

TOWN *of* NEW HARTFORD

ONEIDA COUNTY

DEPARTMENT OF HIGHWAYS/SEWERS

111 NEW HARTFORD STREET, NEW HARTFORD, NEW YORK 13413

OFFICE: 315-724-4300 Ext. 2430

FAX: 315-724-4323

ROGER A. CLEVELAND
Superintendent of Highways

ANTHONY DECUFFA
Deputy Highway
Superintendent

25JUL07

Robert Maciol, Mayor
Village of New York Mills
NYM Municipal Building
1 Maple St.
New York Mills, New York 13417

Re: Mud Creek

Dear Mayor Maciol,
Please find attached a copy of a letter to two of your constituents, both of whom reside on Royal Brook Lane.

Both residents have represented that at "some meeting", they were told to contact the Town when the water was low in Mud Creek, and that the Creek would be dredged.

As you are aware from our mutual dealings with the Sauquoit Creek Basin Intermunicipal Commission, dredging is not a word in the DEC's vocabulary when it comes to the Sauquoit Basin, and because Mud Creek is a tributary to the Basin, not in their vocabulary for the tributary either. However, in the event that somehow DEC or some other regulatory agency had represented this to the residents, I contacted DEC and spoke with Pat Cleare, Regional Permit Administrator. He confirmed that this was not the position of DEC, and that was not an activity that DEC would Permit.

Based on the increasing frequency of high water flows and periodic flooding, combined with the extensive upstream economic development and road work (both Rte. 5A and Rte. 840), and this past spring's sewer issues, we can understand the resident's anxiety. Their comments to me were, "no one's paying attention, nor listening to us", and "DEC's placing more importance on natural management of the stream, rather than the flooding in my basement".

You should be aware that starting with the Sangertown Square project in the 1970's, each and every economic development project has undergone scrutiny by the Planning Board as regards stormwater management. In each case, state of the art stormwater management design was required of the developers. Individually, each project conforms to those designs, yet collectively something else has happened to at least make it appear that the designs don't function, or at least don't function sufficiently to attenuate downstream flooding.

MISSION STATEMENT

To provide our citizens with the services necessary to maintain, protect and improve our infrastructure, our environment, and our quality of life.



The project most mentioned by the residents is Consumer Square, yet 95% or more of the runoff from this project is directed to the riparian corridor on the same side of Rte. 5A as is the retail center.

The Town questioned NYSDOT during the design of Rte. 840, and was given assurance that the stormwater piping near the old elevated railroad, just downstream of Clinton St., was no larger than what use to exist.

We have also been asked about using the detention basins that parallel Rte. 5A at Sangertown Square to retain more water. The outcome of several analyses done some years ago showed that any additional water storage in these basins will cause the parking lot to flood on a more frequent basis, however, we will do some investigating as there hasn't been any recent and apparent water storage in the basins. This could mean that there is significant sediment buildup in the basins, or that the outlet control structure is not functioning properly, or this year, especially, we just haven't had enough rainfall to trigger any storage.

Has there been a buildup of sediment in Mud Creek over the years? Presumably yes, as not all past construction activities used a system of silt control, and as the Creek is much flatter than the main body of Sauquoit Creek, sediment will tend to drop out along the flow path, as opposed to the carrying of gravel downstream in Sauquoit Creek proper.

The Town has taken two steps that should improve the situation of the residents on Royal Brook. The first was done in 1992, that being a Generic Environmental Impact Statement. (GEIS). One of the Findings of Environmental Significance was in the area of stormwater. Over the years monies have been offered to the Statement Area for off-site mitigation of those environmental Findings, and one of the mitigation projects identified was an enhancement of wetlands and stormwater detention in the area between Jay-K Lumber and the Presbyterian Home. We have stuttered a couple of times in starting this project, but the Town is committed to install it. It will take a significant amount of hydraulic analysis and cajoling of both DEC and the ACOE, as this is not something they see everyday. We have had a preliminary report done for the Town and will shortly be authorizing additional survey and design work.

Secondly, the Town recently passed a Bond issue for Town-wide stormwater management improvements. In our initial thinking we had not factored in any additional work on Mud Creek, as improvements were to be installed under the project described previously.

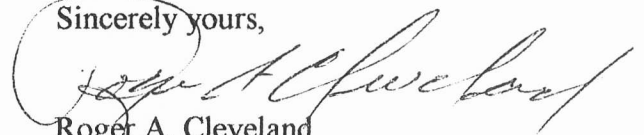
I would suggest at this point that we get the "Green Belt" project installed between Jay-K and the Presbyterian Home and determine its impact on the downstream properties. If may be sufficient to reduce both the frequency and magnitude of flooding in the Village. If not, and because DEC has determined Mud Creek to be a classified trout stream, there may not be a lot of options left, however, we could do an analysis of the timing of the hydrographs between Mud Creek and Sauquoit Creek, and see if a change in the

discharge patterns would make any significant difference. But even this analysis may be hindered by the current "Best Management Practices" of DEC requiring water quality control of runoff entering waterways. I would suggest we move forward on the Green Belt project and try to maximize its impact on stormwater storage.

Thank you for your attention to this matter. As you can see, there is not an easy resolution to this situation. If there was, it probably would have been done by now. Please be assured that as we advance the improvements both under the GEIS and the Bond Act, we will continue to monitor the situation on Mud Creek to determine if there are additional actions that can and need to be taken to ameliorate the resident's drainage issues. If there are questions, or need for additional information, please do not hesitate to contact the undersigned at 724-4300 Ext. 1.

I am,

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Roger A. Cleveland", is written over a circular embossed seal.

Roger A. Cleveland
Superintendent of Highways

Enc.

cc Town Board
 Town Attorney
 Town Planner
 Engineering
 Planning Board Chairman