

Present: Supervisor S. Reiter; Council Members A. Bax, M. Marra, E. Palmer & R. Winkley; Dep. Sup. G. Catlin; Atty. M. Dowd; WPCC Op/Adm. T. Lockhart; Eng. R. Smith; Hwy. Supt. D. Janese; Finance Director M. Johnson; Bldg. Insp. T. Masters & Dep. Clerk C. Schroeder, 3 Press; 80+ Residents

The Supervisor called the Public Hearing to order. Reiter asked the Clerk to read the public notice for the record.

TOWN OF LEWISTON
NOTICE OF PUBLIC HEARING

PUBLIC NOTICE is hereby given that on the 14th day of October, 2010, a proposed amendment to Chapter 24C of the Town of Lewiston Code, known as the “Waste Disposal and Landfills Law of the Town of Lewiston,” and amendment of the Amended Host Community Agreement and Second Amended Host Community Agreement dated July 15, 1999 and September 22, 2003, respectively, (collectively, the “Host Community”) between the Town of Lewiston and Modern Landfill, Inc.), was presented to the Town Board of the Town of Lewiston, New York and provides for an increase in the annual tonnage of waste material to be accepted at Modern Landfill, Inc., permits the composting of waste material, and permits the acceptance of leachate at the Town of Lewiston Water Pollution Control Center.

THEREFORE, pursuant to the New York State Municipal Home Rule Law, the Town Board of the Town of Lewiston will hold a public hearing on amending Chapter 24C of the Town of Lewiston Code, the Amended Host Community Agreement and Second Amended Host Community Agreement dated July 15, 1999 and September 22, 2003, respectively, at the Town Hall, 1375 Ridge Road, Lewiston, New York, on the 25th day of October, 2010, at 5:30 p.m., at which time all persons interested will be heard.

**Dated: Lewiston, New York
October 14, 2010**

**Carol J. Brandon
Town Clerk**

The Supervisor invited Gary Smith of the Modern Corporation to give a presentation on Modern’s proposal to amend the host Community Agreement. Following the presentation, the public will have an opportunity to comment on the proposal. He asked that all comments be limited to 3 minutes.

Gary Smith said he is the Chief Operating Officer and Vice-President of Modern Disposal. He thanked the Board for the opportunity to address the Council and the public on Modern’s request to amend the Host Community Agreement (HCA) and Town Code, Chapter 24C-2, Waste Disposal and & Landfills.

Specifically, Modern is seeking amendments to accomplish:

- A new 100,000 ton per year organic waste composting facility.
- An additional 150,000 in municipal solid waste landfill tonnage; and
- A direct discharge to the town of Lewiston Waste Water Treatment Plant for leachate disposal.

Modern was incorporated in 1964. Since that time it has grown into a multi-international Solid Waste company employing over 450 people locally and several hundred in Ontario, Canada.

Modern has an annual payroll of over \$21 million and annual expenditures of over \$61 million, much within Niagara County. The Corporation takes special pride in community involvement. Since 2009, Modern has donated over \$200,000 to over 120 area charities & community groups. This is money beyond what is paid in the HCA. Since 1996, fees associated with the HCA have exceeded \$22 million. In-kind services, i.e. road construction, landfill remediation, etc., for the same time period is \$11 million. Over \$33 million has been given to the Town of Lewiston from Modern since 1996.

In 2007, after listening to community concerns about truck traffic in the Lewiston area. Modern implemented actions to address these concerns:

- Opened truck terminal in the City of Buffalo
- Converted to Single Stream Recycling
- Single Stream Recycling Facility, B.R.E. in the City of Buffalo

The concept of Single Stream Recycling has increased a truck's load by three times reducing the number of trucks by a third as a result of Modern's expenditures and their efforts to reduce truck traffic by opening the Buffalo facility and removing trucks from Lewiston traffic. If you look at today's proposal and you look at traffic in 2007, we are net -70 trucks a day less than we were. We heard what you said. We did something about it. We invested a lot of money to get this done.

The effect of a new 100,000 ton per year organic waste composting facility will result in the following financial benefits:

- Tipping fees paid to the town for composting are projected to produce \$80,500 per year in new revenues at current recycling rates. If area recycling rates improve, this figure will improve as well.
- The effect of an additional 150,000 landfill tons per year will result in an increase of \$222,240 annually to the town or \$2.2 million over 10 years.

