

Water district consolidation restraining order to be sought

GUILDERLAND — An attorney for three Guilderland residents seeking to have a referendum consolidating the Westmere and McKownville water districts declared unconstitutional is expected to appear Thursday before state Supreme Court Justice John H. Pennock in Albany.

Jeffrey Stockholm, attorney for John Esler, Daniel Gaffney and Mary Smith, will seek a restraining order to stop the town from carrying out the consolidation of the districts.

Stockholm last month obtained a court order directing Guilderland town officials to show cause why the Aug. 27

referendum should not be voided on the ground a section of town law calling for the referendum to be restricted to property owners is unconstitutional.

Residents of the Westmere and McKownville water districts voted Aug. 27 to merge the two districts. Only registered voters who were also property owners were allowed to vote. The merger passed by a vote of 667 to 602.

Gaffney, Esler and Miss Smith said in court papers they were not permitted to vote because they are not property owners.

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