

Bolton LDC/Norowal Marina Inc. - Board of Directors Meeting- September 19, 2007
State of New York
Warren County
Town of Bolton

Present: Supervisor Alexander G. Gabriels III, Councilman Jason Saris, and Joel Jacko

Public in Attendance: None

Absent: Phil Farbaniec, Councilman Scott Andersen and Jon Maranville

REGULAR MEETING

Alexander G. Gabriels, III (Supervisor Gabriels) called the meeting to order at 5:15 pm.

Correspondence:

Supervisor Gabriels stated that Dave Clark has contacted him and is interested in concession of Mitzi's shop for a canvas shop. He also indicated that Henry Caldwell wants to rent the space for cold storage for his antiques. Jason stated that they have to approach this issue cautiously so that they do not affect other business owners in Town. Supervisor Gabriels stated that he indicated to both interested parties that he would bring this matter to the attention of the Board for discussion. Jason stated that he felt that if they used the space for winter storage, for example, that this would not only assist in bringing in more business, but it would be keeping their mission. Joel stated that the building is a waste of property structures not having some additional income there knowing that our expenses are huge. Jason stated that personally he would like to see all of those areas utilized for storage, parking and launching.

Treasurer's Report:

The BLDC has filed its consolidated income tax statements and zero tax is owed, except a nominal \$93.00 which is payable to NYS Department of Tax and Finance. Copies of all tax returns and internal financial reports have been provided to the bank.

New Business:

Launch Ramp-

Joel Jacko brought the information and photos that D.A. Collins (Collins) had provide regarding the preparation and installation of the launch ramp. Joel stated that the site preparation and angle are the key to the success of the ramp. The slab is 30 by 42 feet and approximately 8-10 inches thick. Joel stated that David McDougal from Collins came and inspected the site. Joel has received price brackets for each step of the project. The ramp itself will cost \$50,000.00, stating that the upper section and approach could be done another time. Jason Saris stated that he would like to see if they could do it with the concrete right off the water into the approach stating that it would be a savings in the long run, because they would not have to repeat filling or paving. Joel also stated that the last section was going to be asphalt and indicated that they wanted to grade it to move the

water that collects in by the maintenance area. He also suggested that they drill additional holes by the maintenance shed to get the water out faster. He feels that with the grading and holes that water would move quicker. Joel stated that total deal will be about \$90,000.00. Supervisor Gabriels stated that Joan told him that Deanne from DEC Construction was down here and did a visual site inspection today, which he felt was good by the aspect of her assisting them in their potential cooperative financial agreement with the DEC. Supervisor Gabriels stated he spoke with Rob Davies, Director of Lands and Wildlife at DEC, and upon hearing the cost of the project Rob doesn't believe that the DEC would be willing to establish a cooperative agreement for this year. Supervisor Gabriels said he did not get to ask him about the option of "if we front the cost, will DEC back it". Joel stated that if they wait any longer and go through a rough winter that the area will break down further and will have trouble getting in and out. Joel stated that he felt as though the only option was to go ahead with the project and then set up a meeting to discuss cooperation. Supervisor Gabriels stated that Rob Davies indicated that the Conservation Easement Agreement (Easement) clearly incorporated a concept of sharing capital expenses, but did not discuss finances or percentages. Jason Saris stated that during the initial meeting with DEC that this was a big discussion and that he again would be willing to go with Joel and Phil when they do meet with the DEC. Joel indicated that he did not want to go without someone that was at the initial meeting. Joel suggested that once they do meet with them, since the wording in the Easement is so vague, that when numbers are offered or given that we put it in writing. Supervisor Gabriels stated that he told Rob Davies that these figures and numbers were coming today and that he would put it to his attention just so he could see what the \$90,000.00 represented. Supervisor Gabriels also feels that if Deanne could put something in writing to her superiors to assist in this matter. Supervisor Gabriels feels as though that since the Easement benefits the island campers and it will last a long time, and the DEC agreed to share in the capital improvements that would facilitate the use and recreation of the lake by the people of the State of New York that 50% would not be out of the question. Jason stated that the worst case scenario would be that the State says no, but we are in a position to afford to do it. Joel stated that currently that they have \$165,000.00 sitting in CD's.

Jason Saris motioned to move forward to whatever the next steps, to continue our negotiations with DEC, which if they are successful the DEC will share expenses and if they are not successful then they will pay for this out of the Norowal resources. Joel Jacko seconded. All Favorable. Motion Carried.

