete the conveyance shall be deemed to have expired; and be it further

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



Item 4 by Ms. Mantello (Appendix D)

Authorizing Abandonment of Approximately 1,622 Acres of Canal Lands Located in the Towns of Western and Rome, County of Oneida, for a Transfer of Jurisdiction Over Such Lands by the New York State Office of General Services to the New York State Office of Parks, Recreation and Historic Preservation

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

RESOLUTION NO. 379

AUTHORIZING THE ABANDONMENT OF APPROXIMATELY 1,622 ACRES OF CANAL LAND LOCATED IN THE TOWNS OF WESTERN AND ROME, COUNTY OF ONEIDA, FOR A TRANSFER OF JURISDICTION OVER SUCH LANDS BY THE NEW YORK STATE OFFICE OF GENERAL SERVICES TO THE NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION

RESOLVED, that the approximately 1, 622 acres of Canal land located in the Towns of Western and Rome, County of Oneida, are no longer necessary or useful as a part of the barge canal system, as an aid to navigation thereon, or for barge canal terminal purposes, excepting the rights to use, control, manage and operate the water resources of the Delta Lake Reservoir as necessary for Canal System purposes, and be it further

RESOLVED, that following publication of the notice of abandonment for all of the Property as required by Section 50 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, providing, however, that the Order reserve to the Canal Corporation rights to use, control, manage and operate the water resources of the Delta Lake Reservoir as necessary for Canal System purposes, together with a map and description of such lands for review and execution by the Executive Director, and be it further



Item 4 by Ms. Mantello (Appendix D)

Authorizing Abandonment of Approximately 1,622 Acres of Canal Lands Located in the Towns of Western and Rome, County of Oneida, for a Transfer of Jurisdiction Over Such Lands by the New York State Office of General Services to the New York State Office of Parks, Recreation and Historic Preservation (Continued)

RESOLVED, that the Executive Director, or his designee, be, and he hereby is, authorized to execute such order of abandonment, with the above reservation, and be it further

RESOLVED, that a transfer of jurisdiction over such lands to OPRHP, containing language reserving the Canal Corporation's right to use, control, manage and operate the water resources of the Delta Lake Reservoir as necessary for Canal System purposes and in accordance with all other terms of this agenda item, be, and the same hereby is, authorized, and be it further

RESOLVED, that the attached Findings Statement prepared pursuant to the provisions of the State Environmental Quality Review Act ("SEQRA") be, and the same hereby is approved, and be it further

RESOLVED, that the Chief Engineer, or his designee, be, and the same hereby is, authorized to execute the SEQRA Findings Statement, and to distribute any required documents on behalf of the Canal Corporation Board relative to such adoption, and be it further

RESOLVED, that the Executive Director, or his designee, be, and he hereby is, authorized to execute all documents necessary for effectuate such transfer, and be it further

RESOLVED, that the Executive Director, the Director of Canals and the General Counsel be, and the same hereby are, authorized to take all actions to implement this Board item, and be it further



Item 4 by Ms. Mantello (Appendix D)

Authorizing Abandonment of Approximately 1,622 Acres of Canal Lands Located in the Towns of Western and Rome, County of Oneida, for a Transfer of Jurisdiction Over Such Lands by the New York State Office of General Services to the New York State Office of Parks, Recreation and Historic Preservation (Continued)

RESOLVED, that the transfer of jurisdiction over the subject Property must be completed within one (1) year of the date that this resolution is adopted by the Corporation Board, and that if the transfer is not completed, all authorization to complete the conveyance shall be deemed to have expired; and be it further

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

Item 5 by Mr. Waite as Amended (Appendix E)

Amended and Restated 2006 Canal Contracts Program Authorizations

Board Member Carey Cassidy requested this Item be amended so there is no increase in the current financial limits regarding the authorization to award contracts where the bids received exceed the engineer's estimates. She requested that this Item be amended after the Corporation meeting had been adjourned and the Thruway Authority Board amended the Contract Program Item, submitted at Meeting No. 650, similarly. The Board agreed to reopen the Canal Corporation Meeting and amend the Item as requested.

