



MINUTES
NEW YORK STATE CANAL CORPORATION
BOARD MEETING NO. CC-166
April 1, 2010

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:

Chairman John L. Buono
Erin M. Crotty, Vice Chair
E. Virgil Conway, Board Member
Donna J. Luh, Board Member
Brandon R. Sall, Board Member
Richard N. Simberg, Board Member

Constituting all of the members of the Canal Corporation Board.

In addition, there were present the following staff personnel:

Michael R. Fleischer, Executive Director
Carmella Mantello, Director of Canal Corporation
William Estes, General Counsel

John Bryan, Chief Financial Officer
Daniel Gilbert, Chief of Staff
Thomas Gemmiti, Director, Office of Design
Jill Warner, Secretary and Board Administrator
Thomas Pericak, Division Director, Buffalo Division
William Rinaldi, Division Director, Albany Division
Ted Nadratowski, Division Director, New York Division
Richard Garrabrant, Division Director, Syracuse Division
Betsy Graham, Acting Director, Office of Public Affairs
J. Marc Hannibal, Director, Audit and Management Services
Kevin Allen, Assistant Director, Audit and Management Services
John Barr, Director, Administrative Services
Donald Bell, Director, Operations and Maintenance
Major Robert Meyers, Troop T
Wendy Allen, Deputy Chief of Staff
Tony Kirby, Director, Real Property Management
Joanne Riddett, Director, Information Technology
Dorraine Steele, Director, Fiscal Audit and Budget
Michael Sikule, Director, Investments and Asset Management
Katherine McCartney, Deputy Counsel
Edna Goldsmith, Assistant Counsel
Richard Harris, Deputy Director, Community Development & Land Management
David Malone, Director, Accounting and Disbursements
Michael Sikule, Director, Investments and Asset Management

Also in attendance:

Steve VanWagenen, Television Technician, NYN
Jerry DeLuca, DeLuca Public Affairs
Douglas Zimmerman, Director, Toski, Schaefer & Co., P.C.

Chairman Buono noted that he, Mr. Conway, Ms. Crotty, Ms. Luh, Mr. Sall 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.

Ms. Warner said public notice of the meeting had been given.

Item 1 by Ms. Warner (Appendix A)
Minutes of Meeting No. CC-165

On the motion of Mr. Sall, seconded by Mr. Simberg, without any objections, the Board approved the minutes of Meeting No. CC-165 held on January 20, 2010 which were made available to the Board Members as part of the Agenda.

Item 2 by Mr. Fleischer (Appendix B)
Approving Certain Amendments to the Canal Corporation ByLaws

Mr. Fleischer reported that on December 11, 2009, the Governor signed legislation known as the Public Authority Reform Act (“PARA”) into law. PARA required that the appointment of future Authority executive directors be subject to New York State Senate confirmation. In addition, PARA required separate Audit and Finance Committees. The proposed amendment to the Canal Corporation Bylaws would implement the above described requirements of PARA.

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

Item 2 by Mr. Fleischer (Appendix B)
Approving Certain Amendments to the Canal Corporation ByLaws (Continued)

RESOLUTION NO. 497
APPROVING CERTAIN AMENDMENTS TO THE
CANAL CORPORATION BYLAWS

RESOLVED, that the amendments to the Canal Corporation ByLaws, attached hereto as Exhibit A, are hereby approved, and be it further

RESOLVED, that such amendments shall take effect immediately, and be it further

RESOLVED, that the Executive Director, in consultation with the General Counsel, is hereby directed to modify Corporation policies and procedures as necessary to incorporate and be consistent with these amendments, and be it further

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

Report by the Chair of the Audit and Finance Committee

Mr. Conway reported that the Audit and Finance Committee met on Monday, March 29, 2010 and considered the single audit and the other related audit reports prepared by Toski, Schaefer & Company, the Authority's new auditors. The reports were unqualified and there were no serious internal control matters and as such, the Committee accepted the report and recommended that it be presented to the full Board today for acceptance and approval. The Committee also approved the fourth quarter investment report, the annual investment report and approved the establishment of separate Audit and Finance Committees and their related charters for submission to the Board today. Finally, the Committee accepted a report from the Inspector

Report by the Chair of the Audit and Finance Committee (Continued)

General's Office concerning a complaint about an employee who, because of this investigation, is now an ex-employee.