Joel asked if Jason could come by and verify that the ramp is going to be long enough for larger boats. Jason stated that he would go by to measure out the 42 feet and check the water depth. Joel was concerned that the lake was so low at this point. Jason stated that this is a great time because people are getting their boats out and we need to be able to accommodate when the lake is high and low. Joel asked Jason to call David at Collins and express any of his concerns. Supervisor Gabriels asked if the ramp would accommodate larger boats. Jason Saris explained that at some point they are going to have to realize that they will not be able to launch absolutely everything ever built. He explained further that not only can they have difficulty launching larger boats, but they

could have issues with the non-easy loader style trailers which cannot put the boat in far enough. Their wheels could go over the edge of the slab and get stuck. Supervisor Gabriels asked if they should look at least a minimum design for a 40 foot boat. Jason stated that it may be long enough now in the design plans but he would have to go and measure to be sure. Supervisor Gabriels stated that it is the preference to design the ramp to accommodate a 40ft boat. Jason stated that he felt 40ft maximum, because anything more than that would have difficulty making the swing around there.

Joel asked if they wanted to go with concrete or pavement for the second section (abuts ramp). Supervisor Gabriels stated concrete would be fine. Joel then asked about the third section. Supervisor Gabriels stated that asphalt should be used. Jason stated that the third section is going to have to wait anyway, because by the time the ramp project is complete the asphalt plant will be closed.

Supervisor Gabriels discussed the issue of permits, stating that Mark Migliori, Deputy Regional Permit Administrator, DEC Warrensburg, replied in an email to Dave Wick, Warren County Soil and Conservation, covered under the general permit from reconstruction of an existing facility...”If there is to be sediment removal from the prop wash pile, the basic sediment size analysis will be need for starters, also disposal location, restricted or unrestricted has to be identified. I see no problem with the timing as long as the work area is properly sequestered.” Joel stated that this is going to be Collins’ job. Supervisor Gabriels stated that this is the general permit that they will be able to work under and Warren County Soil will be able to get the permit for them quickly. Supervisor Gabriels indicated that if they have Warren County obtain the permits, it could save them time and money. Jason stated that this is another matter that they should discuss with Collins. Joel indicated that he was going to have Dave from Collins come out to meet at the site. Joel asked if they would save money if they decided to go through Kubricky. Jason indicated that the only way he sees that they could save money is that Norowal doesn’t need to pay prevailing wage and if Kubricky is non-union.

Joel asked who he should contact at the DEC for a meeting. Supervisor Gabriels indicated that Betsy Lowe, Regional Director, would be the place to start. Jason stated that she would be able to direct them to who they need to speak to if it is not her directly. Joel stated that Phil will not be immediately available and asked that if the meeting could wait until then. Jason stated that it would be alright to wait. Supervisor Gabriels suggested that although they are not ready right now, that they should call and schedule it due to her busy schedule.

Showers/Bath Restoration-

Joel indicated that they have been doing work on the bathrooms themselves, because they do not feel as though they will have the money to do the whole project. They are giving it a face lift with paint and in the spring they are going to work on the ventilation.

Upcoming Budget-

Supervisor Gabriels indicated that as the BLDC that they need to establish a budget for next year. He provided a pro Forma budget for the Board's consideration. Joel stated that they should have another meeting prior to submitting the budget in January.

Signature Cards-

Supervisor Gabriels stated that signature cards for TD Banknorth are available for signing. Joel indicated that Phil, himself and the managers were going to take care of that. He then asked about GF National. Supervisor Gabriels indicated that GF National was going to send the paperwork in the mail. Joel stated that as of yet they have not received it. Joel stated that he would stop in to GF National and pick up the paperwork and bring it to Supervisor Gabriels for him to sign off on the change of officers.

BLDC Candidates-

Supervisor Gabriels brought up the issue of additional candidates for the BLDC Board. He stated that Craig Hannon was still of interest. Joel brought up Tom Burhall. Jason stated that he spoke to Art Baker and he was interested as well. Supervisor Gabriels stated that he would like to interview all candidates before the next Town Board meeting.

NYS PAAA-

Supervisor Gabriels discussed the NYS PAAA. He stated that they are making progress. There will be some classes and they need to do an audit. He stated that he asked Paul Curtis of Curtis, Murphy and Jeffreys (CMJ) to complete the audit. Paul Curtis suggested using the accountant who audits our Town finances. Since we have not ever been audited other than by the State Comptroller which has been once in the last 14 years. Jason Saris suggested Donna Farrar who is the accountant the Town used to audit the Sagamore's books and she specializes in this area. Supervisor Gabriels stated that he would contact Donna Farrar in order for her to complete this audit. Jason Saris motioned to contract Donna Farrar to audit the BLDC for compliance with the NYS PAAA law. Joel Jacko seconded. All in Favor. Motion carried.

