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MANUAL 900-1

SECTION 02.9

PERMIT AND LEASE ENFORCEMENT

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BUREAU OF MANAGEMENT ANALYSIS AND PROJECTS

1. Purpose

The purpose of this procedure is to ensure consistency between Headquarters and Divisions with respect to: the enforcement of delinquent accounts receivables for permit fees and lease payments, expiration of insurance, violations of permit and lease terms and conditions, or unauthorized use of Canal land or waters (encroachment).

2. Applicable Law and/or Guidance

New York State Canal Law

New York State Real Property Law

New York State Real Property Actions and Proceedings Law

21 NYCRR Subchapter D Canal System

Canal Real Property Management Policy (25-6-01C)

3. Introduction

The New York State Canal Corporation (Corporation) is responsible for the maintenance, operation, construction, reconstruction, improvement, development, financing and promotion of the Canal System and for implementation of the New York State Canal Recreationway Plan (CRP). In accordance with the provisions of the Canal Law, the Corporation has the authority to acquire, hold and dispose of real property to advance the purposes of the Corporation and thus, the interest of the State. The Corporation issues work and occupancy permits, and enters into leases.

Violations of permits and leases may occur due to non-payment of fees, expiration of insurance or other violations of permit or lease terms and conditions.

All permits will contain a provision identifying them as revocable permits. All leases will contain language allowing the Corporation the right to terminate the lease for failure of the lessee to perform under the terms of the lease.

4. Procedure

The Corporation may need to take appropriate action based on non-payment, expiration of insurance or other violations of terms and conditions of permits and leases. Following notice, the appropriate response will be determined including permittee's removal of improvements or encroachments, subsequent permit revocation/lease termination, site visits, emergency action, collection of delinquent accounts, etc.

Work permits are issued, monitored and administered by the Divisions. The Division Canal Engineer (DCE) shall require the Division Permit Engineer (DPE) or other staff under his/her direction to take appropriate action based on non-payment, expiration of insurance or other violations of terms and conditions of work permits in accordance with Division procedures.

4.1. Delinquent Accounts for Non-payment

- 4.1.1. Accounts Receivable (AR) sends annual invoices for permits to permittees one month prior to the permit billing date and invoices for leases per the terms and conditions of the lease. The PERMIT AND LEASE INVOICE¹ states the consequences of late payment (e.g., applicable interest, collection fees). A CANAL CORPORATION PERMIT UPDATE² is included with the permit invoice.
- 4.1.2. If payment is not received within 15 days after the due date shown on the original invoice, AR sends out a DELINQUENCY NOTICE³ to the permittee/lessee and copies the DPE, the Office of Real Property Management (ORPM) and the Office of Investments and Asset Management.
- 4.1.3. For leases, if payment is not received within 15 days from the date of the DELINQUENCY NOTICE, ORPM, in consultation with the Legal Department and DCE, coordinates notices and actions in accordance with the terms and conditions of the lease and determines the appropriate response as described in Section 4.4.

¹ Exhibit 1

² Exhibit 2

³ Exhibit 3

- 4.1.4. For permits, if payment is not received within 15 days from the date of the DELINQUENCY NOTICE¹, the Office of Investments and Asset Management sends a 30-DAY REVOCATION NOTICE² to the permittee stating that the permit will be revoked in 30 days and the consequences of revocation. A copy is sent to the DPE and ORPM.
- 4.1.5. If payment is not received within the 30 day notice period, ORPM sends a REVOCATION OF PERMIT³ notifying the permittee that the permit has been revoked and the consequences of the revocation. A copy is sent to the DPE, the Office of Investments and Asset Management, the Zone Sergeant for Troop T, the Insurance Compliance Unit (ICU) and Legal (proceed to Section 4.5).
- 4.1.6. In some cases, the delinquent payment may be received prior to a determination being made to revoke the permit or terminate the lease.
- 4.1.6.1. For permits, if a delinquent payment (including interest and penalties) is received anytime prior to revocation of a permit, AR takes the account out of delinquency and notifies the DPE and ORPM. ORPM, in consultation with the DPE and AR, may: (a) continue the permit revocation; (b) stop the permit revocation; or (c) take other action as needed. A record of the late payment is maintained by AR in the account file.
- 4.1.6.2. For leases, if a delinquent payment (including interest and penalties) is received anytime prior to lease termination, AR takes the account out of delinquency and notifies the DPE, ORPM and the Legal Department. ORPM, in consultation with the DPE, the Legal Department and AR may: (a) continue the lease termination process; (b) stop the lease termination process; or (c) take other action as needed. A record of the late payment is maintained by AR in the account file.
- 4.1.7. If payment (including interest and penalties) is received after the permit has been revoked, AR notifies ORPM, the DPE, the Zone Sergeant for Troop T, ICU and Legal. ORPM, in consultation with the DPE, the Legal Department, ICU and AR as needed, may request that a new permit be issued.

¹ Exhibit 3

² Exhibit 4

³ Exhibit 5

- 4.1.8. AR provides the Contracting Officer and ORPM with a monthly listing of delinquent permits and leases.

4.2. Expired Insurance

For the protection of Corporation assets, it is critical that proper insurance coverage be maintained for all permits and leases. Failure of the permittee/lessee to maintain proper insurance coverage will result in the revocation of permits, and the possible termination of leases.

- 4.2.1. ICU identifies accounts for which insurance has expired or is due to expire within the next calendar month, and where the permit or lease is still active, and sends an INSURANCE EXPIRATION NOTICE¹ to the permittee/lessee.
- 4.2.2. If proof of insurance is not provided within 14 days of initial notification, ICU sends an INSURANCE EXPIRATION NOTICE - SECOND REQUEST².
- 4.2.3. For leases, if proof of insurance is not received within 30 days of initial notification, ORPM, in consultation with the Legal Department and DCE, coordinates notices and actions in accordance with the terms and conditions of the lease and determines the appropriate response as described in Section 4.4.
- 4.2.4. For permits, if proof of insurance is not received within 30 days of initial notification, the Office of Investments and Asset Management sends a 30-DAY REVOCATION NOTICE³ to the permittee stating that the permit will be revoked in 30 days and the consequences of revocation. A copy is sent to the DPE and ORPM.
- 4.2.4.1. If proof of insurance is not received within the 30 day notice period, ORPM sends a REVOCATION OF PERMIT⁴ notifying the permittee that the permit has been revoked and the consequences of the revocation. A copy is sent to the DPE, the Office of Investments and Asset Management, the Zone Sergeant for Troop T, ICU and Legal (proceed to 4.5).