Report by the Chair of the Governance Committee

Mr. Sall reported that the Governance Committee met earlier today and approved the following Items for Board action: amendments to the Authority and Corporation Bylaws, a lobbying contacts policy, revised Thruway and Canal Real Property Management Policies, Real Property Management Standard Operating Procedures and Personal Property Disposal Policies. A revised Governance Committee charter was also approved for advancement to the Board at its next meeting. The revisions reflect Public Authorities Reform Act ("PARA") mandates, which include new independence requirements for Committee members and the Committee's responsibility to perform self-evaluations of the Authority/Corporation Boards; and an addition to review and recommend changes to written policies relating to the recording of lobbyists. In addition, the Committee reviewed and accepted the Procurement Contracts Policies for the Authority and Corporation, and satisfied its charter requirement to conduct an annual self-evaluation of the Committee's functions and performance.

Item 3 by Mr. Fleischer (Appendix C)

Establishing Separate Audit and Finance Committees and Approving Separate Audit and Finance Committee Charters

Mr. Fleischer reported that this Item was considered and approved by the Audit and Finance Committee. The 2005 Public Authorities Accountability Act ("PAAA") required the formation of an Audit Committee responsible for recommending the hiring of a certified independent accounting firm and provide oversight of the performance of the independent audit. The Board established such committee and in April 2007 expanded the committee's oversight to include the financial policies and matters of the Authority and Corporation.

Item 3 by Mr. Fleischer (Appendix C)
Establishing Separate Audit and Finance Committees and Approving Separate Audit and Finance Committee Charters (Continued)

In 2009 the Governor signed the Public Authorities Reform Act (“PARA”) which required the establishment of separate Audit and Finance Committees with the Audit Committee retaining all of the responsibilities required under the PAAA. The Finance Committee would review proposals for the issuance of debt and staff recommended that the Finance Committee oversee the Authority and Corporation risk management strategies though this was not required by the Act.

The proposed Audit Committee and Finance Committee charters memorialize the purpose and responsibilities of each committee, define that the Chairman is authorized to establish committee membership and how the members will be appointed, as well as providing guidelines for the conduct of committee meetings. The proposed charters reflect the specific role of the two committees with the Audit Committee focusing on the oversight of the independent auditor, financial statements, disclosure matters and internal controls with the Finance Committee focusing on the Authority’s budgets and financial plans, the multi-year Capital Program, any proposed general revenue and state supported debt transaction, and the Authority’s policies and practices with regard to risk assessment and management.

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

RESOLUTION NO. 498
**ESTABLISHING SEPARATE AUDIT AND FINANCE
COMMITTEES AND APPROVING SEPARATE AUDIT
AND FINANCE COMMITTEE CHARTERS**

RESOLVED, that the Board Audit and Finance Committee established at Meeting No. 659 in April 2007 is hereby dissolved, to be replaced by two separate committees, and be it further

Item 3 by Mr. Fleischer (Appendix C)
Establishing Separate Audit and Finance Committees and Approving Separate Audit and Finance Committee Charters (Continued)

RESOLVED, that the Board Audit Committee is established, and be it further

RESOLVED, that the Audit Committee Charter, attached hereto as Exhibit A, is approved, and be it further

RESOLVED, that the Board Finance Committee is established, and be it further

RESOLVED, that the Finance Committee Charter, attached hereto as Exhibit B, is approved, and be it further

RESOLVED, that there be one Audit Committee and one Finance Committee responsible for both the Thruway Authority and the Canal Corporation, and be it further

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

Item 4 by Mr. Estes (Appendix D)
Approving a Lobbying Contacts Policy

Mr. Estes reported that in December of 2009 the Governor signed Public Authorities Reform Act (“PARA”) which codified recommendations of the New York State Commission on Lobbying Reform and the Authority has undertaken a number of steps to comply with this new law.

Item 4 by Mr. Estes (Appendix D)
Approving a Lobbying Contacts Policy (Continued)

Public Authorities Law Section 2987 requires that every member, officer or employee of the Authority who is contacted by a lobbyist make a contemporaneous record of the contact. That record must contain the date and time of the contact, the identity of the lobbyist and substance of the contact. A lobbyist is defined as a person or an organization who is retained, employed or designated by any client to engage in lobbying. However, the record only needed to be created if the lobbyist is attempting to influence a decision regarding rate making (ie. toll adjustments) or the adoption of a rule or regulation. The Governance Committee asked that staff provide regular updates as to what those regulations are, and staff will do so.

