

Town of Thurston Solid Waste Management Facilities Moratorium Public Hearing Minutes
Held: Wednesday February 1, 2023 at 6:30 P.M.
Location: 7578 County Route 333 Thurston NY

Present: Wendy Lozo, Noel Sylvester, Paul Peck, Michael Volino, Holly Chase, Diana Dixon, Richard Gauss, Jr., Jerry Gephard

Visitors: Attorney Rachael Treichler, Tim & Lisa Hargrave, Sheree Gauss, Elaine Benjamin, Darrell Benjamin, Elizabeth Dondewitz, Marge Taft, Ed Tietje, Caleb Tietje, Mary Catherine Rayeski, Merlin & Debbie Button, Bruno Nowicki, Jim Taft, Shane McGarvey, Gerry Salbego, Aaron Southard, Eugene McIlwain, Lamora Hoad, Cal Hoad, Wayne Wells, Eric Schwarts, John Leslie, Jeffery McBurnie

Wendy Lozo opened the Solid Waste Management Facilities Moratorium public hearing at 6:30 p.m. Lozo stated that a 5 minute per person speaking time is allowed and all questions will be answered. Lozo stated that the local law #1 of 2023 needs to be retracted also the moratorium draft was given to the Board at the last minute during the January 18, 2023 Landfill ban public hearing. Lozo stated she was for a landfill ban and the wording in the moratorium needs to be such to protect the Town of Thurston. Lozo explained the proper process for proceeding with a moratorium. The moratorium was posted on the website on January 25, 2023 for 7 days then the final form can be officially adopted after day 7. Attorney Rachael Treichler stated that she was not knowledgeable of the time frame involved with adopting moratoriums.

Sheree Gauss asked if the moratorium would stop any expansions and put a halt to new permits being filed. Michael Volino stated that yes that is the intention of this moratorium. Lozo stated that agricultural waste management does not require a DEC permit under NYS part 360.

Diana Dixon stated that she was concerned with the possibility of a law suit. Holly Chase stated that anyone can file a law suit but it's up to a Judge to determine if there is grounds to proceed with a suit. Volino stated that he doesn't feel there is grounds for a law suit. Lozo stated that she contacted Ryan Insurance to find out if litigation was covered. Coverage is for elected officials only. Lozo warned that if a law suit was filed and litigation took place it could cost Thurston tax payers millions of dollars.

Wendy Lozo stated that she voted for a landfill ban not a solid waste management ban. Lozo stated there are too many unanswered questions and gray areas at this time. Lozo stated that precise wording is key. Lozo stated she is not comfortable with the moratorium as written.

Shane McGarvey questioned how long the moratorium was good for. McGarvey stated that if the moratorium was good for 1 year then a local law could be created within that time.

William Wells stated that he was under the impression that DEC was supposed to protect local municipalities. Wells stated that the Board should do as much research as possible to protect the Town of Thurston.

Lozo stated that she heard there were permit applications being filled out at this time. Marge Taft stated that the Town Board does not have 5 or 6 months to wait. Aaron Southard stated that if the moratorium puts a pause on permits being granted then pass the moratorium and then enact a proper law.

Ed Tietje stated that he was not in favor of or against the moratorium but the word threat being used in the moratorium is a concern. Tietje suggested using a better word. Tietje questioned if a moratorium was a stepping stone to create zoning laws. Holly Chase stated that it was not her intention to create zoning, Volino stated no to zoning, Lozo stated no to zoning, Peck stated no to zoning, and Sylvester stated no to zoning. Attorney Treichler stated zoning is not required to adopt a moratorium.

Holly Chase stated that the Town needs to keep up with the times. Chase stated that the Town was behind the 8 ball on the solar project. Chase stated that wind mills, green energy, and waste are not going away.

Lozo stated that she does not want to make a rash decision but does want to protect the Town. Hargrave stated that the moratorium is rock solid, written by attorneys. Lozo suggested making some changes to the wording, meet again after 7 days, and follow proper procedures to get this correct and complete. Volino stated that would take two weeks and there would be more excuses. Diana Dixon asked if the remaining Board members were comfortable with the wording in the moratorium. Volino yes, Chase yes, Sylvester yes, Lozo no, Peck no. Marge Taft stated that the wording is not perfect but it is better than nothing. Hargrave asked the Thurston residents present if they wanted the moratorium and the majority was for it, with 4 abstaining. McGarvey asked if Attorney Treichler drafted the moratorium. Attorney Treichler stated yes and feels the moratorium is well drafted. Attorney Treichler stated that she is not encouraging the Town Board one way or the other but suggested the Town follow the correct procedures, make sure the residents of the Town of Thurston are protected. Tietje encouraged the Town Board to move forward and to use caution with wording.

Attorney Treichler stated that Attorney Tom West contacted her requesting a copy of the moratorium draft. Attorney Treichler informed Attorney West that the draft would be posted on the Town of Thurston webpage on January 25, 2023. Volino stated that in his own opinion Attorney West is not a professional lawyer.

Hargrave asked John Leslie to give a brief statement of the intentions for the land use in the Town of Thurston. Leslie stated that he was not prepared to give a presentation at this time.

Attorney Treichler stated that she has worked some with solid waste and is confident with the moratorium draft.

Wendy Lozo stated she received a resignation letter from Attorney Shawn Sauro. Lozo proceeded to read the letter to the Board. With deep regrets Paul Peck accepted the resignation seconded by Noel Sylvester. Put to vote: Noel Sylvester, aye; Paul Peck, aye; Wendy Lozo, aye; Michael Volino, aye; Holly Chase, aye. Carried.

Motion was made by Holly Chase seconded by Michael Volino to accept the moratorium as written. Put to vote: Noel Sylvester, aye; Paul Peck, nay too broad; Wendy Lozo, nay not comfortable with wording; Holly Chase, aye; Michael Volino, aye. Carried.

Motion was made by Holly Chase seconded by Michael Volino to vote on the moratorium at the February 15, 2023 Board Meeting. Put to vote: Noel Sylvester, aye; Paul Peck, aye; Wendy Lozo, aye; Michael Volino, aye; Holly Chase, aye. Carried.

With no further comments motion was made by Paul Peck seconded by Holly Chase to close the public hearing at 7:45 p.m. Put to vote: Noel Sylvester, aye; Paul Peck, aye; Wendy Lozo, aye; Michael Volino, aye; Holly Chase, aye. Carried.

Minutes Respectfully submitted by Dolores Crooker, Thurston Town Clerk