

LDC – Minutes
September 15, 2005

Bolton Local Development Corporations

Present: Ron Alcan, Scott Andersen, Buck Bryan, Alexander G. Gabriels III, Dusty Rhodes, Jason Saris and LDC Counsel Michael Muller.

Absent: Richard Bartlett

REGULAR MEETING

Z. Gabriels called the regular meeting to order at 4:32 pm.

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.

CORRESPONDENCE:

- Z. Gabriels said all of the information for the first FOIL request from Deanne Rehm for all of B. Bryan's BLDC reports from 09/06/05 has been given to Counsel for review to ensure that confidentiality between the BLDC and Mr. Lamb and/or the NYSDEC are not breached.

- Z. Gabriels said he is working on the second FOIL request from Deanne Rehm which is pending his discussions with Counsel.
- Z. Gabriels said he received an e-mail from Ron Montesi regarding the due date for completion of appraisals being October 13, 2005 and supplied copies to all BLDC Members and to Counsel. All BLDC Members agreed that the e-mail is vague, so meanings can only be speculated and agreed Ron Montesi needs to be contacted for clarification. Counsel said he would contact Ron Montesi via e-mail on behalf of the BLDC to get clarification and he would also invite Ron Montesi to the next BLDC meeting.

COMMITTEE REPORTS:

Alcan: Treasurer's Report: Pending.

Bartlett: None

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

Financial and Organization Committee: (R. Alcan & B. Bryan):

B. Bryan said (1) he suggests the BLDC have a workshop to go over details of the proposed management plan and estimated I&E for 2006, (2) the BLDC needs to look into items as listed in his e-mail to all BLDC members, including docking and launch and retrieval fees, (3) the first 9 pages of the NOP are complete through the management summary, but the BLDC cannot move forward on this item until it meets to discuss the aforementioned and e-mailed outstanding items, (4) once the BLDC figures out docking, the BLDC can move on to

personnel and the I&E Statement and (5) at some point the BLDC needs to come up with the MOP and he thinks all DEC wants will be included in the NOP when it is complete. Counsel agreed with B. Bryan's final statement. J. Saris said the BLDC also needs to commit to the services it will offer.

Further discussion ensued on the topic of the FOC report, concluding with all BLDC members agreeing to an executive session (not open to the public due to discussions of contract negotiations) BLDC workshop to be held on Thursday, October 6, 2005 at 4:30 pm at the Bolton Town Hall replacing the regularly scheduled BLDC meeting.

Regarding Sales Tax on dock slips, Counsel said that New York State does not charge sales tax on dock slips, which he found out per phone conversation and he is getting written confirmation to that effect.

Counsel said he will research if New York State charges sales tax on parking and launching and report his findings back to the BLDC members.

Gabriels: Regarding Public Informational Hearings, Z. Gabriels said (1) the BLDC will hold a Public Informational Hearing on the proposed Norowal acquisition on Thursday, September 29, 2005 at 7:00 pm at the Bolton Town Hall, (2) notice of the Public Informational Hearing was included in the second BLDC Informational Brochure which has been sent and (3) the Public Informational Hearing details have been submitted to local publications and posted on the Town of Bolton websites. R. Alcan suggested the BLDC make copies of the Adirondack Life article on conservation easements and the information brochures that were mailed

available to all in attendance at the Public Informational Hearing and all BLDC members agreed this is a good idea.

Regarding DEC appraisals, Z. Gabriels said (1) Ron Montesi noted that the second appraiser, Al DeKrey of McGrath and Company, Inc., will be on-site next week, (2) the presumed end of the 45 day appraisal process is October 13, 2005 per the DEC memo and (3) the BLDC has received no word back to date on the DEC's first appraisal.

Saris: None

OLD BUSINESS: None

NEW BUSINESS:

Regarding weekly BLDC meeting times, Z. Gabriels said that (1) some public have requested to move the BLDC meeting times to later in the early evening so that more can attend without the need to leave work early and have suggested 7:00pm to replace the current 4:30 pm meeting times and (2) the BLDC has not had this discussion with Mr. Bartlett at this point in time. This item was tabled for further discussion with Mr. Bartlett and until further notice, BLDC meeting times will remain at 4:30 pm.

