

LDC – Minutes

June 8, 2005

Bolton Local Development Corporations

Present: Ron Alcan, Scott Andersen, Buck Bryan, Alexander G. Gabriels III, Dusty Rhodes, Jason Saris, Walter F. Lamb, Jr.

Absent: Richard Bartlett and LDC Counsel Michael Muller

REGULAR MEETING

Z. Gabriels called the regular meeting to order at 4:37 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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PUBLIC IN ATTENDANCE:

Attorney John Lapper and Frank Parillo were present to make a presentation. Atty. John Lapper, representing Frank Parillo, said (1) he sent a letter to the LDC regarding giving a presentation, (2) as an alternate for the LDC, his client is proposing purchasing the marina on its behalf, (3) Frank Parillo currently owns and operates a Bolton Landing marina, (4) there may be a way the Town of Bolton can provide public access to the lake without having to pay for it and (5) the question is if it would be better for the marina to be on private ownership on the tax roll.

Frank Parillo said (1) he has experience operating a marina, (2) he is not sure of the LDC's intentions for services, (3) he wants to know if the Town of Bolton is willing to take on the liability of operating a marina, (4) thinks they can do as good a job with the marina and protect the Town of Bolton by including the marina's continued use as a marina in a deed restriction, (5) he is open to anything the LDC has to offer, (6) the Town of Bolton could re-zone the marina property to guarantee there would be no condominium building, (7) the LDC will lose lots of income if there are no dock rentals, (8) if the Town of Bolton has spent money, he is willing to reimburse the Town of Bolton for any expenses incurred (ex. surveys, etc.) and (8) he thanked the LDC for its time and asked that the LDC consider his proposal.

Z. Gabriels said the LDC is proceeding in the direction it is currently going and will continue to do so for the time being. Atty. John Lapper said they want the LDC to consider this a formal proposal. Attorney John Lapper and Frank Parillo left the meeting at this point.

There was no other public in attendance.

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NEW BUSINESS:

Regarding Mike Wilkens, Z. Gabriels said (1) he was given Mike Wilkens' name by Frank and Willie Bea McDonald as a possible intermediary interest, (2) he has been told Mike Wilkens is an interested philanthropist who may be interested in helping the Town of Bolton during the transition and (3) he is not sure if Mike Wilkens is another developer.

RESOLUTION #13

B. Bryan moved, seconded by R. Alcan for the LDC to have Frank McDonald request a personal resume and concrete offer from Mike Wilkens to be presented to the LDC. All favorable. Motion carried.

B. Bryan said (1) he doesn't like the terms "investor" or "angel" being applied here and (2) if an interim investor can be provided to the LDC, the LDC should take it into consideration. Dusty Rhodes said (1) if Mike Wilkens is who he is said to be, then the LDC needs to find out his intentions and (2) it could be a good investment for the LDC and (3) the LDC should look into this option. J. Saris said (1) the LDC needs to pursue every viable option, (2) the LDC needs to find interim financing possibilities, (3) Mike Wilkens would not be his first choice, but the LDC should see what he has to offer and (4) in fairness, Mike Wilkens would need to know what he would be getting involved in.

Regarding the communication with the NYSDEC, Z. Gabriels said (1) he mailed a reply to the NYSDEC on Friday, June 3, 2005, (2) he had a meeting with Ron Montesi, (3) he is hoping for a NYSDEC reply by Friday, June 10, 2005, (4) he will also contact John Keating, (5) Ron Montesi indicated that he had a conversation with Frank Parillo regarding the conservation easement and Ron Montesi's opinion was that the state and town could protect public access better than any private owner and (6) he had a call from Assemblywoman Sayward, who he feels Frank Parillo also contacted.

S. Andersen said (1) Frank Parillo called Mr. Lamb in Florida saying he had an interest in buying the marina and (2) each time Mr. Lamb asked to see a commitment, Frank Parillo didn't deliver any response of commitment (ex. letter, deposit, etc.). J. Saris said what was originally being sold is not what is being sold now. S. Andersen said Mr. Lamb made it clear to him today that the upper lot and land swap is a deal only available to the Town of Bolton.