¹ Exhibit 6

² Exhibit 7

³ Exhibit 4

⁴ Exhibit 5

4.2.4.2. If valid proof of insurance is received, ICU updates PERMITS Plus and places the proof of insurance in the account folder. Procedure stops here.

4.2.5. If a cancellation notice is received directly from a permittee's/lessee's insurance company, return to 4.2.1.

4.3. Other Permit or Lease Violations

4.3.1. The DPE or other staff, in consultation with the DCE, may conduct site inspections to ensure adequate monitoring of the use of Canal property under permit or lease. Such inspections are documented using the CANAL SITE INSPECTION REPORT (TA-N99129)¹.

4.3.2. Through site inspections or other notification, the DPE or other staff may identify conflicts between the permitted use of/work on the property and the CRP or Canal maintenance, operations and navigation or may identify that the permittee or lessee is not complying with the provisions of the permit or lease including: (a) preventing Corporation employees/agents/contractors access to the property; (b) exceeding the scope of the permit or lease; (c) the use and/or work obstructs the maintenance, operation or navigability of the Canal; or (d) for other reasons. The DCE notifies ORPM for both permit and lease violations and also notifies the Director of Canals for lease violations.

4.3.3. For lease violations, ORPM, in consultation with the Legal Department and DCE, coordinates lease violation notices and actions in accordance with the terms and conditions of the lease and determines the appropriate response as described in Section 4.4.

4.3.4. For permit violations, the DPE, in consultation with the DCE, notifies the permittee of the violation and establishes a timeframe for resolving the issue. If the violation is causing a health, safety, or environmental impact or other emergency condition requiring immediate action, the Corporation may take any required steps to address the emergency immediately.

¹ Exhibit 8

- 4.3.4.1. If the permittee responds within the established timeframe, the DPE, in consultation with the DCE, may work with the permittee to resolve the issue. This may require the permittee to cure any defects (e.g., remove illegal structure or dock, etc.).
- 4.3.4.2. If the permittee fails to respond within the established timeframe, the DPE, in consultation with the DCE, contacts ORPM to determine the appropriate response as described in Section 4.4.

4.4. Determining the Appropriate Response for All Lease Violations and for Permit Violations Other Than for Non-payment and Expiration of Insurance

- 4.4.1. ORPM coordinates a review of the violation in consultation with staff from the Corporation, the Legal Department, AR, ICU and others as needed to determine the appropriate action to be taken. This may include issuance of an appearance ticket by the State Police, removal of improvements or encroachments, subsequent permit revocation/lease termination or referral of the account to collection agencies and/or the Office of the Attorney General (OAG). As needed, ORPM may request that the DPE or other staff conduct a site inspection to assist in determining the appropriate response. Removal of encroachments is discussed in Section 4.6. Collection of delinquent accounts will be handled as described in Section 4.7.
- 4.4.2. If an emergency situation exists which endangers life or the Canal System, the Legal Department will be notified immediately for guidance on the appropriate actions.
- 4.4.3. For leases that are being terminated for non-payment, expired insurance or other lease violations, ORPM, in consultation with the Legal Department and DCE, coordinates the termination, including termination notices, and notifies the Contracting Officer, the Director of Canals, the DPE, ICU, AR and the Zone Sergeant for Troop T of the proposed termination. The Corporation Board is notified of the proposed lease termination by the Contracting Officer.

- 4.4.4. For permits that are being revoked for permit violations other than for non-payment or expired insurance, ORPM sends a 30-DAY REVOCATION NOTICE¹ to the permittee stating that the permit will be revoked in 30 days and the consequences of revocation. A copy is sent the DPE and the Office of Investments and Asset Management.
- 4.4.5. If the permit violation is not resolved within the 30 day notice period, ORPM sends a REVOCATION OF PERMIT² notifying the permittee that the permit has been revoked and the consequences of the revocation. A copy is sent to the DPE, the Office of Investments and Asset Management, the Zone Sergeant for Troop T, ICU and Legal (proceed to 4.5).
- 4.4.6. No refunds will be given for revoked permits or terminated leases unless the permit conditions or lease terms require otherwise.
- 4.4.7. Site inspections shall be conducted by the DPE or other staff within 30 days following the permit revocation or lease termination in accordance with Section 4.5 to determine any further action that may need to be taken.

4.5. Division Final Inspections

The DPE or other staff conducts a final site inspection following permit revocation or lease termination.

- 4.5.1. The DPE or other staff documents the final site inspection using the FINAL CANAL SITE INSPECTION³ to verify the address and inspect the site to ensure that: (a) the property has been vacated; (b) no actions are required to rectify an actual or potential environmental, navigation or safety problem; and (c) the property has been restored to the same or better condition as existed prior to issuance of the permit/lease.
- 4.5.2. If the property has not been restored, the DPE or other staff identifies any remedial work that is required or structures that should be removed. If a building, structure or other personal property remains on the property, follow Section 4.6 for encroachments.

¹ Exhibit 4

² Exhibit 5

³ Exhibit 9

- 4.5.3. The DPE or other staff provides a completed FINAL CANAL SITE INSPECTION¹ to ORPM and AR. This FINAL CANAL SITE INSPECTION becomes part of the permit or lease Transaction Record and will be used by ORPM, in consultation with AR and the Legal Department, to determine any restoration costs to be included in appropriate collection responses and other required actions.

