

A workshop was held by the Town Board of the Town of Moreau on August 13, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York, for the purpose of a proposed dog park in the Town of Moreau.

Supervisor Jenkins called the workshop to order at 7:00 p.m.

The Town Clerk called the roll, which resulted in the following Town Board Members being present or absent:

Town Board Members Present

Tom Cumm	Councilman
Gina LeClair	Councilwoman
Preston Jenkins	Supervisor

Town Board Members Absent

Bob Prendergast	Councilman
Todd Kusnierz	Councilman

Also Present: Jeanne Fleury, Town Clerk; Town Residents: Richard & Patricia Hughes, Shelley Englert, Ellen Bombard, Dana Charpentier, Wilbur Whitford; Cathy & Kevin Fleming from Glens Falls

Supervisor Jenkins began by welcoming everyone to the Town Board Workshop and stated that the Town Board would be discussing the proposed dog park first and then the Board could open it up to the public. He asked that when that time came that the public direct their questions and comments to the Town Board Members and give their name and address. He asked that there be no cross conversations amongst the public. He asked they keep things civil. There are probably people here for and against a dog park.

He stated that about a year and a half ago people appeared before the Board asking for the creation of a dog park. The property owned by the Town off Route 197 (old Jehovah Witness building) was considered. The Recreation Commission then suggested a spot in the Town Recreation Park at the south end that was considered. They came up with a list of things that would have to be done by the group who wanted the dog park. July of 2008 was the last the Town Board heard from the people wanting a dog park and now here we are again discussing it and considering the Route 197 property again on a temporary basis. There were some Board Members in support of this site and some against. There was a petition filed that was signed by about 16 people who live along Route 197 against a dog park in that area. It has since been reported that this past weekend there were people with dogs running loose on the Town's property off Route 197, which is a violation of the Town's leash law. This type of behavior doesn't win any friends on the Board.

Councilman Cumm stated that he made his opinion perfectly clear two weeks ago and that was that since the petition was filed against a dog park on the Town's property off Route 197 he would not support a dog park temporary or otherwise on that site. He went on record as saying that given the Recreation Commission's recommendations for a dog park in the Rec. Park he is opposed to that too.

Councilwoman LeClair agreed. Moreau Fun Days was held in the Rec. Park this past weekend and a dog on a leash went after a person. ~~so next year dogs won't be allowed in park during Moreau Fun Days.~~
[Amended 8/25/09 by GL: "They will be requesting dogs not be allowed in the park during Moreau Fun Days. Moreau Fun Days Committee does not have the authority to disallow them, but they will be approaching the Board." She was upset that people who were requesting a dog park would allow their dogs to run loose on the Town's property off Route 197 without permission and knowing that the residents along Route 197 were upset about a dog park being proposed in their neighborhood. **[Amended 8/25/09 GL]** They knew they didn't have permission to do that and it wasn't legal for them to be there and still they felt it was okay for them to allow their dogs to run off leash

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against the leash law. She said that they of all people should have known better when they were trying to make a dog park happen in Moreau. She stated she won't support a dog park in the Rec. Park and she won't support it on Route 197. When you read the "Trust for Public Land" it reads don't put a dog park in neighborhoods, near children or in established areas. She said if they can find a location away from children or away from a community neighborhood then they could come back and talk to her, but in the meantime she wasn't interested in hearing anything about this until that time.

Supervisor Jenkins stated that two Board Members were absent and he wasn't sure what they had to say.

He opened up the workshop to the public.

Ellen Bombard from Mountain Road asked the Board if they had a suggestion for a location.

Councilwoman LeClair said she thought that before she was on the Board they were offered a place in the industrial park. She rides her bike in there and walks her dog on a leash in there. There is traffic in there and they would have to be careful. It is not a desolate site. It is where the Town is looking to put a passive recreational park in the future. It is a good area for a dog park and could have been up and running by now. She read in the minutes where someone said it was too desolate.

