

In The Matter Of:
Town of East Greenbush

PUBLIC HEARING RE: DUNN LANDFILL
March 11, 2020

COVERING ALL UPSTATE NEW YORK

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In the Matter of a Public Hearing held in
the Matter of A RESOLUTION URGING
THE DEPARTMENT OF ENVIRONMENTAL
CONSERVATION TO REVOKE THE OPERATING
PERMIT FOR THE DUNN LANDFILL

HELD AT: Town of East Greenbush
 Town Hall
 225 Columbia Turnpike
 Rensselaer, New York 12144
 March 11, 2020

THE TOWN OF EAST GREENBUSH WILL HOLD A PUBLIC HEARING ON THE DUNN LANDFILL

WEDNESDAY, MARCH 11, 2020

6:00 PM

EAST GREENBUSH TOWN HALL

225 COLUMBIA TURNPIKE | RENSSELAER, NY 12144



**Are you a resident of East Greenbush who wants to
comment on the effects of the Dunn Landfill?**



Unable to attend? Watch the Public Hearing live -
Facebook.com/TownofEG or
TownHallStreams.com/towns/eastgreenbushny

BEFORE:

TOWN BOARD MEMBERS:

JACK CONWAY, Ph.D., Supervisor

TINA TIERNEY

HOLLIE KENNEDY

RICK MATTERS

BRIDGET FRITZ

ELLEN PANGBURN, Town Clerk

ALSO PRESENT:

DAVID GRUENBERG, Esq.
Attorney for Town Board

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1 PUBLIC FORUM - 6:00 P.M.:

2 P R O C E E D I N G S

3 SUPERVISOR CONWAY: The March 11th
4 meeting of East Greenbush will called to
5 order. We will start with the Pledge of
6 Allegiance.

7 (PLEDGE OF ALLEGIANCE.)

8 MS. PANGBURN: Supervisor Conway?

9 SUPERVISOR CONWAY: Present.

10 MS. PANGBURN: Councilor Tierney?

11 MS. TIERNEY: Present.

12 MS. PANGBURN: Councilor Kennedy?

13 MS. KENNEDY: Present.

14 MS. PANGBURN: Councilor Matters?

15 MR. MATTERS: Present.

16 MS. PANGBURN: Councilor Fritz?

17 MS. FRITZ: Present.

18 SUPERVISOR CONWAY: We are going to
19 try not to use the microphones because the
20 country is now phobic about microphones, among
21 other things.

22 Let me explain what we are doing here.
23 This is not a legally mandated Public Hearing.
24 This is a hearing that the Town Board, Town of
25 East Greenbush has decided we need to call.

1 When it comes to the Dunn Landfill, we
2 have no jurisdiction. We get no direct
3 revenue from the landfill but we do get
4 problems. All we have is a voice. And so the
5 point of tonight is to hear that voice.

6 So, what we are going to do -- we have
7 some distinguished guests, they will speak
8 first. Then we are going to hear from the
9 residents of East Greenbush -- one at a time,
10 as many as want to speak; but because this is
11 how we operate our meetings, when the people
12 of East Greenbush have said their piece,
13 anyone else who would like to speak will be
14 given the microphone.

15 The rules are, each speaker can have
16 three minutes. It's a hearing, so we are
17 going to listen to you. It isn't question and
18 answer and it isn't a badgering exercise. If
19 the gentleman from DEC speaks or if one of us
20 politicians speak, we are not going to do
21 point scoring here. This is a hearing. We
22 are all here to listen to everyone else.

23 There's different interests in this
24 controversy and I explained the town's
25 interest, which is, we have this one

1 particular thing -- we don't meddle in the
2 affairs of other municipalities. I got 20
3 phone calls about the Amazon warehouse. David
4 Harris is a friend of mine. If he wants my
5 opinion on development in Schodack, he will
6 call me and ask for it.

7 The only reason we are here tonight is
8 because we are feeling the effects and our
9 residents are suffering a quality of life
10 deficit that we are hoping beyond hope is not
11 a public health deficit.

12 So, what we are going to do is hear
13 from some speakers who have come here tonight.
14 And then we're going to open it up, and we
15 will stay here until everyone has a chance to
16 speak.

