



MINUTES
NEW YORK STATE CANAL CORPORATION
BOARD MEETING NO. CC-178
April 30, 2012

Minutes of a meeting of the New York State Canal Corporation, held in the Authority's Syracuse Division Office, 290 Elwood Davis Road, Suite 250, 2nd Floor, Liverpool, NY and via video conference from the New York Power Authority, 123 Main St #1600, White Plains, NY 10601.

The meetings of the New York State Thruway Authority and Canal Corporation Boards opened in joint session for the consideration of various matters. These minutes reflect only those items considered by the New York State Canal Corporation Board. The meeting began at 3:07 p.m.

There were present:

Chairman Howard P. Milstein
Donna J. Luh, Vice Chairperson,
E. Virgil Conway, Board Member, via video conference
Richard N. Simberg, Board Member
Brandon R. Sall, Board Member, via video conference
J. Donald Rice, Jr., Board Member

Constituting a majority of the members of the Thruway Authority Board.

Jose Holguin-Veras, Ph.D., Board Member, was not present at this meeting and did not vote on of the Items.

In addition, there were present the following staff personnel:

Thomas J. Madison, Jr., Executive Director
Donald Bell, Acting Chief Engineer
John Bryan, Chief Financial Officer and Treasurer
William Estes, General Counsel
Brian Stratton, Director, Canal Corporation
Ted Nadratowski, Interim Tappan Zee Project Director
Jill B. Warner, Board Administrator and Secretary
Jonathan Ehrlich, Special Assistant to the Chairman
Patrick Hoehn, Acting Division Director, Syracuse Division
Jerry Yomoah, Director of Governmental Affairs
Andrew O'Rourke, Director, Tappan Zee Bridge Project Information Office
Karl Gustafson, Marketing Specialist, Canal Corporation
Captain Weber, Troop T
Robert Dressing, Syracuse Division Bridge Engineer
Allan Bressette, Information Technology Specialist III

Also in attendance:

Murray Bodin, public
Anthony Costello, CEO, Anthony J. Costello & Son Development
Timothy Reidy, CFO, Anthony J. Costello & Son Development
Todd Howe, Whiteman Osterman & Hanna
Steve Aiello, COR Development Co.
Tom Young, COR Development Co.
Doug Zimmerman, Auditor, Toski & Co., P.C.
Dave Spara, Auditor, Toski & Co., P.C.
Ben Walsh, Deputy Commissioner, City of Syracuse

Mayor Stephanie Miner, City of Syracuse
John Mannion, City of Syracuse
Jeffrey Parker, Jeffrey A. Parker & Associates, Inc.
Karl Diehl, New York Network

Chairman Milstein noted that he, Ms. Luh, Mr. Conway, Mr. Rice, Mr. Simberg 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.

Chairman Milstein called the meetings of the Thruway Authority and Canal Corporation Boards to order. (1:18:50)

Ms. Warner recorded the minutes as contained herein (public notice of the meeting had been given).

Item 1 by Ms. Warner (Appendix A)
Approval of Minutes of Meeting No. CC-177 (1:19:03)

On the motion of Mr. Sall, seconded by Chairman Milstein, without any objections, the Board approved the minutes of Meeting No. CC-177 held on March 2, 2012, which were made available to the Board Members as part of the Agenda.

Item 2 by Mr. Stratton (Appendix B)
Amending the Authorization for the Establishment and Implementation of the Erie Canal Greenway Grant Program (1:19:53)

The details of the presentation by Mr. Stratton and Board Members' comments and questions with respect thereto are included in the video recording of the meeting maintained in Corporation records.

On the motion of Mr. Simberg, seconded by Chairman Milstein, without any objections, the Board unanimously adopted the following resolution:

RESOLUTION NO. 567
**AMENDING THE AUTHORIZATION FOR THE
ESTABLISHMENT AND IMPLEMENTATION OF THE
ERIE CANAL GREENWAY GRANT PROGRAM**

RESOLVED, that consistent with the Board's adoption of Resolution No. 391 at Meeting No. CC-140 authorizing the establishment and implementation of the Erie Canal Greenway Grant Program, as amended by Resolution No. 405 at Meeting No. CC-143 and Resolution No. 544 at meeting No. CC-173 on May 18, 2011, any remaining funds appropriated to the New York State Canal Corporation in the 2006-2007 New York State Budget be allocated for new competitive grant programs in conjunction with the State's Consolidated Funding Application process; and be it further

RESOLVED, that projects funded through these competitive grant programs be consistent with the 1995 Canal Recreationway Plan; and be it further

RESOLVED, that all grant recipients will receive an award notification letter indicating the award process and stating that grant funds will be provided solely on a reimbursement basis; and be it further

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

Item 4 by Chairman Milstein (Appendix D)
Authorizing the Abandonment of Real Property Reference No. BC070027, Approximately 1.78 Acres of Canal Land Located in the Town of Brighton, Monroe County; and Authorizing Its Sale to Anthony J. Costello and Son (Joseph) Development, LLC (20:34)

The details of the presentation by Chairman Milstein and Board Members' comments and questions with respect thereto are included in the video recording of the meeting maintained in Corporation records.

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

RESOLUTION NO. 568
**AUTHORIZING THE ABANDONMENT OF REAL
PROPERTY REFERENCE NO. BC070027,
APPROXIMATELY 1.78 ACRES OF CANAL LAND
LOCATED IN THE TOWN OF BRIGHTON, MONROE
COUNTY; AND AUTHORIZING ITS SALE TO ANTHONY
J. COSTELLO AND SON (JOSEPH) DEVELOPMENT, LLC**

RESOLVED, that approximately 1.78 acres of Canal land located in the Town of Brighton, County of Monroe 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 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, or his designee, 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, that 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 sale of said 1.78[±] acres of Canal land by quitclaim deed to Anthony J. Costello and Son (Joseph) Development, LLC for \$86,000 be, and hereby is, approved, subject to such other legal, financial, engineering, and other terms as may be deemed necessary by the Executive Director 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 the Executive Director, or his designee, be, and he hereby is, authorized to execute an Agreement for Sale of Real Property with Anthony J. Costello and Son (Joseph) Development, LLC 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 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 a 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, 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

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

OTHER BUSINESS

Presentation to the Board by Pat Hoehn, Acting Syracuse Division Director (1:30).

Presentation to the Board by Mayor Stephanie Miner, City of Syracuse (11:51).

PUBLIC COMMENT PERIOD

There were two public speakers who addressed items specific to the Authority agenda. Refer to the video recording of the meeting for the content of the speakers' statements.

Anthony J. Costello (20:34)

Murray Bodin, public (24:37)

EXECUTIVE SESSION AND ADJOURNMENT (1:22:33)

Chairman Milstein requested a motion to adjourn to Executive Session to discuss the Authority's Bond Anticipation Notes and the potential issuance of general Authority debt. There being no further business to come before the Boards, without any objections, on the motion of Mr. Sall, seconded by Mr. Conway, the meetings were adjourned and the Board moved into Executive Session.

Jill B. Warner
Secretary

Note: Webcasts, which include dialogue of Authority/Corporation Board Meetings, are available on the Thruway Authority website 48 hours after such meetings occur and remain on the website for a period of four months.