

The Seneca Falls Town Board held a Special Meeting on Friday, May 5, 2017 in the Town Hall Meeting Room, 130 Ovid Street.

Present were Supervisor Gregory Lazzaro; Councilmen Vittorio Porretta, Thomas Ruzicka, David DeLelys and Louis Ferrara. Also present were Patrick Morrell, Attorney for the Town and John Condino, Town Engineer.

Supervisor Lazzaro called the Special Meeting to order at 5:00 P.M. A roll call of Board Members was taken and all were present; the Pledge of Allegiance followed.

Mr. Condino gave the Board a copy of the final SEQR documents which include SEQR Part I, SEQR Part II, SEQR Part III, an addendum to SEQR Part III, and a copy of the Local Law with Findings.

Mr. Lazzaro proceeded to read the following relative to the SEQR process and Local Law #2 – 2017:

It is the intention of SEQR regulations that a suitable balance of social, economic and environmental factors be incorporated into the planning and decision making process. It is not the intention of SEQR that environmental factors be the sole consideration in decision making. The proposed action issuance of Local Law #2 – 2017 has been reviewed in accordance with the SEQR regulations Title 6 of the New York Codes and Rules Regulations Part 617. The proposed action has been determined to meet criteria for classification as an unlisted action. A Short Environmental Assessment Form (SEAF), Parts I, II and III, was prepared. Part I of the SEAF indicates that the proposed action involves the legislative adoption of a local law. As instructed by the SEAF, a narrative description of the proposed action has been completed, and a review proceeded to Part II. Parts II and III of the SEAF seek to further review the potential impacts of the proposed action, which again, is the issuance of Local Law #2 – 2017. An addendum to Part III was completed to support the conclusions drawn in Part II and to further support the determination of significance related to the proposed action.

Throughout the SEQR process for the proposed action, the Town Board solicited Public comment most notably through completion of a Public Hearing on March 29, 2017, held review Meetings with the Attorney for the Town, Special Counsel Boylan & Code and with the Town Engineers, and reviewed and invented multiple drafts of proposed SEQR support documents prior to taking action. In conducting the SEQR process, the Town Board has considered reasonably related long term, short term, direct and indirect and cumulative impacts, and has considered the significance of any likely consequences of the proposed action. Considering the review that has been completed, the documents and comments that have been presented to the Board and the scope context and magnitude of the proposed action, the Town Board makes the following determination based on the information and analysis included on the SEAF and additional supporting document: the proposed action will not result in any significant adverse environmental impacts.

Mr. Lazzaro proceeded to read the Findings that are in Local Law #2 -2017:

The Town Board provides the following reasons and support, as follows:

- A. The Town of Seneca Falls Waste Disposal Law was enacted to restrict waste disposal operations within the Town of Seneca Falls and prohibit the operation of solid waste management facilities in the Town by December 1, 2025. Facilities with a valid Solid Waste Management Facilities Permit (otherwise recognized as a Title 6 NYCRR Part 360 Permit) issued by the New York State Department of Environmental Conservation (NYSDEC) prior to November 1, 2017, were exempted from the Waste Disposal Law for the duration of their operating permit, but such operation was not permitted to extend beyond December 31, 2025.
- B. Rescinding the Town of Seneca Falls Waste Disposal Law will not deregulate solid waste management facility operations within the Town of Seneca Falls. Such facilities within New York State will continue to be strictly monitored and inspected in accordance with applicable State and Federal regulations. The NYSDEC regulates solid waste management facilities under 6 NYCRR Part 360, which enforces strict requirements for waste placement and coverage, leachate collection and treatment, acceptable waste types, environmental monitoring, and various other aspects of landfill construction and management. In addition, landfill operators are required to submit annual reports to the NYSDEC detailing the amount and types of waste disposed, remaining permitted capacity, and water quality and leachate monitoring data, among other details. Air quality at solid waste management facilities is regulated under the Prevention and Control of Air Contamination and Air Pollution regulations (6 NYCRR Part 201). Wastewater discharge is also State-regulated by the State Pollution Discharge Elimination System (SPDES) regulations under Article 17, Water Pollution Control, of the Environmental Conservation Law (6 NYCRR Part 750).
- C. Prior to the passage of the Waste Disposal Law in 2016, the Town of Seneca Falls had adopted code provisions specifically to regulate landfills in 1975. These code provisions have been amended and updated over the years and now appear in the Seneca Falls Town Code as Chapter 185. This local law required Solid Waste Management entities to obtain a local permit from the Town Board prior to the construction or operation of a sanitary landfill in the Town of Seneca Falls. This local law afforded the Town the opportunity to review proposed facilities, and to prohibit and/or impose special conditions on landfill operations regarding the receipt, handling, treatment or disposal of special wastes, as necessary to protect public health, safety, welfare, and

