

**Bolton LDC Meeting- March 26, 2008**  
**State of New York**  
**Warren County**  
**Town of Bolton**

Present: Phil Farbaniec, Alexander G. Gabriels III, Scott Andersen, Joel Jacko and Jason Saris.

Absent: Art Baker and Supervisor Kathy Simmes

Phil Farbaniec called the meeting to order at 5:05 p.m.

Announcements:

*Open for business- ice out plus two weeks*

*Tentative meeting with four NYDEC on MOP- date? They requested that the meeting occur during normal business hours.*

Jason Saris stated that Supervisor Simmes has made contact with DEC. They intend to have the meeting take place early to mid-April. P. Farbaniec suggested that they may want to consider having the meeting in May so that they can concentrate on opening up and having more information for DEC at that time. J. Saris stated that he would relay that information to Supervisor Simmes. He also stated that DEC should be contacting Phil Farbaniec with regard to matters of the BLDC and NMI and will also be sure that they are made aware of that. Z. Gabriels stated that specifically the DEC would like to review the MOP which he is working on.

*Public Officers Liability Insurance- status coverage?*

Z. Gabriels stated that he has made contact with their carrier and they have indicated that there was no lapse in coverage. He has yet to see an invoice but the cost is less than last year.

*Communication from Joe DiNapoli.*

P. Farbaniec stated that he received a follow-up from Joe DiNapoli who was interested in clarification of the BLDC and their use of occupancy tax. Z. Gabriels stated that he forwarded Mr. DiNapoli some information on their financials. P. Farbaniec stated that he has not heard anything from him since and hopes that his questions have been satisfied.

Public in Attendance: David Hartmann and Erik Shuber

David Harden of Hornet Marine stated that he is interested in leasing some unused space at Norowal Marina for the operation of their company. He stated that their company produces a variety of innovative marine related products and they are getting ready to launch a 21 ft multi-use boat in 2010. He stated that they have a facility in Connecticut where they do the major manufacturing of their boat and they are looking for a facility to provide fit and finish for their boats. They are looking for a place that is close to the water to test their product once complete. He stated that they are interested in leasing the

old sales and rentals building and the three sided steel storage building. P. Farbaniec asked if they knew how much space they would actually need. David Harden replied that they would like to take whatever was available. J. Saris asked if they intend to manufacture the boats on site. David Harden replied no and that it would only be light manufacturing or rigging the product. J. Saris asked if they would be selling the product on site. David Harden replied no. J. Saris stated that the building was not winterized. Part of the issue with winterization is water and that they would have to bury the water deep enough to prevent freezing. David Harden replied that this is something that he feels they can bring to Norowal. He stated that a long term goal is to make it a year round building and financially they would provide that improvement. He feels there are many positive things that winterization of this building can bring, such as providing employment opportunities in the off season. J. Saris asked how much additional space, other than the building space, would they need on site. David Harden replied nothing more than parking for employees.

David Harden stated that they are just in the initial stages and wanted to get some input from the BLDC to see if this was even a possibility. Their intent was to provide some information and get feedback from the Board. P. Farbaniec stated that they are supportive of bringing any kind of industry into the area. However, they operate under a Conservation Easement with the NYSDEC and they would have to determine if their business would be an allowable use. J. Saris stated that under the Conservation Easement the property is treated like NYS park property. Certain uses that are consistent with the operation are allowed and these uses are best interpreted by their attorney. P. Farbaniec stated that if they are not able to allow this use at Norowal, the BLDC could assist in locating other possible sites. David Harden asked if the Conservation Easement was available for public viewing. Z. Gabriels provided a copy of the Conservation Easement with regard to the MOP (Marina Operating Plan) which gets into issues such as the concession of services. J. Saris stated that whatever commercial entity may utilize the marina it has to work in unison with the use of the park plan and is serving a purpose. He continued that from another standpoint is that the BLDC has to look at the main purpose of their facility which is to supply lake access to the public and how an added commercial business it will impact that access and their finances. David Harden stated that they would definitely have a vested interest in improvements to the facility and feels that it would assist in providing better lake access. He also stated that if their business could provide something to better improve the BLDC's goals they would be happy to discuss that.

J. Jacko asked if they had any written information in terms of goals to review. P. Farbaniec agreed and stated that their first step is to find out if this is an allowable use and requested that they provide some sort of proposal for Counsel to review. He feels that they will have an answer quickly so that they can move forward. David Harden supplied a brief outline to the Board. Z. Gabriels asked J. Saris if fitting and rigging of boats was considered a normal service provided at other marinas. J. Saris replied yes, but the difference will be that these individuals would be just providing the finished product and there would be no foot traffic of on-site sales or showroom. David Harden stated

that eventually they may want to consider a showroom. Z. Gabriels gave a loose interpretation of the zoning code under retail in-house marine services or light industrial and stated that they may have to go before the Planning Board for approval. J. Saris agreed.