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

RESOLUTION NO. 380
AMENDED AND RESTATED 2006
CANAL CONTRACTS PROGRAM AUTHORIZATIONS

RESOLVED, that the amendments to Board Resolution No. 353 included herein are hereby approved, and effective immediately this Amended and Restated Resolution shall constitute the 2006 Canal Contracts Program authorization, and be it further



Item 5 by Mr. Waite as Amended (Appendix E)
Amended and Restated 2006 Canal Contracts Program Authorizations (Continued)

RESOLVED, that the 2006 Contracts Program for Canal and Related Facility Projects be, and the same hereby is, approved, and be it further

RESOLVED, that the Chief Engineer be, and hereby is, authorized:

A. to prepare and approve Official Proposals, Plans and Specifications, Engineer's/Architect's Estimates of Cost and Contract Documents for such projects as are tabulated in the 2006 CONTRACTS PROGRAM;

B. to hold the respective Engineer's/ Architect's Estimate of Cost for such contracts confidential;

C. to advertise for receipt of bids for those projects which are tabulated in the 2006 CONTRACTS PROGRAM; (1) when the final Engineer's/Architect's Estimates of Cost are equal to or less than the project's budget allocations,, and (2) when the final Engineer's/Architect's Estimate of Cost does not exceed the project's budget allocation by more than \$75,000 for projects with budget allocations of up to \$500,000 or by more than 15 percent for projects with budget allocations that exceed \$500,000 provided confirmation is received from the Department of Finance and Accounts that sufficient funds are available in the 2006 Contracts Program, or (3) when the final Engineer's/Architect's Estimate of Cost exceeds the project's budget allocation beyond the limits in (2), provided that he receives prior approval of the Executive Director and confirmation from the Department of Finance and Accounts that sufficient funds are available in the 2006 Contracts Program;

D. to award any such contract to the lowest responsible bidder when it is deemed to be an acceptable bid, and:

1. the low bid is equal to or less than the Engineer's/Architect's Estimate; or

2. the low bid exceeds the Engineer's/Architects Estimate by up to \$75,000 on contracts up to and including \$500,000, or 15 percent on contracts over \$500,000 and confirmation is received from the Department of Finance



Item 5 by Mr. Waite as Amended (Appendix E)

Amended and Restated 2006 Canal Contracts Program Authorizations (Continued)

and Accounts that, by virtue of bid savings and/or deferrals, sufficient funds are available for the additional difference between the Estimate amount and the low bid; or

3. the low bid exceeds the Engineer's/Architects Estimate by up to \$100,000 on contracts up to and including \$500,000, or 20 percent on contracts over \$500,000, provided that he receives prior approval of the Executive Director and confirmation from the Department of Finance and Accounts that, by virtue of bid savings and/or deferrals, sufficient funds are available for the additional difference between the Estimate amount and the low bid; or

4. the low bid exceed the limits of (1), (2) or (3) provided he obtains Board authorization for the necessary additional funds;

E. to reject bids for any such contract which are determined to be not in accordance with bid documents and specifications thereof, or not in the Corporation's best interests, or which are submitted by bidders determined to be not responsible. In these cases and where no bids are received, he may again advertise for receipt of bids pursuant to paragraph C;

F. to approve contingent or extra work on such construction contracts, when necessary, provided the additional cost shall not exceed the bid price by more than \$150,000, for contracts bid up to and including \$1,000,000, or 15 percent for contracts bid in excess of \$1,000,000 and to approve additional extra work, beyond that authorized above with the prior approval of the Executive Director, provided the final cost of the respective contracts shall not exceed the total bid price by more than \$200,000, for contracts bid up to and including \$1,000,000, or 20 percent for contracts bid in excess of \$1,000,000; and to adjust and determine disputed contract claims in accordance with contract documents;

G. to enter into, extend, and modify project specific agreements or multi-project agreements with localities, utility companies, railroads, and/or others as may be necessary in order to facilitate the administration, award,



Item 5 by Mr. Waite as Amended (Appendix E)

Amended and Restated 2006 Canal Contracts Program Authorizations (Continued)

progress and completion of such contracts;

H. to acquire and grant such property interests (fee title, easements, etc.), in accordance with the provisions of the Corporation's Real Property Management Policy, as may be necessary for implementation of the 2006 CONTRACTS PROGRAM; provided that the total amount of acquisitions or the amount of grants for any one project shall not exceed \$150,000 each without Board authorization;

I. to execute engineering agreements approved by the Board, or where otherwise authorized by the Executive Director, including amendments thereto, for services relating to projects included in the 2006 CONTRACTS PROGRAM;

J. to approve a supplemental agreement, for expenditure of additional funds in furtherance of a Board approved engineering agreement, including any Board approved supplemental agreement, provided that the amount of such additional funds does not exceed \$150,000 in the case of agreements up to and including \$3,000,000, or 5 percent, in the case of agreements of over \$3,000,000;

