

Bolton LDC Meeting- April 9, 2008
State of New York
Warren County
Town of Bolton

Present: Phil Farbaniec, Joel Jacko, Art Baker, Supervisor Kathy Simmes, Jason Saris and Norowal Marina Inc. Managers Joan Baldwin and Linda Bennett.

Absent: Scott Andersen and Alexander G. Gabriels III

Phil Farbaniec called the meeting to order at 5:09 p.m.

Announcements:

P. Farbaniec stated that he had a correction to the February 26, 2008 meeting, page 3, 3rd paragraph, line 3 should read "He stated that he has *not* spoken to Tom Burhol..."

P. Farbaniec stated that Chris Gabriels was over at Norowal to look at the docks and indicated that there doesn't seem to be much damage.

Joan Baldwin asked if anyone has contacted Kubricky with regard to finishing the ramp project. Joel Jacko stated that Kubricky indicated that he will complete the project once the area is dry. Joan Baldwin asked if there was a specific time line as to when Kubricky will be completing the project. Joel Jacko stated that he would like to discuss a comfortable time frame with the Managers and let Kubricky know.

P. Farbaniec stated that a response letter is going to be sent to Dave Waters and asked the Board members to review the letter for any comments or questions.

Jason Saris shared Counsel Muller's responses to the following questions generated from the March 26, 2008 meeting:

1. With regard to the inquiry about concessioning the indoor space to Hornet Marine. J. Saris asked Counsel how their type of business would fit with the Conservation Easement and if the general business zoning would allow for such use or would it be considered light industrial. Counsel replied that the Conservation Easement does not specifically enumerate types of activities that are prohibited but it does set a tone that activities undertaken by the BLDC in the marina would allow compatible activities that logically would be oriented around a public marina facility (i.e. minor boat maintenance, camping supplies, fishing supplies, dive shop, canoe livery, boating/swimming apparel, or even something like the Glen Island store). Counsel felt that the suggested activity does not fit well into the intended Conservation Easement. He also felt in his opinion that this activity is not compatible with the zoning district in which the marina is situated. He continued that ultimately that would be up to the Zoning Administrator; however he would counsel her that this type of use sounds more like a stand alone assembly or light manufacturing activity.

2. With regard to the concession of the indoor space for retail businesses, such as kayaks and canoes. J. Saris stated that he was concerned about competing with other businesses in Town and keeping in the spirit of the Conservation Easement and asked for Counsel's advice on how to best handle these requests. Counsel indicated that a retail operation such as kayaks and canoes is a perfect fit as far as the zoning and Conservation Easement and the relationship would be a concession. Although there is no legal requirement that the concession be offered for competitive bid he recommended it. He stated that if they choose to do this that he would provide the limits and specifications of that bid requirement(s) for public notice. He also recommended that the Board survey local retail space rental market to make sure that they are not providing an unfair advantage over other landlords in Town. Ultimately he recommended opening up the bidding at a competitive rate.

3. Jason Saris asked Counsel about his term as TB member and BLDC member. Since they run concurrently with one another, would he be replaced by another TB member at the end of his term? Counsel replied that when his TB term ends so does his BLDC term and the position can be filled by anyone including himself.

Policy Development

1. Customer Complaints-

Phil Farbaniec stated that it is the Board's consensus that the Managers should not be exposed to such issues that Dave Waters has raised and the Board should be handling these types of situations. He stated that if the Managers are approached again in such a manner that they should be referred to the Board. J. Saris stated that the Managers have a certain amount of latitude to try and solve the problem on their own, but if it is larger issue that they cannot solve, it should be sent to the Board and can be addressed at a special meeting or regular meeting with the individual present. P. Farbaniec indicated that if an individual needs immediate attention, they should be referred to see Supervisor Simmes at the Town Hall; otherwise they can make contact with any Board member. J. Saris stated that they wanted these policies in place so that there is a protocol to follow and that if the Managers are not present and a situation arises that anyone will know where to look for the answers. Joel Jacko commented that the Managers do a great job there and it is rare that he or any Board member has had to step in, but it is nice to have the Board there as back up support when needed.

2. Pricing-

Jason Saris stated that the Conservation Easement states that they have to set their pricing at the fair market value so that they are not competitive. This policy will show in writing how they have developed their pricing and how they continue to monitor the market value. Linda Bennett stated that she is concerned when it comes to pricing gasoline. Where are several different types and grades that are sold and each marina gets different amounts to sell which all affect their prices which will complicate how Norowal will make that determination. J. Saris understood her concern but indicated that the policy will be set up to show how they arrive at the set price and the language will need to be

determined. He also stated that they pricing should be based on the market and not what they are paying for it. Joan Baldwin stated that she has a spreadsheet from last year that indicates what each marina sells and their price. Both Managers expressed their concern that they do not want to be changing the gas prices every week. J. Saris stated that the language in the policy could state that they would review the market three times a season, but it does not necessarily mean that it needs to be changed. Joan Baldwin stated that twice last year she called the local marinas and asked what octane they were using and their price. She asked if she should be asking all marinas in the Lake George Basin. J. Saris replied that she should concentrate mainly on the Bolton marinas.

