

MADISON COUNTY BOARD OF SUPERVISORS
Meeting Minutes – 5th Day Annual Session – December 19, 2023

The Board convened at 6:00 p.m. in the Supervisors chambers, second floor, County Office Building, Wampsville, NY with all members present except for Supervisor Jones (38 votes)

Pledge of Allegiance.

On motion by Supervisor Walrod, seconded by Supervisor Cavanagh, the minutes from the previous meeting were dispensed with and adopted as filed.

Emily Burns, Clerk to the Board read the following:

Good Evening,

We are here this evening to hold a public hearing as the next step of a process that began two years ago. In 2021, this Madison County Board of Supervisors hired Cornerstone Engineering to do a study of the long-term sustainability of the Madison County landfill operations. Their final report was released in February of 2023 that stated the current waste disposal fees are not sufficiently covering the costs of operations, capital expenses and long-term management of the landfill.

The Board evaluated several alternatives to improve the long-term viability of the landfill operations:

- Status Quo
- Close the Landfill
- Public-private Partnership
- Inter-municipal agreement
- Or Madison County itself increases volume of waste coming into the landfill.

After evaluating each of the alternatives, the Board decided to move ahead with the idea of a public-private partnership. As pursuant with General Municipal Law 120W, a draft Request for proposal went out on May 24, 2023 and the final request for proposal went out on August 23, 2023, the proposals seek for the lease and operation of the Madison County landfill.

Tonight we are here to listen to comments from the public in regards to Amending Local Law Number 3 for the year 2004 by repealing Section III (4) (c) and also the Proposed award of an operations, maintenance, and lease agreement to New England Waste Services of New York.

Please make sure you have signed up on the list at the front if you would like to speak. Each person will have 2 minutes. This will not be a question and answer session. The Board is here to listen to your comments.

Thank you.

At 6:00 p.m. Chairman Becker announced the scheduled public hearing on Local Law No. 8 of 2023 Amending Local Law No. 3 of 2004. Supervisor Reuter made the motion to open the hearing, seconded by Supervisor Vosburg and carried.

County Administrator Scimone explained that if anyone has any questions, they are welcome to call the Madison County Board of Supervisors Office at (315) 366-2201 in the morning and we will answer to the best of our ability.

A resident of Canastota stepped forward to ask where will the additional truck traffic will be routed and will he be compensated for the wear and tear that will inevitably happen to his home on Route 5.

Paul O'Mara, resident on Route 13 in Canastota, expressed his concerns on whether or not bringing in more garbage will solve the problem. Will it solve the problem at hand?

Supervisor Zupan then made the motion to close the hearing at 6:18 p.m., seconded by Supervisor Walrod and carried.

At 6:19 p.m. Chairman Becker announced the scheduled public hearing on the Proposed Award of an Operations, Maintenance and Lease Agreement to New England Waste Services of N. Y. Supervisor Roberts made the motion to open the hearing, seconded by Supervisor Shwartz and carried.

Marcia Rafte, resident of Daniels Drive in Wampsville stepped forward to express her opposition to this Agreement. Rafte spoke to her extensive research and expressed her concerns in regards to Time, Expected Revenue, as well as unintended consequences. She went on to explain that there is time and that the Board should review carefully prior to making a decision. As far as the expected revenue in the proposed agreement is very tempting but that should not be the sole reason for signing. Also, Murphy's Law refers to anything that will go wrong will go wrong, please take the time to make a confident educated decision.

Douglas Holdridge, resident of Watson Road in Lincoln, stepped forward to express his opposition to this proposed agreement. Holdridge explained he is present to speak on behalf of a group of concerned citizens that implores the Board to thoroughly look into this prior to making a decision. It is important to retain ownership of this valuable asset, the space is valuable, do not give it away.

Jim Zecca, resident of Utica NY, and former Madison County Solid Waste Director stepped forward to express his opposition to the proposed agreement. Zecca spoke to an email that he previously sent to Board Members for review. In this instance, there are always alternatives and the Board should carefully consider the impact of signing this agreement.

Deb Tuttle, resident of Tuttle Road in Lincoln, stepped forward to express her opposition to the proposed agreement. Tuttle explained that her property is surrounded by County owned land, it was previously family owned. Tuttle expressed she currently lives with the impact of the Landfill every day and urges the Board to thoroughly think through this prior to signing this agreement.

