

SENECA FALLS, Dec. 11, 2019 — The nation's third largest waste hauler is waging a two-front campaign — in the courts and at the ballot box — to overturn a local law requiring Seneca Meadows Inc., its mega-landfill, to close in 2025.

Its success or failure has major ramifications for the county, the region and New York City, which exports 9 percent of its garbage to Seneca Falls.

In recent months, a unit of Texas-based Waste Connections revived its two-year-old lawsuit challenging Local Law 3. Meanwhile, another unit was quietly plowing more than \$94,000 into the outcome of local elections Nov. 5.

On Election Day, supporters of the law managed to win a precarious 3-2 advantage on the town board. But Waste Connections won a hefty dividend from its investment in the candidacy of Mike Ferrara, who edged landfill opponent Doug Avery by roughly 80 votes in the race for town supervisor.



Ferrara insisted he knew

nothing about the efforts Waste Connections financed on his behalf, which included campaign fliers, website development, robocalls and voter turnout operations.



He said the company was incorrect in assuming he'd reliably promote its interests, although he added that he would keep an open mind about extending the life of the landfill beyond 2025.

Asked whether the unsolicited election help was decisive in his narrow victory, Ferrara said: "I have no polling numbers or anything like that to gauge one way or the other. Personally, I think it was a negative impact on me."

Avery (at right), who campaigned on a platform of closing the landfill in 2025, stopped short of blaming the landfill's parent company for his election loss. But in a Facebook post two days after the election he wrote: "Who would possibly consider running in 2021 against such a machine?"



Waste Connections employs 16,000 at dozens of North American subsidiaries, and it reports annual sales of about \$5 billion. By acquiring Seneca Meadows in 2016, the company became an important player in disposing of New York City's garbage.



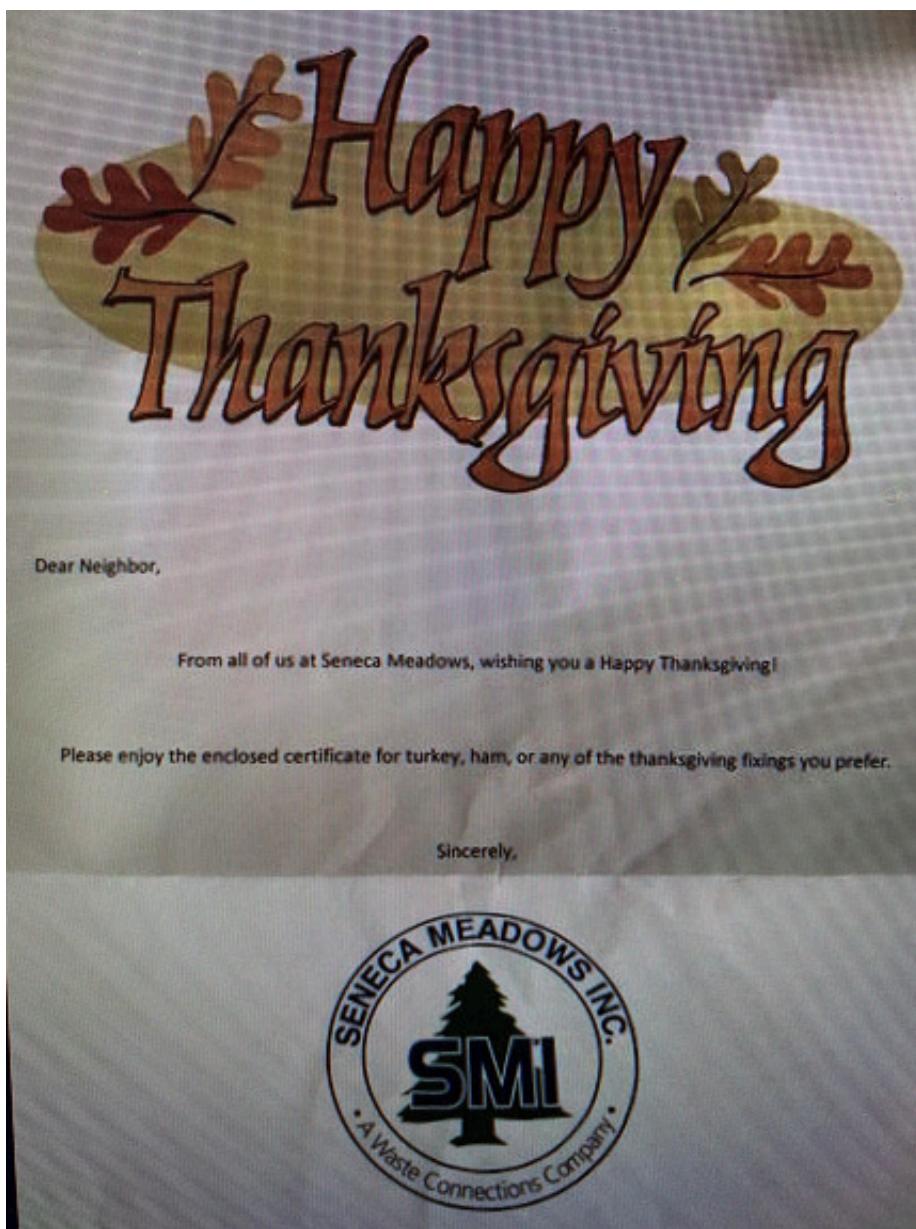
The city incinerates about one-quarter of its solid waste and exports the rest. The Finger Lakes accepts about one-quarter of the exports, the [Commercial Observer reported](#) in August.

