

# McKOWNVILLE IMPROVEMENT ASSOCIATION

## General Meeting

June 18, 1973

The meeting was called to order at 7:45 p.m. in Christ Lutheran Church. The main purpose of the meeting was the proposed sale of the McKownville Reservoir property to Stuyvesant Plaza.

Prior to the meeting, representatives from Channel 6TV interviewed various members regarding the issue of the water district property and the most recent issue of the request for Professional Zoning in the Town of Guilderland to be discussed at the Town Board meeting to be held on July 10.

Mr. Behn read the proposed amendment to the Town Law on Professional Zoning. He spoke of past problems with the doctors and the idea of problems if the professional zoning amendment went into effect. After reading the proposed amendment, he noted that, as written, this amendment is not really an amendment for "professional zoning" due to numerous deficiencies and room for gross misinterpretations. Members in the audience spoke of current deed restrictions and past reactions to these restrictions. Mr. Behn brought to the attention of those present that they should attend the Town Board meeting on July 10 at which time this proposed action would be brought up. He emphasized the fact that petitions might again be necessary if people felt this action should be stopped. A motion was made and unanimously passed that "we petition the Town Board to prevent the passing of this Law".

Mr. Behn next presented the main agenda item, that being the proposed legal action on the sale of the McKownville Reservoir property to Stuyvesant Plaza. Mr. Timothy Cohan presented Mr. Arthur McGinn an attorney with whom conversations and consultations have been taking place regarding this. Mr. John Esler reviewed the entire matter for those present--going back to the original grant of the water district property in 1949 by Mrs. Van Loan to past sales, easements, etc.

Following this presentation, Mr. Fred Abele (A local resident and a member of the McKownville Water Advisory Board) spoke of his understandings and thoughts on the matter. He spoke of such items as the Niagara-Mohawk easement across the land, actions by Town officials, and the like. He emphasized that to his knowledge the Town Board had acted in good faith on behalf of the water district and that no intent had been made, to his best belief, of any deception or wrong-doing. Mr. Esler publicly stated that he believed Mr. Abele would in no way deceive the residents and he held the highest degree of honesty for Mr. Abele.

Mr. McGinn spoke of his brief knowledge of the matter, reviewing and quoting sections of law concerning sale of property of this kind. He spoke of initial action by Town officials indicating proper procedures seemed to have been followed on the first sale, but that as time went on, something happened and these same procedures were not followed. He indicated that on the sale in June, the sale was made in contravention of a hearing; that if the Town authorities were correct in previous sales, they should follow the law when Town sale is made--that is, by permissive referendum via notice and hearing. He then spoke of such items as land values, the matter of easements, and right of fair market value for the sale of property. He noted that if court action was decided upon by the residents of McKownville, this action would have to be against the Town of Guilderland, the members of the Town

Board, Niagara-Mohawk, Stuyvesant Plaza--seeking an injunction to prevent further sale of the property on the grounds that inadequate compensation was made; that this action by the Town (sale) was considered a fraud; that the proposed action against the Board members was on the grounds that the money paid for the land was grossly insufficient. He noted that the action would be for recovery of money according to appraisals and not for 'token' amounts.

Mr. McGinn indicated that although he has not made a thorough review of the matter, he basically believed that this action would be successful due to the fact that the money received for the land was inadequate. He stressed the fact that this was his OPINION ONLY, and not a matter of law. He again mentioned that the action, if successful, would be to prove only that the Town failed to comply with statutory requirements.

Mr. McGinn indicated that he has as of this date not been retained for legal services and that, if retained, his fee would be \$500. for a retainer, and \$500. if the matter went to court or was dropped. He also stated the possibility existed that additional compensation would be necessary depending on the degree of action to be taken and requested. He said that no action would be taken by him at any time which would involve additional compensation without prior approval and consultations.

Mr. Behn asked for a motion from the floor on the matter of support for the proposed legal action. After considerable discussion, Mr. Jack Benson made a motion that "the Association should hire an attorney on behalf of the residents, and engage in fund-raising activities for several purposes: 1.) to pursue the matter of the value of the water district land to the water district; 2.) to establish communication around matters in this community regarding zoning, commercialization, and other problems; 3.) accomplish these fund-raising activities around a social nature; and 4.) communicate this information to members of the community."

A final item discussed was the condition of streets following sewer construction. Mr. Behn read a letter send by the McKownville Improvement Association and the response from Town officials. Indications seemed to be that the work on the streets was now progressing and the situation should be rectified within a short time.

No other business was presented. Petitions against the professional zoning were distributed for signature and solicitation prior to the July 10 meeting. The meeting adjourned at 10:45 p.m.

Respectfully submitted,

*Alice Torda*

Alice Torda, Secretary

\$1.4 mil

state will  
pickup

better than half  
princ. + interest

10 yr period