

DRAFT Minutes

Canal Corp officials Deputy Director John Callaghan, Director of Construction Management Dave Mellen, Project Engineer Mike Wozniak, and New York Power Authority (NYPA) Senior Vice President for Public and Regulatory Affairs, Kim Harriman were present to represent the project.

Others in attendance included: Mayor Margay Blackman, Trustee Annie Crane, Deputy-Treasurer Erica Linden, Building and Code Enforcement Officer David Miller, Lauren Lieberman, Katrina Arndt, John Gardner, David and Molly Brannigan, Jill Trimble, Doug and Sandy Kumerowski, Cody Butlin, Mark Dupre, Giovanna Tuttobene, Cheryle Ryer Frederick, Jamie Buchholz, Matt Sidebotham, Scott Koelle, Howard Cotton, Jim Bolthouse.

Mayor Blackman opened the meeting with remarks that she hoped to have a big public meeting with all 70 property owners, but the Canal Corporation agreed to a smaller venue, so we invited those who reached out with concerns and made sure that someone was invited for each affected street along the canal. Mayor Blackman noted that Deputy Clerk Linden was taking notes and the notes from the meeting would be made publicly available on our website and at Village Hall.

Mr. Mellen noted on October 4 a public meeting was held in Brockport and that this meeting is circling back around because there were concerns raised by folks like you who may have been at the meeting, but a lot of you weren't at that meeting.

Ms. Lieberman responded that the October 4 meeting was advertised by Beau Willis of The College at Brockport as a canal meeting, and it was not clear that this was the purpose of the meeting (to discuss the vegetation management plan), as Mr. Willis has canal meetings regarding their (The College at Brockport) property all the time.

Ms. Harriman replied that the meeting was separately noticed – in the Democrat and Chronicle, Monroe Post, the Penny Saver – as advertisements, not press releases (as clarified by Mr. Gardner). Harriman concluded this will be an ongoing dialogue as it will be an ongoing project.

Mr. Gardner stated that he drove out to the Pittsford meeting that was scheduled for October 26 and was frustrated the meeting was cancelled with no advanced notice or posting of the cancellation. Harriman apologized and noted there was a delay in the project so they postponed public outreach for that area.

Mr. Mellen began his presentation on why this vegetation management project is taking place. In 2016 a study by Rizzo Associates was initiated by the Canal Corp for all 524 miles of the canal system, of embankment sections – they asked Rizzo to identify risks. Rizzo looked at populated areas, height of water along the canal and went through and rated embankment sections based on risk level. 3.5 miles were identified as the riskiest, where there would be loss of life or significant impact to infrastructure if the canal wall were breached. Those 3.5 miles are here. The report was completed in December of 2016. Three tiers of risk were identified as, A, B, and C with “C” designating the areas of the highest risk. The Canal Corp agrees with the risk assessment and that the risk needs to be addressed.

The Canal Corp asked Rizzo to prepare a contract for vegetation removal to put out to bid, in July of this year and received 2 bidders, the low bidder was Mohawk Valley Materials, Inc. out of Utica. In the early part of October the work began, and is required to be complete by June 30 of this year.

A resident in the audience asked if the actual wear of the bank was evaluated. Mr. Mellen answered yes and that he will address it later in the presentation.

This is a \$2.3 million project and includes 5 larger areas, Medina, Albion, Brockport, Spencerport, and Pittsford. 155 acres are to be cleared, broken into 56 smaller segments; there are wet lands in some of the segments (almost 13 acres). The work includes cutting trees, leaving stumps 2ft above grade, and removing smaller brush up to 10ft beyond the total slope (all of slope and 10ft after). The project will comply with all environmental regulations from DEC. This is the scope of the work.

Medina, Albion, and Brockport are required to be complete by the end of this year. Spencerport and Pittsford will be completed by the end of March, all smaller brush clearing is to be done by end of June.

Mr. Mellen continued to explain that stump removal will be late fall of 2018, other projects will address other high risk areas moving across the state. This is the first project of this kind for the Canal Corp.

The bottom line is the earthen embankment retains water, tree roots pose risk, trees that die and have decaying roots can allow seepage, can cause earth to wear away, and trees that are living, or trees that fall over, compromise the embankment. Heavy vegetation impedes adequate inspection of the area. The Canal Corp hires people to walk these areas once a week and examine the outboard slope for seepage. Roots can lead to a breach. There are between 20-25 monitored area between here and Buffalo for active seepage.

Trees have no place on an earthen dam. Why weren't they removed earlier? I don't have the answer.

