

Guilderland Usurping Water District Lands

TO THE EDITOR:

I would like to offer the following in clarification of the comments attributed to me in your story of the Guilderland Town Board meeting of Nov. 14.

Your article states that I "pointed out that the land lies in the McKownville Water District and thus belongs to the residents of the area." What I actually said was that title lies in the McKownville Water District (deeded and recorded April 1, 1949—Emma E. Van Loan to McKownville Water District) and thus belongs to the taxpayers of the water district.

Your article also states that "Mr. Esler cited a legal case in 1958 in which the State Department of Audit and Control had advised a town supervisor to hold a public hearing in order to sell town land."

What I actually cited was the opinion of the Department of Audit and Control rendered to the supervisor of the Town of Guilderland in 1958.

This was in response to his request for their advice relative to the proper procedure for granting an easement over the same property of the McKownville Water District to the same Stuyvesant Plaza.

It was the opinion of Audit and Control "that a town board could grant an easement over water district property for an adequate consideration where such easement will not interfere with the use of the property for the purpose for which it was acquired by the water district. If the consideration for such grant exceeds \$1,000 a public hearing must be held pursuant to Section 198 (12a) of the Town Law."

The town subsequently granted an easement in 1958 of 0.25 acres to Stuyvesant Plaza for the sum of \$5,500.

Later, however, in 1962, the residents of the town prevented a sale of 1½ acres of reservoir property to Stuyvesant Plaza for \$10,000. The value of that parcel was estimated at \$25,000 to \$50,000 by two people who claimed they had clients interested in it.

Still later, in 1968, the town, acting without the benefit of the required notice and hearing, granted an easement of approximately 2.1 acres

of the same property to the Plaza for only \$1!

The town has not been able to locate a copy of this easement, but, let's assume it exists since the Plaza has filled in most of the parcel and even black-topped it for a parking lot.

Now, in 1972, the town again has moved to give more land to Stuyvesant Plaza. This time by sale of 0.6 acres for \$2,500 and, as is their way, without the benefit of notice and hearing. The most crucial difference, however, is that now the town claims that the reservoir property belongs to it and not to the property owners within the water district.

I, for one, am getting extremely tired of town board's attempts to give away our property, and I won't sit still for its latest claim that the entire reservoir property is no longer ours. These actions are patently wrong, and I hope, with the help of the McKownville Improvement Association, to prove this to the town board, and thereby lay to rest once and for all the notion that our property should be used to subsidize the operation of Stuyvesant Plaza.

JOHN K. ESLER, P.E.

Guilderland