



MINUTES

NEW YORK STATE CANAL CORPORATION

BOARD MEETING NO. CC-162

June 25, 2009

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 Authority's New York Division, 4 Executive Boulevard, Suffern, NY 10901.

The meeting began at 11:00 a.m.

There were present:

**Chairman John L. Buono
E. Virgil Conway, Board Member
Donna J. Luh, Board Member
Kevin J. Plunkett, Board Member, via video conference
Richard N. Simberg, Board Member**

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

Ms. Crotty and Mr. Sall were 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**

Katherine McCartney, Deputy Counsel
John Bryan, Chief Financial Officer
Jill Warner, Secretary and Board Administrator
Christopher Waite, Chief Engineer
Betsy Graham, Acting Director, Office of Public Affairs
Thomas Pericak, Division Director, Buffalo Division
William Rinaldi, Division Director, Albany Division
Richard Garrabrant, Division Director, Syracuse Division
Ted Nadratowski, Division Director, New York 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
First Sergeant Marc Tryon, Troop T
Wendy Allen, Deputy Chief of Staff
Michael Sikule, Director, Office of Investments and Asset Management
Thomas Fitzgerald, Director, Office of Human Resource Management
Tony Kirby, Director, Office of Real Property Management
Harry Lennon, Senior Investigator, Audit and Management Services
Tracie Sandell, Assistant Counsel
Joanne Riddett, Director, Information Technology
Daniel Gilbert, Chief of Staff
Douglas Elson, Information Technology
Also in attendance:
John Armstrong, Assistant Television Engineer, NYN
Thomas Benware, Staff, Senator Dilan's Office
Steven Turner, Partner, Hawkins Delafield & Wood LLP
William Estes, Assistant Counsel to Governor Paterson
Daniel Cohen, Director, Citigroup Global Markets Inc.
Daniel Tomson, Managing Director, Citigroup Global Markets Inc.
Angella Rodell, Senior Vice President, First Southwest Company
Kayla McEwen, Associate, First Southwest Company
Jerry DeLuca, D.P.A.

Chairman Buono noted that he, Ms. Luh, Mr. Conway, Mr. Plunkett and Mr. Simberg had received and reviewed the Agenda submitted for consideration at this meeting and were prepared to act on each of the Items.

Chairman Buono called the meeting to order.

Ms. Warner recorded the minutes as contained herein.



Public notice of the meeting had been given, Ms. Warner said.

Chairman Buono introduced the newest member of the Board, Richard N. Simberg. He stated that Mr. Simberg comes to the Authority with a great wealth of experience. He has experience with engineering and transportation through his long-term employment as chief engineer, assistant commissioner for engineering and regional director with the NYSDOT. Chairman Buono stated that the Board is looking forward to his assistance in managing the Authority's many engineering projects and welcomed Mr. Simberg on their behalf.

Mr. Simberg thanked Chairman Buono and stated that he plans to hit the ground listening, looking and asking questions and he feels honored to be a part of this organization which he has worked with, off and on, almost since it's inception and he looks forward to working together to take care of the challenges the Authority has to face.

Item 1 by Ms. Warner (Appendix A)
Minutes of Meeting No. CC-161

On the motion of Ms. Luh, seconded by Mr. Conway, without any objections, the Board approved the minutes of Meeting No. CC-161 held on May 20, 2009 which were made available to the Board Members as part of the Agenda.

Item 2 by Mr. Fleischer (Appendix B)
Authorization for the Executive Director to Defer Payment of the 2009 General Salary Increase, Step Advances and Longevity Payments for Managerial/Confidential (M/C) Employees and Adjustment of the 2009 M/C Salary Schedule

Mr. Fleischer stated that these actions would be consistent with New York State's withholding of M/C general salary increases and would also be consistent with the ongoing cost containment efforts underway at the Corporation. He added that written documentation will be provided to the Board prior to any termination of this deferment.

Ms. Luh stated that she hopes the deferment won't last too long because the Corporation has a great staff who have families to provide for, the work day isn't just 8 hours here, it's nights and weekends too. Mr. Plunkett asked to clarify that the Board previously approved these raises but based on current economic conditions is authorizing the Executive Director to defer them. Mr.



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Authorization for the Executive Director to Defer Payment of the 2009 General Salary Increase, Step Advances and Longevity Payments for Managerial/Confidential (M/C) Employees and Adjustment of the 2009 M/C Salary Schedule

Fleischer concurred. Mr. Plunkett requested that the Board continue to be apprised of what's happening with this. Mr. Fleischer agreed to do so. Mr. Conway stated that he would reluctantly second this motion but that he understands the need to do it considering the State is going ahead with deferment of M/C raises as well. Chairman Buono stated that the entire Board echoes Ms. Luh's comments.

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

RESOLUTION NO. 481

AUTHORIZATION FOR THE EXECUTIVE DIRECTOR TO DEFER PAYMENT OF THE 2009 GENERAL SALARY INCREASE, STEP ADVANCES AND LONGEVITY PAYMENTS FOR MANAGERIAL/CONFIDENTIAL (M/C) EMPLOYEES AND ADJUSTMENT OF THE 2009 M/C SALARY SCHEDULE

Resolved, that the Executive Director be, and hereby is, authorized to defer payment of the general salary increase, step advances and longevity payments for M/C employees scheduled for the pay periods that include July 1, 2009 through June 30, 2010 and the commensurate 2009 adjustment of the M/C Salary Schedule until such time as he determines appropriate, 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. Conway, seconded by Ms. Luh, without any objections, the meeting was adjourned.

**Jill B. Warner
Secretary**