Currently, staff is modifying regulations relating to: (i) advertising permit fees to be consistent with the Department of Transportation's permit fees; (ii) creating permits for snowmobile clubs to use canal lands; (iii) removing references to I-84, which is no longer owned by the Authority, from the Authority's regulations, (iv) updating the Authority's FOIL regulations; and (v) allowing for triple saddle mounted vehicles to travel on the Thruway.

Staff recommended that the Director of Audit and Finance be the designated officer required by the statute to maintain all the records pertaining to lobbying contacts.

Mr. Simberg inquired as to whether he would need to report someone who approaches him from the local snowmobile club regarding a proposed trail on canal lands. Mr. Estes stated that it would only need to be reported if that person was determined to be a lobbyist and was attempting to influence rate making or regulations.

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

Item 4 by Mr. Estes (Appendix D)
Approving a Lobbying Contacts Policy (Continued)

RESOLUTION NO. 499
APPROVING A LOBBYING CONTACTS POLICY

RESOLVED, that the Lobbying Contacts Policy attached hereto as Exhibit A be, and the same hereby is, approved, and be it further

RESOLVED, that the Lobbying Contacts Policy shall take effect immediately, and be it further

RESOLVED, that the Executive Director be, and he hereby is, authorized to develop executive instructions, operational and/or administrative procedures as necessary to implement this Policy, and be it further

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

Item 5 by Mr. Bryan and Ms. Mantello (Appendix E)
Approving the Revised Canal Real Property Management Policy (25-6-01C), Canal Real Property Management Standard Operating Procedures (900-1), and Canal Personal Property Disposal Policy (25-6-02C)

Mr. Bryan reported that this Item was being advanced to the Board on the advice of the Governance Committee. The Public Authorities Accountability Act of 2005 (“PAAA”) required that the Authority’s comprehensive guidelines detailing operative policy and instructions regarding the use, awarding and monitoring and reporting of contracts for the disposal of real and personal property be annually reviewed and approved by the Board. The policy and Standard Operating Procedures (“SOPs”) that staff drafted were intended to clarify current practices, enhance transparency and efficiency of real and personal property disposal processes and insure that these documents conform to the new standards that were established in the 2009 Public Authorities Reform Act (“PARA”).

Item 5 by Mr. Bryan and Ms. Mantello (Appendix E)
Approving the Revised Canal Real Property Management Policy (25-6-01C), Canal Real Property Management Standard Operating Procedures (900-1), and Canal Personal Property Disposal Policy (25-6-02C) (Continued)

Significant changes included the rewording of language regarding less than fair market value disposals to conform with PARA. The Act stated that no asset could be disposed of below its fair market value unless that disposal was to a government agency and the asset remained within that governmental agency; the disposal was within the purpose or mission of the Corporation; the disposal was to a private entity and had been approved by the Governor and the Legislature within the prescribed time periods under PARA; and, the disposal was accompanied by a document signed by the Board where it was agreed that no reasonable alternative exists other than a below market value transaction which accomplishes the same purpose.

Other changes required that independent appraisals be made for all disposals regardless of the value. The Authority's prior policy stated that if the property was valued at less than \$15,000, staff would prepare an internal appraisal. Under PARA, all disposals require an external appraisal and any lease valued over \$15,000 also requires an attached explanatory statement and it is then forwarded to various public officials. Under the previous law and Authority policy, it was required that such statements be sent if the lease value was over \$100,000. PARA further enhanced the amount of information that will have to be given to the Corporation Board for all disposals including new information on the economic impact of the disposal and the names of the parties that not only were awarded the disposal, but the names of the bidders as well.

The changes further allowed applicants, at their own expense, to be responsible for having a field survey and/or an appraisal prepared, to staff specifications, on land that they may be interested in purchasing. This was modeled after an Office of General Services approach, and would allow for a more efficient process that would reduce transaction costs, especially for those seeking to buy or lease very small parcels of land. Thruway staff would still retain the authority to order or perform surveys and appraisals where appropriate and all surveys and appraisals would be reviewed by staff.

Item 5 by Mr. Bryan and Ms. Mantello (Appendix E)
Approving the Revised Canal Real Property Management Policy (25-6-01C), Canal Real Property Management Standard Operating Procedures (900-1), and Canal Personal Property Disposal Policy (25-6-02C) (Continued)

PARA required that the executive director provide periodic updates on the expiration dates of transactions the Board authorized and it clarified that Board authorizations for real property disposals that have not been finalized would expire after one year. It further allowed the executive director to stop the progression of a transaction within that one year period if he or she found it was in the best interest of the Corporation.

