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Public Comment Period – April 27, 2021

The budget presented to the Town Board by Delaware Engineering on March 25, 2021 Work Session did not provide for public comment.

That budget provides NO allocated funds for storm water protection AND IS THUS INCOMPLETE. That budget was presented AFTER the first SEQRA review of August 31, 2021 was submitted. The newly updated budget has not been presented to the public at this time, and may not be available before the close of the public comment period on April 27, 2021 thus depriving the public of review of the details that the public comment period is designed to capture prior to decision making.

Storm water associated with the plant, and certainly for an upgrade and expansion of the current plant, is a problem. I have deep concerns about a budget that provides NO allocation for storm water management, protection or remediation, particularly since the Swan Lake Waste Water Treatment Plant (WWTP) is sited on steep inclines as the topographical map shows.

Further, how can the claim be made that the previous NYS State Environmental Quality Review Act (SEQRA) review and negative impact declaration be made when clearly no funds are being allocated for storm water management or remediation of a sewage treatment plant?

At least the Delaware Engineering consultants should be forthright and admit that there will be a negative impact and put funding toward mitigation measures based upon an analysis of these obvious environmental concerns. Every time it rains, anyone passing the nearby bridge at the waterfall by Route 55 sees what storm water damage does. Every time it rains, people passing by the nearby developments on Route 55 can see that what happens to the roadway and adjacent drains because there is inadequate silt fencing and storm water back up. So what will happen when there is no funding for storm water management and protection of a sewage treatment facility?

2. The Delaware Engineering consulting firm has stated in the public hearing of April 20, 2021 that property owners have a legal right to hook up to the municipal sewage treatment facility, yet fails to mention that is not the case if such capacity does not currently exist. Simply, there are large sections of New York State that have no sewage treatment plants and rely upon individual septic systems. This is true of many well know areas throughout the region all the way to Long Island and west to Buffalo.

So to say that a property owner has the legal right to municipal sewage is inaccurate and deceptive when there is insufficient capacity is not correct.

Current residents should not be expected to pay for sewage capacity for future development. That means any developer coming in will have their costs subsidized by current taxpayers; it will be the developers who profit from this arrangement, not the current taxpayer. Many taxpayers in the Swan Lake WWTP district are on fixed incomes and will not be able to afford staying in their current homes when the taxes - just for the Swan Lake WWTP - are double and triple the current rate.

The Swan Lake Sewer District has compliance problems with the New York State Department of Environmental Conservation (NYS DEC) and US Environmental Protection Agency (EPA).

This has been a focal point of community concern for years.

At the first public hearing on August 31, 2020 I specifically requested the Town Board to lay out the short-term, medium-term, and long-term plans for the Swan Lake/Stevensville Sewer district given these violations.

Since that time, over the past 8 months, I have only heard one sentence from the Town Board about what will happen this coming summer when the sewer reaches the summer capacity limits, since the sewer is under capacity the rest of the year.

When will the Town Board present the plan for summers 2021-2024 when this projected WWTP facility is supposed to be operational?

At the March 25, 2021 Work Session (no public comment allowed), the Town Supervisor asked Delaware Engineering about the timeline and when a vote should be taken presumably on the size of the facility.

The response from Delaware Engineering was to take a vote "NOW" - which the Town Board did take a vote on a 686,000 Gallon Per Day (GPD) WWTP.

I called the Committee on Open Government (COOG) and asked if it was legal for a Town Board to take such a vote when voting was not publicized on any agenda, and there was no public comment period allowed in a "work session."

The response I received from the COOG was that while such action was not specifically prohibited, it is considered to be "bad practice" to take such a significant vote in a work session while not on an agenda item, and no public comment. What is the justification for the town government not informing the public of the business it intends to conduct and vote on for one of - if not the - largest projects and expenses in generations?

It now appears that the lines are becoming blurred between the engineering consultants telling the Town Board:

- when to take a vote;
- as well as the engineering consultants signing off on the State Pollutant Discharge Elimination System (SPDES) Permit certificates;
- engineering consultants allocating \$3.5 million dollars in fees (according to the March 25, 2021 budget).

Will there be a competitive process for the town to find the most qualified and best use of their limited monies for the proposed sewer upgrade and expansion?

As part of the public comment period, I am respectfully requesting that all the environmental factors:

- Increased traffic,
- noise,
- air and water quality,
- effect on the rural character and unique wildlife of the area,
- storm water management and run off,

- increase in impermeable surfaces and
- other economic factors, such as increased taxes,

are given due consideration and analysis with findings and reports being made available to the taxpaying citizens in the hamlet of Swan Lake and the Swan Lake Sewer District with respect to the proposed expansion of the Waste Water Treatment Facility.

The residents of the Swan Lake hamlet are deeply concerned about the irreversible negative environmental impacts that such a massive Waste Water Treatment Plant expansion will have on a small district of 1.5 miles and on the quality of life not only for current residents, and future residents as well.

Sincerely,

Cora Edwards