



MINUTES

NEW YORK STATE CANAL CORPORATION

BOARD MEETING NO. CC-140

July 6, 2006

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:

**John L. Buono, Chairman
John R. Riedman, Board Member
Nancy E. Carey Cassidy, Board Member
Jeffrey D. Williams, Board Member
Erin M. Crotty, 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
John Bryan, Chief Financial Officer
Sharon O'Connor, General Counsel
William Rinaldi, Director, Albany Division**

Joanne Riddett, Director, Information Technology
Christopher Waite, Director, Engineering Services and Chief Engineer
Jill Warner, Secretary and Board Administrator
Major George Beach, Troop T
Daniel Gilbert, Chief of Staff
Wendy Allen, Deputy Chief of Staff
Thomas Fitzgerald, Acting Director, Administrative Services
Donald Bell, Director, Operations and Maintenance
Carmella Mantello, Director of Canal Corporation
Michael Flynn, Director, Audit & Management Services
Kevin Allen, Unit Supervisor, Audit & Management Services
Charles Randall, Chief Assistant Counsel
Stephen Wiech, Director, Office of Accounting and Disbursements
Michael Sikule, Director, Office of Investments and Asset Management
Dorraine Steele, Director, Office of Fiscal Audit and Budget
Lawrence Frame, Deputy Director of Canal Corporation
Richard Garrabrant, Director, Syracuse Division
William Leslie, Director, Buffalo Division
Ramesh Mehta, Director, New York Division
Cathy Sheridan, Canal Capital Program
David Boshart, Land Management, Canal Corporation
Richard Harris, Deputy Director of Canal Community Development and Land Management
John Brizzell, Transportation Federation Liaison
Mark Andersen, Director, Office of Travelers' Services
Captain Christopher Fiore, Troop T
Stephanie Baker, Legal Intern
Steven Ford, Legal Intern
James Girvin, Legal Intern
Also in Attendance:
Cathy Woodruff, Reporter, Albany Times Union
Doron Bar-Levav, Esq., Bond Counsel, Harris Beach, PLLC
Stanley R. Kramer, Bond Counsel, Hawkins Delafield & Wood, LLP
Steve Kantor, Senior Vice President, First Southwest Company
Brad Marr, First Southwest Company
Howard Levine, Esq., Whiteman, Osterman & Hanna
Assistant Attorney General Edward Lindner, Esq.

Chairman Buono noted that he, Mr. Riedman, Ms. Carey Cassidy, Ms. Crotty and Mr. Williams 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.

Chairman Buono introduced newly appointed Board Members Ms. Erin Crotty and Mr. Jeffrey Williams and welcomed them on behalf of the Board and Authority Staff.

Item 1 by Ms. Warner (Appendix A)
Minutes of Meeting No. CC-139

On the motion of Mr. Riedman, seconded by Ms. Carey Cassidy, without any objections, the Board approved the minutes of Meeting No. CC-139 held on May 4, 2006 which were made available to the Board Members as part of the Agenda.

Item 2 by Mr. Bryan (Appendix B)
Approving Revisions to Procurement Contracts Policy 25-5-01C

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

RESOLUTION NO. 382
APPROVING REVISIONS TO PROCUREMENT
CONTRACTS POLICY 25-5-01C

RESOLVED, that the revisions to the Corporation's Procurement Contracts Policy (25-5-01C) identified in Exhibit A attached hereto (material to be deleted is struck through, while material to be added is underscored) be, and the same hereby are, approved; and be it further

RESOLVED, that the revised Policy shall take effect immediately; and be it further

RESOLVED, that the Executive Director be, and he hereby is, authorized to, in consultation with the Chief Financial Officer and the Chief of Staff, develop or modify operational and/or administrative procedures as necessary to implement the revised Policy; and be it further



Item 2 by Mr. Bryan (Appendix B)

Approving Revisions to Procurement Contracts Policy 25-5-01C (Continued)

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

Item 3 by Mr. Bryan (Appendix C)