Ellen Bombard said she wasn't part of the original Dog Park Committee, but the industrial park hasn't been discussed as a site in recent discussions. She stated that she brings her dog all over the Town of Moreau off leash and disobeys the law at times. That is not the point. The issue of creating a dog park and finding a place for it has nothing to do with two dogs being loose behind the Town's building on Route 197 where nobody would have known it.

Councilwoman LeClair said "it does for her".

Ellen Bombard told Councilwoman LeClair to go to the Moreau Rec. Park and see how many dogs are loose there.

Councilwoman LeClair said two wrongs don't make a right.

Ellen Bombard said it happens all the time. It isn't relevant to this situation.

Councilwoman LeClair said it is. You want a dog park and you want us to believe that you will enforce the rules, but you don't follow the Town Laws. You should lead by example.

Ellen Bombard read the following statement:

"I had originally intended to reiterate three relevant points focusing on the positive aspects of community dog parks. After careful consideration and a personal conversation with Preston yesterday I changed the direction of my address to the Board. We find ourselves at this meeting being forewarned that we should prepare to encounter resistance from surrounding neighbors of the property on 197. I was told the Town of Moreau received a petition signed by approximately twelve signatures. I did not see the petition and I do not know how many households that represents. I also do not know the specific objections and fears of the residents who signatures appear. This is what I do know. These are facts without a need on my part to exaggerate or fabricate. Dog parks rank #11 on the list of the most requested use of community property across the USA in 2008. We are in receipt of 138 signatures on a petition in favor of a dog park in the Town of Moreau. A little history from her point of view, which may dovetail with yours Preston, may not. The Dog Park Committee received approval from the Town of Moreau more than 12 months ago to being the planning and creation of a park. To her approval implies help, consideration, working with, those kinds of things. The Rec. Commission was then directed to work with the committee to select a space and begin the process. The Rec. Commission issued a statement proclaiming their objections to a

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park within the Moreau Rec. boundaries. Nonetheless they acknowledged they were charged with this assignment and would proceed. There followed a series of tense and defensive meetings between the Rec. Commission and Dog Park Committee. The Rec. Commission issued a preliminary list of requirements that needed to be met before any construction or action could proceed. These included such things as an eight foot fence two feet of which must be buried. Specifications which no dog park in the country that I have looked into have. Our local chapters of SPCA, Humane Society nor any local vets in our area adhere to that kind of restriction for fencing. We have copies of the numerous stipulations expressly desired, I believe, to wear down the efforts of our committee in spite of the approval. It was very obvious we were being set up for failure and sure enough in July of 2008 the committee kind of gave up the fight. In March of 2009 I became interested in a dog park after experiencing the dog park environment of Saratoga. I contacted a remaining member of the Dog Park Committee and we started to pick up where the others left off. I proceeded with total belief in being positive, respectful, compromising and flexible. I was called naïve and was abandoned by the original members of the committee who did not wish to have that approach. The committee formed, our tasks were outlined and we again returned to the Moreau Rec. Commission to embark on our mutual task of creating a dog park in the Moreau Rec. Park. We again were met with significant resistance. Several more months passed where we went to meetings, got new stipulations, tried to meet them, tried to set up arrangements. We spent time measuring, all the things they wanted us to do. A 501c was very important to them and they wouldn't talk to us unless we became incorporated and spent money on a 501C for a dog park, many other things. At this point I personally met with Preston who and I quote "guaranteed me that if I could sway the committee to go to the 197 site that it would go through as a temporary thing". This is what I brought back to the Dog Park Committee. Nobody really wanted 197 they had bigger glorious plans. The 197 property is there, it is no money to taxpayers, it is almost totally fenced in, it has parking and it is a perfect situation for a temporary trial says Preston to me in the past. I bring this to the Dog Park Committee and got them to say okay we'll go with that and try it. So we returned to the Town Board and once again we are given a list of questions, concerns, requirements, etc.... to pursue, to look at. Again we went out and measured fences and looked at insurance requirements and all the things we had to do. Then a workshop date was scheduled and again resistance reigned. When I met with Preston yesterday I was informed that things had changed and I was told to redirect our efforts to the Moreau Rec. Park as several Board Members are running for re-election and they will most certainly vote in their political best interests. I am disappointed in our Town Board. I believed in the integrity of a verbal agreement. I believed our elected officials are in office to represent the constituency all of us. I believe there are many more supporters for a dog park in Moreau than there are non-supporters. They vote, they pay taxes and they will pay attention also. The Town Board's individual history with dog bites, personal style of dog rearing or relationship with your family pet is not really the issue here. What does anybody have to lose by allowing us to use this site on a very temporary, trial basis? You may find out that nothing happens or that things happen or that people don't want to go to the dog park. Whether it is success or a failure you have nothing to lose, because it will never become a permanent dog park site. How do I know, because the Town Board guaranteed it."