Other benefits as part of the proposal include:

- Leachate disposal at the Town Waste Water Treatment Plant are projected to produce \$300,000 per year in new revenues for the municipality.
- Landfill closes sooner.
- The increase for 2010 will result in an additional \$18,000 in payment using the tonnage rate experienced in 2009 as an estimate for 2010.
- Expand environmental awareness educational efforts with the Town through projects such as "Go Green Initiative" or "Sustainable Practices Project".

One time benefits include:

- \$20,000 for improvements to Washuta Park.
- Amending the lease to Washuta Park to add land so the town can add a second ball field, if desired.
- Donating construction services consisting of leveling and grading if a seasonal ice rink is built at Academy Park.
- Support the efforts of the Town if it pursues acquisition of Joseph Davis State Park.

In closing, Gary Smith said the annual benefit to the Town if this proposal is accepted is estimated to reach nearly \$621,000 per year in new revenues or \$6.2 million over the next 10 years.

Mr. Smith thanked the Board for their time. He looked forward to the public's comments.

The Supervisor opened the floor for comments. Due to time restraints, he invited George Osborne to approach the Board first, followed by officials from the neighboring townships.

George Osborne, Spoke on behalf of Artpark: Since 1995, Artpark has been blessed with the good fortune of sharing the tipping fees received from Modern as part of the HCA. It is safe to say that without these revenues, Artpark would likely have been closed several years ago. Each year, Artpark receives in excess of \$100,000 in tipping fees to be used exclusively for children's programs. The new agreement, negotiated by Supervisor Reiter, will bring even more and varied children's programs to Artpark in the future... With the help of Modern and the Town of Lewiston we have been able to keep these programs viable and enjoyed for over 14 years. This past summer, these funds helped us reach over 10,000 young people with our programs... We were also able to bring performances by Shakespeare Delaware Park educational programs, and the Niagara Experience Players to Artpark. Artpark has also worked with Modern to

develop a recycling program for our Tuesday in the Park series and plans are underway to expand that program for 2011. In addition, as a major sponsor for the Tuesday in the Park series, Modern deserves a good deal of credit for the astounding success for that program. Artpark fully supports the proposal negotiated by Supervisor Reiter. It will bring much needed revenue to the community and will result in an overall improvement in the quality of life for our residents.

Reiter: There is only one comment I would like to make. Supervisor Reiter did not negotiate this by himself. The entire Town Board was involved in the negotiations. I want to make that very clear. It was reported in the paper that I exclusively negotiated with Modern. I did not exclusively negotiate with Modern. I had regular meetings with our Town Board members. We went back and forth. I wanted to clear that up immediately.

Tim Adamson, Village of Youngstown Trustee: I just to say I am in support of leachate money from Modern Landfill. The revenues will help to fund the plant's operating costs and upgrades in the future.

Robert Weller, 1899 Langdon Road: I can only ask that the Town consider the proposal from Modern. Over the last few years, Modern has done everything the Town Board has asked of them -- relocating the trucks to the Buffalo area. The benefit to the Town of Lewiston is outstanding -- \$6.2 million for 10 years and \$80,500 in revenue from a new composting facility. How many other businesses in this Town pay that kind of money to operate? The \$20,000 to Washuta Park is huge. This Town has the nicest ballparks on Pletcher Road and football field at Lew-Port in the area. I'm proud to live in Lewiston and be a part of this Town. Living a half mile west of Modern Landfill has not been a distraction at all to me or my family. Having lived at my current address for 20 years, this Town Board or any prior Town Board or Modern Citizen Action Committee has never come to my door to ask me any questions about Modern Landfill or about the 450 employees and families they support. Where would the Town be if Modern closed up? What would the tax rate be if they weren't here?

Keith Fox, 1114 Ridge Road: I have been involved with the Environmental Commission for 12 years and I'm also on the CAC. Modern is a major part of this community. Modern does however create some negative concerns that citizens must endure and should question. While providing funds for many, a mutual relationship should be established and maintained to recognize the negatives as well as the positives. The proposed changes in the HCA must be tabled and not proposed for a vote at this time. I do not believe the taxpayers are well served as things stand. We have an Environmental Commission as well as a Modern Advisory Committee. These people volunteer their time to do what they think is best for the interests of the Town. They have expertise that the Board should take the time to listen to. I'm looking at the SEQR process, which is written into the Host Agreement. I wonder why it has to be in the agreement itself. The first time it referenced an unlisted action... The way the resolution stands now, you're going to approve a conditional negative declaration. That means that the lead agency concludes that the proposed action may have a potentially significant adverse impact on the environment but that the impact can be eliminated or mitigated by conditions imposed by the lead agency without the need for additional environmental studies. I question whether you are up to or have even considered what those might be?