(Note: Storage was discussed after #7 Marine Repairs)

3. Storage- Price, Terms and offer service or not

Linda Bennett asked if they have made the decision to remove the three sided building. She understands the price has been set at \$90/ft, but needs to know when she contacts these individuals that have previously used this space if they have indoor or outdoor storage. P. Farbaniec stated that the building will eventually come down but they are not sure when and these individuals should know that it could come down before the season. J. Jacko stated that he feels they really need to make up their minds about the removal. He feels that they should not bother at this point because it is too much pressure to get it down now and it is unfair to these individuals expecting indoor storage to have it taken away and recommended waiting until the Fall when the season is over.

Supervisor Simmes asked if they are charging the same amount for this service for both indoor and outdoor storage. P. Farbaniec replied yes and that it is a big increase from what these individuals previously had. Supervisor Simmes stated that it should be more for indoor storage than outdoor storage. J. Saris stated that the point in charging the same was because there wasn't going to be a building. P. Farbaniec agreed that they should charge more if they decide to change course and not take the building down.

Joan Baldwin stated that she does not want to put any boats in there if they plan to take it down during the season. She stated that they should either take the building down in May or after the season. She does not want to offer anyone indoor storage with the potential that the indoor storage will be taken down during the season. Supervisor Simmes asked if they still plan to take Mitzi's building down. J. Jacko stated that they never finalized a plan. Supervisor Simmes stated that they have the bids for the removal. Joan Baldwin stated that whatever the decision they need to know soon so that they can call their customers to let them know. The Board agreed to wait until fall to take the building down. They discussed price difference for indoor and outdoor storage and decided to charge \$90/ft for inside storage and \$80/ft for outside storage. P. Farbaniec stated that the indoor storage individuals need to be aware that they will only have indoor storage until about Labor Day because they will be looking at removal at that point. Supervisor Simmes stated that the Board needs to work on the removal of the buildings as a serious goal for the fall and have the work scheduled for then.

4. Short Term Docking-

Linda Bennett asked if anyone had contacted Dusty Rhodes with regard to dock space. J. Saris replied that he had and Dusty has found an alternate area. Joan Baldwin stated that they have one 23 foot dock space available.

J. Saris asked the Managers what a reasonable amount of time allowed for short term parking for those individuals needing to run into to Town for something. Linda Bennett stated that last year they offered two hours free of charge. They used cards that indicated the time they got into the dock and the time they left. If they were over two hours they were charged an hourly rate. J. Saris stated that the Board has considered another alternative for those individuals looking to utilize the short term docking for longer than two hours. He stated that dock space gets tied up and these individuals end up getting charged for their time there. He stated that the Board has considered pulling their boat out of the water to sit on their trailer and then launch it free of charge as long it happens within that time frame that they are renting the parking space. Joan Baldwin agreed with the idea but is concerned how it will fit with someone looking to just go over the two hour time limit and what should the cut off be for when they ask someone to pull their boat out of the water. J. Saris stated that they should give the individuals some latitude but they have to think that it ties up that dock space for someone else to use. He asked if there was a general consensus that the two hour time limit was working. Linda Bennett replied that once they offered the two free hours people calmed down and it provides adequate time for individuals to do what they need to do.

Linda Bennett asked if anyone has talked to DEC about their usage of the dock space. J. Saris stated that they have not, but would like to be able to use part of that space for temporary docking. J. Jacko stated that if DEC does not call to use any more spaces, then their policy should be that they use them for temporary docking. J. Saris agreed and stated that when they were establishing the Conservation Easement the State told them that when the State is not using those docks that they could use them until they hear otherwise.

5. Launching- Off Season, Commercial, Fishermen and Ramp Security

Linda Bennett stated that she does not like the idea of chaining up the ramp in the off season because even though there may be dishonest people there are plenty of honest individuals who keep track of their usage and pay for it. She does not want to penalize the honest people for the few dishonest people. She also feels that they are eliminating the use to a lot of people that can only use the ramp prior to opening, such as fisherman, and after closing, such as individuals working until 4 or 5 p.m. She stated that in the past they have requested that if someone uses the ramp during off hours that the individual put their payment in an envelope in the slot and she finds that most people do this. P.

