



**Canal
Corporation**

MINUTES
NEW YORK STATE CANAL CORPORATION
BOARD MEETING NO. CC-196
July 13, 2015

Minutes of a meeting of the New York State Canal Corporation, held at the New NY Bridge Project Office, in Tarrytown, New York and by video conference from the board room at 200 Southern Boulevard, Albany, NY.

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. The meeting began at 1:20 p.m.

Members of the Board present were:

Joanne M. Mahoney, Chair
Donna J. Luh, Vice Chairperson
J. Donald Rice, Jr., Board Member
Richard N. Simberg, Board Member
Jose Holguin-Veras, Ph.D., Board Member
E. Virgil Conway, Board Member

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

Staff Present:

Robert Megna, Executive Director
Gordon Cuffy, General Counsel
Maria Lehman, Interim Director of Maintenance and Operations
Brian Stratton, Director of the NYS Canal Corporation
John Barr, Director of Administrative Services

Harry Lennon, Acting Director of Department of Audit & Management Services
Matt Howard, Treasurer and Chief Financial Officer
Kevin Allen, Director of Thruway Purchasing
Matt Miller, Information Tech. Specialist
Cathy Sheridan, Acting Chief Engineer
Peter Casper, Assistant Counsel
Dan Marcy, Community Relations Specialist - New NY Bridge
Joseph Moloughney, Acting Albany Division Director
Pat Hoehn, Acting Syracuse Division Director
Stephen Grabowski, Acting New York Division Director
John Callaghan, Deputy Director of the NYS Canal Corporation
Jennifer Givner, Director of Media Relations & Communications
Jerry Yomoah, Board Administrator

Also in attendance:

Janet Ho, Office of the NYS Governor
Ali Chaundry, Office of the NYS Governor
Sharif Kabir, Office of the NYS Governor
Murray Bodin, Member of the Public
Peter Haskell, CBS NY

Chair Mahoney called the meeting of the Thruway Authority and Canal Corporation Boards to order.

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

Item 1 by Chair Mahoney (Appendix A)
Approval of Minutes of Meeting No. 194

Chair Mahoney asked for a motion to approve the minutes of the previous meeting. Upon motion duly made and seconded, the Board approved the minutes of Meeting No. 195 held on May 18, 2015, which were made available to the Board Members as part of the Agenda.

Item 2 by Mr. Gordon (Appendix B)
Authorizing the Executive Director to Execute a Project Partnership Agreement with the United States Army Corps of Engineers to Conduct a Feasibility Study Of A Dispersal Barrier Project On The Champlain Canal To Prevent The Spread Of Aquatic Nuisance Species

Mr. Gordon presented the item seeking the authorization for the Executive Director to enter into a project partnership agreement with the United State Army Corps

of Engineers. Details of the presentation and discussion with Board Members are included in the video recording of the meeting.

Upon motion duly made and seconded, the Board authorized the Executive Director to execute a Project Partnership Agreement with the United States Army Corps of Engineers to conduct a Feasibility Study of a dispersal barrier project on the Champlain Canal to prevent the spread of aquatic nuisance species and New York State Canal Corporation and adopted the following resolution:

RESOLUTION NO. 632
AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A PROJECT PARTNERSHIP AGREEMENT WITH THE UNITED STATES ARMY CORPS OF ENGINEERS TO CONDUCT A FEASIBILITY STUDY FOR CONSTRUCTION OF A PHYSICAL BARRIER ON THE CHAMPLAIN CANAL

RESOLVED, that the Executive Director, or his designee, is authorized to execute a Project Partnership Agreement with the U.S. Army Corps of Engineers to study the feasibility of a dispersal barrier project on the Champlain Canal to prevent the spread of aquatic nuisance species; and be it further

RESOLVED, that the New England Interstate Water Pollution Control Council provide the required financial match of \$199,500; and be it further

RESOLVED, that the Canal Corporation will contribute staff time and technical data as part of its role in the project, but shall make no financial contribution to the study; and be it further

RESOLVED, that the Executive Director, or his designee, shall have the authority to exercise all powers reserved to the Corporation under the agreement, manage and administer the agreement, amend the provisions of the agreement consistent with the terms of this item and other Board authorizations and suspend or terminate the agreement in the best interests of the Corporation; and be it further

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

Item 3 by Mr. Howard (Appendix C)
Abandonment of Approximately 3.195+ Acres of Canal Land Located in the Town of Hastings, Oswego County, And Sale of Said Canal Land at Public Auction For Not-Less-Than Twenty Two Thousand Dollars to the Highest Qualified Bidder

Mr. Howard presented the item seeking Board approval to abandon and auction off canal land located in the town of Hastings. Details of the presentation and discussion with Board Members are included in the video recording of the meeting.

