

LDC – Minutes July 14, 2005

Bolton Local Development Corporations

Present: Ron Alcan, Scott Andersen, Richard Bartlett, Buck Bryan, Alexander G. Gabriels III, Jason Saris, Len Fosbrook (WCEDC) and LDC Counsel Michael Muller.

Absent: None

REGULAR MEETING

Z. Gabriels called the regular meeting to order at 4:43 pm.

EXECUTIVE SESSION: None

ANNOUNCEMENTS:

- Even though there may be three (3) or more Town Board Members in attendance at the LDC meetings, the NYS Open Meetings Law bars members from discussion and certainly deciding any Town Business. Z. Gabriels said the LDC meetings are for LDC issues only.

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- LDC Counsel reminded all in attendance that LDC meetings are open to the public, but there may be times when the LDC goes into Executive Session to discuss matters such as contract negotiations, etc. Executive Sessions of the LDC are closed to the public, due to the sensitivity of the subject matter and the fact that these matters

are not finalized as of yet, but the information, once finalized, will be released to the public.

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COMMITTEE REPORTS:

Saris: None

Alcan: None

Bartlett: None

Bryan: B. Bryan provided his Weekly Report to all LDC Members and Town Board Members in attendance.

Gabriels: None

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OLD BUSINESS:

Regarding Glens Falls National Bank, Z. Gabriels said (1) the LDC received Glens Falls National Bank's commitment letter on June 8, 2005 requesting an LDC reply deadline of June 28, 2005, (2) due to contingencies, he has verbally requested a 30 day extension to the commitment letter reply deadline and will follow with a request letter, (3) David Kaiser is still pushing for the LDC's signed letter of commitment for the \$2.5 million loan before proceeding, (4) David Kaiser and Tom Hoy will be meeting with the Glens Falls National Bank Board today and will float the idea of interim financing to the Board, (5) David Kaiser will provide Maureen Donovan (WCEDC) with the language that Glens Falls National Bank needs from the NYSDEC for assurances on interim financing, of which the LDC will be receiving a copy later this week.

Regarding NYSDEC appraisals, Z. Gabriels said (1) the LDC received the NYSDEC contract for appraisals letter last Tuesday and according to Ron Montesi, the contract began on Wednesday, July 12, 2005 and (2) S. Andersen told him one appraiser has already been to the Norowal Marina site. B. Bryan said the appraisal team consisted of two people who were at the site appraising the conservation

easement which took approximately 20 minutes wherein they took pictures and left. R. Alcan said the LDC should contact Glens Falls National Bank to make sure they are aware of the LDC's position regarding NYSDEC appraisal status. J. Saris said he spoke with Lisa Nagles of ELAN, who told him that if the LDC feels their group would be helpful in expediting the appraisal process, they would be willing to help.

Regarding the Conservation Easement, Len Fosbrook said (1) the WCEDC received a standard conservation easement from John Keating (the NYSDEC contact in Albany), which the WCEDC would provide to the LDC and (2) the WCEDC will continue to help the LDC any way it can. Z. Gabriels said (1) he saw Ron Montesi dropping off information to Scott Abrahamson and (2) he shared an e-mail from Stark to Keating regarding a second letter showing the state's interest and commitment. LDC Counsel said (1) he will work on the LDC's Conservation Easement and (2) he will meet with R. Bartlett for comments.

Regarding agreement provisions, this item is pending.

Regarding the easements, this item is pending.

NEW BUSINESS:

Regarding TD Banknorth, Z. Gabriels said (1) Mike O'Connell indicated he has all the information he needs from the LDC and that he will have rate sheets submitted to the LDC by early next week. R. Bartlett asked if the anticipated rate sheet is considered to be an offer and Z. Gabriels said he believes it to be so, but will not be positive until the LDC receives and reviews the rate sheets.

