



## **MINUTES**

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

#### **BOARD MEETING NO. CC-145**

**March 21, 2007**

**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 and by video conference from the New York State Canal Corporation's New York Division, 4 Executive Boulevard, Suffern, New York, 10901.**

**The meeting began at 10:30 a.m..**

**There were present:**

**John L. Buono, Chairman  
E. Virgil Conway, Board Member, via video conference  
Erin M. Crotty, Board Member  
Frederick M. Howard, Board Member  
Kevin J. Plunkett, Board Member  
Jeffrey D. Williams, Board Member**

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

**Ms. Carey Cassidy was not present at this meeting and did not vote on any of the Items.**

**In addition, there were present the following staff personnel:**

**Michael R. Fleischer, Executive Director**  
**John Bryan, Chief Financial Officer**  
**Sharon O’Conor, General Counsel**  
**William Rinaldi, Director, Albany Division**  
**Joanne Riddett, Director, Information Technology**  
**Jill Warner, Secretary and Board Administrator**  
**Major George Beach, Troop T**  
**Daniel Gilbert, Chief of Staff**  
**Wendy Allen, Deputy Chief of Staff**  
**John Barr, Director, Administrative Services**  
**Donald Bell, Director, Operations and Maintenance**  
**Carmella Mantello, Director of Canal Corporation**  
**Michael Flynn, Director, Audit & Management Services**  
**Kevin Allen, Unit Supervisor, Audit & Management Services**  
**Ramesh Mehta, Director, New York Division**  
**Cathy Sheridan, Canal Capital Program Manager**  
**Richard Harris, Deputy Director of Canal Community Development & Land Management**  
**Betsy Graham, Acting Director, Office of Public Affairs**  
**John Brizzell, Transportation Federation Liaison**  
**Tracie Sandell, Assistant Counsel**  
**Liz Yanus, Office Manager, Office of the Deputy Chief of Staff**  
**Kathy Taylor, Cash Management Analyst, Bureau of Debt Management**  
**Michael Sikule, Director, Office of Investments and Asset Management**  
**Jim Chicoine, Director, Office of Capital Program Management**  
**Richard Garrabrant, Director, Syracuse Division**  
**William Leslie, Director, Buffalo Division**  
**Lawrence Frame, Deputy Director, Canal Office of Operations, Maintenance & Engineering**  
**Richard Matters, Real Estate Specialist 2, Real Property Management**  
**Kenneth Flood, Director, Real Property Management**  
**Dorraine Steele, Director, Office of Fiscal Audit and Budget**  
**Tom Gemmiti, Director, Office of Design**  
**Kara Lanspery, Director of Customer Relations, Operations and Maintenance**  
**Tom Pericek, Deputy Director, Buffalo Division**  
**Mark Andersen, Director, Travelers’ Services**  
**Also in Attendance:**  
**Stanley Kramer, Bond Counsel, Hawkins Delafield & Wood, LLP**  
**Steven Kantor, Managing Director, First Southwest Company**  
**Angela Rodell, Senior Vice President, First Southwest Company**  
**William Kahn, Partner, UHY, LLP**  
**Robert Urban, Senior Manager, UHY, LLP**  
**Geraldine Gauthier, General Public**



**Trudy Menard, Repair Shop Association**

Chairman Buono noted that he, Mr. Howard, Mr. Plunkett, Mr. Conway, Ms. Crotty and Mr. Williams 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-144**

On the motion of Mr. Plunkett, seconded by Mr. Williams, without any objections, the Board approved the minutes of Meeting No. CC-144 held on January 17, 2007 which were made available to the Board Members as part of the Agenda.

**Item 2 by Ms. Mantello (Appendix B)**

**Authorizing an Amendment to the Canal Rules and Regulations in Relation to the Speed on the Canal System**

Ms. Mantello advised that the current speed regulations, effectuated two years ago, applied to the whole Canal system. Consideration was not given to portions of the system that were more narrow. If the proposed regulatory change is approved, the Canal Corporation, in consultation with the New York State Police, will erect speed limit signs for the upcoming navigation season. When asked by Mr. Williams if the State Police approve of these changes, Major Beach responded affirmatively. Mr. Howard inquired about the fines and the status of repeat offenders. Ms. O'Conor reported that current law only allows for a \$100 fine for regulatory violations. Major Beach did not know if repeat offenders had been observed, but offered to find out.

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

**RESOLUTION NO. 415**  
**AUTHORIZING AN AMENDMENT TO THE CANAL  
RULES AND REGULATIONS IN RELATION TO THE  
SPEED ON THE CANAL SYSTEM**

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**Item 2 by Ms. Mantello (Appendix B)**

**Authorizing an Amendment to the Canal Rules and Regulations in Relation to the Speed on the Canal System (Continued)**

RESOLVED, that the Board approves the proposed amendments to the Corporation's rules and regulations as presented in Exhibit 1 attached hereto and authorizes the Executive Director, or his designee, to take all actions necessary for adoption of such amendments in accordance with the State Administrative Procedure Act, Executive Order #20 and any other applicable statutes, policies and procedures, and be it further