Al Miller, resident of Knolls Ave in Canastota, stepped forward to express opposition to this agreement and requests that the Board slows down on this process and to please postpone this vote.

Gail Tomarchio, resident of Knolls Ave in Canastota, stepped forward to express opposition to this agreement. Tomarchio expressed that she felt blindsided and feels as though that communication needs to be increased prior to making a decision. Tomarchio further requested there be more education for the public so they are aware of the issues that the County is facing.

Lisa Picciano, resident of Knolls Ave in Canastota, stepped forward to express opposition to this agreement. Picciano expressed feeling as though she was blindsided and did not know about this issue until the night prior. Further communication and education was requested.

James Mason, resident of Knolls Ave in Canastota, stepped forward to express his opposition to the proposed agreement and requested that this issue be put forward as a referendum and be voted on by the Residents of Madison County.

Steve Durfee, resident of Tuscarora Rd in Chittenango, stepped forward to express opposition to the proposed agreement. Durfee thanked the Board for their hard work in keeping taxes at a minimum over the recent years. Durfee asked what the proposed deficit looks like for the next ten years, is it something that raising tipping fees may compensate for? Durfee went on to express his concerns with Casella and the proposed agreement.

Karmel Eddy, Resident of Chapman Rd in Canastota stepped forward to express her opposition to the proposed agreement and asked that the Board be more transparent in this process.

Doug Fusillo, resident of Knolls Ave in Canastota, stepped forward to express opposition to the proposed agreement. Fusillo spoke to his experience at the Town of Lincoln Board Meeting. Overall, Casella seem like good operators but the general consensus was that residents need education on this decision and the issues that are being experienced.

Mike Picciano, resident of Knolls Ave in Canastota, stepped forward to express his opposition to the proposed agreement. Picciano explained he is personally remised and has not informed himself to the topic. Picciano further expressed that there is various expertise around the room that should be utilized in making this decision.

Maddison Jaquin, resident of Shultz Rd in Oneida, Village of Wampsville Clerk, expressed her opposition to the proposed agreement. Jaquin explained she is only just learning about this issue and feels as though there could have been a stronger effort made in outreach to the public. Jaquin further explained that she read the Cornerstone report and asked that the vote be delayed so that the public has a better understanding.

Cheryl Brown, resident of Buyea Rd in Canastota, stepped forward to express her opposition to the proposed agreement. Brown went on to express concerns with the proposed increase in truck traffic and it will be up to the host community to maintain the roads.

Patrick House, resident of Bolivar Rd in Chittenango, stepped forward to express his opposition to the proposed agreement and requested that the vote on this be postponed.

Pat Borowiec, resident of English Rd in Eaton, stepped forward to express opposition to the proposed agreement. Borowiec expressed that the vote should be postponed and shared concerns with Casella's history.

Patricia Wagner, resident of English Rd in Eaton stepped forward to express her opposition to the proposed agreement. Wagner expressed that she is a new resident to the County and she moved here due to the beauty of the landscape. Wagner expressed concerns with the environmental impact and asked if studies have taken place.

Arron LeClair, resident of Clock Rd in Canastota, stepped forward to express opposition to the proposed agreement. LeClair is a member of the Lincoln Fire Department and is concerned with the traffic patterns and how it will impact the roadways. LeClair went on to request that the decision is slowed down so that the Community has an opportunity to understand the decision to be made.

Robert Curtis, resident of Erieville, stepped forward to express opposition to the proposed agreement. Curtis expressed his concerns with how much he is currently paying to dispose of his garbage and how it will be impacted moving forward. Curtis expressed further concerns in regard to the existing employees as well as the future financial burden to the County.

Aleace Walrath, resident of Scenic Ave in Canastota, stepped forward to express opposition to the proposed agreement. Walrath expressed he concern to what this will do the community as well as where will our landfill be in 25 years.

Joel Arsenault, resident of Kimberlee Dr in Canastota, stepped forward to express his opposition to the proposed agreement. Arsenault thanked the Board for holding the public hearing and further expressed concern with transparency during this process as well as shortening the current life of the landfill from 100 years down to 25 years.

John Pantane, resident of Nelson Rd in Lincoln, stepped forward to express his opposition to the proposed agreement. Patane reiterated previous concerns mentioned by other citizens and requested that the Board take time to make this decision.