4.6. Encroachments

- 4.6.1. During the final site inspection or through other notification (e.g., CANAL SITE INSPECTION REPORT²), the DPE or other staff may become aware of encroachments on Canal property. Encroachments exist in two scenarios: (a) a building, structure, or other personal property or parts of these erected, placed, maintained, or otherwise previously authorized to occupy Canal property pursuant to a permit or lease continue to occupy the Canal property after a permit has been revoked/cancelled or a lease has been terminated, or (b) such occupation has never been authorized by any legal instrument including a permit or lease.
- 4.6.2. If an emergency situation exists which endangers life or the Canal System or if the Canal property has been damaged, the Legal Department will be notified immediately for guidance on the appropriate actions. If environmental degradation is observed or potentially could occur, then the DPE or other staff contacts the Division Environmental Specialist. Code Compliance personnel may also be contacted by the DPE to identify structural issues that may exist.
- 4.6.3. The DCE, DPE, Director of Canal Security or other staff attempt to cure the encroachments by having the encroaching party remove the encroachments or apply for an occupancy permit, amendment to an existing permit, lease, sale or easement, as applicable, through site visits, certified letters sent to the encroaching party or, with the consent of the Director of Canals and General Counsel, visits or the issuance of appearance tickets by the State Police. All attempts to cure the encroachments shall be documented. After reasonable

¹ Exhibit 9

² Exhibit 8

efforts have failed to cure the encroachment, the DCE shall prepare an ENCROACHMENT MEMO¹ and forward all relevant information and documentation including photos, letters and a copy of the Division file to the Director of Canals.

- 4.6.4. In the event that attempts to cure the encroachment are unsuccessful, the Director of Canals, in consultation with the Director of ORPM, seeks assistance from the Legal Department. A memo to the General Counsel shall provide a background and recommendation and be accompanied by the ENCROACHMENT MEMO from the DCE to Director of Canals and all relevant information and documentation including photos, letters and a copy of the Division file. The Legal Department shall take actions deemed appropriate.

4.7. Collection of Delinquent Accounts and Other Costs

- 4.7.1. When it has been determined by ORPM, the Legal Department and AR that an account should be referred for collection, AR prepares a collection file and works with ORPM to ensure all relevant documents are included. Collection may include the delinquent amount as well as other costs (e.g., costs to remove an encroachment, restore a site, etc.). At a minimum, the file should contain:

- Copy of the terminated lease or revoked permit
- Total amount of the delinquency (rents/fees, interest, additional fines, restoration costs, etc.)
- Most current contact information (name, address, phone number)
- Copies of invoices and letters sent
- Copy of the FINAL CANAL SITE INSPECTION²

¹ Exhibit 10

² Exhibit 9

- Documentation of any other attempts or information regarding collection
- Other information pertinent to the permit/lease, such as environmental issues, encroachments or other structures, non-compliance or other issues

AR sends the collection file to the Legal Department.

- 4.7.2. Legal coordinates the collection of the delinquent account with a collection agency or OAG as applicable.
- 4.7.3. The Legal Department keeps AR informed as to the status of collection activity.
- 4.7.4. AR receives payments collected by collection agencies and OAG, and may also receive payment directly from delinquent account holders after the accounts have been turned over for collection. AR notifies the Legal Department and ORPM of any payment received. The Legal Department reviews the individual case and approves the payment, and notifies AR that the payment has been approved.
- 4.7.5. If the matter is deemed uncollectible by Finance and Accounts, in consultation with the Legal Department when applicable, AR is notified that the receivable can be written off.

5. Responsibilities

Accounts Receivable is responsible for invoicing permittees and lessees and sending the DELINQUENCY NOTICE¹. AR processes payments, maintains the account files and prepares collection files for delinquent accounts. AR works with the Legal Department which coordinates the collection process with contracted collection agencies or OAG. Provides the Contracting Officer and ORPM with a monthly listing of delinquent permits and leases.

Contracting Officer notifies the Corporation Board of proposed lease terminations.

Director of Canals works with Division staff and the Director of Canal Security to cure encroachments and if unsuccessful, consults with ORPM and Legal to cure the encroachment.

¹ Exhibit 3

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Director of Canal Security works with the Director of Canals and Division staff to cure encroachments.

Division Canal Engineer coordinates with the DPE the resolution of permit violations and assists ORPM and Legal with the resolution of lease issues. Consults with the DPE, ORPM, the Director of Canal Security, the Director of Canals and Legal to cure encroachments. Prepares the ENCROACHMENT MEMO¹ and sends it to the Director of Canals

Division Code and Compliance personnel assist Division staff to identify structural issues associated with an encroachment.

Division Environmental Specialist assists Division staff with environmental issues.

Division Permit Engineer coordinates resolution of permit violations and in consultation with the DCE, assists with all other permit and lease enforcement issues as directed. Conducts site inspections to ensure adequate monitoring of the use of Canal property under permit or lease and conducts final site inspections after permit revocation/lease termination.

Insurance Compliance Unit determines if permittees and lessees have proper insurance coverage and sends insurance expiration notices. If valid proof of insurance is received, updates PERMITS Plus and places the proof of insurance in the account folder.

Legal Department assists ORPM, AR and ICU in determining the appropriate response to lease violations. Consults with Director of Canals, ORPM and Division staff and takes actions deemed appropriate to cure encroachments. Coordinates the collection of delinquent accounts with the contracted collection agencies or OAG.

Office of Investments and Asset Management sends the 30-DAY REVOCATION NOTICE² for non-payment and expired insurance.