J. Jacko stated that he was concerned with the number of parking spaces requested. David Harden replied that the request is the maximum if they were to operate year round, but feels that whatever space they are taking can be incorporated into the value of the lease. J. Saris urged them to start talking in terms of concession instead of lease, because it is very detailed that the BLDC may only concession property or service in the Conservation Easement. J. Saris stated that he would forward their contact information and the company information provided to Counsel and get his opinion on how this fits with the Conservation Easement.

P. Farbaniec asked what their timeline was. David Harden replied that ideally they would like to select a location in the next few months and then hope to get running in the fall.

J. Jacko asked how much space they would need because they have some plans to renovate the bathrooms and may use some of the space they are requesting. David Harden replied that they would have to measure out the space and get back to them as to what amount they would need to be most effective, but feels that they could be flexible with the space needed.

P. Farbaniec stated that the BLDC has another meeting in two weeks and does not feel that it would be unreasonable to expect that they have some direction for them by then.

#### Treasurer's Report:

*Draft 2007 BLDC Balance Sheet, BLDC & P&L; Norowal Balance Sheet; Norowal P&L- emailed 3/12/08 in pdf format from CMJ, LLP*

#### Old Business:

*Minutes of March 12, 2008 were emailed for review, changes or ready to post?*

The BLDC accepted the March 12, 2008 minutes as written. Z. Gabriels noted the BLDC website is down and they are working on it. Once it is up and running the minutes for the previous meetings will be posted.

#### *Formulate and adopt NMI 2008 budget*

Z. Gabriels explained the drafts of the budget for BLDC and NMI which were based on their financials from 2007. He stated that he is still working with the accountants for

some clarification. P. Farbaniec stated that in looking at last year, it is encouraging that they were showing a profit. He highlighted some adjustments that they have made to the budget such as; 1) the increase in rental fees due to their change in measuring the boats, 2) gas with a 10% increase, 3) payroll/payroll expense increased 4% and 4) real estate taxes by 6%. Z. Gabriels stated that he also made some adjustments to reflect LGPC income. The Board discussed having some money on hand as petty cash and determined to budget for at least \$1,500. J. Saris stated that this year they can keep better track of what they may need and adjust accordingly for the budget next year. P. Farbaniec asked that the Board take the budget home to review.

J. Saris asked if they have money budgeted for the bathroom renovations that they are discussing. P. Farbaniec stated that they currently do not have a fund set up. J. Jacko stated that an estimate for the renovations would be \$40,000-50,000. J. Saris asked where the money would come from. P. Farbaniec replied under ordinary income. J. Jacko stated that for the first two years money just sat in the Norowal account, once they determined a budget they invested the remaining funds in CDs. If they have another lucrative year, once the mortgage is set aside and taxes are paid, they will have a large profit to continue to improve upon. Z. Gabriels stated that they still need to be concerned about the possible long term capital gains tax. P. Farbaniec stated that the long term capital gains tax is due only if they merge the two entities of the BLDC and NMI. J. Saris stated that under operating expenses, if they intend to spend \$40-50,000 in improvements to the building, they may want to add it to the budget. Z. Gabriels stated that he would speak to the accountants to clarify a few items, ask them about how to incorporate the pending renovations and will return with another draft for the next meeting.

*Formulate and adopt BLDC 2008 budget a pro forma emailed in pdf format 2.25.08-*  
Z. Gabriels gave a brief overview of the draft and asked if there were any concerns with the BLDC budget.

Jason Saris moved, seconded by Joel Jacko to approve the BLDC 2008 budget as presented. All in Favor. Motion Carried.

*Great Upstate Boat Show Feedback-*

S. Andersen stated that the Boat Show went well. He thought that the booth looked good and it ran smoothly. He feels that they promoted Norowal and the Town of Bolton because Joan handed out Norowal, Chamber of Commerce information, and maps of Bolton. He asked if the Board would be interested in participating next year. He stated that they already have the necessary supplies to participate. If they sign up early it will save them some money and whatever money they spend will be well worth the advertisement and publicity. J. Saris agreed and commented that they hit a major target audience because those attending are boaters. The Board agreed that they would like to participate next year.