Changes were made to the policy with regard to personal property disposals. A significant change related to the PARA requirement was that less than fair market value personal property disposals be governed by the same standards as real property disposals.

Another new significant requirement was that no employee, employee's spouse or any employee's un-emancipated child be allowed to participate in any of the Corporation's surplus auctions which directly references existing Public Officers Law standards. The Corporation's existing policy had allowed the executive director to determine who could and who could not participate in surplus auctions.

Going forward, the Corporation's policy will include a blanket exclusion for all Authority and Corporation employees. New language will state that no employee may disclose any information to anyone about personal property that the Corporation may be disposing of.

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

Item 5 by Mr. Bryan and Ms. Mantello (Appendix E)
Approving the Revised Canal Real Property Management Policy (25-6-01C), Canal Real Property Management Standard Operating Procedures (900-1), and Canal Personal Property Disposal Policy (25-6-02C) (Continued)

RESOLUTION NO. 500

APPROVING THE REVISED CANAL REAL PROPERTY MANAGEMENT POLICY (25-6-01C), THE CANAL REAL PROPERTY MANAGEMENT STANDARD OPERATING PROCEDURES (900-1), AND THE CANAL PERSONAL PROPERTY DISPOSAL POLICY (25-6-02C)

RESOLVED, that the revised Canal Real Property Management Standard Policy (25-6-01C), attached as Exhibit A be, and the same hereby is, approved, and be it further

RESOLVED, that the revised Canal Real Property Management Standard Operating Procedures (900-1), attached as Exhibit A be, and the same hereby are, approved, and be it further

RESOLVED, that the Canal Personal Property Disposal Policy (25-6-02C), attached as Exhibit A be, and the same hereby is, approved, and be it further

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

Item 6 by Ms. Mantello (Appendix F)
Authorizing the Issuance of a Work Permit and Insurance Coverage for Participants in the “2010 Canal Clean Sweep”

Ms. Mantello reported that this would be the fifth annual event for the Canal Clean Sweep. It recognizes Earth Day and is a partnership between the Canal Corporation, Parks and Trails New York, New York State Environmental Facilities Corporation, and the New York

Item 6 by Ms. Mantello (Appendix F)
Authorizing the Issuance of a Work Permit and Insurance Coverage for Participants in the
“2010 Canal Clean Sweep” (Continued)

State Consumer Protection Board. The event would be held on April 16, 17 and 18 bringing groups, municipalities and communities together to participate in a spring cleaning event along the Canal system and the Canalway Trail. Four years ago 25 groups participated; in 2009 there were 80; and in 2010 over 95.

Since participating groups and municipalities working on Corporation land are required to have appropriate insurance coverage, the Corporation would issue a work permit for each group and municipality not already covered. This Item would authorize the executive director or his designee to issue a work permit and provide insurance coverage under the departmental blanket policy, without the accompanying fees of \$25.00 and \$7.50, for the participants in this three day event. Approximately 15 to 20 groups would be affected.

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

RESOLUTION NO. 501
AUTHORIZING THE ISSUANCE OF A WORK PERMIT
AND INSURANCE COVERAGE FOR PARTICIPANTS
IN THE “2010 CANAL CLEAN SWEEP”

RESOLVED, that the 2010 Canal Clean Sweep will be held April 16-18, 2010 and it will be the fifth consecutive year for this event, and be it further

RESOLVED, that this program brings community groups and municipalities together to participate in this “spring cleaning” event along the Canal System and the Canalway Trail, and be it further

RESOLVED, that in 2009, more than 80 groups throughout the Canal Corridor, including municipalities, not-

Item 6 by Ms. Mantello (Appendix F)
Authorizing the Issuance of a Work Permit and Insurance Coverage for Participants in the “2010 Canal Clean Sweep” (Continued)

for-profit organizations, civic groups, and businesses, engaged in clean up and beautification activities through the Canal Clean Sweep event, and be it further

RESOLVED, that in order to ensure participating groups working on Corporation land have the proper insurance coverage, the Corporation issues a Work Permit for each group; and Canal Corporation Codes, Rules & Regulations (“Regulations”), the Canal Real Property Management Policy (“Policy”), and the Corporation’s Standard Operating Procedures (“Procedures”), require a \$25.00 application fee for all Work Permits issued by the Corporation, and be it further

RESOLVED, that if a participating group does not have insurance, the Corporation, pursuant to Canal Corporation Regulations, requires it to purchase a departmental blanket policy for \$7.50, and be it further

