

Water Official Disputes Guilderland Sale of Site

By ELLE PANKIN

A member of the McKownville Water District challenged Guilderland officials this week to produce deeds of ownership to a parcel of land the town has approved for sale to Stuyvesant Plaza and which the water district claims it owns.

John Esler of 19 Elmwood Street, McKownville, continued his longstanding objection to sale of a 59-acre water district parcel which he said requires a public hearing.

In a letter to Town Supervisor Carl Walters, Esler stated "I respectfully request evidence of such town ownership in the form of a properly executed deed."

ESLER SAID research has led the members of the water district to believe the land is subject to a public hearing before sale under section 198, subdivision 12 (a) of town law which states:

"...real property owned by, but not required for the purpose of, any improvement

district may be sold by the town board, provided, however, that if the property sold has a value in excess of \$1,000, a public hearing shall be held as provided by law."

The town, which claims the land is owned by the town, and therefore subject to permissive referendum, proceeded with that course recently. Now, according to Frank Williams, town counsel, the town awaits word from the State Environmental Conservation Department either allowing or disallowing the land sale.

THE LAND is proposed for sale through a board resolution adopted Nov. 15 for the sum of \$2,500.

Williams maintains the town owns the land and is justified in its method of sale since there was no McKownville board of water commissioners "to acquire title to the water district lands at the time the lands were acquired." This was in 1949, Williams said.

Esler claims the water district has copies of the deeds

in question with the name of the water district on them as owners.

Williams said: "The title to the lands was taken by the town in the name of the district. This is the fact that I can't seem to impress on Mr. Esler."

ESLER ALSO insists in his letter to Walters that two earlier transactions of water district land — an easement to Stuyvesant Plaza and a recent \$1,000 proposed sale to Niagara Mohawk Power Corp. — should have been subject to public hearing and were not.

The McKownville resident said his opinion was "in accordance with the opinion of the state Audit and Control Department."

Williams said that if the water district lands were owned by the water district, the audit and control opinion would have been correct. However, Williams contends, they are town-owned lands.