17 We have a court stenographer. Tell us
18 your name.

19 STENOGRAPHER: Theresa.

20 SUPERVISOR CONWAY: Theresa's our
21 court stenographer because we wanted an
22 accurate transcript of what is said and done
23 tonight.

24 We have our Town Clerk, Ellen Pangburn
25 with us, and our attorney, David Gruenberg is

1 here.

2 So, with that, I would like to
3 introduce our assembly person for the 107th
4 Assembly District, Jake Ashby.

5 I think the thing to do, is, we will
6 stand in front of the podium as if there was a
7 microphone. Probably less touching of the
8 podium and less touching of the microphone.

9 MR. ASHBY: I want to thank you,
10 Supervisor Conway, and Town Board members for
11 holding this hearing. This is obviously an
12 important issue, even though it's not in the
13 Town of East Greenbush. It's in a neighboring
14 municipality but it's affecting everybody.
15 That's why everybody is here.

16 I am encouraged to see so many local
17 leaders becoming involved in this, in the
18 leadership that is, kind of, bubbling up on
19 this issue. I have been following it and have
20 been involved with it for a couple of years
21 now but there has been legislation that's been
22 written by Assemblyman McDonald, as co-sponsor
23 in the Senate now, with Senator Breslin aimed
24 at this, which I am co-sponsoring as well, but
25 I think Mayor Stammel is doing an excellent

1 job in taking the lead on this issue and
2 pushing hard. And I think it's great to see
3 so many people coming here to voice their
4 concerns. I just want to applaud you for
5 holding this and giving us the opportunity to
6 hear everything.

7 Thank you.

8 SUPERVISOR CONWAY: Thank you.

9 Next -- as I say, I don't like to
10 meddle in another municipality's affairs, but
11 the mayor and I have been in constant contact
12 about this. We have very much a shared
13 interest in this.

14 So, Mayor Mike Stammel.

15 MAYOR STAMMEL: Thank you, Jack.
16 Thank you to the board. I appreciate the
17 opportunity to speak to the public. Please
18 excuse my back. I am in politics, turning
19 your back is tough.

20 I just want to, you know, say thank
21 you. I have been at this for -- Jack, as you
22 know, I invited you to come to a meeting with
23 us over at the assemblyman's office not too
24 long ago with DEC and members of the Dunn
25 facility and I appreciate that.

1 I have a letter here -- you may want a
2 copy of it -- that I had sent to the DEC back
3 in 2012 regarding this issue and my concerns.
4 And those concerns, pretty much, have all come
5 true. And it's been an issue for me as a
6 County Legislator, as well as the mayor of the
7 City of Rensselaer.

8 Don't believe this, it's just a rumor,
9 but the City of Rensselaer did not put that
10 dump there because of the sewer plant down on
11 the city line. It just happens to be. It
12 wasn't revenge at all. The concerns are
13 there, obviously.

14 I definitely would like to get the
15 forces -- to get the people together, the
16 reasons together -- all together in order to
17 provide DEC the information we need to bring
18 this dump to a closure in 2002 when it comes
19 up for renewal. That's what I would really
20 like to do -- '22, '22.

21 There's no winners in this particular
22 issue. I know the DEC is doing what they need
23 to do in regards to the landfill and fining
24 them for issues that get out of hand. A lot
25 of these things the DEC is doing now, I would

1 like to have seen them doing in the beginning
2 in the startup, so, therefore, maybe a lot of
3 these issues we wouldn't have had to deal
4 with; but they're there, so we must deal with
5 them.

6 I don't blame the people doing the
7 work, the people that are running the land
8 mine. They are trying to do everything that
9 they can do to keep the public happy as well;
10 but what's not happening out of this is the
11 quality of life for the people that live in
12 the City of Rensselaer. And I know, as well,
13 in the Town of East Greenbush. And it's
14 affecting North Greenbush because right now
15 they're dumping in an area that is part of
16 North Greenbush that affects their property as
17 well. And that has to do with the odor,
18 obviously, the dust, the unknown ambient air
19 particles that we would like to get tested to
20 the fullest. They're all concerns of mine and
21 the people that I represent.

22 The truck traffic is an issue as well,
23 coming in and out of the city, the traffic
24 congestion. The diesel fumes from the trucks
25 as they sit there and idle in traffic for long

1 periods of time -- they're a problem for us as
2 well, coming off the bridge, sitting on
3 Partition Street -- that's an issue.