RESOLVED, that this Item authorizes the Executive Director, or his designee, to issue a Work Permit and provide insurance coverage under the departmental blanket policy to participants in the 2010 Canal Clean Sweep without requiring payment of the accompanying fees required by the Corporation’s Regulations, Policy and Procedures, and be it further

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

Item 7 by Ms. Mantello and Mr. Bryan (Appendix G)
Authorizing: Amendment of Resolution No. 482, Authorizing Lease of Approximately 1.03+ Acres of Canal Land Located in the Town and Village of Herkimer, Herkimer County to the Village of Herkimer, For Conformance with the Public Authorities Reform Act of 2009

Ms. Mantello reported that this particular item actually would be the first item progressed for less than fair market value under the 2009 Public Authorities Reform Act (“PARA”). The Board originally approved this item in September of 2009.

The Board authorized the lease of approximately 1.03 acres to the Village of Herkimer for the development of a park. The Board approved this disposal at no cost to the Village. PARA went into effect and set higher standards for public authorities and required the Board to consider additional documentation and information regarding disposals for less than fair market value. PARA required a statement that includes the kind, number, location, wages and salaries of jobs created or preserved by the lease; the names of any private parties participating in the lease and a statement of the value to the private party; a statement of how the proposed lease fits in with the Canal Corporation’s purpose, mission or governing statute; and the names of any other private parties who have made an offer for such asset, the value offered, and the purpose for which the asset was sought to be used.

In this case, a public park would be developed and no private parties made an offer. The Village also submitted a letter that clarified the transaction and complied with PARA with regard to below fair market value leases.

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

RESOLUTION NO. 502

AUTHORIZING: AMENDMENT OF RESOLUTION NO. 482, AUTHORIZING LEASE OF APPROXIMATELY 1.03± ACRES OF CANAL LAND LOCATED IN THE TOWN AND VILLAGE OF HERKIMER, HERKIMER COUNTY TO THE VILLAGE OF HERKIMER, FOR CONFORMANCE WITH THE PUBLIC AUTHORITIES REFORM ACT

Item 7 by Ms. Mantello and Mr. Bryan (Appendix G)
Authorizing: Amendment of Resolution No. 482, Authorizing Lease of Approximately 1.03+ Acres of Canal Land Located in the Town and Village of Herkimer, Herkimer County to the Village of Herkimer, For Conformance with the Public Authorities Reform Act of 2009 (Continued)

RESOLVED, that Resolution No. 482 adopted at Canal Corporation Board Meeting No. CC-163 held on September 16, 2009 is amended to incorporate additional information contained in the agenda item for conformance with the Public Authorities Reform Act and be it further

RESOLVED, that all other provisions contained in Resolution No. 482 authorizing the lease of approximately 1.03± acre located in Town and Village of Herkimer to the Village of Herkimer be, and the same hereby is fully authorized, and be it further

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

Item 8 by Ms. Mantello and Mr. Bryan (Appendix H)
Authorizing the Abandonment of Approximately 0.075± Acre of Canal Land Located in the Town of Boonville, County of Oneida, and Authorizing Its Sale to Todd and Nadine McIntyre

Ms. Mantello reported that this parcel, located south of Moran Road, adjacent to Cayuta Lake, Cayuta Reservoir, was irregular in shape and was approximately 200 feet long by 30 feet wide. The parcel included a portion of the home owned by the McIntyres and they were seeking to purchase the property in order to rectify an encroachment and obtain clear title. The encroachment also included a shed, a deck, and a pump house. A 30 foot strip of canal land would be retained by the Corporation between the new property line and the waters of the lake and would remain under permit with the McIntyres for the use of the land and reservoir.

Item 8 by Ms. Mantello and Mr. Bryan (Appendix H)
Authorizing the Abandonment of Approximately 0.075± Acre of Canal Land Located in the Town of Boonville, County of Oneida, and Authorizing Its Sale to Todd and Nadine McIntyre (Continued)

The Canal Recreationway Commission determined that the abandonment and sale of this parcel was consistent with the Recreationway Plan. It was appraised per the 2009 Public Authorities Reform Act (“PARA”) by an outside independent appraiser for \$1,900. Ms. Mantello pointed out that staff had also appraised this property at \$1,900.