Dusty Rhodes said the only way public access to the lake can be protected in perpetuity is by ownership by the Town and State—it cannot be done through private ownership.

Z. Gabriels said Ron Montesi told him the NYSDEC may have to hang some property taxes on a portion of the marina. J. Saris asked if the NYSDEC comes up with \$2 million worth of asset value then why won't they pay taxes on the whole amount and Z. Gabriels answered by saying (1) some state land is exempt and some is not and (2) the state may be providing some tax money.

Regarding Len Fosbrook (WCEDC), Z. Gabriels said Len Fosbrook cannot make the 06/15/05 meeting and asked about availability for rescheduling the meeting. All LDC Members unanimously agreed that the LDC meeting for Wednesday, June 15, 2005 will be rescheduled to Thursday, June 16, 2005 at 4:30 pm.

OLD BUSINESS:

Regarding the USDA and information on Community Facilities Loans from Maureen Donovan (WCEDC) on June 2, 2005, Z. Gabriels said that the LDC does not get into police and/or fire presence at the marina for this loan.

Regarding the NYSDEC appraisal and other steps, Z. Gabriels said Lynn Schumann spoke with Stu Buchanan and said (1) the state appraisal will not be ready until the end of September and (2) she is not sure if asking Governor Pataki to speed up the NYSDEC process will change that. B. Bryan said if the LDC would like, he will contact Bob Flacke, who was the previous NYSDEC Commissioner and J. Saris said there is no problem with that. Dusty Rhodes said the LDC should go through any possible avenues to speed up the process. J. Saris said the LDC needs to push for the appraisal and a letter of commitment, as well as a check from the NYSDEC. B. Bryan said (1) Mr. Lamb said John Keating told him Governor Pataki is in favor of the acquisition and (2) John Keating is waiting on Stu Buchanan. S. Andersen said that Mr. Lamb told him that John Keating said he is in favor of the project and that the project has gone to the second floor or the Governor's floor.

Z. Gabriels said (1) the LGLC Board of Directors had a meeting last Friday, (2) they are favorable as becoming an intermediary, (3) they are not ready to commit and are waiting for additional information and (4) the LGLC can only give funding up to the amount of the state appraisal. B. Bryan said he does not know what procedure the NYSDEC is using to appraise the property. J. Saris said there would have to be bid specifications for the appraisal. B. Bryan said (1) appraisers are pre-approved by the state or NYSDEC and the LDC should have a copy of those requirements, (2) the LDC needs to keep the NYSDEC's feet to the fire, (3) Z. Gabriels did a good job in getting a reply out to the NYSDEC on June 3, 2005. Z. Gabriels said (1) there is an open space advisory committee and (2) he has been told that there are new criteria for a waterway access point.

Regarding the Legal Description faxed to Abrahamson, Z. Gabriels said (1) he has not received the Legal Description from Matt Steves yet, so it has not been faxed to Abrahamson yet and (2) LDC Counsel will find out if the LDC needs this in hand.

Regarding the 30-day extension of the LDC contract with Mr. Lamb, this item is pending.

Regarding Upstate Appraisals copy coming from David Kaiser, Z. Gabriels said he received the appraisals from David Kaiser. B. Bryan said (1) he would take a copy and review it and (2) the letter is coming from David Kaiser regarding the terms of the loan being 5 years @ 4.5% or 20 years fixed @ 5.5%.

Regarding the LDC presentations to the Town Boards, Z. Gabriels said Matt Steves will be presenting the LDC applications before the Town ZVA on Monday, June 20, 2005 and the Town PB on Thursday, June 23, 2005.

Regarding the financial plan to Glens Falls National, TD Banknorth and Bank of America, this item is pending. R. Alcan said this needs to be done and Z. Gabriels said it will.