4 So, those things, as well as the
5 litter, the litter is one of the biggest
6 things that I know it affects East Greenbush a
7 lot. I can't tell you how many complaints I
8 get from local residents from Rensselaer and
9 East Greenbush about the Holy Sepulchre
10 Cemetery -- you know, the cemetery up there --
11 in regards to the trash that's blowing over
12 there on a regular basis; and how they pick a
13 spot in that cemetery in order so their family
14 could maybe be present looking over the
15 capital of the Hudson Valley. And now there's
16 a mountain there. It's not what they paid
17 for. It's not what they wanted. It's not
18 what their loved ones would have wanted
19 either.

20 So, those are all issues that, I
21 think, are important to me. Like I said, I
22 very much appreciate the Town of East
23 Greenbush joining forces here, what I would
24 like to think, with the City of Rensselaer as
25 we go through these discussions.

1 Like I said, I have been at this since
2 2012. You know, it's now 2020. You know, so
3 I've been fighting this fight for a long time
4 looking for people to jump on board, and I see
5 that happening, and I welcome the Town of East
6 Greenbush and your concerns as well because,
7 like I said, there's no with winners in this.
8 I will be more than glad to answer any
9 questions people have later on.

10 SUPERVISOR CONWAY: Mayor, if you give
11 a copy of the letter, I will make it part of
12 the public record.

13 MAYOR STAMMEL: I can do that, yes.

14 Again, I don't want to take up anybody
15 else's time. Thank you very much, and I will
16 be available for questions.

17 SUPERVISOR CONWAY: Thank you.

18 Next, representing County Executive
19 Steve McLaughlin, this is Director of
20 Operations, Rich Crist.

21 MR. CRIST: Thanks, Supervisor Conway,
22 how are you?

23 If it's okay with you guys, I will
24 give a very brief update on coronavirus too.
25 We just had an update from our Health

1 Director, Mary Fran Wachunas. Currently, in
2 Rensselaer County, there are no confirmed
3 cases. Right now we have 15 people being
4 tested. They're being tested under voluntary
5 quarantine. They are, what we deem, low risk
6 at this point.

7 We are doing our best to try to get
8 the word out regarding coronavirus. Our
9 health department is conducting in-person
10 meetings. If people would like an in-person
11 meeting at their business, at their
12 municipality, at their organization, give the
13 Health Department a call, 270-2655 is the
14 number.

15 We haven't been publicizing those much
16 because we don't want to create any stigma or
17 any unnecessary panic. We have been out to
18 banks, places like that, that handle a lot of
19 currency and a lot of exchanges with the
20 public. The best advice, go to our Facebook
21 page, Rensselaer County, we have got some tips
22 from the Center for Disease Control. Wash
23 your hands a lot. If you are sick, don't go
24 in to work, don't go in to church, don't go in
25 to your club, et cetera. Stay home. If you

1 need advice, call our health department, get
2 some expert help. We can get through this.

3 As far as Hudson Valley, I believe, is
4 going to be going tele-education as of the
5 19th, so there's a lot of changes. This is a
6 fast moving situation but we just wanted
7 everybody to know, we are on top of this. We
8 literally get two briefings a day from the CDC
9 and the Department of Health, the State. The
10 exchange of information from all levels of
11 government has been outstanding, so don't get
12 worried that somebody is withholding
13 information.

14 We know about cases in Nassau County
15 within the same half hour that they're being
16 reported, generally. There are six new cases
17 in Nassau County today, three in the hamlet of
18 Brookhaven.

19 I am happy to represent County
20 Executive McLaughlin tonight on this important
21 issue. We welcome East Greenbush joining the
22 effort. We understand you guys have a
23 concern.

24 As you noted, we just get the problem
25 side of things, we don't get revenues from

1 this. We don't have direct jurisdiction
2 either, but what we do have is a voice and we
3 look forward to working with the town.

4 One of the things that we have focused
5 on -- I got a letter, if you guys pass these
6 around -- Commissioner Fiacco can handle that,
7 he's qualified to do that. There's only 20
8 copies. If anybody needs more, just get in
9 touch with me; but, basically, one of the
10 areas we have focused on is air monitoring.
11 For about two years, we have been working with
12 Mike Stammel, bringing our concerns directly
13 to DEC and DOH, asking them for increased air
14 monitoring.

