



MINUTES

NEW YORK STATE CANAL CORPORATION

BOARD MEETING NO. CC-156

September 17, 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 11:30 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
Wendy Allen, Deputy Chief of Staff
Joanne Riddett, Director, Information Technology
Sohel Ahmed, Assistant Division Bridge Engineer, New York Division
Deb Haslun, Director, Bureau of Labor Relations
Tom Fitzgerald, Director, Office of Human Resource Management
Harry Lennon, Senior Investigator, Audit and Management Services
Also in attendance:
Karl Diehl, NYN

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.

Item 1 by Ms. Warner (Appendix A)
Minutes of Meeting No. CC-155

On the motion of Mr. Howard, seconded by Mr. Plunkett, without any objections, the Board approved the minutes of Meeting No. CC-155 held on July 16, 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 the Abandonment of Real Property Reference No. AC060018,
Approximately 9.455 Acres of Canal Land Located in the Town of Glenville,
Schenectady County; and Authorizing Its Sale to the Schenectady County Historical
Society

Ms. Crotty inquired as to the Schenectady County Historical Society's (SCHS) plan for the property. Ms. Mantello responded that the SCHS will protect the land as a view shed so that it remains open space.

Mr. Plunkett inquired about the Corporation's response to the letter of objection received from Patrick Montenaro of Scotia, NY. Ms. Mantello responded that his concerns have been addressed. She also stated that the SCHS believed that the State Historic Preservation Office's (SHPO) initial review of clearance was incorrect. As a result, Ken Flood, Director of Real Property Management, asked SHPO for a new letter stating that the property has been cleared. Mr. Bryan clarified that at one point residential development of the property was being considered by another potential bidder, but they did not submit a bid at auction.

Mr. Sall inquired as to any deed restrictions on the property, to which Ms. O'Connor replied that there were none as the property was sold via a public, sealed-bid auction. Mr. Howard stated that the SCHS will be able to flip the property, at a later date, as a result of the agreement not including an anti-flip provision.

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

RESOLUTION NO. 458

**AUTHORIZING THE ABANDONMENT OF REAL
PROPERTY REFERENCE NO. AC060018,
APPROXIMATELY 9.455 ACRES OF CANAL LAND
LOCATED IN THE TOWN OF GLENVILLE,
SCHENECTADY COUNTY; AND AUTHORIZING ITS
SALE TO THE SCHENECTADY COUNTY
HISTORICAL SOCIETY**

**RESOLVED, that approximately 9.455 acres of
Canal land identified as Real Property Reference No.
AC060018, located in the Town of Glenville, County of
Schenectady are no longer useful or necessary as part of the**



Item 2 by Ms. Mantello and Mr. Bryan (Appendix B)
Authorizing the Abandonment of Real Property Reference No. AC060018,
Approximately 9.455 Acres of Canal Land Located in the Town of Glenville,
Schenectady County; and Authorizing Its Sale to the Schenectady County Historical
Society (Continued)

Barge Canal System, as an aid to navigation thereon, or for Barge Canal purposes, and be it further

RESOLVED, that the sale of said 9.455 acres of Canal land by quitclaim deed to the Schenectady County Historical Society for \$251,017.05, and consistent with the terms of this agenda item, be, and hereby is, approved, and be it further

RESOLVED, that the Executive Director, or his designee, be, and the same hereby is, authorized to execute an Agreement for Sale of Real Property with the Schenectady County Historical Society and any amendments and/or conforming changes thereto consistent with the terms of this agenda item, along with all other documents necessary to effectuate the conveyance of the Property, in accordance with the terms authorized during this meeting, 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 the Executive Director, or his designee, be, and he hereby is, authorized to execute such order of abandonment, and be it further

RESOLVED, that such sale shall be conditioned upon the payment by the purchaser of certain costs incidental to the transfer of real property, including, but not limited to, the cost of appraisal and of the survey, and be it further



Item 2 by Ms. Mantello and Mr. Bryan (Appendix B)
Authorizing the Abandonment of Real Property Reference No. AC060018,
Approximately 9.455 Acres of Canal Land Located in the Town of Glenville,
Schenectady County; and Authorizing Its Sale to the Schenectady County Historical
Society (Continued)

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, the Chief Engineer, or his designee, be, and he hereby is, authorized to sign the 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 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 implement this Board Item, and be it further

RESOLVED, that the Corporation's Contracting Officer determined that a sale of the Property on the terms recommended in the agenda item complies with all applicable provisions of law relating to disposal of real property, 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 this resolution be incorporated in the minutes of this meeting



On the motion of Mr. Howard, seconded by Mr. Plunkett, the Board voted to convene to Executive Session to discuss matters related to public safety.

Adjournment

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

Jill B. Warner
Secretary