Approving Revised Policy 25-6-02C – Canal Personal Property Disposal Policy and Designating the Chief Financial Officer as the Contracting Officer for the Disposal of Personal Property

RESOLUTION NO. 383

APPROVING REVISED POLICY 25-6-02C – CANAL PERSONAL PROPERTY DISPOSAL POLICY AND DESIGNATING THE CHIEF FINANCIAL OFFICER AS THE CONTRACTING OFFICER FOR THE DISPOSAL OF PERSONAL PROPERTY

RESOLVED, that the revised Canal Personal Property Disposal Policy 25-6-02C, attached hereto as Exhibit A be, and the same hereby is, approved, replacing all prior personal property policies; and be it further

RESOLVED, that the Chief Financial Officer be, and he hereby is, designated the Contracting Officer required by the Public Authorities Accountability Act of 2005, and that he will be responsible for the Corporation's compliance with, and enforcement of, the Policy as it applies to the disposal of personal property; and be it further

RESOLVED, that the revised Policy shall take effect immediately; and be it further

RESOLVED, that the Executive Director be, and he hereby is directed to, in consultation with the Chief Financial Officer and the Chief of Staff, develop and/or modify operational policies and/or administrative procedures as necessary to incorporate and be consistent with the revised Policy; and be it further



Item 3 by Mr. Bryan (Appendix C)

Approving Revised Policy 25-6-02C – Canal Personal Property Disposal Policy and Designating the Chief Financial Officer as the Contracting Officer for the Disposal of Personal Property (Continued)

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

Item 4 by Ms. O’Conor (Appendix D)

Amending the Corporation Inventions Policy 25-1-10C to Modify Certain Provisions Thereof and to Include an Authorization for the Executive Director to Administer the Policy, Including the Granting of Waivers Where Appropriate

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

RESOLUTION NO. 384

AMENDING THE CORPORATION INVENTIONS POLICY 25-1-10C TO MODIFY CERTAIN PROVISIONS THEREOF AND TO INCLUDE AN AUTHORIZATION FOR THE EXECUTIVE DIRECTOR TO ADMINISTER THE POLICY, INCLUDING THE GRANTING OF WAIVERS WHERE APPROPRIATE

RESOLVED, that an amended Corporation Inventions Policy 25-1-10C as shown in Exhibit A be and hereby is approved; and be it further

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

RESOLVED, that the Executive Director is authorized and directed to modify any existing Corporation procedures as may be necessary to implement and be consistent with these amendments; and be it further

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



Item 5 by Ms. Mantello (Appendix E)

Authorizing the Abandonment of Approximately 25.0 + Acres of Canal Land Located in the Town of Niskayuna, County of Schenectady, and Transfer of Jurisdiction over Such Lands by the New York State Office of General Services to the New York State Office of Parks, Recreation and Historic Preservation

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

RESOLUTION NO. 385

AUTHORIZING THE ABANDONMENT OF APPROXIMATELY 25.0 ± ACRES OF CANAL LAND LOCATED IN THE TOWN OF NISKAYUNA, COUNTY OF SCHENECTADY, AND TRANSFER OF JURISDICTION OVER SUCH LANDS BY THE NEW YORK STATE OFFICE OF GENERAL SERVICES TO THE NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION

RESOLVED, that approximately 25.0± acres of Canal land located in the Town of Niskayuna, County of Schenectady, are no longer necessary or useful 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 Canal Recreationway Commission (CRC) shall review the transfer request for consistency with the Canal Recreationway Plan at its Meeting No. 67, and be it further

RESOLVED, that following publication of the notice 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 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



Item 5 by Ms. Mantello (Appendix E)

Authorizing the Abandonment of Approximately 25.0 + Acres of Canal Land Located in the Town of Niskayuna, County of Schenectady, and Transfer of Jurisdiction over Such Lands by the New York State Office of General Services to the New York State Office of Parks, Recreation and Historic Preservation (Continued)

and has determined whether a hearing is warranted, 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 the transfer of jurisdiction over such lands to OPRHP in accordance with all other terms of this agenda item be, and hereby is, authorized, 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 Corporation Board relative to this action, and be it further