Mr. Mellen said I/we understand the trees are valued, we understand that, even though the trees are on our property, that you enjoy the shade, privacy, habitat, but we are trying to be a responsible owner. We are taking this very seriously.

There are documents out by FEMA and Homeland Security on this topic (earthen embankments). It is an engineering issue. There is no prescription for building the earthen dam and then leaving it alone for fifty years – its needs active monitoring and maintaining. It is about the integrity of the structure.

Root systems are a primary concern, and animals burying in trees, trees falling over, it's all risky.

If the banks are a uniform grade, and planted and seeded, that would make it easy for regular and effective inspections.

Mayor Blackman mentioned the Evergreen Playground, where a tree had fallen across the canal, DPW removed the tree, but the tree root had gone into the canal and was drawing water from the canal and continued to draw water and seep into the park; the Canal Corp had to drive a steel pile-on to prevent a further leakage.

Mr. Gardner asked about the Adams Basin breach in the 1970s, how similar is this in terms of height and angle (to Brockport)?

Mr. Callaghan replied that no lives were lost but there was a lot of damage, the event was closer to Bushnell's Basin, the root cause was different for the breach but the practical implications of having a sudden release of canal water into a low lying residential area, are the same.

Some back and forth questions from residents in the audience and answers from the project representatives ensued:

Q - How do you remove trees without compromising the embankment?

A - Stump removal will not be allowed when we are watered up – for that reason.

Similar to the tree cutting, the Canal Corp will access stumps from our property unless there is a need to work with the property owner to access via their property.

Q – There are a few big willow trees halfway up the bank at my property, they are huge – how far do you dig in to get the roots out?

A – This is the first time we are doing this and is why it is segmented into two separate projects, could be separate contractors. Rules vary on how far to go to remove roots across the country, we have not agreed internally on how far to go. Some trees have different root systems.

Q – We are worried about having a dead tree with roots rotting...how long do we wait?

Ms. Harriman answered that obviously this will have to be done in a timely manner but it also has to take place when we can dewater the canal and there is a specific time frame that we look to do that, obviously we cannot do that during the important irrigation season or high navigation season.

By doing the Phase 1 approach, we will have better sight awareness by cutting tree and then brush clearing – before the stump removal. We'll be able to keep an eye on those areas.

Additionally, Ms. Harriman stated that they will come back out to do another public information meeting before stump removal, will do a press release, and intend to utilize the best engineering practices with minimal environmental impact. I commit that we will come back out.

Q- Do these contractors have experience?

Ms. Harriman answered, the New York Power Authority has a bunch of dams that we manage, the St. Lawrence, Niagra, and in central New York as well, we understand that we need to identify people with the right experience to do the job and that we have to be there at the same time, Dave and his crew is there to work hand and glove with the contractor.

Mr. Gardner remarked that he believes the next meeting will happen after all the decisions have been made, with the public having no ability to amend to the plan.

Ms. Harriman responded that the process we are employing is utilizing one of the best companies in the country to do risk assessment, and following the best engineering and environmental practices. We have to address this now, for a variety of reasons, and in a timely manner so that we are not putting people's lives at risk or the livelihood of farmers. In order to fix an embankment problem we have to dewater, which harms many farms with irrigation permits. We need to address these risks now.

Ms. Harriman reiterated that Rizzo laid out the perimeter of what area needed to be cleared, including the slope, and toe to the property line – we understand it has been an enjoyment for a long time, we also understand that we should have been taking care of it a long time ago. NYPA just received operational control of the canal on January 1st of this year. The first thing we did was go out and commission the risk analysis. Our first goal is to keep the asset safe. Inundation maps show neighborhoods underwater. The Genesee and Ontario would drain into your backyard. We don't want that to happen. We are doing as little as we have to do but as much as necessary to preserve the safety of those who live along the canal.

Mr. Dupre responded, I agree with what you are saying, this should have been done 50 years ago, I get it has to happen. The slope that meets my backyard – I don't understand – why slash and burn and put grass in then when low lying brush can hold soil better. I'm scared to death that you are going to clear cut my hydrangeas, can I hold on to them and who is going to maintain the grass?

Mr. Wozniak offered to Mr. Dupre, I am the boots on the ground guy, I am stretched for time but if you call or give me your address, I can look at your property specifically.

Ms. Harriman acknowledged that some homes have wooden stairs that go up the slope to the towpath– we have to decide how to handle these situations and will need to talk to individual owners as we go. We'll be out there.

Mr. Wozniak mentioned that the project is 50 miles in length - it is difficult not to paint each property owner with the same brush – there is some wiggle room, but not much.