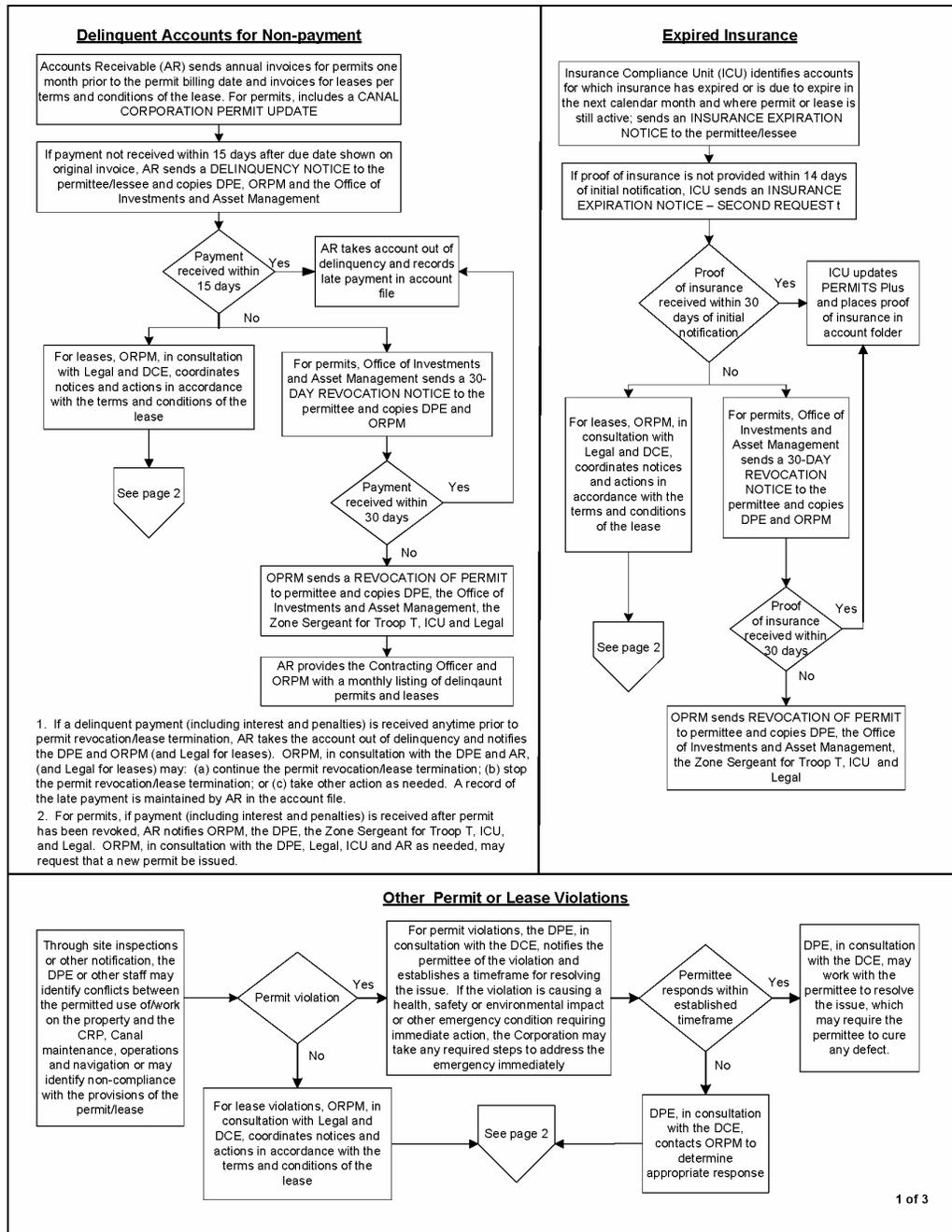
Office of Real Property Management sends the 30-DAY REVOCATION NOTICE for other permit violations and sends the REVOCATION OF PERMIT³ for non-payment, expired insurance and other permit violations. In consultation with Legal and the DCE coordinates the termination, including termination notices, for leases being terminated for non-payment, expired insurance or other lease violations. In consultation with the Director of Canals, seeks assistance from Legal with regard to curing encroachments.