Should we have a depository for Modern fluid discharge? Why is this fluid safer than the fluid you were trying to get from CWM a few years ago? There seems to be confusion about the Town's need for an additional sewer line. In the SEQR Report, it shows there is about 4,500-ft of sewer line. What part is the Town's responsibility and what is Modern's. How much is it going to cost? If you can put it up right and get this stuff all straightened out, I'm for it.

I believe the regular SEQR process should be followed. I would think the Town Board would want the environmental concerns addressed. This property is on the old LOOW Site. Whether that has any negative impact I do not know. The Environmental Commission is well positioned to review that.

Ron LaDuca, 400 Oneida Street: I'm here to represent hundreds of kids. I've been involved with the recreation program for 20 to 25 years. I'm for everything that has to do with kids. In 1987, when I moved here, Modern was a very hot topic. I understand everybody's concerns about the environment and I'm just as concerned about it. However, in the last 30 years, things have been maintained properly. I'm good with that. I'm here for the kids. We work hard to get what we get and what we have now. I want to see expansion at Washuta Park. I challenge the Town Board to look at that and think about the hundreds of kids.

Bill Waters, 554 Mt. View Drive: I have been a resident of Lewiston for 35 years. I'm a member of the CAC and a professional engineer. I have approached the responsibilities of a CAC member with an open mind about Modern Disposal. I have found things to admire about this facility. They seem to be in the forefront of their technology. For example, they are using GPS at the fill site. They generate electricity from the combustible gases. They even use the heat byproduct to grow hydroponic produce.

What I don't like are their business practices and poor relations with the community:

- In the 1995 Host Agreement, Modern agreed that they would not employ nor ever seek to employ trucks larger than those in use at that time. How did these huge rigs that we see on our streets come into use? Were they around in 1995? I don't think so.
- Why is Modern bringing Canadian garbage to Lewiston when they have a large dump less than half a mile off the 405 expressway at the last exit before the Lewiston-Queenston Bridge? This location has sales between \$50 million and \$100 million with minimal traffic problems. If Modern finds it is more economical to bring the garbage here with the associated costs of the extra mileage, truck driver pay, bridge tolls, time consumed in customs clearance – something is wrong! Does that mean they have a sweetheart Host Agreement with Lewiston? We have no idea what it is in these loads except there are no nuclear materials. Michigan has shut down cross border dumping. Should we be requesting the same thing from New York State?
- New Jersey landfill owners recently had to pay a \$100 million contribution for a dump that was supposed to be closed. Modern has agreed to fund \$7.5 million when their dump closes; that is less than 1/13th of the New Jersey property. Is this adequate for perpetual care?
- Environmental Justice under DEC requires a published notice of any proposal to change the HCA for a minimum of 30 days giving residents the opportunity to let the Town Board and Modern know their feelings. If the CAC had not brought this to the public's attention, we could be facing a done deal since apparently the Town Supervisor met with Modern and worked out an agreement privately!
- Modern is offering \$0.02 cents per gallon to process leachate. This is probably half the price that Niagara Falls or Buffalo would charge. They would also gain free transportation by using the Town pipeline. In Hawaii, the charge was \$.10 cents per gallon in 2003.
- Modern wants to bring in 100,000 tons of compost with only an 80.5 cent per ton dumping fee. That would amount to \$80,500. They will probably be charging customers \$10 - \$20 per ton and then sell the finished product from \$7 - \$10 per ton. This will generate between \$1.7 million and \$3 million. It will also generate more traffic and wear on our roads. Modern is offering the town a pittance for this extra tonnage.

Come on Modern; let's improve relations with your host community. Let's show them that you do care about their property values and quality of life!

Reiter: Mr. Lockhart, what was the fee you looked into for the leachate? Please clarify that.

Lockhart: A lot of the municipalities that have publicly owned treatment plants that are accepting leachate are in the neighborhood of \$0.0150 and \$0.025 cents.

Reiter: Niagara Falls is a penny a gallon. I don't think comparing Hawaii with Lewiston is a fair assessment. Try buying anything in Hawaii and see what it will cost you. Let's try to keep to the facts.