New York City paid \$316 million to export garbage in 2015. That bill is expected to rise to \$420 million by 2021, the Commercial Observer said, citing the city's Independent Budget Office. A closing of Seneca Meadows in 2025 would tend to drive the city's export prices ever higher.

Seneca Meadows, located 10 miles east of Geneva, is the state's largest landfill, taking 6,000 tons of garbage a day. The state's second and third largest landfills, High Acres and Ontario County, respectively, also lie within 30 miles of Geneva.

Residents near all three dumps have complained of overwhelming stench, health problems, noise and heavy truck traffic.

Landfill companies typically compensate their "host" communities for imposing on nearby schools and residential neighborhoods. Seneca Meadows pays Seneca Falls more than \$3 million a year.



In the days after the recent election, Seneca Meadows threw in a holiday bonus. It mailed "Happy Thanksgiving" letters (with Walmart gift certificates) to certain local residents.

"They keep proving they'll do more and more," Avery said. "They'll try to swing the town board to their liking."

State disclosure records show that a group called Responsible Solutions for New York was formed solely to back Ferrara and four other candidates — all Republicans — for seats on the town boards of Seneca Falls and Waterloo. Seneca Meadows straddles the two towns.

Waste Connections of New York, which lists the same suburban Houston address as its Texas parent company, contributed \$85,000 in cash and nearly \$10,000 in in-kind contributions to the group. Other entities, including a pair of waste haulers and the dump's law firm, contributed another \$13,000.

Most of Responsible Solutions' cash contributions were [paid to Mercury Public Affairs](#), a global lobbying firm better known for its extensive Ukraine-related [work with Paul](#)

Mercury Manafort, the former head of President Trump's 2016 election campaign who is now in prison following his conviction for multiple felonies.

Closer to home, [Mercury was paid](#) more than \$500,000 for helping a Connecticut company obtain New York State permits for the 2017 restart of the Greenidge power plant on the shore of Seneca Lake in Dresden.

Mercury later received several hundred thousand dollars from Competitive Power Ventures to promote its new power plant 75 miles northwest of New York City. It handled damage control after a CPV official and a former top aide to Gov. Andrew Cuomo became ensnared in a bribery scandal.

In October, Mercury billed Responsible Solutions for New York \$10,000 for "polling services," \$10,000 for "website development," and \$11,974 for "voter turnout operations." On Nov. 25, the group paid Mercury an additional \$41,944.52.

Records show Responsible Solutions was formed to back the candidacies of Ferrara, Dawn Dyson and John Larsen in Seneca Falls and Mike Pfeiffer and Bob Lotz in Waterloo.

Ferrara, Dyson, Pfeiffer and Lotz all won, while Larsen lost.

Also newly elected to the Seneca Falls town board was Democrat Steve Churchill. The other two board members, Avery and Dave DeLelys, are each two years into four-year terms. Churchill, Avery and DeLelys support Local Law 3.