Z. Gabriels commented that if Joan participates in the boat show next year that they need to be sure she is fairly compensated and that she will not be negatively impacted with regard to her payment from unemployment insurance. The Board agreed. J. Saris stated that he would like to commend her active participation in the show.

*Hiring of Maintenance person- status, interview and actual hiring process, starting date, salary*

P. Farbaniec stated that they have three applications but would like to discuss this issue in Executive Session. The Board agreed.

*Status of Ramp finalization-*

J. Jacko asked if they have an estimated time for Kubricky to finish the work. S. Andersen recommended calling them and letting them know that they could start within two weeks. J. Jacko stated that they need to finish the approach area. J. Saris stated that they may need to wait until it warms up and dries out a bit. S. Andersen stated that they will also need to discuss power washing the building with Kubricky. J. Jacko stated that he would. J. Saris stated that Kubricky could complete the ramp on any weekday up to two weeks prior to Memorial Day Weekend. S. Andersen commented that they need to prepare Kubricky that the road into Norowal is going to be pretty saturated and to be aware of that.

*Ramp Construction Documents- and contract and justification- status?*

J. Jacko asked what justification was necessary. Z. Gabriels replied that this pertains to drafting letters to persuade the NYS DEC to contribute to the ramp. He stated that in dealing with the DEC they will need all of the information on the expenditures of the ramp and would like to get that information together before their meeting. J. Jacko suggested mentioning their upcoming project of the bathroom renovations at that meeting. Z. Gabriels agreed but feels that they need to address the ramp reimbursement first. J. Saris agreed with J. Jacko and stated that in the Conservation Easement, it clearly states DEC's participation and involvement with improvements. He feels that the upcoming meeting would be a good place to start mentioning the upcoming project for the bathrooms.

*Status of two buildings- shed and metal, three sided building- various contractors in Bolton, Digital pictures for historical purposes- taken? Archived location- possible to include on web page?*

J. Jacko stated that in light of the business idea presented to them by David Harden that they should reconsider their action on the removal of the metal building. J. Saris stated that J. Jacko had a point, but it seemed to him that the use of the metal building would be a secondary use to the primary location of the old sales and rental building. He continued that other than the dealing with the allowed uses as per the Conservation Easement, he is concerned about the amount of area needed for operation. J. Jacko agreed that they will

need more information, but his point was that they shouldn't act on this building with this possible proposal on the table. J. Saris agreed and feels that they could wait a few weeks until Counsel is able to review the proposal.

*Contract for dock rentals- any changes?*

P. Farbaniec stated that the only change is in how they are measuring the boats and that there are no other changes.

J. Saris asked if any of the Board members have spoken to the managers about available dock space for Dusty Rhodes. P. Farbaniec replied no. J. Jacko asked what size slip he needed. J. Saris stated that he was not sure, but Dusty asked last year to be considered for a space. J. Jacko stated that he would talk to the managers and find out what was available and see how they may be able to accommodate him. P. Farbaniec suggested that they could put him on a DEC dock since they have not utilized all of their spaces. J. Jacko and S. Andersen agreed. J. Saris stated that he feels that they should utilize DEC docks for transient docking and not for seasonal rentals. P. Farbaniec agreed but if they did not have an alternative for Dusty he would feel comfortable with putting him there. J. Jacko stated that he was unsure of the size of the one space left and if he will not fit there he will talk to the managers about putting him in one of the DEC docks. J. Saris stated that he would be more comfortable in seeing what other space was available and not put him in DEC docks. Z. Gabriels agreed and that if they are going to use one of DEC's docks that they need to ask for permission. J. Saris asked if they have a spot that they are using for transient docking other than DEC docks. P. Farbaniec stated yes, but he is unsure of how much space it is. J. Saris stated that if it is enough room that he suggests that they utilize that and use the DEC spots for transient docking.

Z. Gabriels brought up a docking spreadsheet that he is working on for the MOP. He indicated that he based the information from last year and it seems that on the east side of dock 1 there doesn't seem to have any names for rental and would like to understand the schematics of the docking. P. Farbaniec asked J. Jacko to speak with the managers for clarification. J. Saris stated that if these spaces are used for transient docking to possibly put Dusty in one of those spots. J. Jacko asked why this dock spreadsheet with names is necessary for the MOP. J. Saris replied that the names are irrelevant and that they need this for the MOP to show DEC where their docks are located.

*Draft of MOP (Marina Operating Plan)- for review and revisions after which to be submitted to Mike Muller for comment*

Z. Gabriels gave a brief overview of the MOP and provided a draft to all Board members for their review. He requested that the Board review and comment within the next few weeks so that he may work on it further before their meeting with DEC.