Rosemary Warren, 5842 Griffin St: I'm probably the only one here above the hill that is against this. I've been a school board member at Niagara Wheatfield in the 1980s. I would have been very upset if I'd had ever known that more trucks would go by the school. I don't think trucks, school children and school complexes should be together. I don't have any children that attend Lew-Port but if the Town Board must feel that they are worth garbage because dollars mean more to you -- \$300,000 additional tipping fees; \$300,000 in your sewage treatment plant. As far as I'm concerned, this was the worst public hearing I have ever heard. One, you gave 15 or 20 minutes to the Modern people. You didn't have seating for all these people. You could have looked out your window before you came in here and put out more chairs -- terrible. You also should never have had limiting a public hearing. A public hearing should be able to go on forever and ever. In fact, it probably should have been a different night. I'm looking at that picture there. We're all equal but not in your eyes. Artpark is more important. Dignitaries are more important. If any of you Lew-Port parents or grandparents votes for this or any of you Board Members that are for this -- YOU are not good parents, as far as I'm concerned.

Ed Schieffelin, 736 David Lane: I built my house in 1987. Since I have been there, I have seen and heard a lot of things about Modern. The only thing I can see is they are a good corporate neighbor. To get any other business to come into a town like this and do and give what Modern does -- they won't. I retired from Harrison Radiator and they aren't half the corporate neighbor that Modern is. I had a chance to look over this (proposal). The Town needs the money. Without the money we're getting from Modern, we would be paying a whole lot more taxes. I'm all for this.

Vince DeMarco, 474 Mt. View Drive, Chairman of the Modern Citizens Action Committee: The CAC was formed in 2008 to protect your interests. In the 1980s, this dump in Lewiston was supposed to handle the solid waste of nine communities. Today, the facility collects the solid waste of much more than that. This is not Lewiston waste we are talking about. This is waste that is not even completely from New York State. It's coming from other states and regrettably, it's coming from Canada. We're going to the dumping ground of the Northeastern United States and when this dump closes -- I don't care what Mr. Smith tells you, it will never close -- We're not going to have a place to put our own garbage.

Let's go back to the relationship with Modern being model citizens that everybody's implying here. When the agreement was started in 1995, Modern promised, promised in the agreement that they would not accept more than 231,191 tons of solid waste. As I speak, they are accepting 808,000 tons. They want another 150,000 tons. We don't know what other landfills get for the money because this Town Board does not have the will to find out. I asked Mr. Smith, a year and a half ago -- are we getting fair tipping fees? He said they are more than generous -- end of discussion. It's a sweetheart deal that is being proposed by this Town Board. No other landfill operation can receive in excess of 100,000 tons per quarter or \$400,000 per year. Why is that? The State of Michigan is no longer accepting solid waste from any other state. Where do you think this waste is going to go? It's going in your backyard.

Let's get to the 50 million gallons of leachate. Leachate is the stuff that leaks out of landfills and it has to be disposed of. That is certainly understandable. I have taken the liberty of giving you our Modern CAC reports. If you read it there are certain items of interest; one is that the Town has its own expense which means YOU will construct this sewer line. The Town, which means YOU, will maintain the sewer line. And, for ten years we are stuck at 2 cents a gallon. The State of Hawaii, which must be a little smarter, intelligent or affluent than we seem to be, was accepting 10 cents a gallon in 2003 and said that's not enough. The process of disposing of this waste is not clearly delineated. Who is going to handle this raw stuff? Is 2 cents a gallon enough money for us to run it thru a sewer plant that admittedly needs a lot of money and work? We

don't improve sewer plants, build baseball diamonds or build ice skating rink areas because Modern wants to be good citizen here. If Modern was a good citizen, it would have never entered that amount of tonnage to keep the dump in our community.

I want to talk about misstating of facts that occurred in the Oct. 23rd *Gazette*. Mr. Reiter said the CAC has been invited to discussions and chose not to attend. We were purposely excluded from discussions. We were not invited and not permitted to attend. One meeting that did occur even prior to the amendment that Modern attorneys were good enough to write up for us for his signature. He wanted to accept this deal before it was even presented it to the Town. Mr. Reiter also said that the CAC misquoted the amount of trucks that would be required as 40 trucks per day. He can do it with 7 trucks. I don't know how big these trucks got to be but I'm citing the 30 truck number from the Resolution that this Board would be voting on this very evening.