RESOLVED, that the Executive Director, or his designee, be, and hereby is, authorized to execute all documents to effectuate such transfer, and be it further

RESOLVED, that the Executive Director, the Director of Canals and the General Counsel be, and the same hereby are, authorized to take all actions to implement this Board item, and be it further



Item 5 by Ms. Mantello (Appendix E)

Authorizing the Abandonment of Approximately 25.0 + Acres of Canal Land Located in the Town of Niskayuna, County of Schenectady, and Transfer of Jurisdiction over Such Lands by the New York State Office of General Services to the New York State Office of Parks, Recreation and Historic Preservation (Continued)

RESOLVED, that the transfer of jurisdiction over the subject Property must be completed in accordance with all applicable provisions of the Canal Real Property Management Policy, 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 Abandonment of Approximately 18.75+ Acres of Canal Land Located in the Village of Fayetteville, Town of Manlius, County of Onondaga, and Transfer of Jurisdiction over Such Lands by the New York State Office of General Services to the New York State Office of Parks, Recreation and Historic Preservation

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

RESOLUTION NO. 386

AUTHORIZING THE ABANDONMENT OF APPROXIMATELY 18.75± ACRES OF CANAL LAND LOCATED IN THE VILLAGE OF FAYETTEVILLE, TOWN OF MANLIUS, COUNTY OF ONONDAGA, AND TRANSFER OF JURISDICTION OVER SUCH LANDS BY THE NEW YORK STATE OFFICE OF GENERAL SERVICES TO THE NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION

RESOLVED, that approximately 18.75+/- acres of Canal land located in the Village of Fayetteville, Town of Manlius, County of Onondaga, are no longer necessary or useful as part of the Barge Canal System, as an aid to navigation thereon, or for Barge Canal purposes, provided, however, that the Canal Corporation reserve the rights to use, control, manage and operate the water resources of the



Item 6 by Ms. Mantello (Appendix F)

Authorizing the Abandonment of Approximately 18.75+ Acres of Canal Land Located in the Village of Fayetteville, Town of Manlius, County of Onondaga, and Transfer of Jurisdiction over Such Lands by the New York State Office of General Services to the New York State Office of Parks, Recreation and Historic Preservation (Continued)

Limestone Creek, and retains flowage, maintenance and access rights over the Property, and be it further

RESOLVED, that following publication of the notice of abandonment for the Property as required by Section 50 of the Canal Law and transmittal of such notice to the Canal Recreationway Commission, 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 has been informed and has determined whether a hearing is warranted, 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 the transfer of jurisdiction over such lands to OPRHP in accordance with all other terms of this agenda item be, and hereby is, authorized, 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



Item 6 by Ms. Mantello (Appendix F)

Authorizing the Abandonment of Approximately 18.75+ Acres of Canal Land Located in the Village of Fayetteville, Town of Manlius, County of Onondaga, and Transfer of Jurisdiction over Such Lands by the New York State Office of General Services to the New York State Office of Parks, Recreation and Historic Preservation (Continued)

Declaration, and to distribute any required notices on behalf of the Corporation Board relative to this action, and be it further

RESOLVED, that the Executive Director, or his designee be, and he hereby is, authorized to execute all documents to effectuate such transfer, and be it further

RESOLVED, that the Executive Director, the Director of Canals 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 the transfer of jurisdiction over the subject Property must be completed in accordance with all the applicable provisions of the Canal Real Property Management Policy, and be it further

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

Item 7 by Ms. Mantello (Appendix G)

Authorizing the Abandonment of Approximately 14.0 + Acres of Canal Land Located in the Village of Schuylerville, Town of Saratoga, County of Saratoga, and Transfer of Jurisdiction over Such Lands by the New York State Office of General Services to the New York State Office of Parks, Recreation and Historic Preservation

