

The Seneca Falls Town Board held a Special Meeting on Friday, October 26, 2018 in the Town Hall Meeting Room, 130 Ovid Street.

Present were Supervisor Gregory Lazzaro; Councilmen Vittorio Porretta, Douglas Avery, David DeLelys and Louis Ferrara. Also present was David Foster, Town Attorney.

Supervisor Lazzaro called the Special Meeting to order at 3:30 P.M. A roll call of Board Members was taken and all were present; the Pledge of Allegiance followed.

Modified Host Agreement: A motion was made by Greg Lazzaro and seconded by Lou Ferrara to accept the modified Host Agreement for 2019-2017 in order to help lower taxes, work on infrastructure, maintain services, save for our future and keep our jobs.

Supervisor Lazzaro gave Board Members the following spreadsheets regarding the Town Tax Rate for 2019:

1. Sheet 1 - Preliminary Budget through Budget Workshop 4.
2. Sheet 2 – Preliminary Budget using \$1 million of signing bonus of Landfill Revenue.
3. Sheet 3 – Preliminary Budget using \$2 million of signing bonus of Landfill Revenue.
4. Sheet 4 – Preliminary Budget using \$3 million of signing bonus of Landfill Revenue.

Referring to Sheet 1, Mr. Lazzaro noted that the 2019 tax rate is \$8.71 per \$1,000, and Highway is \$1.31 per \$1,000 of assessed valuation. If the Board agrees to and signs the Modified Host Agreement, the Town will be receiving \$3.5 million from Seneca Meadows. Subsequent spreadsheets, as delineated below, give three separate scenarios:

- If the Town used \$1 million of that, as shown on Sheet 2, Town taxes would be \$7.74 per \$1,000 and there would be no Highway tax.
- If the Town used \$2 million of that, as shown on Sheet 3, Town taxes would be \$5.46 per \$1,000 and there would be no Highway tax.
- If the Town used \$3 million of that, as shown on Sheet 4, Town taxes would be \$2.72 per \$1,000 and there would be no Highway tax.

Mr. Lazzaro stated that the Town Board needs to consider the Host Agreement; it saves for our future, it will help us plan for financial solvency and it has a dedicated close date of Seneca Meadows for the year 2037. He thinks it's the only intelligent thing to do. The Town needs revenue; there are massive infrastructure repairs to be done, and if we go through a long and intensive litigation battle, we will not be able to do these infrastructure jobs without borrowing heavily. The Town already has a \$3 million project that luckily, we have acquired a no interest bond, but other infrastructure problems are already planned out to be about \$10 million over the next few years. Mr. Lazzaro stated the Town simply does not have the money. He added we have to enter into a relationship with our business partners; Seneca Meadows has been a good business partner over the last 30 years and they want to work with us. We should extend our hand and work with them. Negotiation is a far better avenue to take than contentious litigation. Mr. Lazzaro said the Board has this motion on the table, and asked if there was further discussion. Since there was none, the vote was taken as follows:

Supervisor Lazzaro - Yes
Councilman Ferrara - Yes
Councilman DeLelys - No
Councilman Avery - No
Councilman Porretta – No

Motion failed, as the vote was 2 ayes, 3 nays.

Authorize Special Counsel to Pursue Defense of Litigation Involving Seneca Meadows: A motion was made by Doug Avery and seconded by Dave DeLelys to adopt the following Resolution:

WHEREAS, Seneca Meadows, Inc. ("SMI") commenced a lawsuit against the Town of Seneca Falls entitled "Seneca Meadows, Inc. v. Town of Seneca Falls et al", Seneca County Supreme Court Index No. 51622 (the Action); and

WHEREAS, in the Action SMI is seeking, among other things, to have Local Law #3 of 2016 vacated, annulled, and declared null and void as a matter of law; and

WHEREAS, since the commencement of the Action the Town has engaged the Law Firm Boylan Code, LLP to act as Special Counsel to the Town, representing it in all matters involving SMI, including the Action; and

WHEREAS, since the commencement of the Action, the Town, with the assistance of Special Counsel, has engaged in a careful and thoughtful deliberation of the Town's rights and the risks and costs of litigation, and has also taken the opportunity to consider and explore potential alternatives to litigation that may be in the public's best interest; and

WHEREAS, upon further consideration of all of the foregoing, the Town now hereby determines that the best course of action to be in the public's interest is to pursue the defense of the Action.