RestoreNY Application-

Supervisor Gabriels indicated that he requested a RestoreNY grant application which is for \$675,000.00 with a local 10% match (\$75,000.00). He stated that his intent is to purchase from a private corporation the land assets outright and make it a bona fide park and municipal ownership. He stated that he has not looked at the application and it is due on 9/28/07 and he is looking for any assistance.

Inventory-

Supervisor Gabriels stated that Scott Andersen indicated that the sale of the inventory would be handled this fall.

Additional New Business-

Supervisor Gabriels brought up the issue of bed tax monies being used by the Town to purchase dock slips, at the going rate, and use them for transient dockers at Norowol. Jason Saris indicated that he felt as though this issue would be best discussed at the Town Board Bed Tax Committee meeting. He stated that from the Norowal standpoint, if that

offer is made, that we would have to do it by attrition. He thought it would be a good idea and if the Town was willing to do that because it would alleviate some of the short term docking issues.

Supervisor Gabriels also brought up the issue of the BLDC considering seasonal lease of parking spaces to the Town for free parking. He further stated that this may be a conflict of interest and may not be a road they want to travel.

Supervisor Gabriels asked if the BLDC wanted to make a specific request for bed tax monies in 2008. He stated that he is concerned that some may not agree with using the bed tax money in their fourth year. Supervisor Gabriels indicated that the first two years they received \$75,000.00 and last year it was \$45,000.00. Jason Saris felt as though that the usage of the money is within the scope of the bed tax guidelines. Supervisor Gabriels asked if there was a specific amount that the BLDC wanted to request from the bed tax money. Joel asked when the money was available and asked that if it is available at the beginning of the year, could they use that in the spring to do the bathrooms. Supervisor Gabriels indicated that there was money still available after allocation this year. However, he is concerned that they will receive negative feedback on the usage of money. Joel stated that he would like to set a list of priorities, launch, bathrooms and then dock slips. Joel stated that he would like to request the money, he felt as though that would make for a great opening of the 2008 season. Jason Saris stated that from the BLDC point of view that they should request the money. Joel asked as to when they would know an answer for this request. Supervisor Gabriels stated that the Bed Tax Committee usually meets in December or early January.

Supervisor Gabriels indicated that they need to work on the Operating Plan. Joel indicated that the DEC is anxiously awaiting an Operating Plan. He brought the old one that Norowal had used to assist Jason in his completion of the plan.

Supervisor Gabriels discussed the option of inside boat rentals. Joel stated that they made decisions on pricing based upon the last year. They used the numbers that the other members had discussed last year and set up storage fees for this year and thought they were doing the right thing. Jason explained the history, stating that in their first year Buzz still owned the marina and Buzz did not want to winterize any boats, he wanted to be done. They had worked out with certain people that their boats were going to be stored on the property and other people would be coming in from outside to do that work. The inside storage was going to be available for sublet, at a certain rate, because it was going to be rented to another marina and they are going to mark it up to their customers. Jason also stated that he did not know what Buzz charged to private customers. Jason felt as though that this whole concept did not get relayed to Joel and Phil by the managers. Jason stated that the concept was changed from sublet through other marinas to sublet to the public, and insurance isn't being required. Joel indicated that he, Phil and the managers made the mistake of not coming to the Board for approval before setting the prices, and that he did not intend to affect any other businesses in Town.

Supervisor Gabriels asked if the requirement for insurance indemnification for winter storage was being met. Jason stated that he is concerned that many do not have the proper type of insurance. He stated that he has marina operator liability insurance for \$1 million dollars as do other marinas but the average person has a liability insurance policy on their boat. Joel asked how they want them to check this out. Jason stated that each individual needs to have \$1 million coverage with BLDC and Norowal Marina named as additional insured.

Jason stated that Scott Andersen went to bat for the BLDC and Norowal Marina with the Marine Trades Association when we were putting this together. He tried to ease the concerns and fears of the other marina owners and operators in the area and on Lake George that we would not be in competition with them and they in turn supported us. Jason stated further that most were concerned with the competition and with the rates being set that some may feel as though we have gone back on our word. Supervisor Gabriels stated that it was an unintentional was hoping to close the door on this mistake quickly. Joel asked how to correct the pricing now that it is set and the letters have been sent. Jason stated that they could not change the pricing, but they could stop promoting it. Jason asked if they had mailed a lot of this pricing info. Joel stated that most of it has been picked up at the marina or sent to local marinas. Supervisor Gabriels indicated that the price would be good to market to other marinas. Jason also indicated that they should do a follow-up letter to those private individuals using winter storage regarding the insurance requirement.

Supervisor Gabriels moved to adjourn at 6:25 pm. Jason Saris seconded. All Favorable. Motion carried.

Minutes submitted by Kristen MacEwan.