

THE TOWN OF

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NY State Senator Chris Jacobs
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Dear Senator Jacobs: I am writing to you as a follow-up to my prior communication regarding critical concerns with the environmental impact and the project Management of the NYS Welcome Center and misinformation provided to the town regarding how waste water would be managed. Engineering drawings were submitted to the town that were several months outdated and do not reflect the current plans.

The plans submitted to the town shows three sanitary holding tanks to hold raw sewage from the facility that would be required to be pumped out. A design the NY DEC and Erie County Dept. of Environment and Planning would only accept for a short period of time due to the negative environmental impact.

In a meeting with Santec on March 12, 2018 we learned that the sanitary tanks plan has not been the plan since at least August of 2017. The plan put out to bid eliminated the tanks. The actual plan assumes tapping into the Grand Island Sewer system and the resulting expansion into a non-Sewer District, as per Santec, the company managing this part of the project.

The reasons why this is a critical concern is as follows:

- 1). It has been reported that the three tank holding plan, due to the negative environmental impact, would only be accepted for a short period of time by the NYS DEC and Erie County Department of Environment and Planning. Based on this assessment a "negative declaration" for the SEQR could not be issued if this was in fact the current plan.
- 2). In April of 2017 the Town Engineering Department Head (a recognized expert on the Town's sewer) responded to an inquiry by Santec regarding access to the town Sewer by stating "We are under an Order on Consent from NYS DEC to eliminate Sanitary Sewer Overflows, i.e. reduce the amount of flow in our sewers and we do not have capacity to add a new district." Based on this assessment a negative declaration for the SEQR could not be issued if the plan is to tap into the Town Sewer which may result in increased overflows and the resulting negative impact on the environment.
- 3). If the Grand Island Town Board did permit a tap in to the Town sewers the Grand Island Consolidated sewer taxpayers, who this year have already been forced to absorb a 16% sewer tax increase to pay for repairs related to infiltration and the lack of capacity and

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resulting overflows, may be forced to pay even more if this project results in increased overflow incidents.

4). Based on both the holding tank plan and the Sewer tap plan both having a detrimental impact on the Grand Island environment – how is construction currently being done on this project? A negative SEQR declaration is not feasible based on these assessments for either plan.

5). As you are aware the project was started without the required permit for Storm-water Management resulting in the halting of construction in October 2017 following notification by the NYS DEC based on concerns with potential impact on the environment. It now appears, based on the assessments provided to those managing this project, that a “Negative” declaration for the SEQR was not feasible – how is it that this project was started with no apparent acceptable plan for waste water management? This, like the lack of the required Storm Water Permit, is unacceptable and irresponsible.

6). The Town Board and the Public were provided drawings by NYS for their review and assessment that were misleading. The town has made these plans available to the town advisory boards, such as the Conservation Advisory Board, and for the public to review resulting in all being miss-informed on one of the more critical aspects of the project. This is unacceptable and unethical.

7). If the plans that were provided to Grand Island in January 2018 were not the plans sent out to bid, the town has been misinformed. This breach in trust, similar to the Parkway project, results in Questions such as are there plans for gas pumps, additional truck parking, increased concessions (disregarding the Rout 66 Laws) that would impact Grand Island businesses.....etc.

8). This pattern of NYS providing misleading information is unacceptable – it has been a chronic issue with the West River Parkway Closure project - which you are investigating. This must not be permitted and must be corrected for both projects.

Note: Our Town Attorneys' have reviewed this matter and have definitively stated there is no right to access to the Town Sewer -none. The Town can deny access and it will stand up.

Your immediate attention to these concerns would be appreciated.

Mike Madigan

Grand Island Councilman