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

RESOLUTION NO. 387

AUTHORIZING THE ABANDONMENT OF APPROXIMATELY 14.0± ACRES OF CANAL LAND LOCATED IN THE VILLAGE OF SCHUYLERVILLE, TOWN OF SARATOGA, COUNTY OF SARATOGA, AND



Item 7 by Ms. Mantello (Appendix G)

Authorizing the Abandonment of Approximately 14.0 + Acres of Canal Land Located in the Village of Schuylerville, Town of Saratoga, County of Saratoga, and Transfer of Jurisdiction over Such Lands by the New York State Office of General Services to the New York State Office of Parks, Recreation and Historic Preservation (Continued)

**TRANSFER OF JURISDICTION OVER SUCH LANDS
BY THE NEW YORK STATE OFFICE OF GENERAL
SERVICES TO THE NEW YORK STATE OFFICE OF
PARKS, RECREATION AND HISTORIC
PRESERVATION**

RESOLVED, that approximately 14.0± acres of Canal land located in the Village of Schuylerville, Town of Saratoga, County of Saratoga, are no longer necessary or useful 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 notice of abandonment for the Property as required by Section 50 of the Canal Law and transmittal of such notice to the Canal Recreationway Commission, 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 has been informed and has determined whether a hearing is warranted, 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 the transfer of jurisdiction over such lands to OPRHP in accordance with all other terms of this agenda item be, and hereby is, authorized, and be it further



Item 7 by Ms. Mantello (Appendix G)

Authorizing the Abandonment of Approximately 14.0 + Acres of Canal Land Located in the Village of Schuylerville, Town of Saratoga, County of Saratoga, and Transfer of Jurisdiction over Such Lands by the New York State Office of General Services to the New York State Office of Parks, Recreation and Historic Preservation (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, 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 Corporation Board relative to this action, and be it further

RESOLVED, that the Executive Director, or his designee be, and he hereby is, authorized to execute all documents to effectuate such transfer, and be it further

RESOLVED, that the Executive Director, the Director of Canals 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 the transfer of jurisdiction over the subject Property must be completed in accordance with all applicable provisions of the Canal Real Property Management Policy, and be it further

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



Item 8 by Ms. Mantello (Appendix H)

Authorizing the Abandonment of Approximately 34.0+ Acres of Canal Land Located in the City of Rome, County of Oneida, and Transfer of Jurisdiction over Such Lands by the New York State Office of General Services to the New York State Office of Parks, Recreation and Historic Preservation

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

RESOLUTION NO. 388

AUTHORIZING THE ABANDONMENT OF APPROXIMATELY 34.0± ACRES OF CANAL LAND LOCATED IN THE CITY OF ROME, COUNTY OF ONEIDA, AND TRANSFER OF JURISDICTION OVER SUCH LANDS BY THE NEW YORK STATE OFFICE OF GENERAL SERVICES TO THE NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION

RESOLVED, that approximately 34.0± acres of Canal land located in the City of Rome, County of Oneida, are no longer necessary or useful 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 notice of abandonment for the Property as required by Section 50 of the Canal Law and transmittal of such notice to the Canal Recreationway Commission, 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 has been informed and has determined whether a hearing is warranted, 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



Item 8 by Ms. Mantello (Appendix H)

Authorizing the Abandonment of Approximately 34.0+ Acres of Canal Land Located in the City of Rome, County of Oneida, and Transfer of Jurisdiction over Such Lands by the New York State Office of General Services to the New York State Office of Parks, Recreation and Historic Preservation (Continued)

RESOLVED, that the transfer of jurisdiction over such lands to OPRHP in accordance with all other terms of this agenda item be, and hereby is, authorized, 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 Corporation Board relative to this action, and be it further

RESOLVED, that the Executive Director, or his designee be, and he hereby is, authorized to execute all documents to effectuate such transfer, and be it further

RESOLVED, that the Executive Director, the Director of Canals 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 the transfer of jurisdiction over the subject Property must be completed in accordance with all applicable provisions of the Canal Real Property Management Policy, and be it further

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



Item 9 by Ms. Mantello (Appendix I)

