

LDC – Minutes
September 22, 2005

Bolton Local Development Corporations

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

Absent: Richard Bartlett

REGULAR MEETING

Z. Gabriels called the regular meeting to order at 4:35 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.
- Z. Gabriels said Richard Bartlett would not be in attendance at this meeting or at the September 29th Public Informational Hearing.
- Z. Gabriels said he has to leave the BLDC meeting by 6:00 pm due to another engagement and there is also a Town of Bolton Planning Board meeting at 6:00 pm this evening at which Counsel and the Recording Secretary will need to be present.

CORRESPONDENCE:

- Z. Gabriels said that a letter from Jonathan LoVecchio, CFP of MAINSTAY Financial Services, was delivered to B. Bryan providing favorable remarks on Corky Lamb.
- Z. Gabriels said handed out copies of the information to all BLDC Members for the first FOIL request from Deanne Rehm for all of B. Bryan's BLDC reports from 09/06/05 and gave Deanne Rehm the information as well.
- Z. Gabriels said all of the information for Deanne Rehm's second FOIL request has been compiled and needs to be cleaned up prior to distribution.

COMMITTEE REPORTS:

Alcan: Treasurer's Report:

Z. Gabriels said (1) BLDC funds to date have been paid out of the General Fund, (2) the BLDC needs to authorize the repayment of \$22,733.28 from BLDC account to the General Fund for actual BLDC expenses incurred and (3) the BLDC needs to authorize the accounting transfer of \$9,266.72 of unused monies from BLDC account to the General Fund. B. Bryan asked for clarification on specific BLDC expenses regarding what services rendered the BLDC is fully responsible to pay for and Counsel answered those questions.

RESOLUTION #22

R. Alcan moved, seconded by J. Saris to authorize the BLDC to repay \$22,733.28 from the BLDC's account to the Town of Bolton's General Fund for BLDC incurred expenses. All favorable. Motion carried.

RESOLUTION #23

R. Alcan moved, seconded by J. Saris to authorize the BLDC to transfer \$9,266.72 of unused monies from the BLDC's account to the Town of Bolton's General Fund. All favorable. Motion carried.

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): Pending

BLDC members said that there is a BLDC Executive Session workshop scheduled for Thursday, October 6, 2005 at 4:30 pm at the Town Hall, which will replace the regularly scheduled BLDC meeting, for BLDC members only because it is to discuss the proposed management plan (operations and personnel matters), which is part of the contract the BLDC hopes to enter into with the DEC.

Gabriels: Regarding Public Informational Hearings, Z. Gabriels said 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 which will replace the BLDC's regularly scheduled 4:30 pm meeting. J. Saris handed out and discussed a draft meeting format including a draft agenda and topics the BLDC should initiate discussion on at the Public Informational Hearing. Ron Montesi said if the BLDC wants, he will attend the BLDC Public Informational Hearing.

Regarding DEC appraisals, Z. Gabriels said that the second appraiser, Al DeKrey of McGrath and Company, Inc., was on-site on Friday, 09/16/05 and B. Bryan said he spoke with Mr. DeKrey, who is a good guy who answered many of his questions. Z. Gabriels asked if it is correct that the end of the 45 day appraisal process is October 13, 2005 per the DEC memo and Ron Montesi answered by saying yes, that is correct.

B. Bryan (1) said in his discussions with Al DeKrey there were four methods of evaluation that are being used—the first three are standard evaluations and the fourth is a state procedure, (2) said that the BLDC needs to find out exactly what the 4th approach entails and he suggested the BLDC contact Les Eggleston for additional information, (3) said that if the valuation comes in and it is not satisfactory to the BLDC, the BLDC should question the state on its valuation process and (4) asked if the BLDC should be giving DeKrey the current figures the BLDC has now. Counsel inquired as to what figures B. Bryan was referring to and B. Bryan answered by saying the most recent figures that were completed this morning and noted that this document will always be unfinished since it is a work in progress. Counsel asked if the current figures would be misleading in any way to Mr. DeKrey and B. Bryan said no. Counsel said in that case, this would be a useful tool for Mr. DeKrey.

B. Bryan said (1) he asked Mr. DeKrey if he had ever done this type of appraisal before and Mr. DeKrey told him no, that this appraisal is very unique, (2) he asked to see Mr. DeKrey's appraisal and Mr. DeKrey told him he would have to ask his client for that information, (3) he suggests the BLDC ask the DEC for a copy of DeKrey's appraisal, (4) he feels the appraisers aren't looking for what the BLDC thought regarding value. Ron Montesi asked how much method four of the appraisal process factors into the process and the BLDC members said the DEC should be

telling the BLDC that since it is a state method of valuation.

From the public, Deanne Rehm said (1) timberland is valued by the appraiser and (2) she thought the appraiser would value the marina as is and then also value it regarding potential use. Counsel said he agrees as an essential part of the appraisal would be to value the current use then crack the zoning code and value the potential maximum development of what could be there and what the BLDC is giving up. J. Saris said the problem is that it involves tying it into another property. B. Bryan said the best set of books for an appraiser to look at is the BLDC figures. Deanne Rehm said there is a need to build a number of hypothetical cases and added that boat sales and other items Mr. Lamb does won't be factored in. Counsel said (1) the DEC should figure how to enhance the lake campsites by linking in perpetuity to shore and lake access and (2) any good information the BLDC has the appraiser should have. J. Saris agreed and said the BLDC should do anything it can to expedite the process. B. Bryan asked if the BLDC should release its figures to Mr. DeKrey and Counsel answered by saying that as a legal matter he sees it as being acceptable to release the BLDC figures under precaution that the appraisers know Mr. Lamb's numbers are in there and are confidential.

