



MINUTES

NEW YORK STATE CANAL CORPORATION

BOARD MEETING NO. CC-155

July 16, 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.

The meeting began at 10:30 a.m.

There were present:

**John L. Buono, Chairman
Erin M. Crotty, Vice-Chair
Frederick M. Howard, Board Member
Donna J. Luh, Board Member
Kevin J. Plunkett, Board Member
Brandon R. Sall, 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, Division Director, Albany Division
Ramesh Mehta, Division Director, New York Division
Richard Garrabrant, 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
Richard Matters, Thruway Real Estate Specialist 2
Tracie Sandell, Assistant Counsel
Michael Sikule, Director, Office of Investments and Asset Management
Wendy Allen, Deputy Chief of Staff
Joanne Riddett, Director, Information Technology
William McDonough, Assistant Investment Officer
Also in attendance:
John Armstrong, NYN
Cathy Woodruff, Reporter, Albany Times Union
Doron Bar-Levav, Esq., Partner, Harris Beach
Abigail Sterline Olsen, Esq., Associate, Nixon Peabody
Angela Rodell, Senior Vice President, First Southwest Company

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

Chairman Buono welcomed two new Board Members, Ms. Donna Luh and Mr. Brandon Sall. He asked Mr. Plunkett to introduce Mr. Sall to the Board and staff. Mr. Plunkett stated that Mr. Sall had attended his first Governance Committee Meeting



earlier that morning, that he is a practicing attorney in the lower Thruway region and is highly regarded amongst his peers and those who have worked with Mr. Sall. He stated that Mr. Sall has dedicated himself to public service in the local community and that his serving on the Board will be important to all involved and that he looks forward to working with him. On behalf of all the Board, the Chairman and the staff Mr. Plunkett welcomed Mr. Sall to the Thruway Authority and Canal Corporation Board. Mr. Sall thanked Mr. Plunkett and stated that he is looking forward to working with everyone.

Chairman Buono then asked Mr. Fleischer to introduce Ms. Luh. Mr. Fleischer stated that Ms. Luh has 15 years experience in government, education and business. She served as a former airport project manager and as a member of the Niagara Frontier Transportation Authority, giving her an understanding of how state Authorities run. Mr. Fleischer stated that in her short time on the Authority/Corporation Board she has already begun to work closely with staff and offering advice, especially in the Buffalo Division where there are constant issues the Authority is working to overcome. The feedback from staff and elected officials has been very positive. Ms. Luh thanked Mr. Fleischer for his introduction.

Item 1 by Ms. Warner (Appendix A)
Minutes of Meeting No. CC-154

On the motion of Mr. Howard, seconded by Mr. Plunkett, without any objections, the Board approved the minutes of Meeting No. CC-154 held on May 21, 2008 which were made available to the Board Members as part of the Agenda.

Item 2 by Ms. Mantello (Appendix B)
Amending the List of Erie Canal Greenway Grant Projects Requiring Occupancy Permits Previously Approved by Resolution No. 440 at Meeting No. CC-150

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

RESOLUTION NO. 454
**AMENDING THE LIST OF ERIE CANAL GREENWAY
GRANT PROJECTS REQUIRING OCCUPANCY
PERMITS PREVIOUSLY APPROVED BY RESOLUTION
NO. 440 AT MEETING NO. CC-150**

RESOLVED, that at Meeting No. CC-140, held on July 6, 2006, the Board adopted Resolution No. 391 authorizing the establishment and implementation of the



Item 2 by Ms. Mantello (Appendix B)

Amending the List of Erie Canal Greenway Grant Projects Requiring Occupancy Permits Previously Approved by Resolution No. 440 at Meeting No. CC-150 (Continued)

Erie Canal Greenway Grant Program, the expenditure of \$10 million appropriated to the Canal Corporation in the 2006-07 New York State Budget, and provided that grants for Projects up to \$150,000 may be awarded by the Executive Director at the same level of expenditure authorized for other Corporation contracts, and be it further

RESOLVED, that at Meeting No. CC-143, held on November 16, 2006, Resolution No. 405 was approved which included an authorization to the Executive Director to execute grant contracts for Projects in excess of \$150,000, and be it further