Val Sandlas, president of the Seneca Falls Environmental Action Committee, said she expects further outside funding in the 2021 election campaign when the Avery and DeLelys seats come open. The board election in 2023 is also expected to be a contest over whether to give the landfill life after 2025.



"The dirty money from the dump is scary," Sandlas said. "If they did that this year, what will happen in two years?"



The owners of Seneca Meadows Inc., the state's largest landfill, are fighting to keep it open beyond 2025.

But even before the crucial 2021 election, a court is being asked to decide whether to uphold or strike down Local Law 3.

The law, enacted in December 2016, has been in legal limbo since its birth.

Just months after it was passed, the Seneca Falls town board voted to cancel it. But a judge overturned that action, leaving the law intact.

In November 2017, Seneca Meadows filed suit in an effort to annul the law in court.

The town did not file the customary legal response. Instead, a faction on the board -- Town

Supervisor Greg Lazzaro and deputy supervisor Lou Ferrara (Mike Ferrara's first cousin) -- tried to privately negotiate a sweetened new "host" agreement that would allow the landfill to remain open throughout 2037.

But the three other board members, who were out of the loop in the negotiations, balked at the proposal put together by Lazarro, Lou Ferrara and town attorney David Lee Foster.

Nearly a year passed with no legal response from the town before Dixie Lemmon (at right), a neighbor of the landfill, asked a Seneca County Supreme Court Justice Daniel Doyle to intervene in the lawsuit on behalf of a group called Concerned Citizens of Seneca County.

Eleven months later, Doyle granted Lemmon's request to join the case, effectively reopening it. Seneca Meadows filed a memorandum of law in November that spelled out its argument for annulling Local Law 3.



In January, both the town and Lemmon/CCSC are scheduled to file separate briefs in response to the landfill's memo of law. At that point, Lazarro and Lou Ferrara will have left the town board, and Foster will have been replaced as town attorney.

In its recent memorandum of law, Seneca Meadows argues that the 2016 town board adopted Local Law 3 without taking a "hard look" at potential environmental consequences, as required under state environmental law.

The landfill further argued that passage of the law was improperly driven by Annette Lutz, then a lame-duck board member and co-owner of Waterloo Container, which is located across the street from the landfill. (Appointed to the board, Lutz lost her bid for election in

2016.)

Lutz, the landfill argues, was “biased and conflicted” when she and Waterloo Container attorney Douglas Zamelis “blindsided” the board with their proposed law and pushed a vote prematurely.



Kyle Black, manager of Seneca Meadows, presents a mock check for the landfill's host agreement fees of \$3.2 million for 2017.

Kyle Black, manager of Seneca Meadows, said in a sworn affidavit in November, that he had testified to the “inaccuracies in the factual and technical findings of the local law,” which were not “scientifically supported.” Black did not return a phone call seeking further comment.

The board voted to pass Local Law 3 on Dec. 6, 2016. Lutz tainted the board vote by refusing to recuse herself, the landfill's memo contends.

Lutz died in April after battling breast cancer and other illnesses, including Crohn's Disease.

At a public hearing less a year and a half before she died, Lutz had said that her doctors had implied a link between her illnesses and the landfill.

In attempting to build its case that Lutz had a “bias” against it, Seneca Meadows included the following in its

recent memorandum of law:

“At a public hearing during discussions about SMI’s operations on Aug. 10, 2017, Ms. Lutz claimed that, following a diagnosis of Crohn’s Disease in 2005, her doctors told her ‘that a major factor in this disease (Crohn’s) is environmental, that is my environment was most likely the cause for my body coming down with Crohn’s. And that environment was the dump.’”



Later in the same meeting, Lutz went on to question whether it was “sheer luck” that she was hit with the “double whammy” of breast cancer in 2011. She urged fellow citizens to “learn from past disasters such as the Love Canal...” and work to close Seneca Meadows.



Zamelis (at left), who had worked closely with Lutz, now represents Lemmon and CCSC, as intervening parties in the landfill’s suit.

Mike Ferrara said he ran for office to try to heal a community that’s been torn apart by strong opinions about the landfill. He said he wants to bring civility and better organization to town government.

Ferrara said the town desperately needs to develop a detailed plan for handling its solid waste. “The landfill is going to close at some point, whether it be 2025 or 2030,” he said. “Whatever date that is, we need to prepare for the closure.”