J. Saris commented that they need to work on their internal operating plan as well which details Norowal Marina policies and procedures. He suggested that all Board members work on developing a list of items that need to be addressed, such as transient docking. P. Farbaniec suggested making this the focus of their next meeting, which will be in two

weeks. J. Saris stated that transient docking is a huge issue and needs to be dealt with especially for those individuals who are camping on the islands and coming into to Town to pick something up quickly. P. Farbaniec agreed and stated that he is concerned that they cannot accommodate these individuals better. J. Saris stated that he and A. Baker have had some discussion on this. If these individuals decide to spend the day in Town or off the island, instead of charging them \$9/hr and tying up transient dock space he suggested that they have them pull their boat out of the water for the day at no charge. He stated that they already paid for launching on two ends of their stay. He feels that this would give these people an alternative and sometimes that is all that they are looking for. The Board agreed.

P. Farbaniec asked if they should invite the managers to the next meeting to hash out some of these issues. J. Jacko thought it would be a good idea to brainstorm with the managers. S. Andersen suggested that if there is a lot of things to discuss at the next meeting, that maybe they should meet once a week for the next few weeks and then once they have some ideas formulated, invite the managers for more discussion. J. Jacko thinks that they should just have everyone at one meeting. J. Saris suggested meeting next week to discuss what the Board needs to address with the managers and then invite them to a meeting. Z. Gabriels agreed and feels that they will also be helpful in answering some questions that he has with regard to the MOP. J. Saris agreed and stated that it would be helpful to compile all of the Board members' ideas and provide that list to the managers for their review before they attend the next meeting. This would help the managers better prepare for the meeting. P. Farbaniec suggested that the meeting on Wednesday, April 2<sup>nd</sup>, be considered a workshop. Therefore it would not require public notice and minutes would not be necessary. J. Saris stated that as long as no decisions were made at that meeting it could be considered a workshop. The Board agreed that the meeting would be a workshop and that no decisions would be made.

*Self-storage and launching- discussion of cost.*

P. Farbaniec stated that he personally was very anxious and pleased to make a decision to offer this service that he did not think enough about the fee that they are going to charge. He stated that they decided that the fee would be \$125/ft. He understands that market research has shown that this is a reasonable price, but he is not comfortable with it. J. Jacko agreed and stated that based on A. Baker's figures, an individual would have to use the launch 45-50 times to get their monies worth. S. Andersen stated that he does not have a problem lowering it. He stated that when they discussed the fee, there is an unknown part of it, which is the convenience of not having to haul the boat back and forth from their homes. He stated that the unknown is the value that they are charging for. P. Farbaniec stated that there is only a \$25/ft difference in having their boat in the water and feels that this is not enough of a difference. He also compared the individuals using winter storage in the steel building who are paying only \$1,100-1,200 total, which works out to be \$55-60/ft. He feels that these people have a real deal and does not expect to go that low but thinks that they could meet somewhere in between. S. Andersen stated that they could go to \$100/ft. J. Saris that when they came up with for the docking for

rational of pricing for DEC they wanted to give themselves some discretion as well. In dock space they came up with 1) annual berthing rights shall be secured by the public through license agreements with Norowal Marina Inc. 2) dockage will be leased by linear foot 3) footage required will be determined by the actual overall measurement of the vessel 4) to determine pricing structure, an annual survey will be conducted of all public, commercial marine facilities in Bolton Landing and the southern basin of Lake George 5) linear dock space rate will be determined by the BLDC Board annually and will be no more than 110% and no less than 90% of the average surveyed pricing per foot. J. Saris stated that they can make the leeway a little more or less, but somewhere in there they will have to have some sort of rational to demonstrate to the DEC that they are being fair. S. Andersen explained his pricing for F.R. Smith and Sons and stated that he is a little lower because he does not allow this service to begin until June. J. Saris stated that he would rather start on the lower side and build up from there. S. Andersen agreed and stated that he would rather see get some revenue locked in. The Board agreed to lower the self-storage and launching to \$90/linear ft.

S. Andersen stated that he has made some revisions to the self-storage and launching agreement but he has not passed it on to Counsel for his review. He will do so in the upcoming weeks.

New Business:

*Next meeting Wednesday, April 9, 2008 @ 5:00 p.m. Town Hall.*

Executive Session: J. Saris moved, seconded by Joel Jacko to enter into executive session.

Executive Session closed and the meeting was adjourned at 7:25 p.m.

Minutes respectfully transcribed by  
Kristen MacEwan  
Recording Secretary