RESOLVED, that the Executive Director is authorized to make modifications to such amendments as he deems appropriate in response to any comments that may be received during the adoption process conducted in accordance with the State Administrative Procedure Act, Executive Order #20 and other applicable statutes, policies and procedures, and be it further

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

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

**Authorizing an Amendment to the 2007 Canal Contracts Program to Include a Project for Site and Building Work at Four Erie Canal Locks in the Albany Division, and Allocating Funds Therefor**

Mr. Gemmiti requested the Board authorize an amendment to the 2007 Canal Contracts Program to address building and site work at various locations consistent with flood recovery efforts. In response to Ms. Crotty's question as to when the work would be performed, Mr. Gemmiti advised that approximately half the work would be completed by June 2007. Mr. Howard inquired as to whether or not any available funds remained from the I-84/I-87 project. Mr. Bryan explained that unutilized funding is noted as a cash flow savings. Mr. Plunkett asked how often these types of projects arise and if more could be expected. Ms. Mantello indicated that this project resulted from damage caused by flooding and that more will be forthcoming.



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

**Authorizing an Amendment to the 2007 Canal Contracts Program to Include a Project for Site and Building Work at Four Erie Canal Locks in the Albany Division, and Allocating Funds Therefor (Continued)**

Mr. Howard initiated a discussion of the Federal Emergency Management Agency's (FEMA) contributive funding. It was noted that FEMA evaluates projects on a case-by-case basis, but is aware that emergency work needs to be done. While a determination has not yet been made, staff anticipates that FEMA will provide 75 percent of the required funding for this project.

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

**RESOLUTION NO. 416**

**AUTHORIZING AN AMENDMENT TO THE 2007 CANAL CONTRACTS PROGRAM TO INCLUDE A PROJECT FOR SITE AND BUILDING WORK AT FOUR ERIE CANAL LOCKS IN THE ALBANY DIVISION, AND ALLOCATING FUNDS THEREFOR**

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**RESOLVED**, that the 2007 Canal Contracts Program be, and the same hereby is, amended to include TAA 07-9C for Site and Building Work at Four Erie Canal Locks in the Albany Division, and be it further

**RESOLVED**, that the Corporation declares that these Canal system projects are deemed to be necessary due to the existence of an emergency involving danger to life, safety or property and in accordance with the provisions of Section 383(1)(c) of the Public Authorities Law and authorizes the use of \$1,361,250 in bond proceeds issued in accordance with the provisions of the Public Authorities Law towards the emergency repair project, and be it further

**RESOLVED**, that the 2007 Contracts Program be amended to account for the additional \$1,925,000 for the TAA 07-9C, and that a sum of \$600,000 in 2007 cash flow be, and the same hereby is, allocated toward the project from savings associated with TANY 06-51, I-87/I-84 Interchange



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

**Authorizing an Amendment to the 2007 Canal Contracts Program to Include a Project for Site and Building Work at Four Erie Canal Locks in the Albany Division, and Allocating Funds Therefor (Continued)**

Reconstruction Contract 3 (Items H308.1 and B520.2), in the 2007 Contracts Program, and be it further

RESOLVED, that the TAA 07-9C, Site and Building Work at Four Erie Canal Locks, will be administered in accordance with the 2007 Canal Contracts Program Resolution, 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 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 the contracts 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. Gemmiti (Appendix D)**

**Approving Engineering Agreement D213575 with Bergmann Associates, Inc. (d/b/a Bergmann Associates Architects & Surveyors) for Design Services Relative to the Rehabilitation/Replacement of the Utica Taintor Gate and Dam in the Syracuse Division**

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

**RESOLUTION NO. 417**

APPROVING ENGINEERING AGREEMENT D213575 WITH BERGMANN ASSOCIATES, INC. (D/B/A BERGMANN ASSOCIATES ARCHITECTS & SURVEYORS) FOR DESIGN SERVICES RELATIVE TO THE REHABILITATION/REPLACEMENT OF UTICA



**Item 4 by Mr. Gemmiti (Appendix D)**

**Approving Engineering Agreement D213575 with Bergmann Associates, Inc. (d/b/a Bergmann Associates Architects & Surveyors) for Design Services Relative to the Rehabilitation/Replacement of the Utica Taintor Gate and Dam in the Syracuse Division (Continued)**

**TAINTOR GATE AND DAM IN THE SYRACUSE DIVISION**

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**RESOLVED, that the proposed engineering agreement D213575 with Bergmann Associates, Inc. (d/b/a Bergmann Associates Architects & Surveyors), 28 East Main Street, 200 First Federal Plaza, Rochester, New York 14614 for design services relative to the Rehabilitation/Replacement of Utica Taintor Gate and Dam in Syracuse Division, for a Maximum Amount Payable of \$900,000 (sufficient funds are available in Item C57.1 of the 2007 Contracts Program), be, and the same hereby is, approved, and be it further**

**RESOLVED, that the Chief Engineer or his 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 2007 Contracts Program Resolution No. 396 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**



**Adjournment**

**There being no further business to come before the Board, on the motion of Mr. Plunkett, seconded by Mr. Williams, without any objections, the meeting was adjourned.**

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**Jill B. Warner**  
**Secretary**