RESOLVED, that at Meeting No. CC-150, held on December 19, 2007, Resolution No. 440 was approved, authorizing the issuance of the required Occupancy Permit with no application and annual fees for eleven (11) Projects located on Canal Corporation land, and be it further

RESOLVED that an additional Project previously authorized by Resolution No. 391, known as the City of Lockport's "Erie Canal Flight of Five Site Furnishing Restoration" Project, be added to the list of approved Projects approved at Meeting No. CC-150 by Resolution No. 440, for a total number of twelve (12) Projects to be issued an Occupancy Permit with no application and annual fees, as listed in Exhibit 1, 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)
Authorizing the Abandonment of Approximately 7,928 Square Feet of Canal Land Located in the Town of Halfmoon, County of Saratoga; and Authorizing Their Sale to Paul and Gayle Allen

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

RESOLUTION NO. 455

AUTHORIZING THE ABANDONMENT OF APPROXIMATELY 7,928 SQUARE FEET OF CANAL LAND LOCATED IN THE TOWN OF HALFMOON, COUNTY OF SARATOGA; AND AUTHORIZING THEIR SALE TO PAUL AND GAYLE ALLEN

RESOLVED, that approximately 7,928 square feet of Canal land located in the Town of Halfmoon, County of Saratoga are no longer useful or necessary as part of the Barge Canal System, as an aid to navigation thereon, or for Barge Canal purposes, 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 of such lands for review and execution by the Executive Director, and be it further

RESOLVED, that following preparation of the Official Order of Abandonment the Executive Director be, and he hereby is, authorized to execute such order of abandonment, and be it further

RESOLVED, that the recommendation for issuance of a Negative Declaration based on an environmental assessment of the proposed action completed in accordance with the provisions of the State Environmental Quality Review Act ("SEQRA") be, and hereby is, approved, and be it further

RESOLVED, that the Chief Engineer, or his designee, be, and he hereby is, authorized to sign the



Item 3 by Ms. Mantello and Mr. Bryan (Appendix C)
Authorizing the Abandonment of Approximately 7,928 Square Feet of Canal Land Located in the Town of Halfmoon, County of Saratoga; and Authorizing Their Sale to Paul and Gayle Allen (Continued)

SEQRA Environmental Assessment and issue the Negative Declaration, and to distribute any required notices on behalf of the Canal Corporation Board with relation to this action, and be it further

RESOLVED, that the sale of said 7,928 square feet of land by quitclaim deed to Paul and Gayle Allen for \$12,500 be, and hereby is, approved, subject to such other legal, financial, engineering and other terms as may be deemed by the Executive Director, the Director of Canals, and 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, and be it further

RESOLVED, that the Corporation's Contracting Officer determined that property may be sold by negotiation without public advertising because such disposal falls under Section 2897 (6) (c) (ii) of the Public Authorities Law, and Section IV.H. of the Canal Real Property Management Policy, and that the sale of the Property on the terms recommended in the agenda item complies with all applicable provisions of law, including Article 9, Title 5-A of the Public Authorities law, and with the Canal Real Property Management Policy, and be it further

RESOLVED, that the Executive Director, or his designee, be 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 General



Item 3 by Ms. Mantello and Mr. Bryan (Appendix C)
Authorizing the Abandonment of Approximately 7,928 Square Feet of Canal Land Located in the Town of Halfmoon, County of Saratoga; and Authorizing Their Sale to Paul and Gayle Allen (Continued)

Counsel be, and the same hereby are, authorized to take all actions necessary to effectuate closing of title and implement this Board Item, and be it further

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

Item 4 by Mr. Waite (Appendix D)
Authorizing Negotiation and Execution of Engineering Term Agreement D213778 with Collins Engineers, P.C. for Above Water Inspection Services of Canal Structures System-wide

Mr. Howard inquired if Collins Engineers, P.C. had been hired by the Corporation to perform under water inspections as well; to which Mr. Waite responded affirmatively stating that Collins doing both under and above water inspections could lead to savings for the Corporation.