Supervisor Jenkins said that he couldn't disagree with most of what she said. A year ago in June the Town Board voted 5- 0 for a temporary trial at 197. Four weeks ago he would have said it would have been a 3 - 2 vote. Some of the things that happened this past weekend, ignoring the Town Law and turning the dogs loose have created a tough situation. Now he doesn't know what the votes will be. He stills thinks for a 7 - 8 month trial period anybody should have been alienated against that. He would still personally vote for it. Some people would like it, some wouldn't. The same thing happened last year. There were a couple people in the leadership of the Dog Park Committee who like nothing but embarrass the Town Board. That is where we are at now and that is essentially what happened.

[Amendment 8/25/09- Supervisor Jenkins corrected the statement he made above on line 2 about a vote being taken resulting 5-0. He said that a vote wasn't taken. There was discussion and a basic agreement. His statement above was incorrect.]

Dana Charpentier of 348 Reynolds stated he wanted to ensure that the dogs wouldn't get off their leashes. If a dog gets hit on Route 197 and someone gets hurt who bears the brunt of this legally. Whoever owns

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the property will get sued along with the owner of the dog, the person in the car, etc. The liability is there. Who will pick up the dog feces? When will it be done? What about the noise? He isn't one to listen to dogs barking. Also, you cannot guarantee that a dog visiting the park won't be carrying a sickness and spread it to the other dogs. He has a dog and loves dog. There is no way to guarantee that dogs won't fight amongst themselves. A dog can have an off day too. There was talk about people from outside the community using the dog park. Will they pay for a permit? Who will garnish the money? Who will bring the money to the Town? If at one time they were thinking about putting the dog park in the Harry J. Betar Jr. Recreational Park why wasn't it put in there. He has too many reservations about this in his backyard. Too many things can happen. He has 16 signatures opposing it on a petition and he probably could get more.

Councilman Cumm stated that Ms. Bombard said that the Town Board is here to represent the people in the community. To-date he hasn't had one single person other than the Dog Park Committee say that they were in favor of a dog park. The people who have approached him asked him what they were doing this for. He has a dog and walks his dog on a leash.

Richard Hughes of 98 Harrison Avenue asked what the area was zoned on Route 197. Is a dog park allowed in that area?

Supervisor Jenkins replied, no. This property where Town Hall is isn't zoned for a commercial building either. He stated that it would be a test site. There is already a parking lot there and there is $\frac{3}{4}$ of the fencing required already there. The dogs would be off leash, but in an enclosed area. These parks have been successful around the country. When we first started the process he was a little sketchy on it and now he thinks there isn't anything wrong with looking in that direction. If it stays clean and there aren't many problems and it works then maybe we could look for a long term site someplace else that makes sense. That is the reason why the Board voted 5 – 0 last June to give this a chance. The Dog Park Committee chose not to accept it. The Recreation Commission found a place in the park where it could be and that was the end until this March.

Wilbur Whitford who lives next door to the former Jehovah Witness building stated that nobody from the Dog Park Committee has come to him and asked him what he thinks about this. He is opposed to it. If the Town wants to buy his land and meet his price then the Town can have it.

Richard Hughes stated he has owned his land on Harrison Avenue for over 30 years and had horses there years ago and wanted to get another horse for a pet. He asked a Town Official if he could have another horse on his property now and the answer was no.

