

SENECA FALLS, Oct. 1, 2018 — The state’s largest landfill is floating a proposal to push back its mandatory closure date from 2025 to 2037 in exchange for sweetened annual “host” payments to the Town of Seneca Falls.

A proposed resolution outlining the plan may be presented to the town board for a vote Tuesday night Oct. 2. But the measure may be pulled from the agenda at the last minute if supporters conclude that they lack the necessary three ‘yes’ votes to adopt it.



**The Seneca Falls Town Board, left to right: Vic Porretta, Doug Avery, the town clerk, Greg Lazzaro, Town Attorney David Lee Foster, David DeLelys, Lou Ferrara.**

Seneca Falls Town

Supervisor Greg Lazzaro and Town Attorney David Lee Foster have been working behind the scenes with the landfill to shape the offer, but they may have trouble corralling the necessary votes.

Deputy Supervisor Lou Ferrara Jr. recently voiced support for delaying the mandatory landfill closing date of 2025 and for rewriting of the community host agreement.

**“I don’t like it. (2037) is too far out....  
It will be a ‘no’ vote tomorrow.”  
— Board Member Dave DeLelys**

But the three other members of the five-member board — Vittorio “Vic” Porretta, Douglas Avery and Dave DeLelys — have staunchly supported Local Law 3, which set the December 2025 closing date.

Porretta voted for the law when it was enacted in 2016. Avery and DeLelys won elections

last November after running campaigns that stressed their support for the controversial law.



**Under a controversial local law in Seneca Falls, Seneca Meadows Inc., the state’s largest landfill, would be forced to close in December 2025.**

In interviews today, all three voiced skepticism of the landfill’s proposal to push back the mandatory closing date by 12 years.

“I don’t like it,” DeLeLys said. “That’s too far out....It will be a ‘no’ vote tomorrow.”

Avery said that he understood supporters of the deal had lobbied DeLelys and Porretta but hadn’t actively courted his vote. “They just know I’m a hopeless case,” Avery said.

Porretta said he was carefully studying the proposal, but leaning against giving it his support. “My stance is what it has been in the past,” he said. “I don’t anticipate changing my view,” he said.

Days after Local Law 3 supporters Avery and DeLelys won election last November, Seneca Meadows filed suit against the town in a bid to annul the law.

The town has never filed a legal response to defend the law in court, deferring to Lazzaro's stated preference to negotiate rather than litigate. Foster has operated under direction from Lazzaro rather than consulting with the three board members — the majority — who want to close the landfill in 2025.



Seneca Falls Town Attorney David Foster.

In [a Sept. 29 email](#) David Hou, the town's outside attorney charged with responding to the landfill's lawsuit, laid out to Foster the steps the town would take to carry out the landfill's plan, "assuming we can get a majority."

If Lazzaro does not retreat due to a failure to secure a board majority, the board is expected to vote Oct. 2 on one resolution to adopt a [memorandum of understanding](#) (MOU) with the landfill and on [another resolution](#) authorizing the start of the environmental assessment requirement to



David K. Hou

extend the landfill's useful life.

"Hopefully the (town) engineer can have Part 1 (of the environmental assessment) completed quickly, and at the next possible board meeting thereafter, we ... can proceed as quickly as possible through that process," Hou wrote Foster on Saturday.

While Foster and Hou were pursuing the agenda of Lazzaro and the landfill, Avery, DeLelys and Porretta were left out of the loop.

Porretta said he first learned of the proposed new 2037 landfill closure date on Thursday, Sept. 27. Avery and DeLelys said they learned about it Friday.

"I've had phone calls all weekend long from Lazzaro and Foster and texts from Kyle Black (Seneca Meadows manager)," said DeLelys. "They must be thinking I'm the weak link...Let's just go to court with Local Law 3."



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

Lazzaro and Ferrara did not respond to phone calls or emailed questions. Lazzaro issued the following statement late Monday:

“The MOU ... is a proposed agreement that will bring \$100,000,000 into The Town of Seneca Falls over the next 19 years. This will give The Town economic stability and viability, while bringing economic development into the community. This will also show Seneca Falls to be business friendly. This is a private-public partnership which will strengthen Seneca Falls. The alternative will bring deep cuts to our programs and services, and an increase in taxes. It is a financial agreement that the Town of Seneca Falls needs to embrace.”

The landfill's plan is laid out in three documents: a memorandum of understanding (MOU), a proposed town resolution adopting the MOU, and proposed resolution that launches an environmental assessment.

The landfill proposes to pay the town \$3.5 million upon adoption of the plan. (At a recent board meeting it had touted its payments of \$3.2 million for 2017.)

Under the deal being floated, the town would receive no less than \$5 million a year under a modified host agreement. It could be even more, depending on the landfill's gross revenues, as spelled out in detail in the MOU.

The town would also receive \$100,000 a year to offset legal and engineering fees for services associated with the landfill.

The plan calls for the town to pass a new local law that supersedes Local Law 3 and sets a 2037 closing date. It also requires the town to vow not to challenge the new law in court.