15 Air monitoring is largely, right now,
16 centered around the landfill. That's a
17 limited area. That's not wide enough. So for
18 any neighbors in East Greenbush, air
19 monitoring doesn't exist here. Air monitoring
20 doesn't exist in the hollow, air monitoring
21 doesn't exist in Fort Crailo.

22 UNIDENTIFIED SPEAKER: Verizon, you
23 can get --

24 SUPERVISOR CONWAY: We have a
25 stenographer, so we got to talk in turn.

1 Do you want to come sit over here by
2 yourself?

3 UNIDENTIFIED SPEAKER: I know, I'm
4 being punished. I'd love to.

5 SUPERVISOR CONWAY: Come sit by
6 yourself. I am putting you in the corner.

7 STENOGRAPHER: Could I get your name,
8 sir?

9 MR. CRIST: Yes, Richard Crist,
10 C-r-i-s-t. I'm the oldest Crist, and the
11 handsome-est.

12 Essentially, the air monitoring, we
13 believe is too limited. We have brought the
14 request to the Department of Health for about
15 two years -- is that correct, Mike?

16 MAYOR STAMMEL: That's correct.

17 MR. CRIST: And we have not gotten any
18 action. Tonight, County Executive McLaughlin
19 has told me to tell you folks, if within the
20 next few weeks, air monitoring is not paid for
21 by New York State, we are going to do it, we
22 are going to pay for it. We are going to get
23 test monitors over along Third Ave. Extension
24 by the cemetery, get them out in the hollow,
25 get them out to Fort Crailo. That will give

1 us a determinate level for data that's
2 necessary to track all this.

3 One of the things that exist is that
4 there is not necessarily data from a wide
5 enough area needed. And again, as the town
6 has also said, we don't have jurisdiction
7 here, but we do have a voice. And we want
8 this protected. Our belief is this: If
9 something is going is to be permitted, it's
10 got to live up to the rules of engagement,
11 it's got to live up to the terms of the
12 contract. It's got to live up to what they
13 agreed upon when the project was sited.
14 That's true of all projects across the county,
15 should be true of all projects everywhere.
16 So, that's going to be our plan.

17 There's other points that I make in
18 this. Truck traffic, we've tried to get on --
19 idling of truck traffic, we believe is too
20 long. We believe there should be a staging
21 area for trucks so the trucks can be brought
22 to an area separate from the populous, then
23 proceed to the landfill. Some basic common
24 sense concerns.

25 Mike Stammel has done an outstanding,

1 outstanding, outstanding job in keeping us
2 centered on this in Rensselaer County. He
3 deserves a lot of recognition.

4 (APPLAUSE.)

5 MR. CRIST: He deserves -- Mike was
6 impressed tonight. He says: Aren't you
7 usually here for a traffic ticket arrest? So
8 this is a big moment for both of us.

9 So, Mike has done a great job, he's a
10 great voice. We are glad to see Supervisor
11 Conway and the Town Board joining and getting
12 on top of this. There's some simple common
13 sense steps that can improve the quality of
14 life there significantly. And on top of that,
15 we can get data, so, if things don't improve,
16 then we can go another route.

17 So, tonight, we are resolved in
18 Rensselaer County, we are going to provide
19 more air monitoring if New York State does not
20 agree at our request for them to do some extra
21 air monitoring at the Health Department level,
22 and we will share with the town, data, et
23 cetera, et cetera, things like that.

24 So, any questions?

25 MS. BALASCIO: Rebecca Balascio.

1 How long do you think that will take
2 for them to get the monitoring up and running?

3 MR. CRIST: I can get you an answer
4 tomorrow. I talked to Rich Elder, he is our
5 point man on that from the Health Department.
6 Rich has also not just checked air monitoring,
7 he goes and does in-person checks. He has
8 told me he has done -- checks at the tops of
9 the gravestones at the cemetery, see about
10 particulate matter. He has checked the trees
11 down in the hollow. He has checked them over
12 at Fort Crailo.

