

STATE OF NEW YORK
SUPREME COURT

COUNTY OF ESSEX

TOWN OF ESSEX, and JAMES Z. MORGAN, JR., as
Superintendent of Highways of the Town of Essex,

Plaintiffs,

- vs -

LEWIS FAMILY FARM, INC.,

Defendant.

AFFIDAVIT

Index No. 000047-07

STATE OF NEW YORK)
) ss.:
COUNTY OF ESSEX)

FRED WATROUS, being duly sworn, deposes and says that:


1. I reside at 893 Wallons Bay Road, Essex, New York 12936.
2. I have lived in Essex County since 1952 and I began working for the Town of Essex Highway Department in 1981 and retired in 1996.
3. During the period of my employment, I operated heavy equipment and was extensively involved in snow removal operations. I operated plows, graders and front end loaders, and regularly plowed Cross Road.
4. It was my experience that Cross Road was oftentimes completely closed in the winter.
5. Because Cross Road is close to my home, I frequently drive Cross Road and have noticed no significant changes since the time of my retirement in 1996.
6. During the period of my employment, when I plowed Cross Road, it was our practice to plow an 18 foot plow width. This left approximately seven feet for snow storage on each side of Cross Road (five feet of shoulder plus two feet of road). We never had difficulty with snow storage.

7. I am familiar with the changes that have been made adjacent to Cross Road by the Lewis Family Farm's construction of farm roads. I have observed these roads and have communicated with Sandy Lewis during the period of their construction.
8. It is my opinion that Mr. Lewis has constructed farm roads to the highest standards available, in fact, exceeding the standards utilized by the Town of Essex.
9. I am informed that the Town of Essex has claimed that banks created by the farm roads have created a problem by limiting the Town's ability to store snow along Cross Road. Based on my fifteen years experience of plowing Cross Road and my personal observations of Cross Road before and after the construction of the farm roads, I see no basis for the claim of limited storage.
10. It is my opinion, as a retired highway worker, that there is sufficient room for snow storage on Cross Road even with the construction of the Lewis Family Farm roads.
11. It is also my opinion that the elevations created by the farm roads will prevent snow barriers and thereby prevent drifting onto Cross Road.
12. It is important to note that the elevations at the location of the Lewis Family Farm road constructions are not significantly different than other areas of Cross Road. In fact, in some areas on Cross Road the elevations are higher than those at the location of the Lewis Family Farm roads.

Dated: February 12, 2007
Essex, New York


Fred Watrous

Sworn to before me
February 12, 2007


Notary Public
JOHN T. MANNING
Notary Public, State of New York
Essex County - #16-7781001
Commission Expires October 31, 2016