Mr. Reiter said in the 23rd *Gazette* that Modern wants to be a good corporate neighbor and I think that this shows they are trying to do so. Modern Corporation engages in profits. We have asked Modern to open other areas in the Host Agreement that might be beneficial to the Town. This whole agreement is for Modern. The intent of the law was not to create a good citizen out of a landfill. We have to monitor and control them because they can pose serious dangers upon ourselves, our community and the children that follow us.

Paulette Glasgow, 836 the Circle: I was on the Town Board when they negotiated the first agreement. Since then, prior Town Boards have tinkered with the agreement to what it is today. I am going to do a pro and a con here per that 1995 Agreement. Pros: Modern has taken some of the methane gas and made it into a hydroponic facility which I think is phenomenal. We should be happy about that.

With that said, I have some problems with regards to the public hearing. I would like to know when the resolution was voted on to have this hearing. I was at the Sept. 27th meeting. All that was ever mentioned was Reiter said -- Gary Smith will make a presentation at 5:30 p.m. prior to the RTBM on Oct 25th concerning some issues at the landfill. I don't remember a resolution being passed to have this public hearing. I wonder about the properness of this hearing. We all know this is a very volatile issue in our community. Why in God's name would you have a meeting at 5:30 in the afternoon, when people are either at work, coming home from work or sitting down for supper? This meeting should have been taken care of on a special night at about 7 – 7:30 in the evening... I have to thank Mr. Mattera and Mr. DiMarco for the flyers. We would not have known about this meeting had that not happened. In the future, when you do have something like this, it should be at a time that is convenient for the public. It says that in Town Law.

There are some interesting things in this agreement. I'm wondering how you're going to put an ice skating rink on property that you don't own? That's in the Village. You are at the mercy of the weather. Unless the Village agrees to put this ice skating rink at Academy Park in a building, it's not going to fly.

The other thing that interests me is the Town trying to acquire Joe Davis State Park. That takes an alienation process. Have you started an alienation process? Who in the State Legislature is furthering the alienation process to transfer State property to the Town?

As to the leachate, I will leave that up to the Federal/State/Local/County and Canadian Governments to address because there is a definite SEQR process that needs to be addressed, along with a Zoning issue. I'm wondering if this is going to go to the Environmental Commission tomorrow evening or the Zoning Board, as I understand there is a footprint that is going to be changed here.

Reiter: The footprint is not involved with this. There is no zoning change.

Glasgow: You need to do more work on this. This needs to be sent to the proper committees, such as the CAC and Environmental Commission. When we did the 1995 agreement, it took us a year to do it. We had multiple public hearings, multiple

meetings – all at convenient times for the public to observe. I ask you, as a resident, to please think about this. Work with your committees and make a good agreement for everyone.

Gary Townsend, 5682 Townline Road: We do have a lot of truck traffic in Sanborn. I'm not sure what Rosemary (Warren) is looking at but they do go by the school (Niagara Wheatfield). We do have the same problems in Sanborn that they have down here in Lewiston.

I'm here this evening to give Modern their support. They have done an excellent job as a corporation over the last 14 years with things they have done for the community and helping to develop our parks. I'm here to support Gary and Modern Disposal and thank them for what they have done.

Janet Dimit, 481 Mt. View Drive: I would like to speak on my experience as someone who chose to move to Lewiston as a young woman. I moved when I was 22 years old and just married. I fell in love with Lewiston from the get go. This place is gorgeous. I did it for the same reasons many people did – the quality of life, the natural beauty, the artistic and historic charm of the community. These were all big draws. That is what keeps me and so many others here. These are the same things that bring so many visitors here as well. It's hard to reconcile the idea of an attractive, beautiful Lewiston with the notion of thousands and thousands of 30-ton trucks rumbling in our little town. And they are packed full of other people's garbage, plus Canada's, no less. No one can be serious when they say they want to make Lewiston a better place to live on one hand and then support bringing in more garbage on the other. These are two fundamentally opposed ideas. Can anyone who lives here say they like to see the sights of those huge trucks rumbling into our Town all the time? The answer from all my neighbors and friends is an emphatic NO and I hope your answer is the same.

Robert Burns, 4028 Dickersonville Road: I have lived here for over 20 years and raised 3 boys. I remember when my kids were playing little-league ball in Youngstown. We needed lights for the ball diamonds. Mr. Washuta put out \$28,000 back then. In 1988/1989 I was on the Lew-Port Playground Committee. We needed stone trucked in from Arcade. Mr. Washuta paid for it in full. This is not about the chemicals or the money. Yes, they are in business to make money. If we weren't in business to make money we wouldn't be in business. As our elected officials we should trust you to do the job and negotiate with Modern. I'm in support of this venture.

