

**COUNTY OF GREENE
TOWN OF NEW BALTIMORE
RESOLUTION
JANUARY 9, 2006**

RESOLUTION REGARDING EXISTING LOCAL LAWS BANNING LANDFILLS

WHEREAS, the Town Board of the Town of New Baltimore adopted Local Law No. 4 of 1999 on September 28, 1999, known as the “Waste Management Facilities Law of the Town of New Baltimore”, and

WHEREAS, the Waste Management Facilities Law of the Town of New Baltimore prohibits the construction or operation of a solid waste management facility, where the definition of a “solid waste management facility” includes, but is not limited to landfills, and

WHEREAS, the Town Board of the Town of New Baltimore, duly convened in a regular session on January 9, 2006 does hereby endorse and reiterate the following legislative findings in support of the original adoption of the Waste Management Facilities Law of the Town of New Baltimore:

- The town’s existing community character will be adversely and unalterably impacted by the location and operation of any solid or liquid waste management facilities or waste disposal sites within the town.
- Geological science is unable to precisely ascertain the existence and flow of groundwater and map subterranean geology, making it impossible to determine the extent to which solid and liquid waste disposal may or may not be contaminating water,
- The accumulated extent of hazardous waste disposal in solid and liquid waste disposal facilities cannot be measured or accurately determined because of state and federal regulations permitting disposal of residential or small user quantities of hazardous wastes.
- Future correction of pollution from solid or liquid waste management facilities, including landfills, may be very expensive or impossible to achieve.
- Waste disposal facilities may pose a risk to underground wells, the town’s current drinking water source.
- Solid and liquid waste regulation under the New York State Environmental Conservation Law is inadequate to relieve the foregoing concerns.
- The town’s need for solid and liquid waste disposal is being met.

and,

WHEREAS, the Town Board of the Town of New Baltimore, duly convened in a regular session on January 9, 2006 does hereby endorse the following stated purposes of the Waste Management Facilities Law of the Town of New Baltimore, as enumerated in said statute:

- To prohibit the operation of solid waste disposal sites and waste management facilities within the Town of New Baltimore to promote a clean, wholesome and attractive environment for the community.
- To ensure that accurate, current information is available to public officials and citizens concerning prohibited solid waste disposal operations within the town.
- To protect the residents of the town from undesirable effects of solid waste disposal operations, including unaesthetic results such as odors, blowing litter, increased traffic, dust and noise; deterioration in property values associated with adjacent or proximate waste management operations that may interfere with the orderly development of properties; threats to public health or the environment by contamination of air surface water or groundwater.
- To exercise the town's police powers under the Municipal Home Rule Law and the Town Law for the physical and mental well-being and safety of its citizens and to restrict waste disposal operations within the town that might otherwise be permitted under the New York State Environmental Conservation Law, and in acknowledgement of those provisions of the New York State Environmental Conservation Law that specifically recognize and authorize the right and authority of a town to legislate stricter controls on solid waste management facilities than the controls provided for under state law.

and,

WHEREAS, a town-wide resident survey conducted by the Citizens Planning Advisory Group, a volunteer organization established by the Town Board in January, 2004, determined that 87% of the survey respondents stated that it was either very important or important for the Town Board to retain current laws banning landfills in the Town, and

WHEREAS, it has come to the attention of the Town Board that a private company known as "South Park Enterprises" appears to have initiated an effort to construct or to arrange for the construction of a landfill in the Town of New Baltimore in spite of an express prohibition on the construction and operation of landfills in the Town of New Baltimore, and

WHEREAS, in addition to the Waste Management Facilities Law of the Town of New Baltimore, which prohibits the construction and operation of landfills in the Town of New

Baltimore, the Town of New Baltimore Zoning Code does not allow for the construction and operation of landfills in the area proposed by South Park Enterprises for the construction and operation of a landfill, and

WHEREAS, the Town Board of the Town of New Baltimore, duly convened in a regular session on January 9, 2006 is hereby compelled to address this current effort to construct a landfill in the Town of New Baltimore, as the duly elected representatives of the residents of the Town of New Baltimore, with the requisite responsibility to uphold and enforce the established laws and regulations of the Town and to protect the health, safety and wellbeing of the town's residents.

NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town of New Baltimore, duly convened in a regular session on January 9, 2006, does hereby express its unwavering and resolute support of the Waste Management Facilities Law of the Town of New Baltimore and the Zoning Code of the Town of New Baltimore and does hereby reiterate its previously stated opposition to the construction and operation of a landfill in the Town of New Baltimore, and

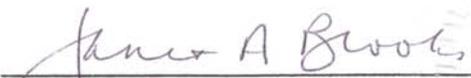
BE IT FURTHER RESOLVED, that the Town Board hereby commits to take any and all actions necessary to ensure that the provisions of the Waste Management Facilities Law of the Town of New Baltimore and the Zoning Code of the Town of New Baltimore relative to the construction and operation of landfills in the Town of New Baltimore are dutifully enforced, and

BE IT FURTHER RESOLVED, that the Attorney for the Town is hereby directed to deliver a copy of this Resolution to the principals of South Park Enterprises.

The resolution was moved by Supervisor Louis and seconded by Councilperson Kevin Kuenster.
The adoption of the foregoing Resolution was duly put to a vote, and upon roll call, the vote was as follows:

	<u>AYES</u>	<u>NOES</u>
Supervisor David Louis	X	
Councilperson Arlene McKeon	X	
Councilperson Lisa Benway	X	
Councilperson Richard Guthrie	X	
Councilperson Kevin Kuenster	X	

Dated: January 9, 2006



Janet Brooks
Town Clerk of the Town of New Baltimore