Mayor Blackman pointed out that Brockport is unique, we have 70 properties on the canal, a higher density of homeowners than any other area in the project.

Mr. Wozniak assured residents that if you ask me a question I'll give you an honest answer.

Mr. Dupre responded, if you could tell me which plants to move that would be great.

Ms. Lieberman relayed her concern that all of the trees in our whole backyard, even though they are on our grass, could be at the 10 ft line, those are the only trees in the whole yard.

Mr. Wozniak replied in some cases the property line is our cut limit but in many cases it is earlier than the property line. The stakes do not necessarily denote the cutting area. Stakes tell guys in the field, don't go past that stake. We are trying to get to the toe of the slope where the slope ties into the ground.

Mr. Mellen said if you believe stakes are on your property line –raise your hand – they were not based on a thorough investigation of tax maps. There are incidents where the stake is clearly wrong and we will adjust.

The stakes should be at every 100 ft interval.

Ms. Harriman reiterated the stakes were not meant to be precise.

Resident question to the Canal Corp - What do you legally own?

Ms. Harriman responded, it differs. However, in this area we think we have pretty clear property rights to where we need to cut.

Mr. Mellen said sometimes owners own up onto the slope – we have to have your permission to work on your property.

Ms. Brannigan asked about her property, explaining that 10 ft after the slope is still woody in our area – is that safe? I'm more concerned about safety than the trees.

Mr. Mellen explained that willows and cottonwoods have the longest roots, 120 ft length is at most, I don't think it is accurate to say most trees have a root system that long.

Ms. Harriman responded even if you left your trees in and roots were that long, in clearing the other area, we'd have a clear line of sight and could determine if there was seepage. If we thought you had a tree causing a breach, we'd talk to you.

One resident mentioned he lives on the border between neighborhoods, Havenwood Dr. and then McCormick, a 55 and older community and Sunflower Landing, and raised a question with regard to the slope – can each neighborhood have better access for each neighborhood to the canal? If we had better access points people would be less likely to slide into our private yards.

Ms. Harriman agreed, that is worth our looking at, let's talk to Dave. We have to talk to legal, but it would be a minimal cost to us, and we would be glad to provide the benefit.

Mr. Kucmerowski mentioned, we are from Quarry St., we have 400ft on the canal – we have been reading all the guidelines online and the Canal Corp is finally following such things, they are in their best home now (referring to the Canal Corp move to NYPA control). It all has to go; there is no question. So I want to steer the conversation, I have other questions –

How many parks does NYPA own?

Ms. Harriman answered, a lot.

How many are dam embankments that people walk along?

Ms. Harriman replied, Robert Moses is at St. Lawrence, and there is one near Niagra but it isn't necessarily where the dam is because we have a reservoir with a pump facility, and there is an actual path along that.

Mr. Kumerowski noted, private ownership is really heavy in this section. If I look at your statement that you want to do the most you can for the safety of these homeowners. The back of our home is 28 ft from where you are going to cut. Our concerns are much different, I'd like to thank you for saving us from the possible water.

Ms. Harriman answered, utilities are conservative and anti-risk enterprises, we are bringing this mindset to the Canal Corp, which is why you are seeing this change.

Mr. Kucmerowski pointed out that this is a park. We have no footage between us. What are you going to do to keep your park patrons in your park? Snowmobiles, drunk college kids...

Ms. Harriman said, can we do a fence? No.

Mr. Kucmerowski offered a suggestion – a western version of a green giant arborvitae, shallow rooting, no more than 20 ft in diameter, 30-35 ft tall, deer resistant, it could be planted somewhere between the 10-5 ft toe slope.

Mr. Kucmerowski continued, my bigger concern is that the last time a major project was done was Bushnell Basin. Do you have insurance if you breach, to cover flooding and home owners? Because we are not considered a flood plain and won't be covered.

Ms. Harriman replied, clearly we have insurance, I can't speak to things yet to come, but we will follow best engineering practices. We do have a lot of parks as our asset base, we don't want to destroy it. I have had the question of what kind of replanting can we do. We are asking for patience. We will be back out again, we should be ready to answer about stump removal.

Mayor Blackman noted back in the 1990s the Village received a Canal Corp permit to do a brick walkway along the north bank and plant honey locust trees.

Mr. Mellen says we are taking "C" trees, those trees are considered a "B" right now. We will have to come out and look at that – we have time – but we will have to have dialogue with the community on that one.

Mr. Dupre mentioned that his neighbor had a tree taken down by the state on the embankment behind their home and the very next day they noticed people coming down through their yard, which is a safety issue.