Regarding winter storage rates and procedures, S. Andersen said (1) he met with Mr. Lamb, who is in agreement with the LDC that current

customers should have first right of refusal for winter storage and first option for purchasing stands, (2) Mr. Lamb will inform current customers of winter storage options and LDC determined rates, (3) Mr. Lamb suggested rates for private customers to be \$1.50 per square foot and for anyone renting ten or more spaces to have a rate of \$1.00 per square foot, (4) Mr. Lamb suggested that boats over 24' be stored in the bottom lot and boats under 24' be stored up top, (5) block spaces may not all be together, since the area each boat will be stored in will be based on each individual boat size, (6) the boat square foot measurement is Length X Width, which is taken from the furthest point on the bow to the furthest point on the motor, etc., (7) anyone storing a boat there will need to have their own insurance on their boats and need to sign a hold-harmless agreement against the marina and the LDC, (8) all rates will be the same for current and new customers and (9) Mr. Lamb told him the LDC shouldn't keep any stands on-site and that customers should take stands with them at the end of the season, due to liability issues.

J. Saris said (1) the LDC had the opportunity to store stands on site for additional revenue and it will be an item the LDC needs to discuss and (2) asked if the LDC should generate the hold-harmless agreement. S. Andersen said he thinks Mr. Lamb would want the LDC to generate it and LDC Counsel said he will draft the hold-harmless agreement for the LDC and present at an LDC meeting in the near future for review by LDC Members.

From the public, Dusty Rhodes asked what the procedure would be for people who don't store their boats on-site and S. Andersen said people would have to contact Mr. Lamb or the marina.

B. Bryan asked why there would be a different rate for a single spot versus a block of ten or more and S. Andersen answered by saying (1) an individual spot requires more paperwork and time on-site and (2) blocks of spots are less paperwork and time on-site for Mr. Lamb. Z. Gabriels asked if the \$1.00 and \$1.50 quoted prices are fair market value and S. Andersen answered by saying (1) most places offer and require more than just spots, they also include

services, (2) the LDC won't be offering services and (3) at this point in time, it is still Mr. Lamb's marina and he can charge what he wants.

Regarding the Financial and Organization Plan, B. Bryan (1) said he and R. Alcan compare notes on an ongoing basis, (2) said the most current outcome is the new "Norowal Operating Plan," which is a work-in-progress, not a final draft, and an ongoing effort that needs all LDC Member input, (3) provided all LDC Members with a copy of this most recent "Norowal Operating Plan" draft and a binder to keep it in, (4) said he will be publishing revisions to this draft document for review, (5) said the operational goal of this effort is to produce a complete operational manual which can be handed to any employee, and upon reading the document, will be able to handle any aspect of the entire operation and (6) said the "Norowal Operating Plan" will be invaluable as a training aid, both for employees and current and future LDC Board Members, (7) asked that he receive copies of operating procedures for all of the various divisions of the Town of Bolton for review and reference and (8) asked all LDC Members to review this draft version of the "Norowal Operating Plan" and to provide feedback at the next LDC Meeting.

R. Bartlett said the LDC should create an operating plan to what's required then create a business plan catered to what the LDC is going to do.

From the public, Dusty Rhodes said it is mandatory the Marina Operating Plan (MOP) is in place.

J. Saris said (1) the LDC will be subject to OSHA at the marina, which should be included in the operating plan and (2) he and S. Andersen will research what is needed and report back to the LDC.

Regarding a letter to the editor of The Chronicle by Daniel Carnese, R. Bartlett said this is a Town Board issue and LDC Counsel agreed and said (1) the conflict in question is that Councilman Saris was making a decision as a Town Board Member on an LDC application and (2) this is not an LDC level of concern, but a Town Board concern.