Gene Stankivitz, resident of Tag Rd in Canastota, stepped forward to express his opposition to the proposed agreement. Stankivitz expressed there are 30,000 homes in Madison County that do not want New York City trash being driven into Madison County due to politics.

Mark Maxwell, resident of Old County Rd in Canastota, stepped forward to express his opposition to the proposed agreement. Maxwell addressed the Board by requesting that the process be slowed down and to think of the youth of Madison County and what this will do for them down the road.

Supervisor Zupan then made the motion to close the hearing, seconded by Supervisor Roberts and carried.

At this time, Board Clerk, Emily Burns, read aloud the titles of the three presented resolutions for consideration by the Madison County Board of Supervisors. Due to the lack of motions, the following resolutions died on the floor for lack of action.

RESOLUTION NO. 23-_____

AUTHORIZING ADOPTION OF A NEGATIVE DECLARATION PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT

WHEREAS, The County of Madison issued public notice of a Draft Request for Proposals (P5-23) pursuant to General Municipal Law § 120-w on May 24, 2023 and a Final Request for Proposals on August 23, 2023, seeking proposals for the lease and operation of the Madison County Landfill and related solid waste facilities, and

WHEREAS, qualified proposals were received from two vendors and thereafter reviewed by the Department of Solid Waste and the Solid Waste Committee of the Board of Supervisors, and

WHEREAS, the proposal of New England Waste Services of N.Y., Inc. was determined to be the proposal most responsive to the Request for Proposals and providing the best value in meeting the needs of the County in terms of financial benefit and technical merit, and

WHEREAS, Companion Resolution No. 23-_____ has been placed before this Board for consideration of an award of an Operations, Management and Lease Agreement to New England Waste Services of N.Y., Inc., and

WHEREAS, the Operations, Management and Lease Agreement to New England Waste Services of N.Y., Inc. contemplates the initial transfer of operation and management of the Madison County Landfill, County transfer stations, and other facilities to the vendor, subject to all existing environmental permits and conditions, together with the right to make a future application to modify such permits to increase the annual tonnage limits applicable to the Landfill, subject to future environmental review pursuant to Article 8 of the Environmental Conservation Law, and

WHEREAS, the Operations, Management and Lease Agreement to New England Waste Services of N.Y., Inc., contemplates the future acceptance at the Landfill of solid wastes generated outside of the geographic boundaries of the County of Madison, thereby requiring the amendment of Local Law No.3 of 2004 to repeal the provisions of section 4(c) of such law, and

WHEREAS, Companion Resolution No. 23-_____ has been placed before this Board for consideration of the amendment of Local Law No.3 of 2004 to repeal the provisions of section 4(c) of such law, and

WHEREAS, the County has prepared a Full Environmental Assessment Form (EAF) and delivered said EAF for coordinated review to interested and involved agencies, and declared the intention of the County to serve as the lead agency for the award of the Operations, Management and Lease Agreement with New England Waste Services of N.Y., Inc. and the amendment of Local Law No.3 to repeal section 4(c) thereof,

NOW, THEREFORE BE IT RESOLVED, that the annexed Negative Declaration is hereby adopted and declared for the award of an Operations, Management and Lease Agreement to New England Waste Services of N.Y., Inc. through Companion Resolution No. 23-_____ and for the amendment of Local Law No. 3 of 2004 to repeal section 4(c) thereof through companion Resolution No. 23-_____, and be it

FURTHER RESOLVED that this Resolution be effective immediately and that the Clerk is hereby authorized and directed to publish and distribute this Negative Declaration as required by law.

RESOLUTION NO. 23-_____

ADOPTING OF LOCAL LAW NO. 8 FOR THE YEAR 2023

WHEREAS, the provision and regulation of solid waste services in and by the County of Madison are governed by Local Law No 3 of 2004, and

WHEREAS, Section III (4)(c) of Local Law No.3 of 2004 provides that “Solid Waste generated outside the County will not be accepted at the County Landfill or at any other Facility located in the County, except pursuant to approval by the Board of Supervisors.” and

WHEREAS, after due consideration of the environmental, administrative and financial circumstances affecting the solid waste program of the County, it is the opinion of this Board that the management of the solid waste program can be supported and enhanced through the acceptance at the County Landfill of limited quantities of waste generated outside of the County, subject to the conditions of the operating permit for the County Landfill issued by the New York State Department of Environmental Conservation, and

WHEREAS, it is the opinion of this Board that the acceptance at the Landfill of waste generated outside of the County can provide a greater benefit to the County in the form of long term agreements, including agreements for the lease, operation and management of the Landfill authorizing and limiting the volumes of waste generated outside of the geographic boundaries of the County, made without the limitations of Section III(4)(c), and that repeal of Section III(4)(c) is in the public interest.

