SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION, FOURTH DEPARTMENT

THE FRANK J. LUDOVICO SCULPTURE TRAIL CORP.,
Petitioner,

v.

AFFIDAVIT OF
THOMAS PEASLEE, P.E.

TOWN OF SENECA FALLS, Respondent.

Thomas G. Peaslee, hereby affirms that:

1. I am a Professional Engineer licensed in the State of New York (License No. 069969-1). I have reviewed the March 22, 2018 Power Point presentations submitted by Town Engineer Barton & Loguidice with respect to the proposed Kingdom Road Pump Station/Force Main Project ("Sewer Project"), the Transcript of the Town Board's May 1, 2018 meeting and have walked both of the proposed Routes for the Sewer Project; Option A, the "Trail Route," running from Kingdom Road along the north side of New River Road to the Frank J. Ludovico Trail on the south side of the Seneca and Cayuga Canal to the Ovid Street Bridge and Option B, the "Bayard Street Route," running along New River Road and Bayard Street between Kingdom Road and the Ovid Street Bridge.

2. The Town of Seneca Falls and their engineer have approved the proposed the installation of a 12-inch or 14-inch nominal diameter sewer force main along the property owned by the Frank J. Ludovico Sculpture Trail Corporation. On this property there is a trail or path that is divided into two (2) sections. The easterly section, approximately 2,800 feet in length, is open and is home to numerous sculptures and

includes the trailhead entrance at Bridge Street. The westerly path consists of a wooded area improved only with a narrow walking path that spans approximately 1,800 feet in length for a total of 4,600 feet (the "Trail").

3. The Town is seeking a 20-foot wide permanent easement from the Sculpture Trail Corporation along the entire length of this strip of land on which the Trail is located and that runs along the south side of the Seneca and Cayuga Canal, westerly from Bridge Street to Sucker Brook (near the former Village/Town municipal boundary), and what was previously the Lehigh Valley railroad right-of-way.

4. The Town's engineer considered the Bayard Street Route for this proposed sewer force main but, did not complete engineering plans or reports. From an engineer's perspective, it is difficult to understand how any analysis could be made under New York States' Environmental Quality Review Act or an analysis as to which of two routes should be selected based on cost, loss of trees or number of easements necessary without engineering plans or reports.

5. The Town's engineer has purportedly selected their preferred route based on the presumption that this sewer force main will be installed by the horizontal directional drilling method along "most" of the 4,600 foot Trail Route. Construction plans depicting this method of construction have not been provided.

6. The use the horizontal directional drilling method along "most" of the 4,600 foot Trail Route would require many drilling installation pits or excavations along the Trail because there is a practical limitation of a few hundred feet for pipe being installed by this horizontal directional drilling method. Access routes for the large trucks to bring in the required directional drilling equipment to these pits will need to be 10 to

12 feet wide. The only practical access is along the Trail, which runs through the wooded area located between the south side of the Seneca and Cayuga Canal and behind the homes along the north side of West Bayard Street (these home are generally about 20 feet higher than the Trail based on the USGS Seneca Falls Quadrangle map). The Trail's narrow path has numerous large trees on either side that are located within a 20-foot wide easement area.

7. On June 5, 2018, I inspected the entire length of the Trail. I identified forty-five (45) large trees that are within a 20-foot wide easement area along the Trail path. Depending on the number of drilling installation pits required, many, if not all, of these trees would have to be removed.

8. Based on my 34 years of experience as an engineer in the engineering department at the Monroe County Water Authority, and after recently consulting with other New York State licensed professional engineers that design utility installations that involve horizontal directional drilling, the cost to install pipe by this method is two to three times more expensive than the installation of pipe installed by the open trench method.

9. The West Bayard Street alternative, which parallels the proposed Trail Route and is predominately residential, is a more practical route for the proposed sewer force main. Installing utilities along residential streets is a very common practice.

10. A unique advantage to this particular residential street is its extra wide right-of-way (ROW). Typical village streets in the area have 50-foot wide ROWs. West Bayard Street's ROW varies from 66 feet to 82.5 feet. This should be a more than adequate space for the proposed sewer force main and the existing underground utilities

(most likely only the potable water main, a natural gas main, and the residential gravity sewer main). I observed that the electric, telephone and cable wires are overhead on poles.

11. Because the proposed sewer main is not gravity flow (requiring fixed elevations to maintain a slope for gravity flow), but a force main (i.e. the sewage is pumped under pressure), its underground elevation can vary to avoid sewer laterals, and gas and water services that run into the homes along West Bayard Street. The extra wide ROW and the paved street provide much more access than is available along the Trail property and apparently the size of this ROW was not taken into account by the Town's engineer.

12. Given the extra wide ROW, few, if any, easements would be required from the homeowners along West Bayard Street.

13. Another advantage of the Bayard Street Route is that the ROW is controlled by the Town, and therefore the Town can allow the open trench method to be employed to install the sewer force main across the street to take advantage of open areas on either side of the street, that is, stretches along the ROW that do not have trees, utilities or other obstacles. A roadway controlled by a State or County highway agency typically require a utility main or conduit to be installed by the jack and boring method (or by the horizontal directional drilling method) under the street pavement, which is more costly.

14. During my June 5, 2018 site inspection, I observed many open areas on both sides of the street (i.e. lawns and sidewalks, which are considered open areas by engineers because they are available for the open trench method) between the West

for the Bayard Street Route so that this route can be properly evaluated. This preliminary engineering phase should include soil borings to determine the location of the water table, soil types, and if ledge rock is present (Note: there was no physical evidence to indicate that soil borings have been done along the Trail Route). A geological contractor would typically perform the soil borings, and as part of their work they would call "Dig Safely New York, Inc." to have all the utility operators mark with paint and other markers the location of their underground facilities (a "stake-out"). This would allow the Town's engineer to depict these utilities on their construction plans by utilizing their surveyors. To locate the underground utilities in the areas between the soil borings, the Town's engineer can request utility operators' record maps, observe the location of at-grade and above-grade appurtenances (such as valve covers for water and gas mains, access/vault covers, hydrants, etc.), request a stake-out for design purposes, and even dig small pits using a vacuum excavator.

Thomas G. Peaslee, P.E.

Sworn to before me this

8 day of June, 2018

Notary Public

CATHY J. DEMAY
Notary Public, State of New York
No. 01DE6070076
Qualified in Wayne County
My Commission Expires Feb. 19, 2022