

# Court Decision Regarding Jones-Carroll Landfill Delayed

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CARROLL — A court decision regarding an appeal by the town of Carroll in its fight to prevent the reopening of a landfill has been postponed.

Sealand Waste LLC and owners of the Jones Carroll Landfill have been in a legal battle with the town for more than a decade over a proposed expansion of the Dodge Road landfill. A decision by the Appellate Division, Fourth Department on whether Sealand Waste can intervene in a lawsuit filed against the town was anticipated in late December but later pushed to February

Town officials appealed a decision by the state Supreme Court that allowed Sealand Waste to intervene on behalf of Jones Carroll, which challenged the town's waste disposal law that prohibits landfills.

The former landfill, which hasn't been in operation for more than a decade, contains about 53,000 cubic yards of construction and demolition waste. Part of Sealand Waste's plan is to create a landfill made of a double composite liner system spanning 34.9 acres; contents of the former site would be moved into the new liner, the company said in its application for a state permit.

The state Department of Environmental Conservation is currently holding a 45-day public comment period involving its decision on whether to approve a permit for the facility. At a community meeting hosted by the Carroll Concerned Citizens last month, town residents were encouraged to write the DEC to express specific concerns with the proposed reopening and expansion of the landfill.

Jim Daigler of Daigler Engineering — a firm hired by Sealand Waste — said if the DEC grants the permits, Sealand Waste and owners of the

Jones-Carroll Landfill will continue its legal battle with the town over the waste disposal law, which was adopted in 2007.

Jack Jones Jr., former town supervisor, said he is confident the law — different from zoning law the town adopted in 2005 that was also challenged — will hold up in court.

Paul Webb Jr., town attorney, also contends the waste disposal law will prevent Sealand Waste from operating any landfill within the town.

Benefits that Sealand said it will provide the town include the rehabilitation of Dodge, Wiltsie and Frew Run roads; quarterly royalty payments between 50 cents and \$1 for every ton of waste accepted for disposal; annual payments of \$153,000 to the town, which would increase to more than \$300,000 annually; and the funding of a Safe Kids Walk This Way pedestrian safety program for the Frewsburg School District.

<http://www.post-journal.com/news/local-news/2018/01/court-decision-regarding-jones-carroll-landfill-delayed/>