

**PRESENT:** Supervisor Newlin; Councilmembers Bax, Edwards, Johnson and Palmer; Deputy Sup. Elgin; Deputy Attorney Boniello; Finance Officer DiRamio; Building Inspector Masters; Police Chief Salada; WPCO Chief Operator Lockhart; Town Engineer Britton; 3 Press; 10 residents and Clerk Donna Garfinkel

**EXCUSED:** Town Attorney Leone

With the previous meeting running long, Village Mayor Soluri has asked to forgo the Town / Village Joint meeting till May 12<sup>th</sup>.

Supervisor opened Public Hearing at 7:10 p.m.

Clerk read notice into record.

*Notice is hereby given that a Public Hearing will be held before the Town Board of the Town of Lewiston, New York on the 28<sup>th</sup> day of April, 2008 beginning at 6:45 p.m. at the Lewiston Town Hall, 1375 Ridge Road, to consider Final Plat approval of Riverwalk Subdivision – Phase 3A consisting of 15 “cluster lots”. All persons of interest will be given an opportunity to be heard.*

Supervisor invited residents to comment.

Palini, Debra – 770 The Circle. Palini is here on behalf of her father, Carl Anderson – 4194 Lower River Road. His home is located directly across from the entrance to Riverwalk. Anderson addressed his concerns on Phase 3 to the Council, in 1990. Palini read his letter from 1990:

*I am concerned with the sheer volume of uncontrolled groundwater generated by the Riverwalk sanitary system irresponsibly dumped at random on down stream properties and the imbalance it will have on the delicate river bank in proximity. This is a serious accountable flaw. I am the resident owner of the property directly east and across the street from the Riverwalk development.*

*It is my understanding that groundwater will be diverted, collected and then, by gravity, follow the sanitary complex to the west side perpendicular to Lower River Road at a depth of + or – 18’. There the water will be effectively dammed to prevent migration under Lower River Road. The water will pool to a point where pressure will push the water out to seek a random course, ultimately, to the river or other available exits, ie: to present or future faults in the sanitary system.*

*The river bank in proximity is in delicate balance. The underlying soil composition is intolerant of tampering. Extensive and costly remedial remedies to control our existing past and present groundwater problems are in place, as the present property owners will attest.*

*This same soil composition might be affected adversely by tampering with existing groundwater levels. There is ample reason for concern with the shifting load bearing characteristics relative to shifts in ground water to adversely affect existing foundations.*

*The peaceful tranquility that I sought on the purchase of my river view property 10 years ago has become a shambles with this new fear of uncontrolled groundwater flow and the possible devastation of my property.*

*I urge Council members to seek remedy to a potentially serious problem. A dedicated relief line to the river does not appear to be overly burdensome relative to the size of the development. Ample evidence of this precedent is already visible in the Town of Porter.*

*Your prompt solution and interest to our mutual problem will be greatly appreciated.*

Newlin thanked Palini for being an advocate for her father this evening. All Board members know the drainage needs to be addressed in this project.

Britton said when Anderson purchased the property; he felt there was a lot of groundwater following the sewer lateral, so he had a clay dam installed. That helped. It is possible there is groundwater movement through there.

The Town should create a clay dam on the Riverwalk side of Lower River Road. This would potential cut-off any possibility of ground water moving toward the Lower River Road side. Britton has put a contractor and price together to do this.

Lockhart said the price for the contractor Britton is referring to is \$2,700. Lockhart will be prepared with a short Capital Project recommendation, maybe \$10,000 to address this and other problems in the town.

Joe Deck Jr., developer for Riverwalk, said there is a lot of standing, surface water at Joseph Davis State Park, which pre-dates Riverwalk. Deck has asked the State to allow them to access the direct line, which exists in the Park, to the river. If the approval is given, Deck is willing to allocate some of the land in Riverwalk to allow a line to let water travel north through Riverwalk to the Park drainage area.

Newlin asked Britton for a close as he could, hard-clad guarantee, that Anderson and other residents will not be affected by this.

Britton said the sewer of this particular project is an extension of the existing one, which drains out toward Lower River Road. There is a plan in place to address this. Britton feels comfortable that, if there is a final resolution on action to cut it off, which he believes will work; the Riverwalk project will not have an impact.

Britton does not believe the Board should table Final Plat approval. Final PIP approval needs to be received along with the Health Dept.

Edwards questioned if the clay dam is the sewer service for Riverwalk only, then why is the Town paying for it in a Capital Improvement project?

Lockhart said there is a company, which has a flat rate of approximately \$2,200/per day. It is hoped to address the french drain issue, and get some additional grouting work completed in other areas that have leaky sewers.

Bax questioned if this will slow down shore erosion.

Britton said it is all subsurface so, no.

Bax said it looks like the french drain is damaging the retaining walls that are in play. It is a concern that even if this is completed there will still be some bank erosion due to surface water. Bax does not want to give anyone the misconception that this will solve the bank erosion problem.

**Bax MOVED to close the Public Hearing, Seconded by Palmer and Carried 5 - 0.**  
(7:25 p.m.)

Minutes Submitted and Transcribed by:

Donna Garfinkel  
Deputy Town Clerk