Upon motion duly made and seconded, the Board approved the abandonment of approximately 3.195± acres of canal land located in the Town of Hastings, Oswego County, and sale of said canal land at public auction for not-less-than twenty two thousand dollars to the highest qualified bidder and adopted the following resolution:

RESOLUTION NO. 633

ABANDONMENT OF APPROXIMATELY 3.195+ ACRES OF CANAL LAND LOCATED IN THE TOWN OF HASTINGS, OSWEGO COUNTY, AND SALE OF SAID CANAL LAND AT PUBLIC AUCTION FOR NOT-LESS-THAN TWENTY TWO THOUSAND DOLLARS TO THE HIGHEST QUALIFIED BIDDER

RESOLVED, that approximately 3.195+ acres of Canal land located in the Town of Hastings, County of Oswego is no longer useful or necessary as part of the Barge Canal System, as an aid to navigation thereon, or for Barge Canal purposes, excepting however, a permanent easement to overflow and flood the Property, and be it further

RESOLVED, that the sale of said Canal land for not-less-than \$22,000 by quitclaim deed to the highest qualified bidder at public auction be, and hereby is, approved, subject to such other legal, financial, engineering, and other terms as may be deemed by the Executive Director, the Chief Financial Officer, 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 the Office of Canal Maintenance and Operations shall prepare an Official Order abandoning the lands for Canal purposes, subject to a permanent easement to overflow and flood the Property, 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 Corporation's Contracting Officer determined that the sale of said 3.915+ acres of land by public auction is in compliance with Section 2897 (6) of the Public Authorities Law, and Section IV.I. of the Canal Real Property Management Policy, and that the transfer 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 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 Executive Director, or his designee, be, and the same hereby is, authorized to execute an Agreement for Sale of Real Property with the highest qualified bidder 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 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 Acting Chief Engineer, or her 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, 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.

Item 4 by Mr. Howard (Appendix D)

Extending Expiration Date and Amending Minimum Bid Price Authorized by Resolution No. 594 Adopted at Meeting CC-184, Which Authorized the Sale of Approximately 4.994+ Acres of Canal Land Located in the City of Rome, Oneida County, and Sale of Said Land at Public Auction for Not-Less-Than Four Hundred Thousand Dollars to the Highest Qualified Bidder

Mr. Howard presented the item seeking Board approval to auction off canal land located in the town of Rome. Details of the presentation and discussion with Board Members are included in the video recording of the meeting.

Upon motion duly made and seconded, the Board approved extending expiration date and amending minimum bid price authorized by Resolution No. 594 Adopted at Meeting CC-184, which authorized the sale of approximately 4.994+ acres of canal land located in the City of Rome, Oneida County, and sale of said land at public auction for not-less-than four hundred thousand dollars to the highest qualified bidder and adopted the following resolution:

RESOLUTION NO. 634

EXTENDING EXPIRATION DATE AND AMENDING MINIMUM BID PRICE AUTHORIZED BY RESOLUTION NO. 594 ADOPTED AT MEETING CC-184, WHICH AUTHORIZED THE SALE OF APPROXIMATELY 4.994+ ACRES OF CANAL LAND LOCATED IN THE CITY OF ROME, ONEIDA COUNTY, AND SALE OF SAID LAND AT PUBLIC AUCTION FOR NOT-LESS-THAN FOUR HUNDRED THOUSAND DOLLARS TO THE HIGHEST QUALIFIED BIDDER

RESOLVED, that the expiration date for the transaction authorized by Resolution No. 594, adopted at Canal Corporation Board Meeting CC-184, be, and the same hereby is, extended through December 31, 2015; and be it further

RESOLVED, that the minimum bid price for sale of the Property is hereby amended from \$400,000 to \$445,000; and be it further

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

Item 5 by Mr. Howard (Appendix E)
Authorizing the Abandonment of Approximately 3.55+ Acres of Canal Land Located in the City of Cohoes, Albany County, and Sale of Said Canal Land to the City of Cohoes Industrial Development Agency

Mr. Howard presented the item seeking board authorization to abandon and sell canal land in the city of Cohoes. Details of the presentation and discussion with Board Members are included in the video recording of the meeting.

Upon motion duly made and seconded, the Board authorized the abandonment of approximately 3.55+ acres of canal land located in the City of Cohoes, Albany County, and sale of said canal land to the city of Cohoes Industrial Development Agency and adopted the following resolution:

RESOLUTION NO. 635

ABANDONMENT OF APPROXIMATELY 3.55+ ACRES OF CANAL LAND LOCATED IN THE CITY OF COHOES, ALBANY COUNTY, AND SALE OF SAID CANAL LAND TO THE CITY OF COHOES INDUSTRIAL DEVELOPMENT AGENCY

RESOLVED, that approximately 3.55+ acres of Canal land located in the City of Cohoes, County of Albany 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 lands 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 Corporation's Contracting Officer determined that the sale of said 3.55+ acres of land may be by negotiation without public advertising because such disposal falls under Section 2897 (6) (c) (v) of the Public Authorities Law, and Section IV. (I) (3) 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 sale of said approximately 3.55+ acres of canal land to the City of Cohoes Industrial Development Agency for \$124,000 consideration be, on the terms described and recommended in this agenda item be and hereby is, approved, subject to such other legal, financial, engineering, and other terms as may be deemed by the Executive Director, the Chief Financial Officer, the Director of Canals or the General Counsel to be in the 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 Executive Director, or his designee, be, and the same hereby is, authorized to execute an Agreement for Sale of Real Property with the City of Cohoes Industrial Development Agency 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 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 Acting Chief Engineer, or her 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 this resolution be incorporated in the minutes of this meeting.

PUBLIC COMMENT PERIOD

Mr. Murray Bodin addressed the Board. His comments are included in the video recording of the meeting.

ADJOURNMENT

There being no other business, upon motion duly made and seconded, the meeting was adjourned.

Jerry B. Yomoah
Board Administrator

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.