NOW, THEREFORE, BE IT RESOLVED, that Boylan Code, LLP, Special Counsel to the Town, is hereby directed to pursue the defense of the Action to the fullest extent permitted by Law, unless and until such time as the Town may otherwise direct.

Mr. Avery provided the following comments:

There is a misconception “out there” that we are determining the future of Seneca Meadows today. That’s not true. Nor are we deciding today that Seneca Falls doesn’t want the money that would come with a new Host Community Agreement. Despite what you might have been told, in taking this action, the Seneca Falls Town Board is doing one thing, and one thing only. It is asking the Court to affirm the legitimacy of Local Law #3. We’re in this situation not because we choose to be, but because the Landfill has sued us, challenging that Law.

This action, if approved, doesn’t preclude future negotiation. Once this issue is resolved, it will be up to the Town Board at the time and Seneca Meadows to determine whether or not negotiations about SMI after 2025 should take place. Any further negotiations with Seneca Meadows that do take place must be careful, thoughtful, and methodical. Most important, the Town must negotiate from the strongest possible position. Having Local Law #3 affirmed by the Court will put us in that position. Understandably, however, that’s exactly what some around us are trying to prevent.

The other issue that must be considered along with Local Law #3 is that of the money Seneca Falls receives as part of the current Host Community Agreement. As a Community and as Individuals, we must ask ourselves what purpose the payments serve. Is the purpose to reimburse the Community and Residents for the smell, traffic, the threat to our air and water, the loss of community identity, the potential loss of business and tourism and the decrease in real estate values that go with having the northeast’s largest landfill in our backyard? If so, then the Town has every right to expect that the money will keep coming in as long as the garbage keeps coming in.

The other possibility is darker and more sinister. Is the intent of the Host Community payments to make us addicted to the revenue and the subsidized, artificially low tax rates that go with it? Once addicted, we won’t dare interfere with whatever plans Seneca Meadows might have for its own future. Sadly, it is clear that, in the eyes of many, that is exactly what has happened.

Any future negotiations should only be undertaken if the Landfill agrees in advance to continue making the payments as outlined in the current Host Community Agreement as long as the garbage keeps coming in. Withholding the Host Community payments is simply punitive. We are being punished because we had the audacity to consider a future that is free of imported garbage. It has absolutely nothing to do with the Court proceedings. If Seneca Meadows is the good neighbor it proclaims to be, the payments should continue while the Court case and any subsequent negotiations take place. No one is telling them to stop the payments, and the garbage is sure to continue. The decision to withhold the money is theirs alone.

I hope that those of you who are complaining that our actions are going to result in higher taxes are equally vocal when the Landfill brings in 6,000 tons of someone else’s garbage each and every day without paying the Town what it owes. That is the true reason behind any tax increase.

Whether or not to negotiate a future for Seneca Meadows past 2025 is a debate for a later time. Right now, the Town should work to put itself in the strongest possible position for any future talks. That includes determining, once and for all, whether the law we have on the books is legitimate. It also includes taking the stance that, between now and the expiration of the current Host Community Agreement in 2025, the money continues to come in as long as the garbage flows. To not do so is irresponsible, and cedes all the power to the Landfill. I, for one, am not willing to do that. Thank you.

Supervisor Lazzaro advised that if this motion is passed, he will order a box of red pencils and will issue each Councilman a red pencil to start checking off on the 2019 Budget. He believes we cannot go ahead with the Budget that we have now. He will be opposing the Tentative Budget if the motion passes.

With no further discussion, the vote on the foregoing Resolution was taken as follows:

Supervisor Lazzaro – No
Councilman DeLelys – Yes
Councilman Porretta - Yes
Councilman Ferrara - No
Councilman Avery - Yes

Motion carried as the vote was 3 ayes, 2 naves.

Being there was no further business, a motion was made to adjourn the Meeting at 3:43 P.M. by Mr. Lazzaro and seconded by Mr. Ferrara. No questions. Motion carried 5 ayes, 0 naves.

Respectfully submitted,

KATHRYN A. LANKFORD
Deputy Town Clerk