Ms. Harriman remarked we will find places to demark public access points, I'll say it right now, Dave (Mellen) will do it for me. We want a solution, the right solution. We will need to have access points that are clearly marked and maintained. We will have to learn what comes from this change, changing 25 years of this area.

Mr. Gardner remarked this is exactly why you should have public meetings before you decide the whole thing – so we can discuss the options such as arborvitae. He further mentioned that there are photos of the cut line on a Canal Corp map – I want those maps on the Village website.

Q - Will there be a maintenance program from now on?

Ms. Harriman answered yes, we will maintain it. That defeats the purpose of having awareness of what is going on with the structural integrity.

Ms. Harriman noted we will grade and seed with grass, it will not be lawn grass, but we haven't decided which seed yet. We don't need a contractor to decide that or decide on what minor vegetation can we plant, we can decide that. We've heard good feedback tonight and we will take it back, we are trying to be good neighbors.

Ms. Lieberman mentioned we have a dock. I don't mind people sitting there fishing or on a little date, because there is a buffer with the trees, but now people will be sitting there and can look through our windows. People congregate there.

Ms. Harriman recognized we are changing the dynamic of that space and it is important to remain engaged. This is the most heavily residentially populated area along the project area.

Mr. Gardner asked, what are the numbers of the sections in the village (on the map)?

Mr. Wozniak responded, this is site 3 – the Brockport section – and it has a few locations, numbered 29-39 on the map, 029 is in Holley. So we would go from Route 237 to 260 on the east side (Sweden Walker Road), which is number 039.

Currently we are cutting in location 24 – just east of Albion – off Densmore Road and then we have to fall back in Medina to cut some trees in 2-3 other locations. We estimate beginning in location 29 in two weeks.

Mayor Blackman asked, when you are taking the trees down, what are you doing with them?

Mr. Wozniak answered, we are using two pieces of equipment to delimb and lay the tree down and then chip it. The chipper is from a contractor in Boston, it is the only one of its kind in North America, it can chip a tree 48 inches in diameter.

Mr. Dupre stated I can't afford to stay at home and wait for you, how do we know when you are coming?

Ms. Harriman said we have some address locations and specific questions that you have for us to address first. Before we start work we will send a message to the Mayor and then the village will post it on their website and Facebook page. We will give as much advanced warning as possible.

Mr. Wozniak mentioned that the schedule of work is for the trees to be felled, brush removed, the trail restored and cleaned up and mowed by January 1. Tree felling is ahead of schedule. Trail mowing is a little behind.

Ms. Harriman stated, we'll come back out. We'll work with the Mayor to have another meeting and talk about Phase II. Maybe we can brainstorm together issues as they come up.

A resident of Lyman St., Ms. Buchholz, who lives right next to the water treatment facility said she has lots of drainage problems and asked, where does the water come from? I have a good 100 ft between my property and the canal bank and I still cannot mow my back yard and am underwater. Is there any possibility of putting in drainage?

Ms. Harriman responded, let's make sure Dave that we check that property, perhaps it is a seepage issue. We'll look at it.

Ms. Buchholz wants the Canal Corp to be aware of Kleen Bright chemical leakage under the canal, wants to make sure the Canal Corp is aware of and does the right thing by the existing remediation when it comes to digging up trees. There is ongoing soil and air monitoring of this area.

Ms. Buchholz also mentioned noise concerns about living across from Allied, etc, because right now the trees act as a sound barrier from the truck traffic at the warehouses.

Ms. Harriman agreed to take a look at the situation, and noted maybe there is a screening planting or some kind of absorption option. That is sort of a Phase 1.5.

To tag on to the answer about what is happening with the trees, Mr. Mellen explained that Mohawk Valley becomes the owner of the tree debris and is responsible for removal. Chips are being hauled away but some are being blown onto canal property. There is an ongoing debate about whether the chips can be on the slope.

Ms. Harriman noted that November 20 is the new date for the Pittsford area meeting at the Club House Reserve in Brighton on the north side of the canal from 6-8pm, it is right off Clinton St. The address given is 1 Reserve View Blvd (but Mr. Gardner warned it doesn't work on Google, it is private – the road is at the 390/590 intersection, right off Clinton).

A few additional comments were made by a resident who applies for a canal permit, and pays the application fee of \$50 every year to take care of the canal toe and slope in his yard. Mentioned the irony that he is paying them so that he can mow their property. The answer given was that the application is for canal bank beautification, the money is the cost of processing the application, and the permit is to protect the people of the state of NY, the permit is so the Canal Corp has paperwork and proof of liability insurance. The state rule making process is required to change those requirements.

The meeting concluded at 5:30 pm.