

The Seneca Falls Town Board held a Public Hearing on Wednesday, May 10, 2017 in the Town Hall Meeting Room, 130 Ovid Street.

Present were Supervisor Gregory Lazzaro; Councilmen Vittorio Porretta, Thomas Ruzicka, David DeLelys and Louis Ferrara. Also present were Patrick Morrell, Attorney for the Town; and Peter Baker and John Condino of Barton & Loguidice

Supervisor Lazzaro opened the Public Hearing at 4:00 P.M. relative to seeking an easement for the Town of Seneca Falls Kingdom Road force main Project. This is Eminent Domain procedure in that the Town is trying to go down the Ludovico Trail instead of the other two options which would be Fall Street or Bayard Street.

Peter Baker gave a presentation relative to the Kingdom Road Pump Station/Force Main Project. The current Kingdom Road Pump Station was constructed in the mid 1960s, and is in need of upgrade. It discharges down Route 5 & 20 and heads east and currently outlets the gravity sewer at Rumsey Street. From that point, all the flow in that Pump Station is contained in the gravity sewer that outlets at the Ovid Street bridge, and from there, discharges in the Wastewater Treatment Plant. The sewer lines are smaller and have several pinch points that restrict flow. The Pump Station serves the West Seneca Falls Sewer District which is a pretty heavy commercial area, some of the users being three substantial apartment complexes, 26 residential properties, 65 commercial properties, five Industrial users and about 55 vacant parcels. The upgraded Pump Station will allow for additional development within the Town of Seneca Falls on the vacant parcels. In Tyre, current users are del Lago Casino, Petro, Nice n Easy and Magee Diner.

Mr. Baker mentioned the Project benefits which are removal of two decentralized/aging WWTPs from Service (Town of Junius and NYSTA Junius Ponds SA); wastewater treated at larger, reliable and well run facility; relieves aging infrastructure/sewer system pinch points; provides capacity for additional users and outside users pay 1.5 times in-Town rates. He named the Force Main alternatives which are:

- Replace existing force main on Route 5 & 20 (Fall Street).
- New River Road/Bayard Street force main.
- New River Road/Ludovico Trail force main.

Mr. Baker said going down Fall Street or Bayard Street would have sidewalks, trees, driveways, roads and traffic disrupted, and would not be cost effective and extremely risky.

Option 3 (going down Ludovico Trail), the impacts are a Wetland Permit is required as there are some wetlands on the western side, and there will be a temporary disturbance of the Trail. The Trail will be restored and even upgraded to NYS Canals standards. It will be a continuation/improvement of the Seneca Cayuga Canal Trail, and the Town will maintain the Trail moving forward. It will be a 10' wide, gravel paved, stone-dust Trail, and the surface will be improved for walking, running and biking.

Mr. Baker stated the estimated cost of the Project is \$1.85 million. The Town has received some money from the Casino for that Pump Station upgrade (\$350,000). Estimating Bonding for 30 years, the annual Debt service is about \$87,000. Revenue sources would be:

- Existing Users/Revenues (W. Seneca District).
- Future Revenues – Route 318 Corridor.
- Route 414 (Largest Users) – del Lago Casino and Pineview Apartments.

Rev. Leah Ntuala asked if it was necessary that it has to happen now, or can it be put off until the Fall – there are a lot of events happening in the next four months. Mr. Baker replied yes. Rev. Ntuala asked if the graffiti could be removed and other Trail improvements be made in exchange for an easement. Mr. Morrell replied we are here for a Public Hearing which is the beginning steps for an Eminent Domain proceeding. It is a Court proceeding to condemn the property, and the Town is seeking use of the land for the purposes of putting this pipe under the land. He explained when you go to Court for such a purpose, to utilize land underground for installation of a pipe, the obligation of the municipality doing the project is to restore the land to the state it was in prior to the work being done. The state of that property right now does not include an upgraded Trail. If this Eminent Domain proceeding runs the full course, it's not likely that the enhanced Trail will be part of the outcome. Mr. Morrell said that is included here as part of the presentation in part because the Town is required to make a preliminary offer, and that is really the Town's offer to the Owners of the Trail. He added if the Town is allowed to use the Trail option which they feel is in the best interest of the Town, he thinks the Town would be very happy to put an upgraded Trail surface and maintain the Trail going forward. Brief discussion followed.

