



MINUTES

NEW YORK STATE CANAL CORPORATION

BOARD MEETING NO. CC-154

May 21, 2008

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 via video conference from the Corporation's New York Division.

The meeting began at 10:35 a.m.

There were present:

**John L. Buono, Chairman
Erin M. Crotty, Vice-Chair
Frederick M. Howard, Board Member
Kevin J. Plunkett, Board Member, via video conference
Jeffrey D. Williams, Board Member**

Constituting a majority of the members of the Canal Corporation Board.

Mr. Conway 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
Sharon O'Connor, General Counsel
Christopher Waite, Chief Engineer**

John Bryan, Chief Financial Officer
Jill Warner, Secretary and Board Administrator
William Rinaldi, Director, Albany Division
Ramesh Mehta, Division Director, New York Division
Patrick Hoehn, Deputy Division Director, Syracuse Division
Thomas Pericak, Division Director, Buffalo Division
Kevin Allen, Acting Director, Audit and Management Services
John Barr, Director, Administrative Services
Donald Bell, Director, Operations and Maintenance
Carmella Mantello, Director of Canal Corporation
Betsy Graham, Acting Director, Office of Public Affairs
Captain Joe Flagler, Troop T
Daniel Gilbert, Chief of Staff
Kenneth Flood, Director, Office of Real Property Management
Richard Harris, Deputy Director, Office of Community Development & Land Management
Douglas Elson, Department of Information Technology
Susan Young, Director, Systems Management Team
Also in attendance:
John Armstrong, NYN

Chairman Buono noted that he, Ms. Crotty, Mr. Howard, Mr. Plunkett 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.

Item 1 by Ms. Warner (Appendix A)
Minutes of Meeting No. CC-153

On the motion of Mr. Howard, seconded by Mr. Plunkett, without any objections, the Board approved the minutes of Meeting No. CC-153 held on April, 25 2008 which were made available to the Board Members as part of the Agenda.



Item 2 by Ms. Mantello and Mr. Bryan (Appendix B)

Authorizing: Approval of Extension of 180 Days to Complete 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., Authorized by Resolution No. 345

Mr. Williams inquired if this Item was providing a lease to the Town to create public parking. Ms. Mantello responded that this Item is specifically for Gems Along the Mohawk, not for parking. She indicated that the Town of Herkimer is interested in an adjacent lot and that the application for that land would come back to the Board at a later date.

Mr. Howard suggested that perhaps the one-year expiration date for these leases, set forth in the Authority policy, is not long enough and that the length of time to complete the transaction should be extended. Ms. O'Connor indicated that staff is in the process of preparing proposed revisions to the policy and that extending the expiration term of one-year would be taken under consideration before any changes were presented to the Board at a future meeting.

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

RESOLUTION NO. 451

AUTHORIZING: APPROVAL OF EXTENSION OF 180 DAYS TO COMPLETE 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. AUTHORIZED BY RESOLUTION NO. 345

RESOLVED, that an extension of 180 days to complete the lease amendment authorized by Resolution No. 345 be, and the same hereby is, approved, and be it further

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



Item 3 by Ms. Mantello and Mr. Bryan (Appendix C)
Amending Resolution No. 422 Adopted at Meeting No. CC-147 Held on May 16, 2007
Authorizing Abandonment of Approximately 0.32 Acre of Canal Land Located in the
Town of Forestport, County of Oneida; and Authorizing its Sale to Donna and Gardner
Broadbent; and Extending Expiration Date of Said Resolution No. 422

Ms. Crotty asked if the removal of the flowage rights meant that the Corporation no longer had to pay the Broadbents \$7,000. Ms. Mantello clarified that the Broadbents are paying the Corporation for the land.

Mr. Plunkett asked for confirmation that the Corporation hydrologist has indicated that the Corporation no longer needs this land for flowage rights. Ms. O'Connor responded that the hydrologist has indicated that there is only an extremely remote possibility that the Corporation would ever need to flood the property intentionally, it is below the dam. Mr. Plunkett asked if the Broadbents requested this release, to which Ms. O'Connor responded affirmatively. Mr. Bryan indicated that this release is of great value to the Broadbents in order to protect the home they built on this parcel. Mr. Plunkett stated his apprehension that the Corporation was giving away something it might need in the future in terms of flooding but stated he would vote in favor of moving forward with the transaction.

