

A workshop was held by the Town Board of the Town of Moreau on November 22, 2011 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York, for the purpose of discussing the establishment of a Town-Wide Recreational and Memorial Project Capital Reserve Fund.

Supervisor Jenkins called the workshop to order at 6:30 p.m.

The Town Clerk called the roll.

### **Town Board Members Present**

Tom Cumm	Councilman
Bob Prendergast	Councilman
Gina LeClair	Councilwoman
Todd Kusnierz	Councilman
Preston Jenkins	Supervisor

### **Town Board Members Absent**

None

**Also Present:** Jeanne Fleury, Town Clerk; Karla Buettner, Attorney for the Town; David Taube, Reporter from the Post Star Newspaper

Supervisor Jenkins said they were here to discuss a proposed resolution to establish a Town-Wide Recreational and Memorial Project Capital Reserve Fund. He said that we have a reserve fund in place now, but it is strictly for use inside the Harry J. Betar Jr. Recreational Park. This reserve fund if approved could be used for recreational trails and other recreational projects outside of the Harry J. Betar Jr. Recreational Park. He said that when we receive recreational funds from developers it wouldn't automatically be put in any particular fund. It would be done by Town Board resolution.

Councilwoman LeClair gave an example of how money could be used that might be placed in this fund. The sewer system at the beach is failing and if we established this fund then monies in this fund could be used to fix the sewer system there. She said she wasn't looking to take money away from anywhere; she was just looking to broaden the use of the money. She mentioned the area off West River Road that is currently being used for the dredging and how there is a beautiful parking lot there and boat launch. It is all developed and perhaps we can get "them" to turn it over to us when they are done. It may need signage and picnic tables, but it is ready to go. It is a lighted area.

Supervisor Jenkins said that property is owned by Georgia-Pacific. He understands that there is minimal pollution on the site. NYS DEC has required them to remediate the site. The tests show no serious problems. It is adjacent to a major site that has been encapsulated. There is potential there. Georgia-Pacific may be willing to turn it over to us. Right now they are leasing it to GE.

Councilwoman LeClair said the site is ready to go and it is a great spot and it is something that we might be able to use funds in this account for. It may be five or ten years down the road though.

Councilman Prendergast stated that he thought it was a good idea and it would open up additional opportunities to offer to the public.

Councilman Kusnierz asked why we need a separate recreational capital reserve fund. Why don't we just amend our current capital reserve fund to include the things that are spelled out in this resolution?

Supervisor Jenkins said it would depend on how that capital reserve fund was set up. He said that he wasn't sure if that could be done or not, but it was worth looking into. If we were to move on this in the future it would be subject to permissive referendum.

Attorney Buettner at first replied that it would be and then she retracted her statement and said that she didn't think it would be as she recalled talking to Attorney Auffredou, former Town Counsel, and it is not subject to permissive or mandatory referendum.

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Attorney Buettner said she was willing to look into whether or not they could broaden the original reserve fund.

Councilman Kusnierz asked if this fund would be funded exclusively by recreational fees or other fees.

Supervisor Jenkins said he thought it could be funded anyway the Town Board wanted to, but it would be one place where they could put recreational fees if the board chose to.

Supervisor Jenkins then noted that the original resolution to establish the existing reserve fund reads that it was subject to permissive referendum pursuant to Article 2 of the General Municipal Law (GML) and Article 7 of the Town Law. He said maybe this wasn't correct, but that is how the original resolution reads.

Attorney Buettner said that was interesting, because the way Attorney Auffredou drafted this resolution before them he put in there that it is not subject to permissive or mandatory referendum.

Councilman Kusnierz stated that if it is the board's intent to go this route with this specific resolution then he has major reservations and it would be difficult for him to support it if we are going to allow recreational fees to be dedicated towards a memorial project. He thinks the Town Board can fund memorial projects outside of recreational fees if they so choose. When we established the Harry J. Betar Jr. Recreational Park and we had funding through recreational fees for capital projects the whole intent behind this was that recreational fees would be used for recreation. A memorial goes outside the bounds of recreation.

Supervisor Jenkins said the memorial they were talking about would be a park located at the Route 197 site that we hope to build on. It would be a park that was a memorial to the military/veterans of this country.

Councilman Kusnierz replied that they could rename the park as a memorial.

Supervisor Jenkins agreed that they didn't have to use the word memorial in there. If it is recreation then we could use.

Councilman Kusnierz stated that he is all for expanding additional funding opportunities for our recreation, but he has a problem using rec. fees for memorial recognition.

Councilwoman LeClair stated that they could probably buy a plaque with donations. An offer has already been made to donate a large flag pole that would benefit the Town Hall that is planned for the Route 197 site and we could get flags from different branches of the military to display.

Supervisor Jenkins suggested that they take the reference to memorials out of the resolution. The board can name the park anything they want to.

Councilman Kusnierz said there is language in the resolution that reads "it shall come from recreational fees or budgetary appropriations" so there is a potential that we could be funding memorials.

Supervisor Jenkins replied that they could fund the Harry J. Betar Jr. Recreational Park that way too if they chose to.

Attorney Buettner asked if they wanted her to remove the entire 2<sup>nd</sup> "Be It Further Resolved" clause on page 2 and any reference to memorials.

Supervisor Jenkins said that there was wording in the resolution that referred to "presently owned lands by the Town" and he suggested it be changed to read "owned lands by the Town".

Supervisor Jenkins said he would like clarification on whether or not they can change the existing one.

Councilman Kusnierz asked if they will strike out the wording "including lands for the development of memorials to distinguished citizens including veterans and men and women serving in the United States Armed forces" in the 1<sup>st</sup> "Be It Further Resolved" clause on page 2 of the resolution.

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The answer was yes.

Councilman Kusnierz asked if it would be a Town-Wide Recreational Reserve Fund and the answer was yes.

Councilman Kusnierz said it was important to recognize the Harry J. Betar Jr. Recreational Park by adding something in the resolution "Town-Wide Recreational purposes including the Harry J. Betar Jr. Recreational Park".

Councilwoman LeClair and Supervisor Jenkins said that was fine.

Supervisor Jenkins welcomed questions from the public present.

There were no comments from the public.

Councilwoman LeClair thanked the board members for working on this with her. She thinks it will allow us more flexibility in the future in many areas of our Town.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to adjourn the workshop at 6:45 p.m.

Roll call vote resulted as follows:

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

Workshop adjourned at 6:45 p.m.

Respectfully submitted,

Jeanne Fleury  
Town Clerk