

**Bolton LDC Meeting- June 24, 2009**  
**State of New York**  
**Warren County**  
**Town of Bolton**

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

**Absent:** Art Baker and Kathy Simmes

Phil Farbaniec called the meeting to order at 5:13 p.m.

**Correspondence:**

- *Notice of project from the ZBA regarding property owned by Agnes Nolan.*  
Phil Farbaniec stated that this project does not seem to have any affect on Norowal and has decided not to attend the meeting.
- *LA Group Invoice*
- *CD's coming due-*

**New Business:**

- *DEC violations- Issue with gas tanks-*

Phil Farbaniec stated that they had some issues with the DEC and record keeping of the gas. Joan Baldwin stated that DEC reviewed their records and cited them for the following: 1) 10 reconciliation sheets did not have totals, 2) a defective sensor/alarm in the diesel tank which detects the amount of moisture or water build up in the tanks, 3) not visually inspecting the tanks once/week.

Joan Baldwin stated that they have resolved some of the issues and are working towards addressing all citations. She stated that they are working on a new system of signing off on the reconciliation sheets. A new sensor has been installed in the diesel tank and they are planning to inspect the tanks more frequently. Phil Farbaniec stated that they are working to mitigate potential fines. He stated that Linda Bennent seemed to feel confident that they could address all of these issues quickly.

**Public in Attendance:** Dan Rounds of Marshall and Sterling, to discuss liability insurance.

Dan Rounds stated that anyone who conducts a regular course of business or is an employee of someone other than Norowal should have a certificate of insurance naming Norowal as an additional insured. This would include vendors and commercial haulers. This can be added to insurance policies as a primary non-contributory basis. He stated that they should also be receiving a certificate of insurance from those customers that rent dock space as well.

Joan Baldwin stated that they have asked all of the dock renters for to provide proof of insurance for their boats and they have received approximately half so far. She stated that they have also asked for a certificate of liability for those individuals that are vendors or haulers. She stated that

the question is who is considered a commercial hauler. They have some individuals who only put one or two boats in for the season and it is not on a regular basis. Dan Rounds stated that if a launcher is providing a service for one of their customers they should be providing a certificate of insurance. Jason Saris stated that there may be some reluctance coming from smaller guys because they may not be operating the business in an official manner. Dan Rounds replied that these individuals are exactly what he would be worried about the most. He stated that a lot of these guys may not have any liability insurance, or have insufficient coverage and then if an accident were to occur while launching it would potentially expose Norowal to the liability. Getting a certificate of insurance is the best way to protect Norowal.

Phil Farbaniec asked what the cost would be to add Norowal as an additional insured. Dan Rounds replied that most individuals do not have to pay anything to have an additional insured named as a primary on a non-contributory basis. There was discussion of the amount of coverage that should be sought by each individual. Dan Rounds stated that it should be \$1 million.

Jason Saris stated that they should have proof of insurance from everyone to protect Norowal's interest. Joel Jacko asked if they could explore the possibility of getting some of the individuals to sign a waiver if they do not have insurance. Dan Rounds stated that he was not sure but a waiver might work in that type of situation if it was worded properly. Joel Jacko stated that they could explore this option to better protect themselves. Phil Farbaniec stated that they should talk to Counsel Muller to discuss drafting some language for a waiver.

Zandy Gabriels stated that they have considered working with the Town to allow for more parking and other scenarios. He asked if something moves forward with the Town could the Town indemnify Norowal. Dan Rounds stated that it could be possibility. Scott Andersen stated that would raise the Town's policy.

Joan Baldwin stated that she as been told by some that their insurance carrier will not allow this type of addition. Jason Saris stated that they should be made aware that this type of change does not increase their premium and it is something rather easy to do.

There was further discussion regarding the amount of coverage required and who should be providing insurance to Norowal. It was decided that all commercial vendors and haulers should be providing proof of liability insurance up to \$1 million in coverage, naming Norowal as additional insured. They also decided that those who do not have insurance or adequate insurance will need to sign a waiver which they will need to have Counsel Muller draft.

#### **New Business:**

- *Fax machine-*

Joan Baldwin stated that they have been able to send but cannot receive faxes because there is only one phone line. They used to have a separate line but it was discontinued. She stated that she usually has the faxes sent to the Town Hall and then she will come and pick them up. Joel Jacko asked if the machine needs to be replaced. Joan Baldwin replied no it is just lacking an additional line. Jason Saris stated that they really should have an additional line for incoming faxes. The Board agreed.

## **RESOLUTION:**

Motion by Zandy Gabriels, seconded by Jason Saris to get a get a second line for the fax machine. All in Favor. Motion Carried.

