

2016-11-01-Creek Walk Update

Despite repeated setbacks, the Village Creekwalk is finally under construction. While the Board, at one time, considered abandoning the project, a decision was reached to go ahead with the project in 2013, even though it was not as complete as originally envisioned. Since then the delays have continued to mount.

Beginning in March 2013, the engineers thought that plans had been finalized and that the NYSDOT could begin the process of securing property rights for the creek walk. The Village also constructed new sidewalk on Maple Street and assumed responsibility for the sidewalks on Maple Street Extension in front of the Upper Crown Mill Condos and the Marcellus Free Library, some of which would be considered as part of the creek walk trail.

In June 2013, however, a second cultural resources report had to be completed, added to the Design Report and submitted to the NYSDOT for approval. Through the summer and fall of 2013, the rights of way maps were drawn by our engineers, and early in 2014, delivered to NYSDOT, which began to order appraisals of the properties. However, early in 2014, a relatively new environmental directive would add further delay. This involved the Northern Long-eared Bat (not to be confused with the Indiana Bat) – a new Threatened and Endangered Species – and the engineers had to follow new instructions as well as submit a synopsis of the project to the US Fish & Wildlife Service to get its concurrence that there would be no environmental impact. The Federal Highway Agency (FHWA), which agency was providing some of the funding for the trail, had to get concurrence from the US Fish & Wildlife Service on the Northern Long-eared Bat and its listing as endangered under the Endangered Species Act, similar to that required for the Indiana Bat, the Bald Eagle, Bog Turtle, Eastern Massasauga Rattlesnake and American Hart's Tongue Fern or their habitat. The NYSDOT, however, could not grant Final Design Approval until the issue of the Northern Long-eared Bat was resolved, further delaying the project. Because some of the trees along the trail could be nesting areas for the Northern Long-eared Bat (an endangered species) the US Fish & Wildlife Agency noted that the identified trees could be cut only from November 1st to April 1st, further delaying the project.

Throughout 2014 and into 2015, our engineers worked with our surveyor and the NYSDOT to complete Right-of-Way maps and with NYSDOT Real Estate to acquire the properties required for construction of the trail. By February 2015, the Real Estate Division of NYSDOT notified the Village that all property and necessary rights-of-way had been acquired for the project in the name of New York State. Payment for each of the rights-of-way was put on deposit in early February 2015, and the property owners were notified that the money could now be claimed. We now expected to put the project out to bid in the summer of 2015, with construction expected by the fall of that year. However, another setback occurred when we were notified that two more trees, possible nesting areas for the Northern Long-eared Bat, were recently identified and needed to be cut – only, however, from November 1st to April 1st so as not to disturb the nesting season of the endangered species. This meant that bidding and construction would now have to wait until 2016.

With the trees cut during the allowed season, and wetland permit authorization having been provided, advertising for the project began in February 2016 with bids accepted until March 9, 2016. When the bids were opened, and there were only two, the Board was shocked at the cost. After consulting with our engineers, the Board decided to reject all the bids and consider whether or not we would be able to construct part of the trail at this time and the remainder when more funds became available. We also discussed the idea having highway department members, from both the Village and Town, through an Inter-municipal Agreement, complete some of the work involved. This would require a request for approval from the NYSDOT for the use of what is called Force Account Work to complete some of the work involved. Parts of the project, we noted in our letter of request to NYSDOT, would still be competitively bid.

In mid September 2015, the NYSDOT extended approval for the use of force account work. This work involved the clearing and grubbing that was necessary, excavation, installation of drainage pipes, the placement of millings and stone dust for the trail itself, the installation of signage, railings and plantings. The Village and Town of Marcellus then negotiated and signed an Inter-municipal Agreement in late September and work began in early October, with the hope that much of this work might be completed in the fall of 2016. An eight-foot wide section of the trail will require a retaining wall to be built, along with asphalt paving, concrete work and pavement striping that will be competitively bid in the winter of 2017. The construction that has taken place in the last month is truly remarkable, and the Village is most grateful, not only to our own highway and treatment plant operators, but also to the Town of Marcellus and its highway department for all of the help that has been extended. This will not only help to reduce the cost of constructing the trail but it also serves as another excellent example of inter-municipal cooperation between the Town and the Village. It might also be noted that, during the past construction season, Village employees have reciprocated by helping Town employees during the construction of the Brewer Road bridge, sewer repairs in the Town Park, the complete re-roofing of one of the rest rooms in the Town Park and most recently, the assistance provided by our plant operators to locate and correct a flooding problem in the Town Park. This spirit of cooperation has always been evident in the past, but it has often been unrecognized. On behalf of the Village of Marcellus and its residents, the Board of Trustees would like to convey its appreciation and gratitude to our Village employees as well as the Town and its employees for the spirit of cooperation and collaboration created by the creek walk project between our town municipalities. We thank everyone, most sincerely.

The creek walk project has now reached its limit for this construction season, and the next construction phase, which requires a retaining wall to be built, along with asphalt paving, concrete work and pavement striping, will be the competitively bid in the winter and spring of 2017.