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

RESOLUTION NO. 503
AUTHORIZING THE ABANDONMENT OF APPROXIMATELY 0.075± ACRE OF CANAL LAND LOCATED IN THE TOWN OF BOONVILLE, COUNTY OF ONEIDA, AND AUTHORIZING ITS SALE TO TODD AND NADINE MCINTYRE

RESOLVED, that approximately 0.075± acre of Canal land located in the Town of Boonville, County of Oneida is 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 following publication of the notices of abandonment for the Property as required by Section 51 of the Canal Law and transmittal of such notice to the Canal Recreationway Commission (“CRC”), 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, provided, however, that if negative comments are received in response to the notice, no order shall be prepared until the Corporation Board

Item 8 by Ms. Mantello and Mr. Bryan (Appendix H)
Authorizing the Abandonment of Approximately 0.075± Acre of Canal Land Located in the Town of Boonville, County of Oneida, and Authorizing Its Sale to Todd and Nadine McIntyre (Continued)

has been informed and has determined whether a hearing is warranted, and be it further

RESOLVED, that following preparation of the Official Order of Abandonment, the Executive Director or his designee 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, 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 Corporation Board with relation to this action, and be it further

RESOLVED, that the sale of said approximately 0.075± acre of land by quitclaim deed to Todd and Nadine McIntyre for \$1,900 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 or the General Counsel, to be in the best interest of the Canal

Item 8 by Ms. Mantello and Mr. Bryan (Appendix H)
Authorizing the Abandonment of Approximately 0.075± Acre of Canal Land Located in the Town of Boonville, County of Oneida, and Authorizing Its Sale to Todd and Nadine McIntyre (Continued)

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

Item 8 by Ms. Mantello and Mr. Bryan (Appendix H)
Authorizing the Abandonment of Approximately 0.075± Acre of Canal Land Located in the Town of Boonville, County of Oneida, and Authorizing Its Sale to Todd and Nadine McIntyre (Continued)

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

Item 9 by Ms. Mantello and Mr. Bryan (Appendix I)
Amendment of Resolution No. 489, Adopted at Meeting No. CC-164, Authorizing Abandonment of Approximately 3,069 Square Feet of Canal Land Located in the Town of Colonie, County of Albany and Authorizing Their Sale to Natalie Nussbaum and Alan Tallman

Ms. Mantello stated that the next four items were previously approved by the Board and were all property disposals. Due to the 2009 Public Authorities Reform Act (“PARA”) the disposals required an outside independent appraisal. This abandonment did not involve waterfront property. The outside independent appraisal was \$4,500 while the internal appraisal was higher at \$4,700. Staff asked that the Board approve the abandonment for \$4,500.

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

RESOLUTION NO. 504
AMENDMENT OF RESOLUTION NO. 489, ADOPTED AT BOARD MEETING NO. CC-164, AUTHORIZING ABANDONMENT OF APPROXIMATELY 3,069 SQUARE FEET LOCATED IN THE TOWN OF COLONIE, COUNTY OF ALBANY, AND AUTHORIZING THEIR SALE TO NATALIE NUSSBAUM AND ALAN TALLMAN

RESOLVED, that Resolution No. 489 adopted at Canal Corporation Board Meeting No. CC-164 held on November 18, 2009 be, and hereby is, amended such that: (1) in the sixth “RESOLVED” the dollar amount “\$4,500” shall be deemed to replace “\$4,700”; (2) in both the sixth “RESOLVED” and the

Item 9 by Ms. Mantello and Mr. Bryan (Appendix I)
Amendment of Resolution No. 489, Adopted at Meeting No. CC-164, Authorizing Abandonment of Approximately 3,069 Square Feet of Canal Land Located in the Town of Colonie, County of Albany and Authorizing Their Sale to Natalie Nussbaum and Alan Tallman (Continued)

eighth “RESOLVED,” the words “and amending agenda item submitted at CC-166” shall be deemed to be inserted after the words “agenda item”; and (3) in the eighth “RESOLVED,” the words “as amended by the Public Authorities Reform Act of 2009” shall be deemed to be inserted after “Article 9, Title 5-A of the Public Authorities Law”, and be it further,

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

Item 10 by Ms. Mantello and Mr. Bryan (Appendix J)
Authorizing: Amendment of One Provision Contained in Resolution No. 491, Adopted at Meeting No. CC-164, Authorizing Abandonment of Approximately 9,473 Square Feet of Canal Land Located in the Town of Forestport, County of Oneida, and Authorizing Their Sale to Charles Rieben

Ms. Mantello reported the both the outside independent appraisal and internal appraisal for this property was \$8,900.