¹ Exhibit 10

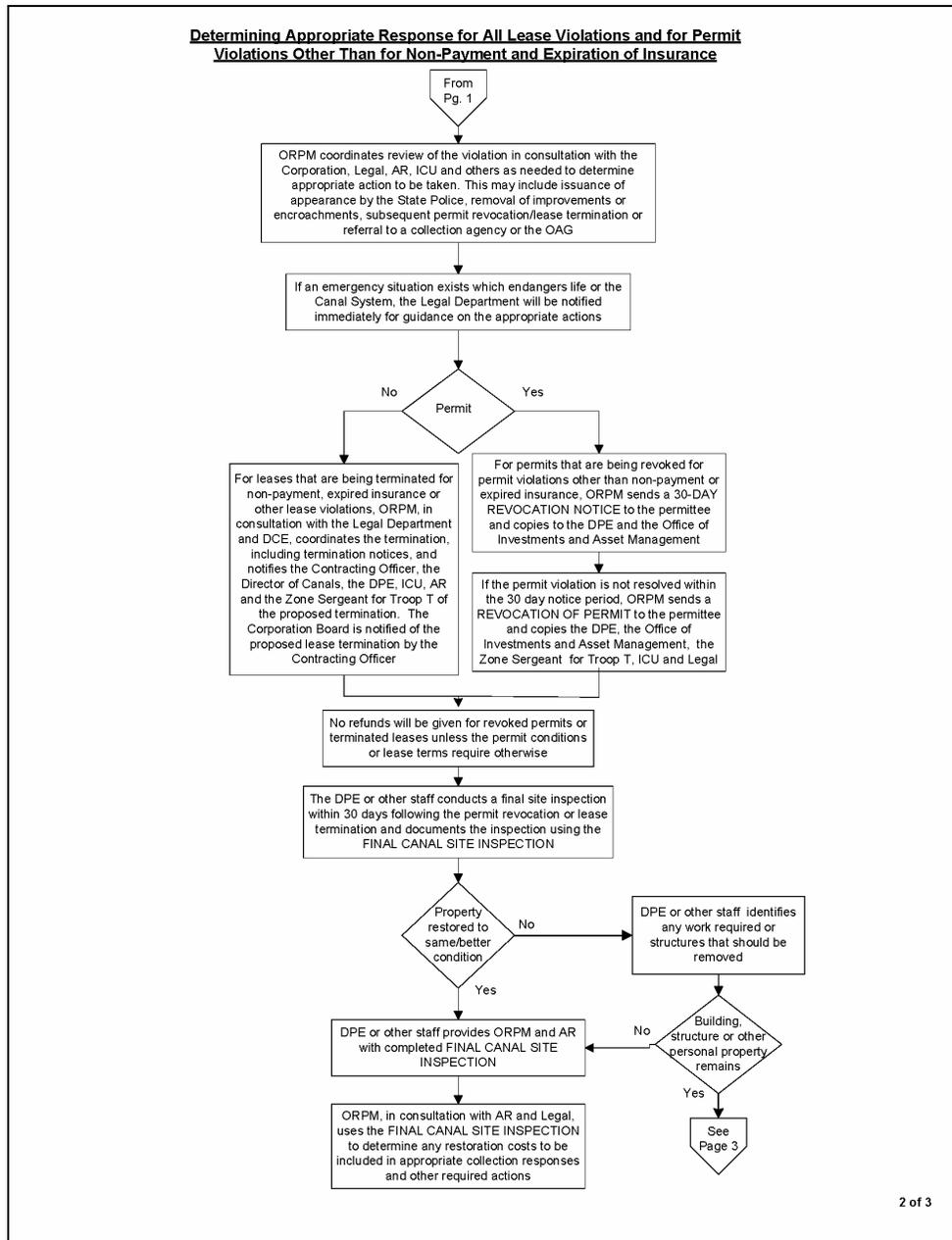
² Exhibit 4

³ Exhibit 5

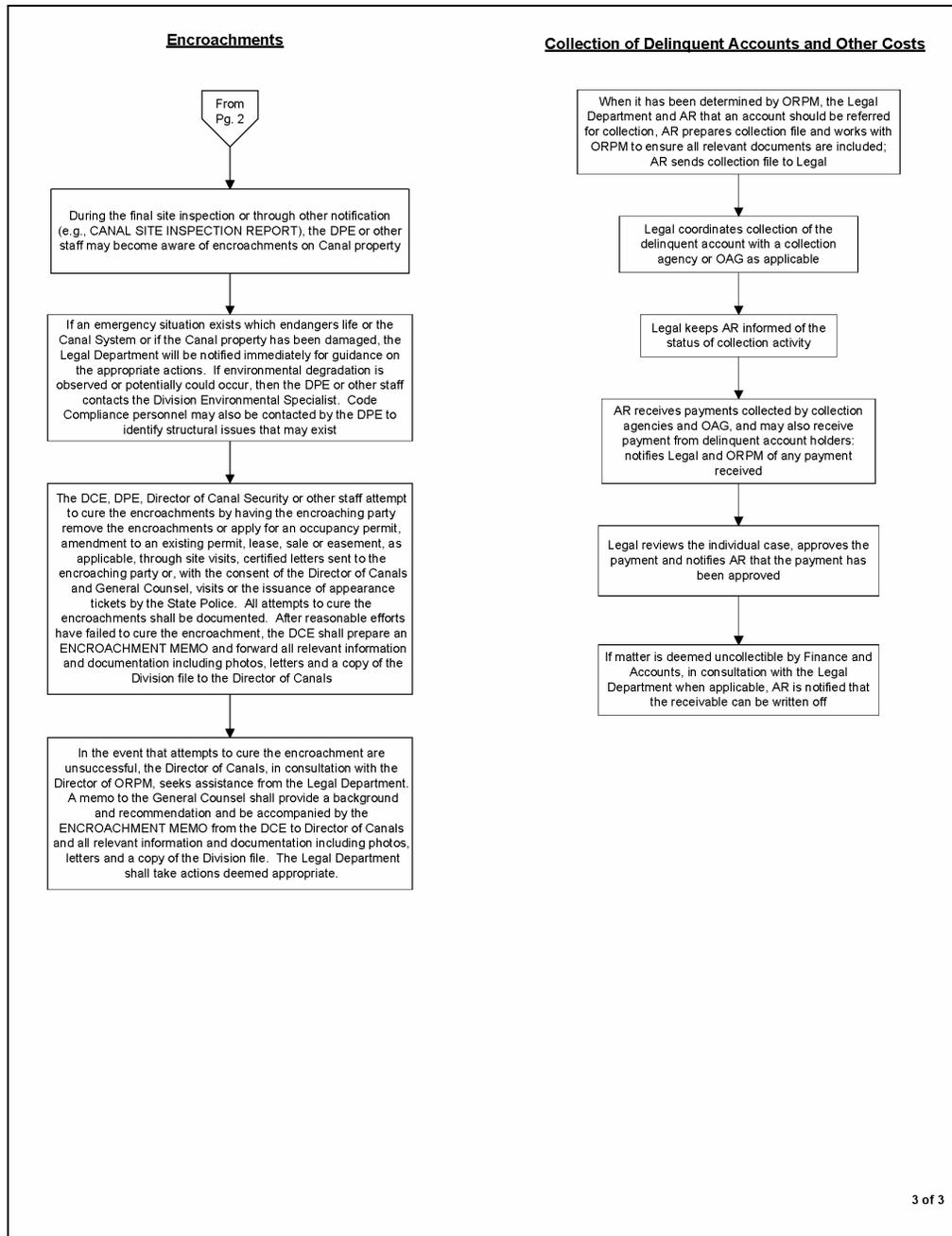
6. Flowcharts



Flowcharts (continued)



Flowcharts (continued)



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EXHIBIT 1
 PERMIT AND LEASE INVOICE

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Accounts Receivable sends this invoice for permits and leases.

	New York State Canal Corporation PO Box 22058 Albany, New York 12201-2058	Phone: (518) 471-5051 FAX: (518) 471-5050	Invoice	
	BILL TO:		Invoice NUMBER: TERMS:	DUE DATE PAGE

DESCRIPTION	QUANTITY	UNIT PRICE	EXTENDED PRICE
Page Total:			

REMITTANCE ADVICE WITH CHECK OR CREDIT CARD PAYMENT			
CUSTOMER NUMBER:	INVOICE NUMBER:	SUBTOTAL:	
Tax Type:		TAX:	
		SHIPPING & HANDLING:	
		INVOICE TOTAL:	
		DUE DATE:	
		AMOUNT DUE:	
Remit to: <p style="text-align: center;"> New York State Canal Corporation PO Box 22058 Albany, New York 12201-2058 </p>		AMOUNT PAID:	
		Make Check Payable to New York State Canal Corporation. See reverse side to pay by credit card and other special notes, including details on finance charges for late payments.	

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EXHIBIT 1
 PERMIT AND LEASE INVOICE
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Special Instructions:

If your check is returned by the bank, a \$25 dishonored check processing fee will be charged. **Late payment penalties may be assessed at a rate of 2% per month for payments made after the due date. This amount may include unpaid penalties from previous periods.** For any questions regarding billing, please contact the accounts receivable unit at the number on the front side of this invoice.