Regarding the local public relations campaign and the FAQs document drafted by J. Saris, Z. Gabriels asked if the LDC wishes to initiate a local PR campaign. R. Bartlett said the LDC should issue the fact sheet drafted by J. Saris, once it has been finalized and J. Saris said he would like to move forward and have all LDC Members review the FAQs draft, which is still incomplete, to discuss and finalize at the next LDC Meeting. R. Alcan agreed that it is important to get something out to the public. Z. Gabriels said (1) the LDC has pre-authorization to use LDC funds for a bulk mailing of public relations pieces and (2) the final FAQs document will also be put on the Town of Bolton websites.

Regarding the Zebra Mussels Task Force, Z. Gabriels said (1) the Zebra Mussels Task force has sent notification that a wash station is ready for installation, with details to follow and (2) asked if there needs to be insurance for this installation. R. Bartlett said (1) he doesn't feel the LDC's insurance cost will go up for this installation and (2) if it is a public purpose and the LDC lets the Zebra Mussel Task Force install equipment on-site, then the LDC's insurance should cover the equipment, since it is a public service. B. Bryan said (1) the LDC has received no description or literature on the proposed wash station and disposal of wastewater and (2) the LDC needs to see data and needs more information. R. Bartlett agreed and said the LDC needs a proposal from the Zebra Mussel Task Force. Z. Gabriels said (1) the Zebra Mussels Task Force will probably start in Ticonderoga and may be to Bolton by next year and (2) Dave Decker at the Lake George Watershed Conference would be the person to supply the LDC with additional information on this proposed wash station.

OTHER BUSINESS:

B. Bryan (1) said the LDC received a letter dated July 7, 2005 from Corky Lamb and (2) asked if the LDC wants this procedure instated. S. Andersen said if a boat is on the property, the LDC needs to decide if it is going to allow boat work on-site. J. Saris said he believes it addresses an opportunity and R. Bartlett said it would extend the operation of a public marina. J. Saris said he doesn't think it would interfere with the marina operation. R. Bartlett said the LDC needs to address the liability insurance issue. J. Saris said he doesn't believe insurance is needed to launch and retrieve and R. Bartlett responded by saying that it's a public place, so the LDC needs to have its insurers review this item.

Z. Gabriels said Attorney John Lapper sent a letter dated July 8, 2005 requesting the LDC to revisit Frank Parillo's proposal.

J. Saris said he was approached by a person who owns a local ski area who told him, while he doesn't want to interfere with the LDC working with the NYSDEC, if the LDC finds the NYSDEC cannot come through, to contact him and his partner.

Z. Gabriels said (1) he has seen no change in public opinion on the Norowal Marina Acquisition, (2) the public still is in favor of the acquisition and (3) the biggest concern is the public feels the closing should already be complete.

PUBLIC IN ATTENDANCE:

From the public, Susan Volkmann asked (1) who would be taking care of the insurance certificates for winter storage, (2) if there would be a need for a winter employee for this task, and (3) if the corporation is dissolved, if employees would still have jobs. LDC Counsel answered by saying, the contract specifically says that there will be no continuing obligations on the part of the Norowal Corporation and (2) his interest is to receive what constitutes Norowal and work to wind down and dissolve the corporation as soon as possible, so the LDC is not doing any business.

R. Bartlett said in regards to employees for next year, this is under consideration and the LDC Members have made no decisions on timelines for employment as of yet. J. Saris said (1) if the process had moved along more quickly, there would be timeframes in place and (2) Mr. Lamb offered to run the marina under his management through the end of this season, where he would manage the marina and sell off items.

Susan Volkmann asked if she could see the "Norowal Operating Manual" and R. Bartlett answered by saying (1) the "Norowal Operating Manual" requested, that was handed out at this meeting, is one LDC Member's draft, which hasn't been reviewed and considered by all other LDC Members and (2) when an LDC "Norowal Operating Manual" has been finalized and adopted by the LDC, it will be provided to the public.

APPROVE PAYMENT OF LDC BILLS:

There were no bills to pay.

Meeting adjourned at 5:40 pm.

Respectfully submitted by

Jennifer Torebka

Recording Secretary

07/25/05