Authorizing the Abandonment of Approximately 10.0 + Acres of Canal Land Located in the City of Little Falls, County of Herkimer, and Transfer of Jurisdiction over Such Lands by the New York State Office of General Services to the New York State Office of Parks, Recreation and Historic Preservation

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

RESOLUTION NO. 389

AUTHORIZING THE ABANDONMENT OF APPROXIMATELY 10.0± ACRES OF CANAL LAND LOCATED IN THE CITY OF LITTLE FALLS, COUNTY OF HERKIMER, AND TRANSFER OF JURISDICTION OVER SUCH LANDS BY THE NEW YORK STATE OFFICE OF GENERAL SERVICES TO THE NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION

RESOLVED, that approximately 10.0± acres of Canal land located in the City of Little Falls, County of Herkimer, are no longer necessary or useful 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 notice of abandonment for the Property as required by Section 50 of the Canal Law and transmittal of such notice to the Canal Recreationway Commission, 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 has been informed and has determined whether a hearing is warranted, 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



Item 9 by Ms. Mantello (Appendix I)

Authorizing the Abandonment of Approximately 10.0 + Acres of Canal Land Located in the City of Little Falls, County of Herkimer, and Transfer of Jurisdiction over Such Lands by the New York State Office of General Services to the New York State Office of Parks, Recreation and Historic Preservation (Continued)

RESOLVED, that the transfer of jurisdiction over such lands to OPRHP in accordance with all other terms of this agenda item be, and hereby is, authorized, 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 Corporation Board relative to this action, and be it further

RESOLVED, that the Executive Director, or his designee be, and he hereby is, authorized to execute all documents to effectuate such transfer, and be it further

RESOLVED, that the Executive Director, the Director of Canals 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 the transfer of jurisdiction over the subject Property must be completed in accordance with all applicable provisions of the Canal Real Property Management Policy, and be it further

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



Item 10 by Ms. Mantello (Appendix J)

Authorizing the Abandonment of Approximately 0.79+ Acres of Canal Land Located in the Village/Town of Fort Ann, Washington County and Transfer of Jurisdiction over Such Lands by the New York State Office of General Services to the New York State Department of Transportation

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

RESOLUTION NO. 390

AUTHORIZING THE ABANDONMENT OF APPROXIMATELY 0.79± ACRE OF CANAL LAND LOCATED IN THE VILLAGE/TOWN OF FORT ANN, WASHINGTON COUNTY AND TRANSFER OF JURISDICTION OVER SUCH LANDS BY THE NEW YORK STATE OFFICE OF GENERAL SERVICES TO THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION

RESOLVED, that approximately 0.79± acre of Canal land located in the Village and Town of Fort Ann, County of Washington, is no longer necessary or useful 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 notice of abandonment for the Property as required by Section 50 of the Canal Law and transmittal of such notice to the Canal Recreationway Commission, 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 has been informed and has determined whether a hearing is warranted, 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



Item 10 by Ms. Mantello (Appendix J)

Authorizing the Abandonment of Approximately 0.79+ Acres of Canal Land Located in the Village/Town of Fort Ann, Washington County and Transfer of Jurisdiction over Such Lands by the New York State Office of General Services to the New York State Department of Transportation (Continued)

RESOLVED, that the transfer of jurisdiction over such lands to the Department of Transportation in accordance with all other terms of this agenda item be, and hereby is, authorized, and be it further

RESOLVED, that the Executive Director, or his designee be, and he hereby is, authorized to execute all documents to effectuate such transfer, and be it further

RESOLVED, that the Executive Director, the Director of Canals 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 the transfer of jurisdiction over the subject Property must be completed in accordance with all applicable provisions of the Canal Real Property Management Policy, and be it further

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

Item 11 by Ms. Mantello as Amended (Appendix K)

Authorizing the Establishment and Implementation of the Erie Canal Greenway Grant Program and Authorizing the Expenditure of \$10 Million Appropriated to the Canal Corporation in the 2006-07 New York State Budget

Ms. Carey Cassidy requested that this Item be amended to reflect that grants in excess of \$150,000 will be brought back to the Board for their approval. Grants up to \$150,000 may be awarded by the Executive Director the same level of expenditure authorized for other Canal Corporation contracts.