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

RESOLUTION NO. 456
**AUTHORIZING NEGOTIATION AND EXECUTION OF
ENGINEERING TERM AGREEMENT D213778 WITH
COLLINS ENGINEERS, P.C. FOR ABOVE WATER
INSPECTION SERVICES OF CANAL STRUCTURES
SYSTEM-WIDE**

RESOLVED, that the Chief Engineer be, and hereby is, authorized to negotiate and execute engineering agreement D213778 with Collins Engineers, P.C., 1058 Broadway, Albany, New York 12204 for above water inspection services for canal structures system-wide, provided that the Maximum Amount Payable does not exceed the \$1,600,000 which is currently provided through the 2008 Contracts Program (CS3.1), and be it further



Item 4 by Mr. Waite (Appendix D)

Authorizing Negotiation and Execution of Engineering Term Agreement D213778 with Collins Engineers, P.C. for Above Water Inspection Services of Canal Structures System-wide (Continued)

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 the information relating to this agreement be included in the Chief Engineer's 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

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

Item 5 by Ms. Mantello (Appendix D)

Amending Attachment B of Resolution No. 405, as Approved at Meeting No. CC-143, to Reallocate Certain Funding Relative to the Erie Canal Greenway Grant Program

Ms. Crotty questioned how the Olmstead Park Conservancy and City of Buffalo felt about the reallocation of funds from the Black Rock Channel Waterfront Park to the Black Rock Canal Park. Ms. Mantello responded that Assemblyman Hoyt has indicated to Canal staff that the Black Rock Channel Waterfront Park project will proceed with funding from a source other than the Erie Canal Greenway Grant Program.

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



Item 5 by Ms. Mantello (Appendix D)

Amending Attachment B of Resolution No. 405, as Approved at Meeting No. CC-143, to Reallocate Certain Funding Relative to the Erie Canal Greenway Grant Program (Continued)

RESOLUTION NO. 457

AMENDING ATTACHMENT B OF RESOLUTION NO. 405, AS APPROVED AT MEETING NO. CC-143, TO REALLOCATE CERTAIN FUNDING RELATIVE TO THE ERIE CANAL GREENWAY GRANT PROGRAM.

RESOLVED, that at Meeting No. CC-140, held on July 6, 2006, the Board adopted Resolution No. 391 which authorized the establishment and implementation of the Erie Canal Greenway Grant Program, the expenditure of \$10 million appropriated to the Corporation in the 2006-07 New York State Budget, and provided that grants for Projects up to \$150,000 may be awarded by the Executive Director, and be it further

RESOLVED, that at Meeting No. CC-143, held on November 16, 2006, Resolution No. 405 was approved which included an authorization to the Executive Director to execute Erie Canal Greenway Grant contracts in excess of \$150,000 for approved Projects, including those projects listed in Attachment B, and be it further

RESOLVED, that Attachment B included \$200,000 to the Olmstead Parks Conservancy/City of Buffalo for the development of a waterfront park on vacant land along the Buffalo River and Black Rock Channel, to be known as “Black Rock Channel Waterfront Park”, and be it further

RESOLVED, that Attachment B of Resolution No. 405, as approved at Meeting No. CC-143, is amended, as attached in Exhibit I, to reallocate \$200,000 approved for the “Black Rock Channel Waterfront Park” to Erie County for a feasibility study (\$50,000) and capital improvements (\$150,000) for a proposed project to be known as “Black Rock Canal Park” located at the existing Ontario Street Boat Launch and Cornelius Creek Park, to the west of Fort



Item 5 by Ms. Mantello (Appendix D)

Amending Attachment B of Resolution No. 405, as Approved at Meeting No. CC-143, to Reallocate Certain Funding Relative to the Erie Canal Greenway Grant Program (Continued)

Ontario Street and to the east of the Black Rock Channel and Niagara River, and be it further

RESOLVED, that Canal Corporation staff notify the Director of the New York State Division of Budget of the change in allocation of funding subject to this approval, 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. Sall, seconded by Ms. Crotty, without any objections, the meeting was adjourned.

**Jill B. Warner
Secretary**

