

80 State Street, LLC  
Stuyvesant Plaza, Inc.  
First Realty of Albany, LLC  
Selected Properties of the Northeast, LLC

March 14, 2008

Honorable Kenneth D. Runion  
Supervisor  
Town of Guilderland  
Guilderland Town Hall  
Western Turnpike  
Guilderland, New York 12084

Re: McKownville Reservoir

Dear Supervisor Runion:

I am writing to express my serious concern about the status of the McKownville Reservoir and the Town of Guilderland's apparent disinterest in maintaining it properly in order to avoid continued flooding.

As you know, recently the McKownville Reservoir and the associated drainage pipes failed and overflowed again. As a result the entrance to Stuyvesant Plaza was flooded from approximately 3:30 a.m. on March 4, 2008 through 2 p.m. on March 5. This occurred in spite of several calls by Brian Karrel of our office to the Water Department on March 3 and 4, to request that the drain of the reservoir be opened, and if it was opened, to have the line jetted, as the water level was at the top and not receding.

Floods of this nature are preventable by the Town, and cause serious concern for several reasons. The most important concern is health and safety. Ambulances and EMS vehicles are called frequently to the Plaza or Executive Park for emergencies. If they are unable to get through at the most convenient access due to flooding, valuable time is wasted, which could be life threatening. In the event of fire (which has happened at both the Plaza and Executive Park) every second counts. Lives and property can be lost while fire trucks search for an alternative access route to the Plaza.

Second, businesses at the Plaza, and by extension, Stuyvesant Plaza, Inc., lose thousands of dollars every time such a flood occurs. When people cannot access the Plaza by their normal route, they turn around and go away. When they see the video of the flood on the news, they do not come. People also tend to stay away for longer than the actual period of the flood because they want to be certain that the road is clear. Our tenants can testify to the amount of lost sales on days when the Plaza is flooded. Some of the businesses, like the restaurants, cannot make up the lost sales.

Finally, flooding hurts our ability to lease space, our primary business. It seems that people believe that when it rains here it floods. Because the reservoir is at the entrance to Stuyvesant Plaza, people assume that it is our property and that we have no interest in properly maintaining it.

We have tried on numerous occasions to have the Town and the Water Department take notice and rectify this situation to no avail. We have made offers of assistance, suggestions, and asked for cooperation.

You may recall that on September 6, 2007, a meeting was held among representatives of Stuyvesant Plaza and the Town's Water Department. We requested this meeting in response to a flood a few weeks earlier in front of the entrance to Stuyvesant Plaza. We suggested that the Water Department consider permitting Stuyvesant Plaza representatives to regulate the water at the reservoir. In lieu of this, the Water Department representatives provided a list of names and telephone numbers for us to contact if the pond seemed to be in danger of flooding. At that time, we understood that this would be a supplement to the Town's independent efforts to properly maintain the reservoir and drainage pipes.

Not only does this process not work (evidence the flooding on March 3, 2008 after several calls to the Water Department), but it appears that no other attempts have been made to maintain the reservoir and drainage pipes.

As there was no flood on March 7-8, after Rotomatic was permitted to jet the line into the reservoir (at our expense), it is clear that flooding may be prevented if appropriate measures are timely taken. In order to continue to control the flooding, we request that the Water Department, on behalf of the Town, take appropriate measures prior to a flood warning and heavy rains to prevent floods by opening the discharge valves and jetting the line on a regular basis.

I request that corrective work be taken to upgrade the discharge system so that it notifies us with a warning alarm if blockage has occurred. Also, we must have an immediate and real commitment from the Water Department to respond to our request to open the discharge valves when called. Since the last two floods were preventable, we at Stuyvesant Plaza will hold the Town of Guilderland responsible for liability for citizens' safety, property damage and loss of business.

Your earliest response to this request will be greatly appreciated.

Very truly yours,

  
Edward P. Swyer

CC: Tenants at Executive Park and Stuyvesant Plaza