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



Item 11 by Ms. Mantello as Amended (Appendix K)

Authorizing the Establishment and Implementation of the Erie Canal Greenway Grant Program and Authorizing the Expenditure of \$10 Million Appropriated to the Canal Corporation in the 2006-07 New York State Budget (Continued)

RESOLUTION NO. 391

AUTHORIZING THE ESTABLISHMENT AND IMPLEMENTATION OF THE ERIE CANAL GREENWAY GRANT PROGRAM AND AUTHORIZING THE EXPENDITURE OF TEN MILLION DOLLARS (\$10,000,000) APPROPRIATED TO THE CANAL CORPORATION IN THE 2006-07 NEW YORK STATE BUDGET

RESOLVED, that the Executive Director, or his designee, is authorized to establish and implement the Erie Canal Greenway Grant Program in accordance with the terms of this item; and be it further

RESOLVED, that the Erie Canal Greenway Grant Program shall be funded with six million dollars (\$6,000,000), such funds obtained from the ten million dollar (\$10,000,000) appropriation to the New York State Canal Corporation in the 2006-2007 New York State Budget; and be it further

RESOLVED, that projects funded through the Erie Canal Greenway Grant Program must be consistent with the "*Report on the Future of New York State Canals*," released in December 2005 by the New York State Canal Corporation Interagency Task Force, and the 1995 Canal Recreationway Plan, and be it further

RESOLVED, that grantees will be selected pursuant to a competitive process, and be it further

RESOLVED, that all proposed grants in excess of \$150,000 shall be subject to Board approval, and be it further



Item 11 by Ms. Mantello as Amended (Appendix K)

Authorizing the Establishment and Implementation of the Erie Canal Greenway Grant Program and Authorizing the Expenditure of \$10 Million Appropriated to the Canal Corporation in the 2006-07 New York State Budget (Continued)

RESOLVED, that the remaining four million dollars (\$4,000,000) of the ten million dollars (\$10,000,000) appropriation to the New York State Canal Corporation in the 2006-2007 New York State Budget shall be used to fund new capital projects and for non-capital costs for a variety of marketing, promotion, canal interpretation, temporary staff and other projects consistent with the Governor's proposal for an Erie Canal Greenway, the "*Report on the Future of New York State Canals*" and the 1995 Canal Recreationway Plan; and be it further

RESOLVED, that the Executive Director, or his designee, be, and hereby is, authorized to execute all contracts and any other necessary documents to provide for the expenditure of \$10 million and the administration and implementation of the Erie Canal Greenway Grant Program for the purposes enumerated in and in accordance with the terms of this item, all such contracts and other documents to be on terms and conditions determined to be in the best interests of the Canal Corporation and consistent will all applicable rules, regulations, policies and laws; and be it further

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

Report to the Board

Ms. Mantello provided an update to the Board on the status of the Mohawk Valley portion of the Canal which was damaged by flooding early in the season. As of the July 6 Board Meeting, 95 percent of the Canal is up and running, the locks are functional, in the Mohawk Valley there is minimal docking due to the damage to the Canal grounds.

Ms. Mantello also reported that the areas around Locks E-9 to E-15 are in bad shape and have suffered from erosion, debris, loss of utilities, and sedimentation



Report to the Board (Continued)

deposits. Parking lots and lock houses have been uprooted. Ms. Mantello estimated repairs to cost between \$50-60 million in total. Previously scheduled projects will be postponed in order for funds to be reallocated to this emergency situation. Federal and State emergency funds may also be made available to the Corporation to help offset the cost of repairs.

Navigation restoration is the top priority for Canal Staff, a full report detailing prioritization of additional projects will be provided to the Board before the next meeting.

Adjournment

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

Jill B. Warner
Secretary

