

Rose Harvey, Commissioner
New York State Office of Parks, Recreation and Historic Preservation
Albany New York 12238

September 16, 2013

The purpose of this letter is to inform you that an alienation of park land in the McKownville Water District park has occurred. This park is situated in Guilderland, NY on Western Avenue, west of Fuller Road and south of Stuyvesant Plaza. The alienation occurred when an easement of 0.51 acres of land was granted to Stuyvesant Plaza by the Town of Guilderland. It is our position that this easement is illegal and should be rescinded. Our Association officers have carefully read the Handbook on the Alienation and Conversion of Municipal Parkland, published by New York State, and we believe the information in this publication supports our conclusion. In accordance with the procedure suggested in this publication, we are contacting you.

In 1947, the McKownville Water District was established on 9 acres of land with two storage reservoirs. In 1972, the residents of McKownville ceased using this reservoir as their household water source; however, the McKownville Water District territory continued to be used as a park. Residents, who moved to this area, as long ago as 1969, recall this area functioning as a park. It is still possible to contact residents who can attest to this fact.

During the 1970's the Guilderland Town Recreation Department sponsored ice skating at this location. The Town took responsibility for providing "No Skating" signs and other signs. There was a "warming room" inside the old McKownville Water District pump house. Ice depth was monitored by the Town Recreation Department. Sometimes the adjoining property owner, Stuyvesant Plaza, would, as a public service, promote ice skating on the reservoir. Included with this letter are eight (8) reprints from the Altamont Enterprise, a local weekly newspaper, reporting on ice skating and other park like activities at the McKownville Reservoir, dated 1978 through 1985. In addition to newspaper reports there are many people in the community who remember the ice skating, the warming hut, and the signage at this location. The Town also, during this time, installed a "spray" fountain in the pond---to add to its attractiveness as a park.

After the pond was no longer able to support ice skating, due to changes in depth owing to surrounding development, (New York State permitted Crossgates to discharge its storm water into the pond which caused much silting and other changes in the pond), the McKownville Water District property continued to be used for hiking/walking, fishing and canoeing. These practices continued through the 1990's and into this century. To support that this area was used as a park we have attached copies of newspaper stories and Town Board minutes that support our claim. (See Appendix E).

On October 20, 2006, the Town of Guilderland entered into a contract with New York State Office of Parks, Recreation and Historic Preservation for the purpose of construction of a park. It is entirely within the McKownville Reservoir territory and about half its size (4.17 acres)

This grant was for \$99,000, New York State Agency Number, EPF-40687-SC and New York State Comptrollers Number C406087 with an initial contract period of October 20, 2006. For its portion of the matching funds, the Town of Guilderland listed the value of the McKownville Water District park land, 8.4 acres, as \$225,000. These monies were used to develop trails and other improvements. The town added picnic tables, some benches, fencing, and a pedestrian bridge. (See Appendix D).

On November 16, 2009 a Deed, Easement, was granted by the Town of Guilderland to Stuyvesant Plaza Inc. Document Number 10533525 Book: 2963 Page:1064 was filed with the Albany County Clerk granting Stuyvesant Plaza Inc. 0.51 acres of the McKownville Water District park. Stuyvesant's plans call for removing trees, grading and paving this area, to be used as a parking lot.

In conclusion, we are asking for three determinations. First, we ask that the 2009 easement with Stuyvesant Plaza be declared null and void. Secondly, we seek restoration of the land area of the McKownville Reservoir Park to the size testified to in the October 2006 funding grant of \$99,000, which was 8.2 acres. Finally, we request that all easements granted by the Town in 1979 and later be examined for possible alienation of park land.

We are counting on you to assess our concerns regarding park land alienation. We must be sure that New York State law is being applied justly.

Sincerely,

Donald Reeb, president of the McKownville Improvement Association,

On behalf of the Board of the Association

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Guilderland, New York 12203
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Appendix

- A. Easement between Town of Guilderland and Stuyvesant Plaza 11/16/2009 including map
- B. Agreement between Stuyvesant Plaza and the Town of Guilderland
- C. Map of McKownville Water District
- D. Copy of result of Foil request to NYS Office of Parks, Recreation and Historic Preservation
- E. Reprints of pages from the *Altamont Enterprise*, a weekly newspaper, various dates, 1978 to 1985, of stories concerning the use of the McKownville Reservoir as a park:
 1. December 15, 1978, As weather permits figure skating rinks at Tawasentha Park at the McKownville Reservoir (Stuyvesant Plaza) andwill be open.
 2. January, 12 1979, ice skating will be available at McKownville Reservoir
 3. December 9, 1982, The town will operate skating and the McKownville Reservoir will have lighted night skating until 9 p.m.
 4. December 23, 1982, ice skating, cooperation between Stuyvesant Plaza and Dennis Moore town parks department, "lights, a warming room, better ice care.....maybe even a refreshment booth..."
 5. January 6, 1983, "the town will supervise day and evening ice skating..."
 6. January 27, 1983, "... whims of the winter frustrated up to now any plans for ice skating on the McKownville Reservoir."
 7. February 10, 1983, photo caption.... "this is the first year the town has offered public skating at the site...."
 8. March 31, 1983, "it is worth noting..."
 9. May 5, 1983, "fleet of canoes at the McKownville Reservoir..."
 10. January 12, 1984 "Skating on the McKownville Reservoir pond..... Those responsible for parks and recreation for the Town of Guilderland should closely monitor the condition of the ice"
 11. January 19, 1984, "the ice skating sign went up...."
 12. March 7, 1985 Mr. Moss was quoted, "When asked about skating on the reservoir,"
 13. January 30, 2003 "The McKownville reservoir/pond at Stuyvesant was going forward...."

14. June 9, 2005 "Tuesday, the board decided to apply for grants to build a small park in McKownville," The site of the proposed "McKownville Reservoir Park" is....
15. May 4, 2006 "The grants applications are for a \$97,450 for the creation of a passive park surrounding the former McKownville Reservoir"
16. December 21, 2006 "Next year the land around the old McKownville reservoir will be a park thanks to a \$99,000 state grant"
17. August 7, 2008 "the town will dedicate the land around the McKownville reservoir as parkland and"

F. From the files of the McKownville Improvement Association

1. March 19, 1976 Letter from John Esler to Western Turnpike Rod and Gun Club asking that the McKownville Reservoir be stocked with fish so that the children can continue to fish there.
2. October 14, 1977 Letter from Dennis Moore to Don Reeb saying "a snag concerning the use of the reservoir for skating" has emerged
3. 1977 memo from Town Supervisor Walters concerning use of the McKownville Reservoir for recreation
4. March 2, 1978 Letter from Town Supervisor Walters asking the County Health Department to grant the "...McKownville Water District permission to use the reservoir for ice skating in the winter and recreation purposes in the summer."

G. Reprints of Town of Guilderland Board Minutes, found at www.townofguilderland.org

1. December 19, 2006 "Supervisor Runion stated that the Town has been awarded a grant in the amount of \$99,000 for the construction of a park in the McKownville Reservoir....."
2. March 17, 2009 "The improvements will to hold storm drainage water; it will create a park like setting...."
3. June 16, 2009 "The Town receiving a grant from the NYS Office of Parks and Recreation \$1,000,000 for the the McKownville Reservoir into a Town park setting...."

H. Letters from five residents about their use of the Park in past decades

1. From Tim Cohan, John Esler, Lindsay Childs, John Carr and Don Reeb