Charles Lytle, 4209 Lower River Road: I'm here on behalf of my father, Tom Lytle. I work with my dad for Lytle Investments. We do investments for Modern's Retirement Plan. The Modern Corp. provides very rich benefits to its employees. They offer many good jobs to members of our community. They also contribute a substantial amount towards our tax base. Over the last two years, they were asked to mitigate or solve some traffic problems in the area and they have. I'm here to ask you to support this measure and support a company that provides good jobs to members of our community.

Ann Matthews, I'm not here to condemn Modern. I'm here to condemn the people that won't let us think about this. Give us time. We don't like taking Canadian garbage. I would like you to have more meetings on this.

John Battaglia, 915 River Road, Youngstown, said he has been working as a solid waste engineer for about 25 years. What I have witnessed over the years at Modern -- originally they were one of the first facilities to install double composite liner systems. They were one of the first companies to invest in construction and demolition processing and recycling. They were successful at tire recycling. They set up and operate energy from a waste facility. They are currently operating today from landfill gas. They also have an H2Grow Facility. Very innovated and effective investing showing leadership innovation and community awareness. Obviously, I'm a pro Modern guy... I thought I would just touch upon some of the actual relevant topics. The amount of tonnage that Modern is asking for is typical of the industry. I know it's an issue of finance and I know it's an issue of traffic but they are not extraordinarily larger than any of the other regional landfills in New York State. With regard to

leachate, it's a very typical method to pipe leachate to a local waste water treatment facility. It reduces traffic. It reduces flood flows into the facility so that they can meter it in. It also provides a very practical marriage between a community and a solid waste management facility. With regard to their composting, it's another opportunity for Modern to show some leadership and innovation. Finally, the footprint swap is very practical and shows common sense. In closing, I'm showing my support to Modern's proposal. Modern deserves it and should be allowed to move forward.

James Ullery, 870 Mohawk Street, spoke on behalf of Lew-Port Youth Football. Modern has given thousands of dollars in support to the football program and to the Lewiston Recreation Program. They are a great asset to the youth of the area.

Amy Hope Witryol, River Road, urged the Board to table any vote this evening on Modern while addressing the concerns of the public. She referenced a partial list of issues based on the cursory information provided in the draft resolution.

- Increasing annual tonnage would shorten the careers of many Modern employees. 150,000 additional tons is a lot.
- Most other communities can manage their finances without landfills which are known to depress the areas around them. What is it that they understand that we do not?
- We were told that the Power Authority Agreement was supposed to provide the Town in over a million dollars in cash each year. If that number is accurate, where have those funds gone?
- The Town has increased spending in several discretionary areas this year; however I know of no plan on how to generate more sales revenue for our retail businesses; including Artpark, nor a long term plan to eliminate any reliance on landfills for employment and revenue. Instead, this resolution increases the addiction to an industry with jobs... This is akin to saddling the community and its schools with a huge major debt burden.
- Potential conflicts of interest have not been disclosed by all Board Members, only Councilman Winkley has been open about his association with the company, its officers and its employees.
- The Attorney who reportedly reviewed this resolution has potential conflicts of interests as well and he should recues himself and avoid any discussions or issues with Town Board members.
- Taking Modern leachate could compromise the Town's position on CWM expansion. This is yet another reason why there are conflicts here.
- Taking the enormous volume of Modern leachate would represent a huge new foray of industrial waste water for a residential community. Turning Lewiston into an industrial community is not the vision of most residents here and compared to Niagara Falls we are currently not well equipped to manage this type of risk.
- Finally, any aid to negotiate a new agreement with Modern or a benefit to Modern might suggest a failure to manage Town finances. I'm confident that this Board can do better than that. To be fair, clearly the Board is subject to a lot of financial pressure from the State, unfunded mandates and many other types of requirements imposed by the State. Hopefully, sometime in the future you'll have someone working with you at the State level that can hopefully relieve that burden.

Fred Caso, Hewitt Parkway, a hospital employee said Mt. St. Mary's Hospital and Our Lady of Peace Nursing Home are in support of this application. Modern is a big supporter of many community organizations and Mt. St. Mary's and OLP are just two of them. Financial support, in-kind support, and support from individuals have been invaluable over the years to the organization. That is why we support Modern.