the environment, including conditions that address odor, dust, noise, traffic, water and air quality, property values, tourism, and economic development. Thus, the Town's authority under existing Chapter 185 is more than sufficient to address the concerns that were stated in the Findings of the Waste Disposal Law of 2016. Though the NYSDEC had, and continues to have, primary jurisdiction over the regulation of Solid Waste Management Facilities, Chapter 185 of the Seneca Falls Town Code ensured that the Town remained knowledgeable and had local jurisdiction of the siting and operation of potential and operational landfill sites within its municipal limits. Proposed and active Solid Waste Management Facilities are required to obtain a local permit from the Town Board on an annual basis.

- D. The Seneca County Environmental Conservation Plan (2014) emphasizes that landfill operations are an essential asset to Seneca County's economy. The Town currently is the site of one active, regulated Solid Waste Management Facility, the Seneca Meadows Landfill. The landfill generates millions of dollars in revenue for the County each year and provides employment for many local residents. The landfill operates under numerous Federal, State and Local regulations. As previously mentioned, the landfill is required to maintain compliance with State and Federal regulations, as well as obtain a local permit each year from the Town of Seneca Falls under Chapter 185 (Town Code). The Seneca Meadows Landfill has continued to expand over time, in part due to increased restrictions set in place by the Environmental Protection Agency (EPA) in 1988. The change in standards enacted at that time placed more stringent environmental compliance requirements on landfill facilities. According to the Seneca County Environmental Conservation Plan, many smaller operations were forced to close due to elevated management costs.
- E. It is recognized that there has been a statewide focus to move toward more sustainable development and waste management practices, but at this time, a practical need for landfills remains, even as communities and populations work toward limiting landfill waste. As included in the Town of Seneca Falls' Comprehensive Plan, the concepts of energy production, recycling, and reuse of materials were to be promoted and encouraged within the community. The Comprehensive Plan suggested that the Town take the opportunity to actively use the landfill's strengths to diversify the economy and use the current landfill site's alternative energy and recycling innovations, to set a foundation on which to be recognized as a cutting edge environmentally responsible and innovative community.
- F. Future proposed expansions or modifications to the operations at the Seneca Meadows Landfill, as well as any future proposals to site Solid Waste Management Facilities within the Town of Seneca Falls, will need to undergo a full review to weigh the potential environmental, social, economic benefits and potential impacts that may result, in accordance with the SEQRA regulations (6 NYCRR Part 617). The adoption of Local Law #2 of 2017 is administrative in nature and if individual applications are filed with the Town Board in the future relative to the expansion, construction, or operation of a Solid Waste Management Facility in the Town of Seneca Falls, a specific environmental review of each application will be undertaken at that time. There are multiple opportunities available throughout the SEQRA process that call for public participation and comment. In addition, the Town's existing Host Community Agreement authorizes existing Solid Waste Management Facility activities through the life of the "Landfill Expansion", as permitted by the NYSDEC, which is December 31, 2025, the same date provided for in the Waste Disposal Law of 2016. Any change to the Host Community Agreement would require amendment of the Agreement by a vote of the Town Board.

A motion was made by Greg Lazzaro and seconded by Lou Ferrara to adopt the following Resolution:

WHEREAS, the Town of Seneca Falls Town Board (the "Town Board") is reviewing issuance of proposed Local Law #2 of 2017 (the "Action"), which would rescind the existing Waste Disposal Law, also recognized as Local Law #3 of 2016; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, as amended, the New York State Environmental Quality Review Act (the "SEQRA") and the implementing regulations at 6 NYCRR Part 617 (the "Regulations"), the Town Board desires to comply with SEQRA and the Regulations; and

WHEREAS, the Town of Seneca Falls Town Board is identified as the lead agency since they are the entity directly undertaking the proposed action and there is no other Involved Agency identified in connection with the issuance of Local Law #2 of 2017, as that term is defined in 6 NYCRR Part 617.2(s); and

WHEREAS, the Town Board held a Public Meeting on the proposed Action to receive community comment; and

WHEREAS, pursuant to the Regulations, the Town Board has considered the significance of the potential environmental impacts of the Action by (a) using the criteria specified in Section 617.7 of the Regulations, and (b) examining the Short Environmental Assessment Form ("SEAF") for the Action, including the facts and conclusions of Parts 1, 2 and 3 of the SEAF, together with other available supporting information, to identify and thoroughly analyze the relevant areas of environmental concern; and

WHEREAS, as the proposed adoption of Local Law #2 is an Unlisted Action, as defined by 6 NYCRR Part 617.2(k).

