

STATE OF NEW YORK  
SUPREME COURT

COUNTY OF SENECA

In the Matter of the Application of:

SENECA MEADOWS, INC.

Petitioner-Plaintiff

-vs-

TOWN OF SENECA FALLS, and  
TOWN OF SENECA FALLS TOWN BOARD

AFFIDAVIT IN SUPPORT  
OF MOTION TO  
INTERVENE

Index No.: 51652

Hon. Daniel J. Doyle

Respondents-Defendants

For a judgment pursuant to Article 78 of the Civil Practice  
Law and Rules and CPLR 3001

County of Seneca )  
                         ) ss.:  
State of New York )

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CLERK'S OFFICE  
SENECA COUNTY  
CLERK'S OFFICE  
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DIXIE D. LEMMON, being duly sworn, deposes and states the following:

1. I reside at 1569 North Road, Waterloo, New York, I am a proposed intervenor in this proceeding, I have become familiar with the facts and circumstances of this case, and I respectfully submit this affidavit in support of this motion to intervene as a party respondent-defendant.
2. I am also a member and officer of Concerned Citizens of Seneca County, Inc. ("CCSC").
3. I own and reside at property located in very close proximity to the Seneca Meadows landfill which is located in the Town of Seneca Falls, and is owned and operated by Seneca Meadows Inc. ("SMI").

4. I purchased and moved into my home in 1983, I have resided there continually since, and I have watched SMI's dump grow from a small local operation to what I understand is now the largest active landfill in the state.
5. There is hardly a location on my property where I can't see SMI's dump towering over me, the dump is a constant presence in my life, and my quality of life is reduced every day because of the dump.
6. As one of the closest residential neighbors to SMI's dump, I have been impacted by the landfill in many ways over many years, including by odors, traffic, dust, trash, gulls and other animals attracted to the dump.
7. At times, the odor from SMI's dump is so unbearable that I am forced to leave my house and my property until the wind shifts or the odor abates.
8. The odor from the dump pervades my house, my clothes, my car, my nose, my mouth and my skin.
9. I have registered innumerable odor complaints to SMI and to the New York State Department of Environmental Conservation and am often told that there is no odor or that the odor I am smelling is not from SMI's dump.
10. Often, my house, my car and all my things are covered with dust generated by SMI's activities.
11. CCSC and I supported the Town of Seneca Falls Town Board's efforts to adopt Town of Seneca Falls Local Law #3 of 2016 ("LL#3") because it would permit SMI to operate its dump only until 2025 and would require SMI to wind down its operations prior to 2025.

12. The winding down of SMI's operations and cessation by 2025 in compliance with LL#3 would result in a reduction and an eventual elimination of most of the impacts I presently endure, particularly the incessant odor of landfill gas and decomposing garbage which affects me for days on end.

13. I understand from my attorney that this proceeding was commenced in November of 2017, but that the Town of Seneca Falls (the "Town") has yet to file any answer or motion in the 10 months since the lawsuit was commenced.

14. I am very concerned on behalf of myself and CCSC that the Town of Seneca Falls will not aggressively defend this lawsuit and LL#3, and will capitulate to SMI in one way or another.

15. My concerns that the Town will capitulate are based on the Town's failure to respond to SMI's lawsuit in the 10 months since it was commenced, the Town's dependence on "Host Community" payments, and SMI's economic and political influence over the Town, and the Town of Waterloo where I live.

16. The Town's representation of my interests and the interests of many members of CCSC in preserving a clean and healthful environment to live and work is inadequate, and I, along with other members of CCSC, will be bound by the judgment in this action as it relates to the validity and enforceability of LL#3.

17. For these reasons, CCSC and I should be permitted to intervene in this proceeding to properly and appropriately defend LL#3.

*Dixie D. Lemmon*  
DIXIE D. LEMMON

Sworn to Before  
Me this 10<sup>th</sup> Day  
Of September, 2018

*Kathryn A. Wojciechowski*  
NOTARY PUBLIC

KATHRYN A. WOJciechowski  
Notary Public, State of New York  
Qualified in Ontario County  
No. NYW09078200  
Commission Expires July 29, 20 22