Supervisor Jenkins advised him that the answer shouldn't have been that quick. There is a zoning process and he could file an appeal for a variance.

Richard Hughes said again that the 197 site is not zoned for a dog park.

Supervisor Jenkins replied that a municipality doesn't have to follow the zoning rules.

Councilwoman LeClair stated that the dog park in Saratoga is not in a neighborhood such as the location of our building on Route 197. She spoke to a lady who is willing to come and speak to the Board. She is a dog trainer recommended by four veterinarians. She is fully in support of dog parks, but the one in Saratoga is very poorly run. It is not fenced and people let their dogs run out of the cars unleashed. There are too many dogs in the park on Saturdays. One Saturday one dog bit another dog. This lady said she doesn't bring her dog when there are too many dogs there. People clean up after their dogs and drop it out in the field rather than taking it home with them and disposing of it.

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Ellen Bombard stated that they submitted a list of proposed rules & regulations that address a lot of the issues. They are willing to adhere to the recommendations. They are trying to approach this with responsibility. They know the pitfalls and know what they are trying to avoid and achieve. She went on to explain about homeowner's insurance and coverage available. Nobody would have known they were on the 197 site if phone calls weren't made. The dogs weren't loose, they didn't go in the parking lot and they didn't go off the grass. The dogs weren't barking. She stated that she has two acres of land where she lives that abuts the Moreau Lake State Park property and she has squatter's rights to walk into the park. She wants her dogs to socialize with other dogs. This isn't an extreme concept. Moreau will eventually get a dog park. Times have changed. She stated that she doesn't use Moreau Rec. Park, but it doesn't mean she doesn't support it or doesn't want to pay taxes to support it.

Councilman Cumm told Ms. Bombard that she has to put herself in the Board's shoes. There is no support out there for a dog park other than from her group. He doesn't hear it. **[Amended 8/25/09 GL: Councilwoman LeClair agreed that she has had the same comments from the public that he has.]**

Supervisor Jenkins stated that in June 2008 the Board voted 5 – 0 to use the 197 site temporarily and the Dog Park Committee chose not to accept it. There is a spot in the Rec. Park in the south end away from the other activities that the Board was willing to look at and the Recreation Commission was willing to show the group the site. This is about the eighth meeting on a dog park. He isn't against a dog park. There are two council members tonight that said they won't support it and he doesn't know where the other two council members stand.

Councilman Cumm said he spent hours getting information on lighting, parking, surface preparation, power, insurance, architectural design fees, engineering fees, land clearing, maintenance, road preparation, irrigation. He presented it to the Dog Park Committee and they said they couldn't afford this.

Ellen Bombard said that most of what he just said is irrelevant. They weren't talking about lighting and irrigation. Bob Vittengl told them that BOCES would clear the land.

Councilman Cumm stated that BOCES used to do that, but they might not do it anymore. As far as insurance goes when somebody sues they don't sue just one person. Everyone with deep pockets will get sued. Everybody thinks the Town has deep pockets and we have good insurance so we would be one of the first ones to get sued.

Councilwoman LeClair said it doesn't matter how much insurance one has if a child is bitten there is no amount of money that can take care of that.

Dana Charpentier disputed the claim made by Ms. Bombard about the dogs stayed on the grass at the 197 site. He said a dog was in the parking lot, it was outside the vehicle and it did come back towards the parking lot a couple of times. There were other witnesses to this. He also noted the comment made by Ms. Bombard when she said she doesn't put her dog on a leash. If they are going to put something together they had better follow the rules. It is not a good area for a dog park. There is too much liability.

Wilbur Whitford asked why he wasn't notified about the meetings in 2008 and the one when the Board voted 5 – 0 to offer the 197 site for a temporary dog park.

Supervisor Jenkins said we publish an agenda for every meeting on the Town's website. Notice of the meeting was in the newspaper. We gave public notice as required by law.

Supervisor Jenkins stated that even though he is in favor of a dog park someplace in the Town he wants it fenced in. He also isn't for the 197 site being permanent.