NOW, THEREFORE, BE IT RESOLVED, pursuant to and in accordance with the review requirements for

Unlisted Actions in the SEQRA Regulations, the Town of Seneca Falls Town Board hereby confirms that the proposed Action meets the criteria for classification as an Unlisted Action; and

BE IT FURTHER RESOLVED, that based upon an examination of the SEAF and other available supporting information, and considering both the magnitude and importance of each relevant area of environmental concerns, the Town Board makes the following findings and determinations:

- No significant adverse environmental impacts are noted in the SEAF or corresponding addendum for the Action and none are known to the Town Board; and
- The detailed Findings of the Town Board are included in the Town of Seneca Falls Local Law #2 – 2017 narrative document; and
- The Action will not have a significant adverse environmental impact and will not require the preparation of a Draft Environmental Impact Statement (DEIS) with respect to the Action; and

BE IT FURTHER RESOLVED, that as a consequence of such determination and in compliance with the requirements of SEQRA and the Regulations, the Town Board directs the Town Supervisor to sign and complete Parts I and 3 of the SEAF for the Action; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

Mr. DeLelys stated a few weeks ago, the Board decided to follow up on the Article 78; this has not happened. The environmental impact of Local Law #2 is uncertain; there was a lot of testimony from citizens at the Public Hearing regarding odors and negative impact on families and homes. He said we owe it to everyone, including Seneca Meadows, to do a thorough investigation of the impact, not a short form.

Mr. Morrell stated as to the Environmental Assessment Form this is an Unlisted Action, and the Board did talk about the long form vs. the short form. In reviewing the guidance of the NYSDEC, they recommend using the short form for Unlisted Actions, and also specifically for administrative type actions which this is. He added this is adoption of a local law; this isn't a specific project. The long form is more geared and designed for a specific physical action which this isn't – this is the adoption of a law. Mr. Morrell said the Board did review that, but the NYSDEC's own guidance is saying that the short form is more appropriate for this type of action.

Mr. DeLelys asked if the Board is planning on voting on this Law tonight; Mr. Lazzaro replied yes. Mr. DeLelys directed his comment to Mr. Ruzicka, saying he thinks Mr. Ruzicka should not vote on this tonight. He said Mr. Ruzicka received money from the Landfill and he thinks it's a conflict of interest. Mr. Lazzaro told Mr. DeLelys this was uncalled for. After further discussion, Mr. DeLelys said the Board should go with the Article 78 to find out if they were right or wrong.

Mr. Ruzicka stated Seneca Meadows is a business. He is business-oriented. He took that money, and there were other businesses that gave him money. He added that did not influence my vote.

The above motion made by Greg Lazzaro and seconded by Lou Ferrara to adopt the above Resolution determining that the action to execute Local Law #2 of 2017 is an Unlisted Action and will not have a significant adverse impact on the environment was carried 3 ayes, 2 naves; Supervisor Lazzaro and Councilmen Ferrara and Ruzicka with the yes votes, and Councilmen DeLelys and Porretta with the no votes.

Mr. Morrell stated the Town has completed the SEQR review. The SEQR review is done for the purpose of Local Law #2 of 2017. The Public Hearing for that Law has already been held, and the Board Members all have the final version of Local Law #2 of 2017 before them. He added this is now appropriate for a vote.

Mr. Lazzaro proceeded to read proposed Local Law #2 – 2017 and the Findings as listed in the Local Law which are stated above.

A motion was made to adopt Local Law #2 – 2017, a local law to rescind the Town of Seneca Falls Waste Disposal Law, by Greg Lazzaro and seconded by Lou Ferrara. No questions. Motion carried 3 ayes, 2 naves; Supervisor Lazzaro and Councilmen Ferrara and Ruzicka with the yes votes, and Councilmen DeLelys and Porretta with the no votes.

Being there was no further business, a motion was made to adjourn the Meeting by Greg Lazzaro and seconded by Lou Ferrara. No questions. Motion carried 5 ayes, 0 naves.'

Meeting adjourned at 5:35 P.M.

Respectfully submitted,

NICALETTA J. GREER  
Town Clerk