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

RESOLUTION NO. 505

**AUTHORIZING: AMENDMENT OF ONE PROVISION
CONTAINED IN RESOLUTION NO. 491, ADOPTED AT
MEEETING NO. CC-164, AUTHORIZING
ABANDONMENT OF APPROXIMATELY 9,473
SQUARE FEET LOCATED IN THE TOWN OF
FORESTPORT, COUNTY OF ONEIDA, AND
AUTHORIZING THEIR SALE TO CHARLES RIEBEN**

Item 10 by Ms. Mantello and Mr. Bryan (Appendix J)
Authorizing: Amendment of One Provision Contained in Resolution No. 491, Adopted at Meeting No. CC-164, Authorizing Abandonment of Approximately 9,473 Square Feet of Canal Land Located in the Town of Forestport, County of Oneida, and Authorizing Their Sale to Charles Rieben (Continued)

RESOLVED, that Resolution No. 491 adopted at Canal Corporation Board Meeting No. CC-164 held on November 18, 2009 is amended to reflect that the approved sale price of \$8,900 for approximately 9,473 square feet located in the Town of Forestport, County of Oneida is based on an appraisal completed by an independent appraiser, not by a non-independent staff appraiser, and be it further

RESOLVED, that all other provisions contained in Resolution No. 491 authorizing the sale of approximately 9,473 square feet located in the Town of Forestport, County of Oneida, to Charles Rieben are fully authorized, and be it further

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

Item 11 by Ms. Mantello and Mr. Bryan (Appendix K)
Amendment of Resolution No. 490, Adopted at Meeting No. CC-164, Authorizing Abandonment of Approximately 4,380 Square Feet of Canal Land Located in the Town of Halfmoon, County of Saratoga and Authorizing Their Sale to Joanne Ropelewski

Ms. Mantello stated that the internal appraisal for this property was \$6,600 while the outside independent appraisal was \$6,000. This was not waterfront property. Staff asked the Board to approve the abandonment for \$6,000.

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

Item 11 by Ms. Mantello and Mr. Bryan (Appendix K)

Amendment of Resolution No. 490, Adopted at Meeting No. CC-164, Authorizing Abandonment of Approximately 4,380 Square Feet of Canal Land Located in the Town of Halfmoon, County of Saratoga and Authorizing Their Sale to Joanne Ropelewski (Continued)

RESOLUTION NO. 506

AMENDMENT OF RESOLUTION NO. 490, ADOPTED AT MEETING NO. CC-164, AUTHORIZING ABANDONMENT OF APPROXIMATELY 4,380 SQUARE FEET LOCATED IN THE TOWN OF HALFMOON, COUNTY OF SARATOGA AND AUTHORIZING THEIR SALE TO JOANNE ROPELEWSKI

RESOLVED, that Resolution No. 490 adopted at Canal Corporation Board Meeting No. CC-164 held on November 18, 2009 be, and hereby is, amended such that: (1) in the sixth “RESOLVED” the dollar amount “\$6,000” shall be deemed to replace “\$6,600”; (2) in both the sixth “RESOLVED” and the eighth “RESOLVED,” the words “and the amending agenda item submitted at CC-166” shall be deemed to be inserted after the words “agenda item”; and (3) in the eighth “RESOLVED,” the words “as amended by the Public Authorities Reform Act of 2009” shall be deemed to be inserted after “Article 9, Title 5-A of the Public Authorities Law,” and be it further

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

Item 12 by Ms. Mantello and Mr. Bryan (Appendix L)
Authorizing the Abandonment of 6,098 Square Feet of Canal Land Located in the Town of Northumberland, County of Saratoga; and Authorizing Their Sale to Jeffrey and Deborah Schoman

Ms. Mantello reported that the Schomans requested the property for assemblage with their adjoining property for additional buildable land. The Canal Corporation Board authorized this abandonment in January 2009 and as such, the one-year approval for this disposal expired. The resolution authorized the sale for \$7,300, which was based on an internal appraisal.

After the Board adopted the resolution, the 2009 Public Authorities Reform Act (“PARA”) went into effect requiring an independent appraisal. The independent appraisal was \$5,000 and the Office of Real Property Management advised that \$5,000 represented fair market value.