Doris Wolf asked if she was correct in saying that this will be funded by the users of the system; Mr. Lazzaro replied yes. Mrs. Wolf stated she is one of the first persons to start that Trail and has been involved ever since. She asked if the Town would consider a fourth option – move the Trail more to the south (as she pointed out on the Map) as there is no Trail now. After lengthy discussion, Mr. Lazzaro stated that is a good concept, but it's an issue of time and money. Mrs. Wolf said all she is asking the Town to do is to step 10' over. Mr. Lazzaro replied as a Board, this is something to discuss – the Board will look at that.

Rev. Ntuala asked what the financial impact would be for an Individual – does it increase the taxpayer's \$\$ or is it totally funded by the amount of taxes collected from the businesses. Mr. Baker replied this is all sewer fund work – there is no impact on taxes; this is for W. Seneca Falls Sewer District and beyond (Route 414 and Route 318).

Mrs. Wolf referred to Eminent Domain, and said the Ludovico Trail people would like to have it in writing that the Town will guarantee the maintenance of the Trail in perpetuity, the ability of the Ludovico Trail people to place statutes there, to plant flowers if they so wish, but the Town will be responsible for removing graffiti and homeless people who take up residence there. Mr. Morrell said he thinks that has always been part of discussions with the Trail. He doesn't think anything Mrs. Wolf said would be objectionable to the Town if this was able to be resolved. Mrs. Wolf asked if any of the statutes that are already there will be disturbed. Mr. Lazzaro replied some may come up with construction, but if so, they will go back and better. Mrs. Wolf said she doesn't speak for the Trail, but she is happy.

Doug Avery asked if it would still empty into the gravity sewer if it came down Route 5 & 20. Mr. Baker replied yes, it will still discharge into the gravity. He added it will not upgrade any of the existing infrastructure within the Village – it's a dedicated force main that will only collect flow from the W. Seneca Falls District. Discussion followed.

Allison Stokes spoke on behalf of the Board of Directors of the Ludovico Sculpture Trail Corporation, and gave the Board a handout which contained a list of questions for the Board to consider. She said for at least three years, an agreed upon route for a pipeline for Casino sewage has been under discussion by Town Leaders and Engineers. Miss Stokes said now, at this late date, the Town Board and Engineers seek to speed up the delayed sewer route decision. Taking the fastest and easiest step to remedy the situation by claiming Eminent Domain of the Sculpture Trail would be unconscionable.

Ms. Stokes stated the DEC's recommendation is the street option would be preferable as it would result in less impact to the stream corridor, and the habitats possibly related to the Northern Long-Eared Bat. It will also be likely to minimize archeological concerns related to the Seneca River corridor. Ms. Stokes discussed the list of questions in the handout. She asked who was doing the SEQR required for a DEC Permit and who will be Lead Agency; has the process started since Engineers have spray marked the Trail bed and tagged some trees; where will the significant drilling equipment be stationed and how big and noisy will it be. As to the installation of the pipe, she asked how the 14" pipes connect down the Trail; how many maintenance air vents will be along the Trail and where will they be located; if not hidden, will they be easily identifiable to Trail walkers as sewer pipes; will they emit odor; and will any sculptures need to be moved to do this work. There are three trees on the Trail that possibly need to be removed – will this be done as part of the installation. She asked what the target date was for completion.

Ms. Stokes stated from September 24th-28th, the World Canal Conference will be hosted in Syracuse. Over the first three days, Conference participants will be traveling in groups to Seneca Falls to see the Canal and related sites. Because celebrating waterways through art is a World Canal Conference topic the Ludovico Trail will be an exceptional draw. She asked if the work will be going on at the Trail, and will the experience of National and International visitors be impacted negatively.

Ms. Stokes said presumably, every user will pay the Town a fee; will income from these fees cover the expense of treating the waste of these users. She asked what the results of the study that was done by Town Engineers was if the River Road/West Bayard Street route was used and the cost, and if horizontal directional drilling can be done on this route to minimize disruption. Also, how much money will be saved if the Sculpture Trail is used for the pipe instead of the street route. With the significantly increased volume of waste over the next few years, when will the Treatment Plant reach capacity, and will another Treatment Plant become necessary. Ms. Stokes stated before determinations and findings on the issue of Eminent Domain are announced, she feels answers to these questions should be made available to the Friends of the Trail and the public.