Notification Required Under Personal Privacy Protection Law:

The information you are providing on this authorization form is being requested pursuant to New York State tax laws for credit card payment for goods and services received from the Authority/Corporation. This information will be provided only to the designated financial institution(s) and/or their agent(s) for the purpose of processing payments unless otherwise noted. The information contained herein will be kept in hard copies and/or computerized files, at the Authority/Corporation's discretion and will be maintained by the Supervisor of Accounts Receivable in the Office of Investments and Asset Management; New York State Thruway Authority/Canal Corporation, 200 Southern Boulevard, Albany, NY; 518-471-5356.

Note:

This permit cannot be cancelled or transferred without the express written consent of the New York State Canal Corporation. If you wish to cancel your permit, plan to sell or have sold your property, you must submit a cancellation request in writing to the Bureau of Real Property Management at the above address. For questions regarding the cancellation or transfer procedure, please contact the Real Property Unit at (518) 471-4334.

BY CREDIT CARD: For your convenience, we now accept payment by MasterCard, Visa, American Express or Discover.

PLEASE CHECK ONE:	VISA	MC	AMEX	DISCOVER
CARD NUMBER				
NAME ON CARD	EXP. DATE		TELEPHONE #	
SIGNATURE	DATE			

I authorize NYS Thruway Authority/Canal Corporation to immediately charge my credit card the total amount listed in amount paid or if left blank, then Amount Due.

Change of Address:

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**EXHIBIT 2
CANAL CORPORATION PERMIT UPDATE
Sent with the Invoice.**

01/2011

Canal Corporation Permit Update

Canal Corporation Rules and Regulations Section 156.2(a) states, in part, that "Canal lands or waters may not be occupied or used except under the terms and conditions prescribed in a revocable permit."

Our records indicate a Canal Occupancy Permit has been issued to you for use of Canal lands and or waters. If you wish to maintain your current permit, please update the applicable information below and return this form, along with the permit fee as set forth in your permit, to the address below.

If you do not wish to maintain your permit, this form may be used as your written request to terminate the permit. Should you request to terminate your permit, please be advised that any use of or occupation of the property must cease and any personal property and site improvements must be removed from the permit area or the Corporation or its representative may do so at the permit holders expense. In the event you elect to terminate your permit, the Canal Corporation will conduct a field inspection to verify the property has been vacated.

Permittee Name _____ Permit # _____ Plate # _____

Mailing Address _____ City/State _____ Phone # _____

E-Mail _____

Questions regarding this form call (518) 471-2945

I would like to maintain my current permit

I would like to terminate my permit and will remove my personal property in 30 days

a. I am no longer interested in using Canal lands or waters

b. I have sold my property Date of sale _____

Please provide contact information for the new owner below

Name _____ Address _____

Phone _____ E-mail _____

Please check the box(es) below for each use associated with your Permit.

Specified use (check all that apply)

<input type="checkbox"/> Access	<input type="checkbox"/> Beautification	<input type="checkbox"/> Septic System	<input type="checkbox"/> Boathouse
<input type="checkbox"/> Camp	<input type="checkbox"/> Dock	<input type="checkbox"/> Boat Launch	<input type="checkbox"/> Patio
<input type="checkbox"/> Fence	<input type="checkbox"/> Farming	<input type="checkbox"/> Marina	<input type="checkbox"/> Stairs
<input type="checkbox"/> Parking Lot	<input type="checkbox"/> Public Park	<input type="checkbox"/> Shore Protection	
<input type="checkbox"/> Slip	<input type="checkbox"/> Storage	<input type="checkbox"/> Trail	
<input type="checkbox"/> Water Diversion	<input type="checkbox"/> Well	<input type="checkbox"/> Other – Please provide detail on other side	

This information provided above is accurate to the best of my knowledge and the property is used and maintained in a manner consistent with the terms of my permit.

Permittee Signature _____ Date _____

Return to:
New York State Thruway Authority/Canal Corporation
PO Box 22058
Albany, New York 12201-2058
Attention: Finance and Accounts

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EXHIBIT 3
DELINQUENCY NOTICE

Accounts Receivable sends this notice to a permittee/lessee when payment has not been received within 15 days from the date of the original invoice.



John L. Buono
Chairman

New York State Thruway Authority
New York State Canal Corporation

200 Southern Blvd., P.O. Box 22050, Albany, NY 12201-2050
www.thruway.ny.gov



Michael R. Fleischer
Executive Director
TDD/TTY 1-800-233-6244

[CUSTOMER_NAME]
[CUSTOMER_ADDRESS]

[DATE]

Re: [PERMIT_NUMBER]

DELINQUENCY NOTICE

On [INVOICE_DATE] the Canal Corporation sent you invoice number [INVOICE_NUMBER] in the amount of \$[BALANCE_DUE] for permit fees as per the terms of your Canal Occupancy Permit together with a permit update form.

Attached is another copy of the invoice and the permit update form.

Please remit your payment along with the permit update form, in the amount of \$[BALANCE_DUE] within 15 days of the date of this letter in order to keep your permit active and to avoid the assessment of interest charges. The failure to pay may result in your permit being revoked resulting in you being not authorized to access or occupy the permit area and any property on it.

For your convenience, the Canal Corporation accepts payment by MasterCard, Visa, American Express, or Discover. To make your payment by credit card, please call (518) 471-5051.

If you do not wish to renew your permit, please return the update form and your Canal identification plate to the Office of Real Property Management at the above address. You will also have to obtain a work permit to remove any and all of your property from the permit area and restore the permit area to the same or better condition than existed prior to the issuance of the permit as you are required to pursuant to your permit.

Thank you for your prompt attention to this matter.

Sincerely,

Lisa Nerf
Supervisor, Accounts Receivable

cc: Division Permit Engineer
Office of Real Property Management
Office of Investments & Asset Management

Office of Investments & Asset Management
Lisa Nerf
Supervisor, Accounts Receivable Phone: (518) 471-5951 Fax: (518) 471-5050

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EXHIBIT 4
SAMPLE 30-DAY REVOCATION NOTICE

The Office of Investments and Asset Management sends this notice to permittees delinquent due to non-payment. Use the appropriate notice for expired insurance and other permit violations.