K. to approve, with the prior approval of the Executive Director, a supplemental agreement for expenditure of additional funds in furtherance of a Board approved engineering agreement, including any Board approved supplemental agreement, provided that the amount of such additional funds does not exceed 25 percent including any additional funds authorized in paragraph J; and provided further, when such supplemental agreement includes additional new design or construction inspection tasks, such approval must be based upon the following: it is determined that the assignment of the additional tasks is in the best interests of the Corporation when considering the proximity of the additional tasks to the ongoing tasks, or it is determined to be in the best interests of the Corporation to expedite the additional tasks through such assignment, or it is determined that significant savings to the Corporation will result through the assignment of the additional tasks;

L. to exercise all powers reserved to the Corporation



Item 5 by Mr. Waite as Amended (Appendix E)
Amended and Restated 2006 Canal Contracts Program Authorizations (Continued)

under the provisions of any contracts or agreements executed pursuant to this item, manage and administer any such contracts or agreements, amend the provisions of any such contracts or agreements consistent with the terms of this item and in accordance with other applicable Board authorizations, and suspend or terminate any such contracts or agreements in the best interests of the Corporation, and be it further

RESOLVED, that any powers granted to the Executive Director by the Board to approve expenditures or to increase expenditures for contracts and agreements shall be in addition to those powers granted under this resolution and any action taken pursuant thereto shall be deemed to be authorized under this resolution and be it further

RESOLVED, that in accordance with the other powers delegated herein, the Chief Engineer shall be, and hereby is, authorized to make all necessary decisions pursuant to the State Environmental Quality Review Act (SEQRA) with relation to the Contracts Program, and be it further

RESOLVED, that quarterly reports shall be submitted to the Board by the Chief Engineer on all awarded construction contracts; on approved additional funds for construction contracts over and above the contingency funds; on all engineering agreements and supplemental engineering agreements, approved pursuant to the provisions of this resolution, and be it further

RESOLVED, that the Chief Financial Officer be, and he hereby is, authorized:

A. upon award of such contracts to return such funds budgeted for such projects in the respective 2006 Budgets which are otherwise not required for expenditure during 2006 to its proper fund in accordance with acceptable budgeting and accounting procedure;



Item 5 by Mr. Waite as Amended (Appendix E)

Amended and Restated 2006 Canal Contracts Program Authorizations (Continued)

B. to monitor total cash expenditures for the 2006 CONTRACTS PROGRAM to insure that they do not exceed \$27,107,135 during the 2006 Fiscal Year;

C. to return bid checks submitted for such contracts to unsuccessful bidders; and to make necessary adjustments in the respective 2006 approved Budgets as required by implementation of any part of the Resolution relative to the 2006 CONTRACTS PROGRAM; and be it further

RESOLVED, that the Executive Director or Chief Engineer be, and they hereby are, authorized to execute such contracts, including any amendments thereto, provided such amendments do not increase the authorized contract value beyond that which is otherwise authorized; and be it further

RESOLVED, that the provisions of this resolution shall be deemed to supercede all other inconsistent Authority/Corporation policies and procedures to the extent necessary to implement the approved Contracts Program and for no other purposes, and be it further

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

Item 6 by Mr. Waite (Appendix F)

Authorizing Additional Funding for the Award of TAS 06-9C, D213496, Rehabilitation of the Outer Canal Walls at Locks 0-7 and 0-8 in the Syracuse Division

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

RESOLUTION NO. 381

AUTHORIZING ADDITIONAL FUNDING FOR THE AWARD OF TAS 06-9C, D213496, REHABILITATION OF THE OUTER CANAL WALLS AT LOCKS 0-7 and 0-8 IN THE SYRACUSE DIVISION



Item 6 by Mr. Waite (Appendix F)

Authorizing Additional Funding for the Award of TAS 06-9C, D213496, Rehabilitation of the Outer Canal Walls at Locks 0-7 and 0-8 in the Syracuse Division (Continued)

RESOLVED, that an additional \$303,019 (revised contract value of \$978,019) be, and the same hereby, is allocated to TAS 06-9C (D213496), Rehabilitation of the

Outer Canal Walls at Locks O-7 and O-8 in the Syracuse Division, and be it further

RESOLVED, that an additional \$135,000 in 2006 cash flow be, and the same hereby is, allocated toward contract TAS 06-9C from savings in the 2006 Contracts Program that is associated with C93.1, Lock E-26 Rehabilitation, 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.

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