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Wilbur Whitford asked what time frame is “temporary” and Supervisor Jenkins stated he would think 6 months to a year.

Wilbur Whitford asked why one of the people on the Dog Park Committee that have two or three acres can't use their land for a dog park.

Ellen Bombard said she actually thought about this with her property and asked if she could do this.

Supervisor Jenkins said she would have to ask the Building Department, but he was inclined to think not.

Councilwoman LeClair said that something we have said twice at two different meetings isn't being heard and that is that our insurance agent has said two times that our insurance will only cover one dog and one person in the dog park at one time in the fenced in area.

Supervisor Jenkins said he would like to see that in writing.

Councilwoman LeClair said she was against a dog park in the Rec. Park and at the Route 197 site, but she is not against one everywhere in the Town. She won't put other people's children at risk. She used a dog park 30 years ago in Long Island and it can be a good thing.

Richard Hughes asked how we would assure one dog and one person in the fenced in area at one time. It is something the Board should think about.

Shelley Englert asked if she understood correctly that they weren't entitled to have a dog park in the Moreau Rec. Park that is 100 plus acres.

Councilwoman LeClair said she would never vote for a dog park in close proximity to children. Even with 100 plus acres it doesn't take long for a dog on the run to get to where the children are playing.

Shelley Englert stated that there are people and activity in the Moreau Industrial Park too so we are back to square one.

Councilwoman LeClair stated that the Moreau Industrial Park isn't adjacent to a neighborhood and a park where children run and play. She said when she was camping at Moreau Lake last year she was responsible for five children and one of the parent's brought their dog and the kids took off for the bathroom and the dog ran after them and two of the kids were terrified.

Shelley Englert said she hasn't heard one positive comment in support of a dog park from Councilman Cumm or Councilwoman LeClair. She referred to the meeting in 2008 when three people from Route 197 were present and objected to a dog park on Route 197 and the Board said no to a dog park at the 197 site. Now they referred us back there again and there is still opposition there so the Board set us up to fail again.

Ellen Bombard stated that if there are issues such as the insurance policy (one dog, one person is not a dog park) and there is no point of us fighting city hall then we ask that you let us know ahead of time. If we can agree to let us keep working on finding another location then she requests that they be allowed to work with a group of people who are in favor of a dog park to come up with something that is satisfactory to all.

Supervisor Jenkins replied that, that would be difficult because in June 2008 there were five Board Members who said they would work with them in that direction and get it done and the group withdrew. They didn't want the 197 site they wanted the Rec. Park. The Rec. Commission came up with a spot in the

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park that would have to be cleared and fenced. We had several meetings and many things were said that weren't very nice and didn't have to be said and they lost support from the Board. Letting the dogs run loose last weekend they lost support. If they are looking for a decision they should be doing things people want to see that are going to make that decision. He wasn't saying it was over and he wasn't saying they couldn't go to the Rec. Park. He is only one vote. He doesn't know how the other two members that aren't present feel.

Councilman Cumm said that 40% of our Town is farmland and maybe a farmer would be willing to set aside a couple acres of land for a dog park, but then again it is a liability issue for that person and the cost of putting the thing together.

Ellen Bombard said they came to the Town of Moreau and she asked if he was saying that they should go to a private entity.

Councilman Cumm said he won't support a dog park in the Rec. Park or on Route 197.

Ellen Bombard asked the Town Board if they would support their efforts, which would include liability insurance and some funding.

Councilman Cumm said that every organization and he named Little League, Softball, Soccer, and American Legion put a chunk of money into the facilities that we have in the Rec. Park and it sounds to him that the Dog Park Committee has zero funds in their coffers right now and they have to be willing to put money into this project. He understood that their fundraisers brought in very little money. This is a big project they were undertaking.

Supervisor Jenkins stated that the industrial park is not an impossible site. The Town owns nine lots in the industrial park. However, if eight of the lots sold and somebody wanted the ninth one he would say that the park would disappear and then we would have to find another solution for the dog park. We own a large lot next to Hexion and they could fence off one corner of the lot for a dog park. He was speaking for himself here.