John L. Buono
Chairman

**New York State Thruway Authority
New York State Canal Corporation**

200 Southern Blvd., P.O. Box 22058, Albany, NY 12201-2058
www.thruway.ny.gov



Michael R. Fleischer
Executive Director
TDD/TTY 1-800-253-6244

[CUSTOMER_NAME]
[CUSTOMER_ADDRESS]

[DATE]

Re: [PERMIT_NUMBER]

**30-DAY REVOCATION NOTICE: VIA CERTIFIED MAIL OR
OVERNIGHT DELIVERY; RETURN RECEIPT REQUESTED**

This letter serves as 30-day written notice of the revocation of your above referenced Canal Occupancy Permit due to non-payment of the annual fee as per the General Conditions of the permit.

On [DUNNING LETTER 1 DATE] we sent you a delinquency notice regarding the above referenced permit. To date, the permit fee and the permit update form have not been received. In addition, we have not been successful with our attempts to contact you by telephone or e-mail.

After thirty days from the date of this letter, you will not be authorized to enter or occupy the permit area. Within this time you must turn in your Canal identification plate to the Office of Real Property Management at the above address, remove any and all structures and personal items currently on the permit area and restore the permit area to the same or better condition than existed prior to the issuance of the permit as you are required to pursuant to your permit. Any and all property left on the premises after 30 days of this letter shall be deemed abandoned and may be removed by the Canal Corporation or its representatives. Pursuant to your permit and Canal Law Section 42, the cost of such removal and restoration will be at your sole expense and you will be billed accordingly.

Please contact the Division Permit Office at [PHONE NUMBER] to arrange for the removal of any property.

Sincerely,

Michael Sikule
Director of Investments and Asset Management

cc: Division Permit Engineer
Office of Real Property Management
Office of Investments & Asset Management

Office of Investments & Asset Management
Michael Sikule, Director Phone: (518) 436-2890 Fax: (518) 471-5050

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EXHIBIT 5
SAMPLE REVOCATION OF PERMIT

ORPM sends this notice to permittees delinquent due to non-payment. Use the appropriate notice for expired insurance and other permit violations.

 John L. Buono Chairman	New York State Thruway Authority New York State Canal Corporation <small>200 Southern Blvd., P.O. Box 22058, Albany, NY 12201-2058</small> <small>www.thruway.ny.gov</small>	 Michael R. Fleischer Executive Director <small>TDD/TTY 1-800-233-6244</small>
[CUSTOMER_NAME]		[DATE]
[CUSTOMER_ADDRESS]		
Re: [PERMIT_NUMBER]		
REVOCATION OF PERMIT VIA OVERNIGHT DELIVERY <u>SIGNATURE UPON RECEIPT REQUESTED</u>		
<p>You are hereby notified that the above referenced Occupancy Permit has been revoked by the Canal Corporation effective [DATE] due to the non-payment of the annual fee. Pursuant to your permit, thirty (30) days written notice of revocation of the permit for non-payment was provided to you in a letter dated [DUNNING LETTER 2 DATE]. Notice of your delinquency for non-payment was first provided to you on [DUNNING LETTER 1 DATE].</p> <p>You no longer have authorization to enter or occupy the premises unless you obtain a new permit from the Canal Corporation. Please contact the Division Permit Office at [PHONE NUMBER] to obtain a work permit to remove any and all of your property from the permit area, and restore the permit area to the same or better condition than existed prior to the issuance of the permit as required under the conditions of the permit.</p> <p>In the event that you have not removed your property from the premises pursuant to the Canal Law and the conditions of your permit, the Canal Corporation or its representatives may commence a site visit and, without further notice, remove any property left on the premises (to be billed to the permit holder) in order to restore the site to the same or better condition than existed prior to the issuance of the permit. Your failure to vacate the property, restore the property to its original condition, and/or make payment, if appropriate, may result in legal action against you.</p> <p>Respectfully,</p> <p>Anthony P. Kirby Director of Real Property Management cc: Division Permit Engineer Office of Real Property Management Office of Investments & Asset Management Zone Sergeant, State Police Troop T Insurance Compliance Legal Department</p>		
Office of Real Property Management Anthony P. Kirby, Director Phone: (518) 471-4357 Fax: (518) 471-4442		

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EXHIBIT 6
INSURANCE EXPIRATION NOTICE

The Insurance Compliance Unit sends this notice to a residential permittee/lessee if insurance has expired or is due to expire within the next calendar month. Use the appropriate notice for commercial permits/leases.



John L. Buono
Chairman

New York State Thruway Authority
New York State Canal Corporation
200 Southern Blvd., P.O. Box 189, Albany, NY 12201-0189
www.nysthruway.gov



Michael R. Fleischer
Executive Director
TDD/TTY 1-800-253-6244

Dear Sir or Madam:

The Policy or Policies below are due to expire:

<u>Acct Type</u>	<u>Policy Number</u>	<u>Insurance Carrier</u>	<u>Ins Type</u>	<u>Expiration</u>
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For your continued use of Canal Corporation property, please send the required insurance documentation as soon as possible in order to keep your permit active. A failure to provide and maintain valid insurance documentation may result in your permit being revoked and the loss of your authorization to access or occupy the permit area and any property on it.

The Canal Corporation requires liability insurance coverage in the amount of \$300,000. The accepted form of proof is an insurance certificate, insurance policy declarations page, or insurance rider showing the amount of coverage and naming the "New York State Canal Corporation and New York State Thruway Authority" as Additional Insureds.

All forms may be completed by your agent/broker, do not require notarization, and will be accepted electronically when sent directly from your agent/broker.

If you require additional information, please call Donald Grieves at (518) 471-4375 or email Donald.Grieves@thruway.state.ny.us.

Sincerely,

Tom Dugan
Supervisor of Insurance Compliance

Lic# 5186956666

January 2011

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EXHIBIT 7

INSURANCE EXPIRATION NOTICE - SECOND REQUEST

The Insurance Compliance Unit sends this notice if a residential permittee/lessee has not provided proof of insurance within 14 days of the initial notification. Use the appropriate notice for commercial permits/leases.