- Maximum size of boats allowed to launch at Norowal-

Joan Baldwin stated that they have been launching any boat that can go in. However, if it is over 30' they are not allowing them to tie to the dock. Jason Saris asked why. Joan Baldwin replied that it just has always been that way since Buzz Lamb owned it. Jason Saris stated that Buzz Lamb is not giving them directives anymore. Joan Baldwin stated that it has always been the policy that their dock renters are not over 30' and they cannot tie up over 30'. Jason Saris stated that there just doesn't seem to be any particular reason other than the fact that Buzz Lamb didn't want anything larger than 30'. Phil Farbaniec stated that they could do away with the size limitation and leave it up to the managers' judgment to allow for a 30' dock space customer or to allow a 30' boat tie up. Jason Saris stated that he understands that they would not lease a dock space for a boat that is over 30' because of their docks. However, he is more concerned about boats not being allowed to be tied up after launching. He feels that it is unfair that they would not allow a launching customer with a larger boat the same courtesy of allowing time to load their boat and park their car, especially on a quiet day. He stated that he also feels that there is a safety factor involved as well. He would rather see a larger boat tied up for a few extra minutes than to not allow them to tie up at all.

Joan Baldwin stated that they have signs up that have this restriction posted. Phil Farbaniec stated that it could still be up to the managers' discretion. Jason Saris suggested changing the wording of the signs. Scott Andersen stated that he feels that the managers should have discretion. Jason Saris stated that the signs could say "Launching and berthing of boats over 30' will be at the discretion of management." This would allow for the managers to make the decision based upon the conditions or what the customer is trying to accomplish by tying up. If they have a large boat and want to go into Town for dinner that would not be allowed. However, if they need to tie up to get something out of their car or to get ice, they should be allowed. Joel Jacko agreed that they should get some new signs and he would work with the managers on this issue.

## **Old Business:**

- *DEC office space-*

Phil Farbaniec stated that the DEC has not occupied the new office space at Norowal. Joan Baldwin stated that she heard that DEC will be there if you have a reservation to check-in. However, the day use permits are still being done at Glen Island and Long Island.

- *Electrical System on docks-*

Joan Baldwin stated that 2 years ago she and Linda Bennent were asked to go out for bids to do some electrical work on the docks. She stated that they notified at least 5 people locally and only

received bids from McBain and Lashway. McBain had his bid in writing and Lashway gave a verbal. They asked Lashway to put his bid in writing and he never did, so they opted to go with their only bid. Joan Baldwin stated that they asked McBain to make the electrical marine safe. She stated that she is not knowledgeable with electric and assumes that is what he completed for them.

Zandy Gabriels stated that they started with Mike Fitzgerald because Scott Andersen indicated that the work did not seem to be done correctly. They asked Mike Fitzgerald to take a look and see what he thought. Joan Baldwin asked why they didn't talk to McBain about their concerns. Scott Andersen stated that he did have that conversation with McBain. Jason Saris stated that they relied on McBain to make the docks marine safe and it was not done. He asked what they were supposed to do at that point.

Scott Andersen stated that he got a letter from Mike Fitzgerald who indicated that he was very upset over an incident at Norowal. Mike Fitzgerald stated that he went to Norowal to complete his work and was told that he was not the electrician of record. Zandy Gabriels stated that they need to make the decision here and give Mike Fitzgerald some direction. Scott Andersen agreed. He stated that there is still a little bit more to be done to be safe for the summer. Jason Saris suggested that they make Mike Fitzgerald their electrician of record and let Jay McBain know that he no longer is the electrician of record. He feels that they need this fixed to protect their customers. The Board agreed.

The Board agreed that Mike Fitzgerald will be the electrician of record.

Zandy Gabriels stated there is a bill for Mike Fitzgerald for \$782.00 to date. Scott Andersen stated that they will owe him a little more after he completes the work.

**RESOLUTION:**

Motion by Scott Andersen, seconded by Zandy Gabriels to pay the invoice of \$782.00 to Mike Fitzgerald for the electrical work to date on the docks at Norowal. All in Favor. Motion Carried.

- *DOT Easement of sign-*

Scott Andersen stated that Counsel Muller has written a letter to John Davy at NYS DOT in which he asks for right-of-way to maintain the sign. He stated that it is being worked on and he will provide updates when he gets them.

**Adjourn**

Joel Jacko moved, seconded by Scott Andersen to adjourn to Executive Session at 6:15pm. All in Favor. Motion Carried.

**Next meeting:** Wednesday, July 29, 2009 at 5:00 PM at Town Hall.

Minutes respectfully transcribed by

Kristen MacEwan  
Recording Secretary