PUBLIC IN ATTENDANCE:

From the public, Susan Volkmann asked who the Director of the NYSDEC is and who that person's boss is. Z. Gabriels replied by saying (1) the DEC Director of Region 5 is Ron Montesi and he reports to Stu Buchanan, (2) he does not know who Montesi's direct lines are with down in Albany and (3) Ron Montesi's position is a political appointed position—not a civil service position.

From the public, Deanne Rehm said (1) regarding her FOIL request, three transfers of funds into the BLDC total \$152K which would negate the \$75K Bed Tax money and (2) in a letter to the Town Board, she requested the Town Board suggest the BLDC retain other counsel because it won't help clear the lines having the same Counsel represent the Town Board and the BLDC and having the BLDC retain separate counsel would help clarify the two separate entities.

Regarding the public informational meeting, Deanne Rehm said (1) she hopes the BLDC Counsel would lay out in written and presentation form for the community all other options that were looked at before deciding on and forming the BLDC including the BLDC's position in not going with a private owner with a conservation easement, concession, etc. and the pros and cons of all of the options that were available, (2) if the public informational meeting serves its purpose, the BLDC will provide information then ask for questions and (3) the public needs to know that the BLDC looked at options and evaluated them and how the Norowal Acquisition has gotten where it is at this point. Counsel said (1) regarding a concessionaire, that would be a BLDC member reply, (2) he is not in the position to make the choice or suggest what the BLDC should do, (3) the BLDC board has in no way ruled out a concessionaire and (4) he will be prepared for Deanne Rehm's items, as all alternatives were definitely considered.

J. Saris said (1) it may be a good idea to start the meeting by answering questions that have already come up and (2) part of the obligation is for the BLDC to educate the people in attendance at the informational hearing and get their concerns as well. From the public, Nancy Rhodes said (1) visuals work well, (2) the simpler the BLDC keeps it, the better, and (3) the BLDC should show the separation of the BLDC and Town Board on a chart or on a proposed timeline. Further discussion ensued with an emphasis on the need for the BLDC to clear up any confusion the public may have regarding the BLDC being a separate entity from the Town Board.

Deanne Rehm also said (1) the BLDC needs to be prepared for questions of funding from the Town of Bolton and the question of if that money is Town money and (2) the BLDC needs to make it clear to the public for what else the Bed Tax money could be used for. Z. Gabriels said (1) the Town of Bolton advanced the BLDC \$45K for the down payment, \$32K prior to that and then the \$75K Bed Tax money and (2) there is no problem or conflict for the BLDC to use the Bed Tax money as it is within the scope of uses outlined for that money. Counsel said (1) the \$75K Bed Tax money doesn't have to be paid back, (2) the \$45K down payment money is tied up into the contract and goes back to the Town when the BLDC closes on the Norowal Acquisition and (3) the BLDC needs to figure out how much of the \$32K may be attributed to the BLDC and pay that amount back.

APPROVE PAYMENT OF LDC BILLS:

Regarding education / outreach, Z. Gabriels said the second installment of the BLDC public informational mailing began going out today and (2) the BLDC needs to authorize payment to the UPS store for a total of \$705.60 (\$460.80 for printing and copying and \$244.80 for postage of mailing). J. Saris said the rest of the brochures should be out to Diamond Point on Saturday.

RESOLUTION #21

B. Bryan moved, seconded by R. Alcan for the BLDC to pay the UPS store a total of \$705.60 for the printing, copying and postage of the 2nd installment of the BLDC public informational mailing. All favorable. Motion carried.

EXECUTIVE SESSION:

The LDC Members adjourned the regular meeting and entered executive session at 5:35 pm to discuss the NYSDEC Conservation Easement and contract negotiations.

The LDC Members adjourned Executive Session, reconvened the regular meeting and adjourned the regular meeting at 6:20 pm.

Respectfully submitted by

Jennifer Torebka

Recording Secretary

09/22/05