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

RESOLUTION NO. 452

**AMENDING RESOLUTION NO. 422 ADOPTED AT
MEETING NO. CC-147 HELD ON MAY 16, 2007
AUTHORIZING ABANDONMENT OF
APPROXIMATELY 0.32 ACRE OF CANAL LAND
LOCATED IN THE TOWN OF FORESTPORT, COUNTY
OF ONEIDA; AND AUTHORIZING ITS SALE TO
DONNA AND GARDNER BROADBENT; AND
EXTENDING EXPIRATION DATE OF SAID
RESOLUTION NO. 422**

**RESOLVED, that Resolution No. 422 adopted at
Canal Corporation Board Meeting No. CC-147 be, and the
same hereby is, amended such that: the words “provided
however, that flowage rights over such property still are
necessary and useful” be deleted from the first**



Item 3 by Ms. Mantello and Mr. Bryan (Appendix C)
Amending Resolution No. 422 Adopted at Meeting No. CC-147 Held on May 16, 2007
Authorizing Abandonment of Approximately 0.32 Acre of Canal Land Located in the
Town of Forestport, County of Oneida; and Authorizing its Sale to Donna and Gardner
Broadbent; and Extending Expiration Date of Said Resolution No. 422 (Continued)

“RESOLVED”; the words “reserving, however, flowage rights to the Canal Corporation” be deleted from the second “RESOLVED”; and the words “reserving flowage rights to the Canal Corporation over such property” be deleted from the sixth “RESOLVED”, and be it further

RESOLVED, that the expiration date for the conveyance authorized by Resolution No. 422, adopted at Canal Corporation Board Meeting No. CC-147 held on May 16, 2007 be, and the same hereby is, extended through November 21, 2008, and be it further

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

Item 4 by Mr. Waite (Appendix D)
Approving Engineering Agreement D213622 with Ammann & Whitney Consulting
Engineers, P.C. for Design Services Relative to a New Pedestrian Bridge over the
Mohawk River in the Albany Division, and Allocating Funds Therefor

Mr. Williams inquired as to where exactly the bridge will go. Mr. Waite responded that it will cross the Mohawk, just west of the existing Rte. 30 highway bridge. Ms. Mantello stated that it links the east and west banks of Amsterdam. Ms. Crotty inquired if it is located near the park, to which Ms. Mantello responded affirmatively. Mr. Williams asked if there was a bike path on either side, to which Ms. Mantello responded that the path is on the east side of the bridge.

Mr. Plunkett stated that 17.5 percent seemed rather high for this job. Mr. Waite responded that the percentage is for both preliminary and final engineering and due to the need for an Environmental Impact Statement he feels it is a fair percentage. Ms. Crotty requested confirmation that the entire project is funded through the Rebuild Renew New York Transportation Bond Act. Mr. Waite responded affirmatively. Chairman Buono asked what happens in the case of overruns, to which Mr. Waite replied that work would have to stop at that point but the Authority would have the option to go back to the legislature to request surplus funds from other projects paid



Item 4 by Mr. Waite (Appendix D)

Approving Engineering Agreement D213622 with Ammann & Whitney Consulting Engineers, P.C. for Design Services Relative to a New Pedestrian Bridge over the Mohawk River in the Albany Division, and Allocating Funds Therefor (Continued)

through the Bond Act. Mr. Howard asked if the estimates are based on current prices or projected costs. Mr. Waite acknowledged that the figures presented are based on what the project would cost if work started today.

Mr. Williams asked if the municipality had requested the bridge. Ms. O'Connor responded, stating that this project was included on the list approved by the legislature as part of the MOU for the Bond Act.

On the motion of Mr. Williams, seconded by Ms. Crotty, without any objections, the Board adopted the following resolution:

RESOLUTION NO. 453

APPROVING ENGINEERING AGREEMENT D213622 WITH AMMANN & WHITNEY CONSULTING ENGINEERS, P.C. FOR DESIGN SERVICES RELATIVE TO A NEW PEDESTRIAN BRIDGE OVER THE MOHAWK RIVER IN THE ALBANY DIVISION, AND ALLOCATING FUNDS THEREFOR

RESOLVED, that the proposed engineering agreement D213622 with Ammann & Whitney, Consulting Engineers, P.C., 96 Morton Street, New York, New York 10014 for design services for a new pedestrian bridge over the Mohawk River in Albany Division, for a Maximum Amount Payable of \$2,250,000, of which \$2,100,000 is provided through the 2008 Contracts Program (Item R9.1), be, and the same hereby is, approved, and be it further

RESOLVED, that an additional \$150,000 in Rebuild and Renew New York Transportation Bond Act of 2005 funding be allocated to this agreement from an adjustment made to the project's (Item R9.1) construction cost from \$13,025,000 to \$12,875,000, and be it further



Item 4 by Mr. Waite (Appendix D)

Approving Engineering Agreement D213622 with Ammann & Whitney Consulting Engineers, P.C. for Design Services Relative to a New Pedestrian Bridge over the Mohawk River in the Albany Division, and Allocating Funds Therefor (Continued)

RESOLVED, that agreement D213622 with Ammann & Whitney, Consulting Engineers, P.C., will not be executed until the Rebuild and Renew New York Transportation Bond Act of 2005 funding agreement between New York State Department of Transportation and the Canal Corporation has been executed, 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 2008 Contracts Program Resolution No. 438 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

Other Business

Ms. Mantello reported that the Canal would resume summer hours (7 a.m. to 10 p.m.) from May 22, 2008 through September 3, 2008.

Adjournment

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

Jill B. Warner
Secretary