Shelley Englert questioned how safe the area was for people. She would be concerned to be in there alone with her dog. **[Amended 8/25/09 GL: Councilwoman LeClair had stated that she has lived adjacent to the park for 30 years and walked there with her children when they were young and her dog on a leash and never had a problem.]**

Supervisor Jenkins said the area they were considering in the Rec. Park wouldn't make him feel too safe either the road kind of goes down into the woods.

Shelley Englert asked Councilwoman LeClair if for the record she was saying that the industrial park was an ideal location for a dog park and asked her on a percentage basis how likely she would be to vote for it.

Councilwoman LeClair replied that if it doesn't involve tax dollars then she would be likely to vote for it.

Shelley Englert asked Councilman Cumm the same question and Councilman Cumm responded saying he would vote on it if it didn't involve tax dollars. He told Ms. Englert that the Dog Park Committee has to come up with funds for this. He doesn't see where they have any funds to do this.

Shelley Englert stated she doesn't want to pursue this only to be shot down again. She said there were other communities that were interested in contributing to this park if their residents could use it.

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Councilwoman LeClair suggested that Ms. Englert attend Town Board Meetings in these other communities that she was referring to and ask them if they were willing to contribute she doubted they would be.

Wilbur Whitford asked if the Route 197 site is a dead issue.

Supervisor Jenkins stated he would vote yes for it on a temporary basis. Councilman Cumm and Councilwoman LeClair have said no. The industrial park could be on a longer term basis. The only way to know if it is a dead issue is to have the other two Board Members present.

Ellen Bombard stated that Supervisor Jenkins originally told her that some funding for a dog park could come through local contractor fees. She said that Moreau owns property and has said they could use it for a dog park, but not with taxpayer money yet the Town Board wants to set the rules and regulations for the dog park and not allow the charging of a fee to use the dog park.

Supervisor Jenkins stated that the Town Board would have to approve the rules and regulations. As far as the money is concerned two Board Members have said no to spending taxpayer dollars and the other two Board Members aren't here and he hasn't decided. It would be a budget issue. He spoke about the volunteer organizations that contributed labor and materials to build a concession stand in the Rec. Park and that made a big difference when they voted on it. He said that Girl's Softball came in with a plan and free labor and contributed funds to build the concession stand. It was a \$24,000.00 project and the Town contributed \$11,000.00. The Town Board voted 5 – 0 in support of the project. Also, every year Girl's Softball pays the Town \$3,000.00 or volunteer labor equivalent to that amount to use the concession stand. It costs the Town money to have them in the park, staffing, etc. The Board hasn't seen this yet from the Dog Park Committee.

Shelley Englert stated they can't raise funds without a place.

Discussion followed on the previous suggestion of the route 197 site and the 501C3 status.

Supervisor Jenkins stated that in regards to the industrial park he would like to meet with the Building Inspector and find out what would need to be done to allow a dog park there. Then the Board could ask the Dog Park Committee to come back with costs and the Board could decide whether to approve it or not. Three Board Members would have to vote yes. He stated he would meet with Joe Patricke on Monday about this. He did tell Ms. Englert and Ms. Bombard that they would need one million dollars in liability insurance and a hold harmless clause.

Councilwoman LeClair stated that when they come back looking for approval to go into the industrial park she is going to want to know what the surfacing is going to be like, how will it be maintained, registration, who is going to use it, how we are going to enforce rules and regulations, Dog Control Officer's opinion about how he is going to enforce it.

Wilbur Whitford asked if he would be notified if the Route 197 site was back on the table and Supervisor Jenkins said he didn't think there would be enough votes from the Board for it, but he wasn't sure and couldn't guarantee it.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to adjourn the workshop at 8:32 p.m.

Roll call vote resulted as follows:

Councilman Cumm	Yes
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Councilman Prendergast	Absent
Councilwoman LeClair	Yes
Councilman Kusnierz	Absent
Supervisor Jenkins	Yes

Workshop adjourned.

Respectfully submitted,

Jeanne Fleury
Town Clerk