RESOLUTION #24

B. Bryan moved, seconded by R. Alcan for the BLDC to release its figures, per checking with Mr. Lamb and getting his approval for disclosure, to Al DeKrey of McGrath and Company, Inc. All favorable. Motion carried.

Counsel also suggested that the BLDC contact the first appraiser and offer him the information as well and B. Bryan said he will do that.

Saris: None

OLD BUSINESS:

Regarding the NOP, this item is pending.

Regarding the DEC and the Conservation Easement, R. Montesi said (1) he sent notes to the BLDC on 09/21/05 and (2) he forwarded the BLDC's second Informational Brochure to Scott Abrahamson.

Counsel (1) asked if the DEC plans on spending money to support the marina in future years and (2) said his understanding is that the DEC will be called upon for capital improvements and (3) asked who the decision maker is so the BLDC can enter into discussions on this matter. Ron Montesi answered by saying (1) the annual operational budget/operating plan will go to Stu Buchanan, (2) his thought is that as the BLDC gets into the thick of things, the BLDC will present any capital improvement projects with its annual operational budget/operating plan to the DEC and the DEC will review it and make a decision and (3) the DEC wants to make sure there is public access to the lakes so the DEC hopes to be there to support in that. Counsel asked if the DEC plans to contribute to the general operation and Ron Montesi answered by saying that he will ask the DEC and report his findings. R. Alcan asked what the level of DEC commitment is for Annual Capital Improvements and Ron Montesi answered by saying that he is pretty sure it is negotiable.

Ron Montesi said (1) he forwarded Mr. Lamb's questions regarding the Conservation Easement, a letter of support for the project and a timeframe for DEC appraisal review/signature of the Conservation Easement to Scott Abrahamson, (2) he received answers to Mr. Lamb's inquiries and (3) he gave all BLDC members and Counsel a copy of Mr. Abrahamson's reply e-mail. Z. Gabriels said he believes DEC support is there for this project, but Glens Falls National Bank is

looking for something more concrete. Counsel said he spoke with Mr. Abrahamson and offered to work with him on verbiage for a letter of support, (2) he hopes the BLDC sees something in writing regarding the project still being doable and that the DEC is still interested. Ron Montesi said that Governor Pataki, Senator Little and Assemblywoman Sayward all support the project.

Z. Gabriels asked if the DEC will pay the financing charge for a one-time interim financing/financing charge the BLDC will incur upon closing for interim financing the BLDC has sought while the DEC goes through its appraisal process and Ron Montesi said he would look into it.

Ron Montesi asked if the BLDC received the reply regarding disclosure of the DEC/BLDC Conservation Easement information and Counsel replied by saying that he spoke with Scott Abrahamson today and was told that all Conservation Easement information is able to be discussed, but not distributed as it is not yet in its final form. Ron Montesi said he generated a Conservation Easement fact sheet and distributed copies for the BLDC to use at its Public Informational Hearing. Z. Gabriels asked if the current Conservation Easement draft could be given to Glens Falls National Bank and Counsel answered by saying (1) yes, he will give a copy to David Kaiser on Monday, September 26, 2005 and (2) he and Mr. Abrahamson are perfectly clear and in agreement on the Conservation Easement. Counsel gave copies of the Conservation Easement fact sheet to all public in attendance. Discussion ensued over the Conservation Easement fact sheet provided by Ron Montesi and Counsel said he would update it for stylistic purposes.

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) he has discussed this with Mr. Bartlett and Mr. Bartlett told him Thursdays at 7:00 pm would be fine and that

the BLDC should change its meetings to bi-monthly meetings unless a special meeting is needed. B. Bryan and J. Saris agreed that 7:00 pm is fine, but he want to keep the meetings weekly with the option to cancel a weekly meeting if the BLDC members anticipate they don't need one. All BLDC members agreed for BLDC meetings to remain on Thursday nights, but to change the meeting time from 4:40 pm to 7:00 pm effective Thursday, October 13, 2005. *Please note: the September 29th regular meeting has been replaced by the Public Informational Hearing and will begin at 7:00 pm and the October 6th meeting is a BLDC Executive Session Workshop that is not open to the public due to the purpose being to discuss the proposed management plan (operations and personnel matters), which is part of the contract the BLDC hopes to enter into with the DEC.*

PUBLIC IN ATTENDANCE:

From the public, Susan Volkmann asked who the person is that gives the yes or no regarding the DEC's \$2 million and Counsel said he believes it will be Mr. Alan G. Hevesi, New York State Comptroller. Susan Volkmann asked if anyone from the BLDC has been in contact with Mr. Hevesi and Counsel answered by saying no, his observation is that there are political issues there. Z. Gabriels said R. Bartlett has made two more calls to further this project.

OTHER BUSINESS:

R. Alcan suggested the BLDC offer parts, accessories and equipment to the DEC for purchase for their operations at Green Island.

APPROVE PAYMENT OF LDC BILLS:

RESOLUTION #25

J. Saris moved, seconded by B. Bryan for the BLDC to pay a \$79.04 for additional postage of the 2nd installment of the BLDC public

informational mailing sent to Diamond Point residents. All favorable.
Motion carried.

EXECUTIVE SESSION:

The LDC Members adjourned the regular meeting and entered executive session at 5:55 pm to discuss contract negotiations.

The LDC Members adjourned Executive Session, reconvened the regular meeting and adjourned the regular meeting at 6:04 pm.

Respectfully submitted by

Jennifer Torebka

Recording Secretary

09/26/05