Janet DiFoire, 741 Lake Road, said she had no intention of speaking but had some questions that were raised by the presentation. She's heard lot of facts about the amount of money that would benefit the community but she didn't hear any facts about what is being done with the environmental impacts. She wanted to know how the community is dealing with the LOOW site, CWM and the Modern site. Why wasn't that included? She was impressed with the improvements Modern made in a two year

period. I cannot believe that you cannot continue further efforts for condensing and recycling in the garbage industry. With the amount of profits that are made that our efforts shouldn't be put into that; even becoming a model for the cutting edge. I would like to know what percentage has been expended in dollars to make improvements compared to the profit that's been made.

Ron Poland, 5082 Woodland Drive, has been an environmental consultant since the 1970s working on waste projects. Modern has a tough job. They do it very well. They do it successfully and they do it in a way that benefits all of us. We all have a lot to gain from the proposal.

Patricia Schultz, 1308 Ridge Road, said Modern has mentioned that it has mitigated the number of trucks. We have noticed that. Now, they are proposing to bring on an additional 30 trucks every day, not to mention the independent trucks needed to bring in the cover for the landfill every day. It's also interesting to note that many of the people who don't live on the truck route are supporting this proposal. Try living on a truck route to see how much your life is impacted by the trucks that go by your house. They are very, very large and packed with garbage. We find garbage strewn along our lawn all the time. I'm constantly cleaning up after them. It has impacted our life considerably. I've been a resident of Lewiston for 42 years. We, too, lived here thinking that it was a beautiful place to live. Ridge Road is a very scenic road to live on but it has been very poorly impacted because of the trucks that go by our house all the time. The Code of Lewiston charges the Town Board to look after the health, welfare and the safety of its citizens. There's also a provision to take into consideration how the landfill agreement is going to impact real estate values. There is a detrimental impact on my house value because of the trucks that go by my house all the time.

Patricia Mazur, 4919 Creek Road Ext. I have lived in my home for 17 years. The lady before me said exactly what I wanted to say. She also picks up garbage. What I'm picking up in my front lawn is lug nuts and wheel bearings. Last year one of the Modern trucks pulled up on to my lawn because he saw his girlfriend coming in the opposite direction. I ran out there telling him to get his heavy truck off of my lawn. He was talking to his girlfriend and when I ran up to try to get his license plate he takes off. I called dispatch and asked if they were going to fix the ruts in my lawn. It was winter so they said they would do it in the spring. Spring came, summer came and now we are in the fall. I still have ruts in my front lawn because of the truck. Another thing is all the pieces coming off the trucks. I have garbage. I have stench. I have trucks whizzing by. I asked a realtor a couple of month ago to come to my home. He said because of the truck traffic my house is worth a lot less now. He specifically said because of all the trucks going by. Please don't make a decision on this. Give us a chance.

John Daly, 932 Seneca Street, approx. 80-ft from Lewiston Hill. One more truck is one too many. Enough is enough. No more increases. There's a house next door to me that's been for sale for over a year. Reasonably priced too. I've been a resident for 18 years. I've had enough of the increases. I grew up in the Town of Amherst. We had great ball parks up there. We didn't have Modern though. Somehow or other the Town of Amherst could do it but somehow or other the Town of Lewiston can't. If you guys can't I guess I'll be going back to the Town of Amherst.

Marie Wright, 4980 Creek Road Ext. I agree with these people. It's the old saying – if it's not in my backyard I don't care. But, if you live on a truck route it is terrible. We get noise. We get odor and they speed. They start at 5:00 in the morning. If Modern is making a profit now and contributing to the community why do they have to be greedy and ask for more? I appreciate what they did but enough is enough. The trucks are terrible. When these companies offer money to the Town – it's legal bribery.

Gene Dimet, member of the Modern CAC Board. If this were a pro football game, the score would be Modern – 150 and the Town of Lewiston – 0. It would be the third quarter meaning that this is the third or fourth time they've come back for more tonnage. If you look at the contract, somebody did not do their job. Somebody on previous boards did not do their job on behalf of its citizens. We had a person on our Committee, Elisa Scrufari, who did a lot of our leg work. She went thru all the

contracts. She was not re-appointed by this Board. We miss her terribly as she did a lot of the work. Everybody is saying how much Modern contributes to the Town. The fact of the matter is if you look into some of the tipping fees, I not sure you have (unable to decipher) ... At the very least this Board should do is hold up until our committee has a chance to go thru some of this.