Farbaniec asked if they should hire someone to watch the ramp early in the morning or late in the evening to make sure that they are receiving payment. Linda Bennett stated no because most people that are out early in the morning do not pull their boat out until after they open in the morning and they would know if they paid or not. J. Saris asked if they would consider using a security camera. Linda Bennett asked who would be responsible

for watching it. J. Saris stated that some cameras are hooked up to a motion sensor and therefore there would not be much to watch. J. Jacko asked what they would do with the person violating the use of the ramp because it could turn out to be a friend. He also doesn't know if it is happening enough to be worth the money spent for the camera. J. Saris feels that the security camera could also provide some sort of oversight when they are not there and it could discourage that type of behavior. J. Jacko stated that he and Phil will bring in some individuals to discuss some ideas on security and pricing. J. Saris stated that even putting a decoy camera up might make people think twice and encourage them to do the right thing.

P. Farbaniec asked if there is any concern over off-shore marinas using the ramp when they are not there. Joan Baldwin stated that she has seen it in the Spring and Fall when she is at the Bolton Fields and can see the marina. She has seen several boats get launched at one time and received no payment, but feels that this is just marinas dropping boats in for the season and the same is true in the fall when they are taken out for the season. A. Baker stated that what they see might really be a small percentage of what is really happening. Joan Baldwin agreed, but is not sure what they can do. J. Saris asked if they should look into something of a seasonal launch pass for commercial marinas or a local individual who launches frequently. Linda Bennett stated that she was concerned on how they were going to come up with a price for this pass. Joan Baldwin agreed and stated that she was against the use of a commercial season pass for launching. Linda Bennett stated that she would be for offering something to some of their repeat commercial customers in the way of a pass. J. Saris agreed but stated that whatever they decide to do needs to be offered to everyone. Linda Bennett suggested selling a coupon or pass for \$100 for 5 launches. P. Farbaniec stated that they would need to take some precautions to be sure that people were not sharing the card with someone else. The Board agreed with offering this package this season. P. Farbaniec stated that they could offer this in the office and post it on the website.

P. Farbaniec stated that they have one sign by the office explaining the honor system in using the ramp during non-business hours and suggested that they get another sign possibly at the ramp or in another visible location. The Managers agreed. Linda Bennett stated that after Memorial Day they chain the ramp after business hours. From Memorial Day until June 30th the marina is open from 8:00 a.m. to 5:00 p.m. and in July and August from 8:00 a.m. to 8:00 p.m.

Linda Bennett asked what the size restriction was for the new launch ramp. J. Saris replied that based on the dimensions of the ramp they should be able to accommodate about 38 feet, but feels that they should limit the size to 36 feet. J. Jacko recommended testing the ramp with size limitations before setting a limit. He requested that they test both 34 foot and 36 foot boat to be sure that they will be able to accommodate larger boats. J. Saris agreed and stated that for the most part their biggest concern should be making the swing around the building to the ramp. The Board agreed that they would test out the ramp with different size boats to better be able to set restrictions or limitations to follow throughout the season.

6. Referrals- Work, Rooms, Boat Rentals, Restaurants

Linda Bennett stated that Warren County puts out a brochure that gives information about local establishments which they use at Norowal. J. Saris stated that as a policy they want to encourage local, especially Bolton establishments, businesses or contractors (must be licensed and insured). He suggested that they encourage these business owners to put up flyers or brochures in the office. Joan Baldwin stated they already have something like this and they will work on making providing more information on Bolton businesses.

7. Marine Repairs- by boat owner or by sub-contractor

P. Farbaniec stated that if someone is coming in to do a repair on a boat that they need to be sure that they have some kind of insurance. J. Saris stated that Counsel required that they have up to date insurance for all boats or the work cannot be done. Joan Baldwin asked if the work could be done in the water. J. Saris stated that they want to be able to expedite any repairs that need to be done, however a policy will be set in place to back up what the Managers feel should be done in these situations so not to hinder business. He stated on one hand they have dock space customers that need work done, it could be done in the water if possible or in the parking lots, but asked how far they are willing to let it go. On the other hand, day use individuals that are putting their boats in and it won't start, how long will you let it sit at the temporary docks to be fixed either by the individual themselves or to wait and call a repair person. They don't want to be too strict and not allow a minor repair, such as propeller replacement, but at the same time they have to make sure that these individuals are not abusing Norowal property and dumping waste or materials. Linda Bennett stated that most of the dock space customers have their mechanics and she does not have a problem with them trying to fix their boat in or out of the water. She continued that if it is a day use individual and it is an off peak time that she does not have a problem with allowing the boat to sit in temporary docking for repair or to wait for a mechanic. But she is concerned over setting a time frame because she knows how difficult it can be to have a mechanic come over quickly. J. Saris stated that is why he is suggesting setting a policy so that they can have something in place, but if they need or want to make an exception they can. A. Baker agreed that they could use their discretion as to how long to let the individual sit at the dock based on the peak times. J. Saris stated that the Board has been trying to come up with an idea for the policy but felt it would be best to get the Managers input as to what they would like to see or not see done in the way of repairs at Norowal Marina. Linda Bennett stated that she felt they could allow someone to sit at the launch ramp for 1 hour to try to either fix or determine what the problem is. J. Saris felt that was more than enough time and felt that even 30 minutes would be adequate. Linda Bennett agreed and stated that she liked that it could be up to their discretion to extend the time if it was not busy.

