

Letter from Mike Madigan to Senator Chris Jacobs dated April 11, 2018

Senator Jacobs:

The below documents the unethical and inappropriate actions taken by Mark Thomas and his associated NYS Parks Department associated with the Parkway Bike Path Project. The below supports the fact that a communication process was agreed to by Mark Thomas's office to prevent continued unethical and inappropriate actions that impacted the Town of Grand Island and its residents.

The first attachment above is an e-mail communication associated with the Mark Thomas managed Parkway project, a communication that likely was one of the most critical communications to the town of Grand Island and its potential impact on this project. Mark Thomas did not comply with the agreed to communication process that was designed to prevent continued unethical actions by him and his project team- this documentation was discovered through a citizens FOIL request and was presented to me this week.

The communication was not copied either to the entire GI Town Board or to The Town Supervisor and Myself as agreed by Thomas and his team. This e-mail contained the SEQR Lead Agency Designation request that is time sensitive and must be completed within 30 days of receipt or the involved party (The Town of Grand Island) forfeits its responsibilities related to SEQR and any influence it may have on altering or improving the associated project.

The impact was the Town of Grand Island Board never received and never had the opportunity to act on this request.

This request was withheld from the Town Board by Mark Thomas and the Grand Island Supervisor (see below similar unethical actions and history).

It must be noted that the Grand Island Town Board had rejected the Parkway Closure prior to this request for reasons that included environmental concerns and that both Mark Thomas and the Town Supervisor knew that approval of Lead Agency Designation was unlikely by a majority of the Town Board.

Thomas and McMurray knew that the potential was high for a Positive Declaration by the Board if presented with this opportunity. A positive declaration may have, if approved, halted or drastically altered this project. Grand Island was denied this opportunity as a result of Thomas's and McMurray's actions.

Mark Thomas's and the Grand Island Town Supervisor's actions resulted in the expiration of this opportunity for the Town of Grand Island and this resulted in the default assignment of Mark Thomas and his office as the Lead Agency – benefitting Thomas.

After receipt of the FOILED e-mail and discovery of the critical nature of it – I contacted our Town Clerk's office and requested they contact NYS Parks to request the documentation on file associated with this request.

This request was made at 11:10 on April 10th, 2018. At 12:23 that same day (73 minutes later) Angela Berti of NY Parks sent an e-mail out notifying the Town of Grand that the Parkway closure will occur on April 16, 2018 and soon after that communication it was observed that NYS Parks was rushing to put up signs making this announcement.

It must be noted Senator Jacobs that your office told me that the Parkway would close some time after May 1st and that Councilman Jennifer Baney was told the same information by Mark Thomas when she recently met with him. It appears the timeline was suddenly accelerated – was this due to the request for this Lead Agency SEQR documentation? Do you believe in coincidences?

Regardless of the timing of the announcement – the real issue is the continued unethical actions of the project manager Mark Thomas. We are once again confronted with an ethical breach by him creating a serious situation that detrimentally impacts the Town of Grand Island and its residents. Thomas knew that the Board never received that SEQR designation request – he and his team knew that it was likely that receipt of this legally required request would likely be met with rejection and a possible positive declaration resulting in the possible need to drastically revise his plan.

Thomas's non-compliance with the agreed to communication process achieved his goal and avoided what would be a very real challenge to his goal of closing the Parkway. Such breaches in trust, ethics and inappropriate actions is unacceptable and must not be allowed – we must stop such corrupt actions in our Government and reset boundaries to prevent such behavior in the future.

I request the following remedies:

- 1) Place on hold all actions associated with the Parkway Closure until this matter is resolved.
- 2) Request that Thomas's office provide all SEQR related documentation associated with this project from 2016 and 2017. Note: The attached first document states that this project requires completion of SEQR so one must be on file. This request should include providing all SEQR Lead Agency Designation Documents associated with Grand Island.
- 3) Provide the Town of Grand the opportunity that was denied them to respond to the request that Mark Thomas and McMurray withheld and prevented the board from acting on.
- 4) Request a full DOT traffic study associated with the closure of the Parkway – this is almost always required by the DOT when a road is proposed to be closed. This assessment should include traffic pattern assessments and would forecast potential impact on accident rates compared to the existing open Parkway accident rates.
- 5) Mark Thomas should be removed from this project – all credibility has been irretrievably destroyed by him and his actions.

History:

As I have shared with you in prior conversations NYS Parks Mark Thomas and his department has been involved in a number of inappropriate and unethical actions against the Town of Grand Island and against many of our residents.

As you are aware Thomas presented to the town on July 20, 2016 at a large public meeting and posted on line the fraudulent claim that the Town's "Preferred" option was closing the Parkway. Thomas admits he knows that such a claim would require a Town Board majority vote (he served in local government for years) but did not have any such resolution when making this damaging fraudulent claim that misled the public. In a meeting with Thomas that addressed this fraudulent claim and how it should be prevented in the future Thomas agreed to copy the entire GI Town Board on all future communication regarding the Parkway project.

After a breach in Sept 2016 of the the above agreed communication process associated with the Niagara Reporter Article attacking the West River dock holders, where NY Parks provided supporting documents for the attack article to the Town Supervisor, the attached second motion was passed by the Board requiring all communication regarding the Parkway be copied to both Mike Madigan (GI Town Council) and Supervisor McMurray.

Excerpts:

Please see the e-mail attached – meeting minutes from my meeting on **Aug 3, 2016 with Mark Thomas**. This documents agreement that entire Board must be copied on critical communication. As you can see Angela and Mark agreed to this – in response to a "SERIOUS ERROR".

▪ It was acknowledged that the recent identification that the Town Board majority had not approved and does not support the Parkway closure was a serious error that should be corrected and similar communication errors must be prevented going forwards.

▪ **Action:** It was agreed that communication of critical questions and decisions and actions involving input from Grand Island Town Government would be directed to the town board e-mail for the duration of the project **to prevent similar errors in the future (TownBoard@grand-island.ny.us)**

- Mike Madigan asked if the GI Board's rejection of Option three would impact the decision regarding which option would be progressed.

- Mike Madigan asked if the Board continued to reject Option three but Approved Option 1 or 2 would that have any greater influence on the state in terms of option 3 being progressed.
 - Mark Thomas indicated that would make it very difficult to progress the town rejected Option three plan rather than progressing with the town approved option.
Mr. Thomas indicated that Town approval is not required but desired.