John L. Buono
Chairman

New York State Thruway Authority
New York State Canal Corporation
200 Southern Blvd., P.O. Box 189, Albany, NY 12201-0189
www.nystruway.gov



Michael R. Fleischer
Executive Director
TDD/TTY 1-800-253-6244

****SECOND REQUEST****

Dear Sir or Madam:

The Policy or Policies below are due to expire:

<u>Acct Type</u>	<u>Policy Number</u>	<u>Insurance Carrier</u>	<u>Ins Type</u>	<u>Expiration</u>
------------------	----------------------	--------------------------	-----------------	-------------------

For your continued use of Canal Corporation property, please send the required insurance documentation as soon as possible in order to keep your permit active. A failure to provide and maintain valid insurance documentation may result in your permit being revoked and the loss of your authorization to access or occupy the permit area and any property on it.

The Canal Corporation requires liability insurance coverage in the amount of \$300,000. The accepted form of proof is an insurance certificate, insurance policy declarations page, or insurance rider showing the amount of coverage and naming the "New York State Canal Corporation and New York State Thruway Authority" as Additional Insureds.

All forms may be completed by your agent/broker, do not require notarization, and will be accepted electronically when sent directly from your agent/broker.

If you require additional information, please call Donald Grieves at (518) 471-4375 or email Donald.Grieves@thruway.state.ny.us.

Sincerely,

Tom Dugan
Supervisor of Insurance Compliance

Lic# 5186956666

EXHIBIT 8
CANAL SITE INSPECTION REPORT

Used by Division staff to document a site inspection.

TA-N99129 (01/2011)	CANAL SITE INSPECTION REPORT New York State Canal Corporation	Clear Form
<p>Purpose: This form is used by the Division Permit Engineer (DPE) to document site inspections and to report a potential permit/lease violation and/or encroachment.</p> <p>INSTRUCTIONS:</p> <ul style="list-style-type: none"> • <i>DPE:</i> Complete Sections I and II and send Report and all supporting documentation (e.g., photos) to the Division Canal Engineer. • <i>Division Canal Engineer:</i> Review Report and supporting documentation and complete Section III. Return Report and all supporting documentation to the DPE with a copy to the Office of Real Property Management (ORPM). • <i>ORPM:</i> Review report and complete Section IV. Send copy to DPE for the Division file and Report becomes part of the Transaction Record. 		
Section I Inspection Results		
<p> <input type="checkbox"/> In compliance with provisions of permit/lease <input type="checkbox"/> Violation (must provide Comments below) <input type="checkbox"/> Encroachment (must provide Comments below) </p> <p>Comments and any noted issues/impact on Corporation operations and maintenance activities:</p>		
Permit/Lease No.	Location	Photos included? <input type="checkbox"/> Yes <input type="checkbox"/> No
Section II Division Permit Engineer Review and Recommendation		
<p>Recommended Action:</p> <p> <input type="checkbox"/> Removal <input type="checkbox"/> Occupancy Permit <input type="checkbox"/> Disposal <input type="checkbox"/> Other (provide explanation in Comments below) </p> <p>Comments:</p>		
_____ Division Permit Engineer Signature		_____ Date
Section III Division Canal Engineer Review and Approval		
<p> <input type="checkbox"/> Approve Recommended Action <input type="checkbox"/> Disapprove Recommended Action (provide explanation in Comments below) <input type="checkbox"/> Other (provide explanation in Comments below) </p> <p>Comments:</p>		
_____ Division Canal Engineer Signature		_____ Date
Section IV ORPM Review and Approval		
<p> <input type="checkbox"/> Approve Recommended Action <input type="checkbox"/> Disapprove Recommended Action (provide explanation in Comments below) <input type="checkbox"/> Other (provide explanation in Comments below) </p> <p>Comments:</p>		
_____ ORPM Signature		_____ Date

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EXHIBIT 9
FINAL CANAL SITE INSPECTION

Used by Division staff to document a final site inspection.

01/2011

FINAL CANAL SITE INSPECTION

Inspected By: _____ Date _____ Time _____

Permit/Lease #: _____	Plate #: _____	Use Code 1: _____
		Use Code 2: _____
Permit/Lease Address: _____		Use Code 3: _____
Property Description: _____		
Purpose of Permit/Lease: _____		
Name: _____	Phone Number: _____	
Street Address: _____	E-mail: _____	
City: _____		

Yes ___ No ___ **Has the area been vacated?** If no, what visual evidence was observed to indicate the property was in fact being used?

Yes ___ No ___ **Are actions required to rectify an actual or potential environmental, navigation or safety problem?** If yes, provide details:

Yes ___ No ___ **Was the property restored to the same or better condition as existed prior to the issuance of the permit/lease? (i.e., trash, debris or structures that need to be removed, encroachments etc.)?** If no, provide details:

Yes ___ No ___ **Was anyone observed on the site?**

Yes ___ No ___ **If yes, did you speak to that person?**

If yes, Contact Name _____ Relationship to the Permittee/Lessee: _____

Other Comments: _____

Inspector's Signature: _____ Title _____

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**EXHIBIT 10
ENCROACHMENT MEMO**

This checklist is used by the Division Canal Engineer to prepare an encroachment memo to the Director of Canals.

**ENCROACHMENT MEMO FROM DIVISION CANAL ENGINEER
TO DIRECTOR OF CANALS**

The ENCROACHMENT MEMO from the Division Canal Engineer to Director of Canals shall contain the following information about the encroachment.

- Encroachment type (i.e. store, residence, vehicles, shed)
- Full or partial encroachment
- Canal Parcel #
- Permit/lease history
- Location of encroachment: Street, city, county, subdivision name (where appropriate)
- Encroacher: Name, mailing address
- Use of property: residential, agricultural, commercial, governmental, industrial
- Environmental concerns
- Liability concerns
- Interference with Canal maintenance, operations or navigability
- Staff site visits: Who, when
- State Police involvement: Visits, tickets
- Representation by counsel
- Recommendation: Permit, lease, sale, removal

Attached to the memo shall be:

- Photos of encroachment
- Correspondence to/from encroacher
- Correspondence to/from other governmental entities