8. Internal security against theft-

J. Saris stated that this has nothing to do with the Managers, but they have to have some protection for the future for new personnel and discouraging theft. He asked for the Managers assistance in developing a policy or system. He gave the example of the using a numbering system for the launching passes so that they could keep track accurately. P. Farbaniec asked if this was a potential problem with the gas pumps. The Managers both

stated that the gas pumps are very well monitored and if they are off at all, the attendants are required to make up the difference. Joan Baldwin asked what happens if they make a mistake on the launching pass. J. Saris replied that they should void out the mistake so nothing is missing for the records. Joan Baldwin stated that they have already received their shipment of launching passes for this season and they are not numbered and asked if they should hand number them. J. Saris replied that they do not necessarily need to start this policy this season, but it should be something that they are working towards.

9. Staffing-

P. Farbaniec asked the Managers if they have any issues with staffing at this point. The Managers stated that staffing is under control.

10. Season Launch Pass-

Joan Baldwin stated that she was asked recently if Norowal was going to offer a season launch pass. She stated that there are problems with offering that due to lack of parking and temporary dock space. P. Farbaniec stated that it would be too difficult to determine what a fair rate for the season would be. Linda Bennett again suggested that they offer these individuals looking for a season pass the 5 launch pass option. J. Saris stated that they do not need to look at this right now but it is an issue they will have to deal with since there are less and less dock spaces or storage spots in Town. Linda Bennett asked how other places come up with season pass prices. J. Saris stated that most businesses base their price on the average person's usage. He stated that in order for a season pass to be worth it individuals have to use it more than the average person. A. Baker stated that having a season pass encourages individuals to use it more. J. Saris stated that this would also be appealing to locals because although they will offer it to everyone, mostly locals will be the ones who will use this type of pass.

11. Items being sold-

J. Saris stated that with regard to pricing and selling items in the store, they should have something in writing as a pricing policy that the items sold in the store are sold at the manufactured suggested retail price. Joan Baldwin provided a list of what they currently sell at the store. J. Saris stated that it is difficult to come up with language for a policy as to what they can and cannot sell and feels the easiest way would be to have a complete list of items that they are selling. J. Jacko stated that they should monitor the list of items being sold and feels that they should have the ability to increase or decrease the items on the list at their discretion and should not be influenced by other business owners in Town. He feels that their decision on what to sell should be based on what they feel is best for their customers. The Board and Managers agreed. The Managers are to provide a complete list of what is being sold. Once the list is complete the Board needs to agree upon it and if there are to be any changes it will need to be reviewed by the Board. Linda Bennett stated that she would get a list together in the next two weeks because she will be ordering supplies for the store in May and would like to know if she should not be

ordering certain things. J. Saris stated that the issue has not been what they have been selling but that the Board does not have a complete list of items that they are selling.

12. Discipline Policy-

J. Saris stated that they do not need to do all of this tonight, but they should be thinking about policies and procedures for disciplinary actions. He stated that the Managers have been using their discretion when hiring and firing employees. However, he feels it would be best to have something in writing outlining their disciplinary action, such as warnings or counseling on their actions and if they have more than two strikes that they are let go. P. Farbaniec stated that the Managers should keep track of any issues that they may be having with any employee and put it in their personnel file. J. Saris stated that the Board wants to provide them with the tools they need to keep the staff in line and to provide the support and protection to fire someone who is a real problem. J. Jacko suggested that they use a disciplinary form which states the date and type of infraction and could allow both the employer and employee sign the form as recognition.

13. Winter Storage-

J. Saris stated that they considering offering winter storage. He stated that this year they are getting a bubbler system which will allow for better winter access to the lake. They need to consider winter boat storage as well as use of the parking lot for individuals looking for lake access. They will need to consider a policy, insurance and pricing. Joan Baldwin asked where they were going to remove the snow to in order to consider this. J. Saris replied that they are still trying to figure that out but feels this would be a great way to show locally that they are trying their best to provide better access to the lake year round.

Executive Session: A. Baker moved, seconded by Joel Jacko to enter into executive session.

Executive Session closed and the meeting was adjourned at 7:47 p.m.

Minutes respectfully transcribed by
Kristen MacEwan
Recording Secretary