Walter Schultz, 1308 Ridge Road. There are times I pull out of my driveway and head toward the Village. There have been times when I pull out I don't see any vehicle behind me. By the time I get to the Village there would be a Modern truck behind me. If I'm doing the speed limit, how did he catch up to me? He's going way above the speed limit. Never, Never, Never have I seen the Town police stop a Modern truck and give them a ticket for speeding. How come? Where are the police?

Reiter said he would take that up with the Police Chief.

Joanne Hill, 737 Ridge Road, said Modern Disposal does a very good job, although they don't pick up garbage strewn all over the road. I'm constantly picking up papers, etc. We don't need any more garbage. We have our own garbage to take care of. I fear for our grandchildren and their children. That is what it's all about. We have to take care of our own.

Dawn Timm, 489 Meadowbrook. Unable to decipher her comments.

Deborah Lehman, 470 Ridge St. said as an employee of Modern Disposal, she welcomed residents to take advantage of the free dumping at the landfill on the First Saturday of the Month upon securing a permit from the Town Clerk's office. Contrary to what some think, she said that Modern is a Sanitary Landfill, not a dump. During her vacation last year, she said she sat in the Town Hall parking lot for an hour and counted the trucks going by. She counted 118 trucks. 42 were Modern trucks. In closing, she urged residents to recycle as much as possible.

Jim Lewis, 4736 L River Road, moved to Lewiston 30 years ago. He didn't know much about Modern until he joined the Chamber Board and saw all the positive impacts that Modern has. They always contribute when asked. I know they are in a business to make a profit. They must be doing a good job because I don't see any headlines about non-conformity issues there. I'm all for it. I hope you act favorably on it.

Correspondence was received from Jerald Wolfgang, 4267 Lower River Road, said the benefits to the Town are substantial financially. Tip fees increase by \$222,450 per year. The effect of a new 100,000 ton per year organic waste composting facility will bring in an estimated Tip Fees of \$80,500 per year. Leachate disposal at the WWTP could bring in \$300,000 per year, if approved. What I like best is the education piece to bring a program of Green Environmental Awareness to our schools in Lewiston. The addition of this program of "Go Green Initiative" or Sustainable Practices Project" to our schools is a valuable tool to increase our children's knowledge and awareness of the Environment. My only hope is that the Town Board will send this Modification to the Town Environmental Board for it advice.

The Supervisor closed the public comment period at this time and asked for a report from the Engineer.

Robert Badenick, from the firm Nussbaumer & Clarke, Inc., engineering consultants for the Town of Lewiston, said the Modern Corp. has filed an environmental assessment form for the proposed action currently under review by Nussbaumer and Clarke. Pursuant to SEQR, this project is an unlisted action. The engineers will take a look at the documentation and report back to the Board. He requested the Board declare itself lead agent on the project.

The Supervisor asked the WPC administrator for his comments on the leachate. Tim Lockhart said the leachate is the liquid that perks out of the landfill. It's common for it to be treated at a public treatment facility. They have treated leachate in the past. The sanitary sewer being proposed for the leachate would follow all the guidelines and all

the requirements by DEC before anything is accepted. Before anything comes to the treatment plant, they have to go thru a permit process with the DEC.

Palmer MOVED to enter into Executive Session to discuss the Modern Proposal. Seconded Winkley and carried 5-0. Time 7:15 p.m.

Present: Reiter, Bax, Marra, Palmer, Winkley, Dowd.

Palmer MOVED to exit Executive Session and reconvene the Public Hearing. Seconded by Bax and carried 5-0.

In its responsibilities to the citizens of Lewiston, the Board unanimously agreed to seek advice from an independent environmental expert. He set a tentative vote on the Modern proposal for November 4 @ 6 P.M.

Palmer MOVED to retain the firm of Damon Morey at a rate not exceeding \$5,000 for independent advice on the Modern proposal. Seconded by Bax.

Bax said they investigated whether there was going to be any potential conflict with the law firm and it is the Board's opinion there is no active conflict at this time.

Motion carried 5-0.

Bax MOVED to close the public hearing. Seconded by Marra and carried 5-0.
Time: 7:25 P.M.

Respectfully Submitted
and Transcribed by:

Carole N. Schroeder
Deputy Town Clerk