NOW THEREFORE, BE IT ENACTED, that Local No. 8 of 2023 is hereby adopted to amend Local Law No.3 of 2004 to read as follows:

Local No. 8 of 2023

Section III(4)(c) of Local Law No.3 of 2004 is hereby repealed and amended to strike the language stating “Solid Waste generated outside the County will not be accepted at the County Landfill or at any other Facility located in the County, except pursuant to approval by the Board of Supervisors” and amended to read as follows “III(4)(c): RESERVED.” and all other provisions of said law shall remain in full force and effect. and be it

BE IT FURTHER RESOLVED, that this Local Law No. 8 of 2023 shall take effect on filing with the Office of the Secretary of State.

RESOLUTION NO. 23-_____

AUTHORIZING AWARD OF AN OPERATIONS, MANAGEMENT AND LEASE AGREEMENT TO NEW ENGLAND WASTE SERVICES OF N.Y., INC.

WHEREAS, The County of Madison issued public notice of a Draft Request for Proposals (P5-23) pursuant to General Municipal Law § 120-w on May 24, 2023 and a Final Request for Proposals on August 23, 2023, seeking proposals for the lease and operation of the Madison County Landfill and related solid waste facilities, and

WHEREAS, qualified proposals were received from two vendors and thereafter reviewed by the Department of Solid Waste and the Solid Waste Committee of the Board of Supervisors, and

WHEREAS, a statement of particularized findings describing the procurement process, the evaluation of the proposals received, and the basis for this award is annexed hereto, and

WHEREAS, the proposal of New England Waste Services of N.Y., Inc. was determined to be the proposal most responsive to the Request for Proposals and providing the best value in meeting the needs of the County in terms of financial benefit and technical merit, and

WHEREAS, the County has prepared a Full Environmental Assessment Form (EAF) with respect to this action and this Board has adopted by Resolution No 23-_____ a Negative Declaration pursuant to Article 8 of the Environmental Conservation Law,

NOW THEREFORE, BE IT RESOLVED, that the annexed statement of particularized findings is hereby adopted and the award of the annexed Operations, Management and Lease Agreement with New England Waste Services of N.Y., Inc. is hereby approved, subject to approval as to form by the County Attorney, and

BE IT FURTHER RESOLVED, that Chairman of the Board of Supervisors be and is hereby authorized and directed to execute the Operations, Management and Lease Agreement on behalf of the County of Madison, as is on file with the Clerk of the Board.

At this time, Supervisor Stokes presented a resolution to rescind resolution 23-370, entitled Waiving the Rules for Resolutions, adopted at the November 9, 2023 Board meeting.

By Supervisor Stokes:

RESOLUTION NO. 23-517

RESCINDING RESOLUTION WAIVING THE RULES FOR RESOLUTIONS

WHEREAS, by resolution adopted November 9, 2023, the Madison County Board of Supervisors adopted a resolution entitled "Waiving the Rules for Resolutions," and

WHEREAS, the effect of said resolution was to waive the provisions of Rule 24 and Rule 24-A of the Board Rules of the Madison County Board of Supervisors regarding the filing, distribution, and introduction of resolutions during the 2023 Annual Session.

NOW THEREFORE, BE IT HEREBY RESOLVED that said resolution waiving the rules for resolutions adopted November 9, 2023 entitled "Waiving the Rules for Resolutions" is hereby rescinded effective immediately.

On motion by Supervisor Walrod, seconded by Supervisor Vosburg this resolution is TABLED until the next meeting scheduled for January 2, 2024.

At 7:15 P.M., on motion by Chairman Becker, Seconded by Supervisor Wicks, the Board entered into executive session for advice of counsel.

At 8:08 P.M., on motion by Supervisor Reuter, seconded by Supervisor Pinard, the Board exited executive session.

On motion by Supervisor Zupan, seconded by Supervisor Magliocca, the Board adjourned.