

**SPECIAL JOINT INFORMATIONAL MEETING OF BOARD OF SELECTMEN,
BOARD OF FINANCE AND RTM
Wednesday, August 31, 2022
5:30 pm - Via Webex**

A recording of this meeting can be found here: <https://www.youtube.com/watch?v=jVGqxP4ZQJ0>.

DRAFT MINUTES

MEMBERS PRESENT:

Board of Selectmen (BOS): First Selectwoman Brenda L. Kupchick, Selectman Thomas Flynn, Selectwoman Nancy Lefkowitz

Board of Finance (BOF): Craig Curley, John Mitola, Kevin Starke, Jack Testani

RTM: D1: Marty Ann Furey, D2: Bill Gerber, D3: Alex Durrell, Tom Lambert, Sharon Pistilli, D4: Laura Karson, Alice Kelly, Elizabeth Zezima, Marcy Spolyar, D5: Josh Garskof, Lisa Havey, D6: Steve Berecz, D7: John Kuhn, Mark McDermott, Jill Vergara, Karen Wackerman, D8: Jim Meyers, D9: Dru Georgiadis

OTHERS PRESENT: Town Attorney James Baldwin, Town Environmental Attorney Mike Miller, CAO Tom Bremer, DPW Interim Director John Marsilio, Parks and Recreation Director Anthony Calabrese, CFO Jared Schmitt

1) Call to Order

First Selectwoman Kupchick called the meeting to order at 5:30 pm.

2) Pledge of Allegiance

First Selectwoman Kupchick led the Pledge of Allegiance.

First Selectwoman Kupchick acknowledged today as National Overdose Awareness Day and asked for a moment of silence.

3) To Hear a Presentation From Town Administration and Town's Environmental Attorney on:

- Status on Remediation Efforts

First Selectwoman Kupchick said there will be plenty of time for the public to reach out to these three boards throughout this process with any questions. She said a presentation was provided on the fill pile last January to these three town boards. She said she has committed to our community from day one to clean up this mess that has cost the Town millions of dollars and thousands of hours. First Selectwoman Kupchick said tonight's meeting is to provide an update on progress made since the last meeting in January and to discuss next steps for Penfield I. She then gave a brief background on the fill pile including the berm which she said are part of the criminal investigation.

Referring to a Powerpoint presentation which is found in the backup online, Town Environmental Attorney Mike Miller spoke about the Town working to close out the three Notices of Violations (NOVs) issued to the Town. He discussed remediation plans, "Julian Fill" sites/Background, the Consent Order, and the LEPs.

First Selectwoman Kupchick said two-thirds of the contaminated “Julian Fill” sites have been remediated to the cost of \$3 million to date. She said the remaining sites to be remediated will cost about \$3 million and are more completed than those completed and will require more resources. The full Powerpoint presentation can be accessed on the meeting link above.

- Update on Penfield Pavilion/Next Steps

First Selectwoman said Penfield Pavilion has considerable “Julian Fill” under it and there is also a FEMA NOV because of the improperly built foundation. She said the Town won’t know the full extent of the amount of “Julian Fill” under Penfield Pavilion until remediation begins. She said FEMA warned the Town to stop construction as the plans were not in compliance, but the Pavilion was finished regardless. She said FEMA has denied all reimbursements due to the Town ignoring warnings that the foundation was built incorrectly. First Selectwoman Kupchick said her administration has been negotiating with FEMA on options available to address the NOV.

She said some elected officials asked her if the Town has to respond to the NOV and she said that FEMA told the Town that under no uncertain terms the failure for the Town to not respond to the NOV could result in residents living in the flood area zone losing the discount rate for flood insurance and could also jeopardize future federal grants to the Town.

First Selectwoman Kupchick said FEMA wants the Town to make a decision and act quickly. She discussed how the Town needs to be in compliance with DEEP and the Consent Order and costs associated with that. She said to be in compliance with FEMA regulations, there are two different options on how to proceed with Penfield: 1. Demolish the main building and build another new Pavilion which will be time consuming or 2. Keep the current main building intact and replace the foundation to FEMA code which will take much less time.

First Selectwoman reviewed funding and expenditures. She said she wants to be prepared to come before the three bodies to move forward on the next step for Penfield Pavilion. She also pointed out the timeline that is part of the Powerpoint presentation.

First Selectwoman Kupchick opened up the meeting to questions from the elected officials present. Please access the meeting recording at the top of this document for the full questions, answers and discussions among the many elected officials.

4) Adjourn

First Selectwoman Kupchick adjourned the meeting at 7:28 pm.

Respectfully submitted,

Pru O’Brien
Recording Secretary