Regarding the agreement, provisions and deadline, Z. Gabriels said LDC Counsel and Scheuermann will be meeting on Thursday, June 16, 2005 to go over the contract and make sure all parties are on the same page.

Regarding easements, Z. Gabriels said LDC Counsel is addressing the two easements.

COMMITTEE REPORTS:

Saris: None

Alcan: None

Bartlett: None

Bryan: B. Bryan provided the Weekly Report of the Financial Analysis Committee to all LDC Members and Town Board Members in attendance.

Gabriels: None

OTHER BUSINESS:

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Regarding data information, B. Bryan said (1) T. Coon is the highest paid Town employee with an annual salary of \$41,000, (2) he (B. Bryan) is okay with Corky being employed by the LDC marina and is willing to pay him a few thousand dollars more, (3) Mr. Lamb provided him with the list of the top 25 items sold for marine store sales, (4) the LDC should be thinking about the profitability of selling gas.

Regarding the reorganization and job specifications, B. Bryan asked if the LDC should advertise at this time. J. Saris said (1) with most jobs being seasonal, spring would be the time to fill seasonal positions, (2) the manager position is the only one the LDC should be considering to advertise at this time, (3) it looks like the LDC won't be owning and operating the marina this season. B. Bryan said the LDC should also consider the cashier position now. J. Saris said the LDC needs to give people a chance to have the opportunity to submit resumes. B. Bryan asked if the job specifications for the marina manager were okay, to which J. Saris and S. Andersen answered, yes. S. Andersen said he would wait to advertise the marina manager position until Labor Day, which is closer to when the LDC will be doing anything. J. Saris said S. Andersen has a good point, because there is an assumption that people with marina experience would not be ready to interview with another marina until after the current season.

B. Bryan (1) said Corky hand delivered his resume for the position of marina manager to the Town Hall, (2) said the LDC owes Corky a response and (3) asked if the LDC would like him to write it. S.

Andersen said formal applications should be accepted and interviews should take place after Labor Day. Dusty Rhodes suggested in the letter to Corky, that B. Bryan use the terminology that "...at this time, it is premature..."

Regarding CMJ Information, B. Bryan said he received two documents that need to be reviewed and signed by the LDC.

RESOLUTION #14

J. Saris moved, seconded by B. Bryan for the LDC to authorize the signing of the CMJ documents. All favorable. Motion carried.

Regarding a binder of insurance, J. Saris and S. Andersen (1) presented a draft letter requiring a binder of insurance from any marina who will put boats on Norowal Property, (2) said Mr. Lamb reviewed it and said to send it, and (3) with LDC approval, they will send the letter to all local and lake marinas. All LDC Members unanimously agreed the letter requiring a binder of insurance should be sent.

APPROVE PAYMENT OF LDC BILLS:

Regarding Elan, Z. Gabriels said (1) there was a Feasibility Analysis conducted by Elan, (2) there were additional edits to the March 2005 draft and (3) a bill was presented in the amount of \$4,346.56 for final payment. B. Bryan said (1) he feels the work was unsatisfactory, (2) he is not satisfied by the first two drafts and (3) he will abstain from voting on these two matters. Z. Gabriels said the Town of Bolton made the first payment. B. Bryan asked if the Town of Bolton made the agreement with Elan and J. Saris answered by saying (1) the work was done at the request of the Bolton Town Board and (2) once the LDC started, the Feasibility Analysis became redundant and services were no longer needed. Z. Gabriels said the financials received from

Curtis, Murphy and Jeffreys were much better. J. Saris said (1) he believes this is a Town of Bolton bill and (2) he agrees with B. Bryan in that it was the ability to get these things done which got the LDC's foot in the door with the state. The payment of this bill was tabled.

There were no other bills to pay.

Meeting adjourned at 5:30 pm.

Respectfully submitted by

Jennifer Torebka

Recording Secretary

06/15/05