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

RESOLUTION NO. 507
AUTHORIZING: ABANDONMENT OF 6,098 SQUARE FEET OF CANAL LAND LOCATED IN THE TOWN OF NORTHUMBERLAND, COUNTY OF SARATOGA; AND AUTHORIZING THEIR SALE TO JEFFREY AND DEBORAH SCHOMAN

RESOLVED, that approximately 6,098 square feet of Canal land located in the Town of Northumberland, 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, 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

Item 12 by Ms. Mantello and Mr. Bryan (Appendix L)
Authorizing the Abandonment of 6,098 Square Feet of Canal Land Located in the Town of Northumberland, County of Saratoga; and Authorizing Their Sale to Jeffrey and Deborah Schoman (Continued)

such lands for review and execution by the Executive Director,
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, 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 Corporation Board with relation to this action, and be it further

RESOLVED, that the sale of said 6,098 square feet of land by quitclaim deed to Jeffrey and Deborah Schoman for \$5,000 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, or 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

Item 12 by Ms. Mantello and Mr. Bryan (Appendix L)
Authorizing the Abandonment of 6,098 Square Feet of Canal Land Located in the Town of Northumberland, County of Saratoga; and Authorizing Their Sale to Jeffrey and Deborah Schoman (Continued)

RESOLVED, that the Corporation's Contracting Officer determined that the 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, and he hereby is, authorized to execute all documents necessary for closing of title, 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 to implement this Board item, and be it further,

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

Item 13 by Ms. Mantello and Mr. Bryan (Appendix M)
Authorizing the Abandonment of Approximately 0.15 Acre of Canal Land Located in the Town of Remsen, County of Oneida, and Authorizing Its Sale to John E. Voorhees

Ms. Mantello reported that the parcel was located south of Moran Road adjacent to Cayuta Lake, Cayuta reservoir and was approximately 230 feet long by 25 feet wide. The parcel

Item 13 by Ms. Mantello and Mr. Bryan (Appendix M
Authorizing the Abandonment of Approximately 0.15 Acre of Canal Land Located in the
Town of Remsen, County of Oneida, and Authorizing Its Sale to John E. Voorhees
(Continued)

included a building pad, and Mr. Voorhees was seeking to purchase the parcel to help meet requirements of the town.

A 30 foot strip of canal land would remain between Mr. Voorhees' new property line and the waters of the lake. Mr. Voorhees would be required to permit the strip of land for access to any proposed docking. The Canal Recreationway Commission approved this abandonment and sale stating that it is consistent with the Canal Recreationway Plan. The property was appraised by an independent appraiser for \$3,800.

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

RESOLUTION NO. 508
AUTHORIZING THE ABANDONMENT OF
APPROXIMATELY 0.15 ACRE OF CANAL LAND
LOCATED IN THE TOWN OF BOONVILLE, COUNTY
OF ONEIDA, AND AUTHORIZING ITS SALE TO JOHN
E. VOORHEES

RESOLVED, that approximately 0.15± acre of Canal land located in the Town of Remsen, County of Oneida is 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 following publication of the notices of abandonment for the Property as required by Section 50 of the Canal Law and transmittal of such notice to the CRC, the Office of Canal Maintenance and Operations shall prepare an Official Order abandoning the land for canal purposes, together

Item 13 by Ms. Mantello and Mr. Bryan (Appendix M)
Authorizing the Abandonment of Approximately 0.15 Acre of Canal Land Located in the
Town of Remsen, County of Oneida, and Authorizing Its Sale to John E. Voorhees
(Continued)

with a map and description of such lands for review and execution by the Executive Director, provided, however, that if negative comments are received in response to the notice, no order shall be prepared until the Corporation Board has been informed and has determined whether a hearing is warranted, 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, 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 Corporation Board with relation to this actions, and be it further

RESOLVED, that the sale of said approximately 0.15± acre of land by quitclaim deed to John E. Voorhees for \$3,800 be, and hereby is, approved, subject to such other legal,

**Item 13 by Ms. Mantello and Mr. Bryan (Appendix M
Authorizing the Abandonment of Approximately 0.15 Acre of Canal Land Located in the
Town of Remsen, County of Oneida, and Authorizing Its Sale to John E. Voorhees
(Continued)**

financial, engineering and other terms as may be deemed by the Executive Director, the Director of Canals or 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 the 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 the 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 the General Counsel

**Item 13 by Ms. Mantello and Mr. Bryan (Appendix M
Authorizing the Abandonment of Approximately 0.15 Acre of Canal Land Located in the
Town of Remsen, County of Oneida, and Authorizing Its Sale to John E. Voorhees
(Continued)**

be, and the same hereby is, authorized to take all actions
necessary to effectuate closing of title, and be it further

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

Other Business

Ms. Mantello reported that the Canal was set to open May 1, 2010 and staff was geared
up and expected it to be a good year.

Adjournment

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

Jill B. Warner

Secretary