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Two ask SF Town Board not to renew landfill zoning permit

By DAVID L. SHAW dshaw@fltimes.com Sep 6, 2018

SENECA FALLS — Two speakers at Tuesday's Town Board meeting urged the town not to renew the zoning permit for Seneca Meadows Landfill, claiming landfill operations violate the town code and host community benefits agreement.

Doug Zamelis, a Cooperstown attorney who represents Concerned Citizens of Seneca County and Waterloo Container, said when the state Department of Environmental Conservation renewed its state permit in November for eight years, it added seven new conditions for landfill owners to meet.

"I filed a Freedom Of Information Law request with the DEC to see if the landfill was in compliance with those seven conditions. I was not able to confirm that SMI was in compliance with the conditions," Zamelis said. "Before you vote on renewing the town permit, I ask that you do your due diligence and make sure they are in compliance. You have the power to act to prevent violations."

Zamelis noted SMI has filed a lawsuit against the town over its adoption of Local Law 3 of 2016, a law that would close the landfill by Dec. 31, 2025, and prohibit any new solid waste disposal facilities in the town.

"I urge you to not renew the town permit until you are assured they are in compliance with the state permit conditions. Keep Local Law 3 in place until and if a court says it should be rescinded. I'm confident no court will do that," he said.

Valerie Sandlas, chairwoman of the Seneca Falls Environmental Action Committee, also asked the board to deny a new permit. She also said the landfill is in violation of the town code and the host agreement, particularly in terms of odor control.

"Offensive odors, despite their reduction in recent months, continue to be a problem," Sandlas said. "Despite its claim that complaints are down, landfill odors continue to pervade our community and violate our town code."

She said former State Sen. Michael Nozzolio of Fayette told town officials in 2016 that the town is "clearly the only appropriate government entity with the power and authority to compel Seneca Meadows to comply."

Sandlas also appealed to the town to defend Local Law 3 in court from the Seneca Meadows lawsuit.

Kyle Black, Seneca Meadows regional manager, displayed charts he said showed a decline in the number of odor complaints over the last five years and from the period of September 2017 to August 2018.

"Our \$13 million odor project is paying off with fewer odor complaints for both operating hours and after hours," Black said.

The SMI lawsuit against the town is pending, with no court dates scheduled. Town Attorney David Foster said the two sides are in talks.

In other action, the board:

TAXES: Board member Lou Ferrara made a motion to make the 2019 town general fund tax rate at the 2017 rate of \$6.09 per \$1,000 of assessed property value. The motion was seconded by Lazzaro.

During discussion, Lazzaro said the board must decide how to use the \$3 million it received from the landfill. He said it can be used for much needed infrastructure projects or to reduce the tax levy or a combination of both.

"We have DEC violations for our holding tanks at the wastewater treatment plant and are facing fines. We can't grow town programs and do infrastructure work. We borrowed \$3 million at zero interest to pay for some infrastructure work," Lazzaro said.

"I know businesses and property owners are having problems with the taxes paid in 2018," Ferrara said.

Lazzaro said program and staff cuts need to be looked at closely. Ferrara said that for now, landfill revenue should be used to reduce the tax levy and after that, the board can look at cuts in services and staff and doing infrastructure work.

Board member David DeLelys said all five board members need to be involved in budget development.

"I agree we need to lower taxes, but I want to see where our financial standing is before I vote to cut a certain amount," said board member Vic Porretta.

Lazzaro said budget workshops will be scheduled and the town needs to have a tentative budget by Oct. 2, followed by work sessions.

"There will be no action on the budget unless the full board votes," Lazzaro said.

"I think this motion is premature. I understand the desire for tax relief, but I don't think we should set a tax rate and then develop a budget to fit it. We still have a question as to whether Seneca Meadows will continue paying us in 2019, especially if Local Law 3 stays," Avery said.

The motion was defeated by a 3-2 vote. Lazzaro and Ferrara voted in favor. Avery, DeLelys and Porretta voted no.

POLICE CONTRACT: The union representing the town police department has a contract that expires Dec. 31. The board will meet with its labor attorney at 2 p.m. Sept. 13 to discuss the town's bargaining position.

COLD WAR VETERANS: The board agreed to pursue the steps needed to offer military veterans from the Cold War era of the 1950s and '60s a property assessment exemption. A local law would be required by March 1.