Mr. Lazzaro stated the Press wrote from your comments that Mrs. Pasmucans expressed frustration to Ms. Stokes about him – Ms. Stokes has never mentioned that to him until this Evening. He would have suggested that they have a meeting. He had one phone call conversation with her, and asked if some of the Board Members could meet with her. The Lawyers talked about that, and it never happened from her Attorney's side. Mr. Lazzaro said the question was asked if the statues would have to be moved and if they would be put back in their original place. Mr. Condino replied he doesn't believe there is going to be a need to remove any sculpture; if necessary, restoration will bring it back to what they were or even better than it was before. As to Ms. Stokes' questions, he is certain that the Town would be willing to answer those questions.

Mrs. Wolf asked if Mrs. Pasmucans would be in a situation where she could meet with the Town Engineers and Mr. Lazzaro next week. Ms. Stokes said she would find out. Mr. Morrell stated he has been in contact with Mr. Barry quite a bit, and it sounds like he is not always in touch with Mrs. Pasmucans, Ms. Rossetti or Ms. Stokes. Ms. Stokes said she has not been in contact with him – she is working with a different lawyer. Mr. Morrell

referred to a proposed agreement that Ms. Stokes brought up and said the Town put down the terms and tried to address Ms. Pustumucans' concerns. He added the prospect of having the upgraded Trail and having that available is much greater than just being able to bury a pipe and bring it to what we have now.

After brief discussion, Mr. Condino said he appreciates the comments and questions. He doesn't think anything that was heard today as far as questions or comments could be addressed and would be addressed. He added it sounds like we are close to a decision where we can get the Trail Folks to agree.

Mrs. Wolf stated Wilhelmina Pustumucans is famous, respected and revered throughout the State because of the Trail - this Sculpture Trail is unique in the State and in the World. She added the Sculpture Trail is an internationally known and respected portion of the Erie Canalway Trail. Further discussion followed.

Mr. Lazzaro stated the comment was made that if the Town did this Eminent Domain, the Town would not be obligated to maintain the Trail. He believes that would happen – legally, the Town is not obligated to do so, but he believes that would be the end result.

Mr. Lazzaro read an email from John and Marie Leo, 82 W. Bayard Street, which said they could not make the Public Hearing on the Sculpture Trail. They would much rather have the sewer line in their back yard rather than their front yard. They think it's a win-win to put it in the Trail – great offer to Mrs. Pustumucans.

Matt Blair, 68 W. Bayard Street, stated he is wholeheartedly in favor of having the sewer line go down the Trail. He thinks it would be cost prohibitive to run it down Bayard Street. There is also a justifiable safety reason to do that.

A motion was made to close the Public Hearing by Greg Lazzaro and seconded by Lou Ferrara. No questions. Motion carried 5 ayes, 0 nays.

Being there was no further business, a motion was made to adjourn by Greg Lazzaro and seconded by Dave DeLelys. No questions. Motion carried 5 ayes, 0 nays.

Meeting adjourned at 5:35 P.M.

Respectfully submitted,

NICALETTA J. GREER
Town Clerk

The Seneca Falls Town Board held a regular monthly Meeting on Tuesday, June 6, 2017 in the Town Hall Meeting Room, 130 Ovid Street.

Present were Supervisor Gregory Lazzaro; Councilmen Vittorio Porretta, Thomas Ruzicka, David DeLelys and Louis Ferrara. Also present were Patrick Morrell, Attorney for the Town; James Spina, Commissioner of Parks and Recreation; Stuart Peenstra, Police Chief; Laverne Lafler, Town Justice; James Peterson, Highway Superintendent; Stephani Holtz, Assessor; Joseph Tullo, WWTP Operator; Peter Baker of Barton & Loguidice and a Member of the local media.

Supervisor Lazzaro called the regular monthly Meeting to order at 7:00 P.M. A roll call of Board Members was taken and all were present; the Pledge of Allegiance followed.

Presentations:

Menzo Case –SF Police Department: Menzo Case stated on May 13th, they had their 2nd Annual Women's Right to Run 19K. They reached out to the Police Department and requested assistance to control traffic and do all the things that come with a Run. Mr. Case stated they appreciate the efforts of the Police Department, in particular Chief Peenstra for his leadership for the Run, Sgt. Hawker for her partnership and coordination for the Run, and the entire Seneca Falls Police Department. He presented them plaques for their effort in helping to make the Run a success.