13 He is a wealth of information. Maybe
14 at some other point, we can just bring him and
15 he will talk to you for about four hours, if
16 you want. I'm not being funny. He has
17 researched this a lot; but he is the guy who
18 has suggested if we cannot get the additional
19 air monitoring from the Department of Health,
20 we can do it ourselves. We will set up our
21 data stream and tackle it that way. So, I can
22 get an answer for you tomorrow.

23 MS. BALASCIO: Do you know if
24 they're -- with the Department of Health --
25 regulating anyone's health issues and how long

1 they have been going on?

2 MR. CRIST: Our Department of Health,
3 Rensselaer County?

4 MS. BALASCIO: Yeah.

5 MR. CRIST: We haven't had anything
6 that would rise to that level.

7 MS. BALASCIO: Because I can get you
8 connected to some of that information.

9 MR. CRIST: Typically, the reason we
10 wouldn't get that, just so you know, is,
11 typically, somebody would go directly to the
12 hospital; and unless there's been an order
13 from the Department of Health, we would not
14 necessarily get that data because there are
15 requirements and regulations.

16 MS. BALASCIO: Well, their methods --

17 SUPERVISOR CONWAY: Rebecca, we're not
18 doing question and answer at the moment.
19 Let's just carry on. The stenographer can't
20 hear you back there with the mask.

21 Rebecca, we will get to your concerns.

22 MS. BALASCIO: Okay.

23 MR. CRIST: So, I think I'm good. If
24 there's any other questions, I can answer
25 them. I will be here for a little bit, and if

1 you need extra copies -- thank you.

2 SUPERVISOR CONWAY: Thank you, Rich.

3 Rich, you don't want to get a traffic
4 ticket in East Greenbush. I hear our vehicle
5 and traffic attorney is a bear.

6 MR. CRIST: Don't get me started on
7 that.

8 SUPERVISOR CONWAY: Next up, we are
9 going to hear from County Legislator Tom
10 Grant.

11 MR. GRANT: I am Tom Grant, G-r-a-n-t,
12 resident of East Greenbush. I was elected to
13 the County Legislature in November of 2017.
14 It was a Tuesday. By Thursday morning, I had
15 received a call from the future chairman of
16 the Legislature, Mike Stammel, asking me if I
17 was familiar at all what was going down at the
18 dump. And Mike -- at that point, you are
19 talking over two years ago -- I know Mike goes
20 back as far on this issue as 2012, at least,
21 but he felt that this issue was so important
22 that he wanted to have a newly elected
23 Legislator brought up to speed on this issue.
24 And what I heard then was frightening. What I
25 am hearing now, even more, is even more

1 frightening.

2 This is, once again, an issue that
3 East Greenbush is having something forced upon
4 them that we have no control of. I don't know
5 if it's a thing of geography or whatever, or
6 we are in the wrong place at the wrong time,
7 but one of the great things about the
8 residents of East Greenbush, and North
9 Greenbush as well, is that we're fighters, and
10 we're talkers, which is a good thing. So we
11 can compile a very good record to send to DEC
12 and the Department of Health on how strongly
13 we feel about this issue.

14 I am here to listen. The County
15 Legislature, under Mike's leadership, has
16 passed a number of pieces of Legislation
17 urging DEC to do things, such as air
18 monitoring.

19 I am happy to hear from Rich that if
20 the State of New York isn't going to be doing
21 the monitoring, the County of Rensselaer will
22 pay for the monitoring. Again, another
23 expense that the County of Rensselaer and East
24 Greenbush, to some extent, is going to have to
25 incur because of this action down in the Dunn

1 Dump.

2 All I would do, is, I am going to be
3 here. I intend to listen carefully. I will
4 be here at, practically, every forum I can be
5 at. What we all have to do, as residents of
6 East Greenbush, Rensselaer, North Greenbush,
7 is to continue speaking up, continue in
8 getting the information out.

9 Data is important. It's amazing to me
10 that without the air monitoring -- there's a
11 lot of speculation of what is harmful, what
12 isn't harmful. Clearly, anecdotally, what is
13 going on at the dump is harmful to people; but
14 I think that the data -- if we can get data --
15 solid, empirical data to let people know
16 exactly what the concerns are, then we can
17 begin to deal with the problem.

18 As they say, if you can define a
19 problem, you can begin to solve it. And
20 that's where I hope we are all beginning to do
21 here. Thank you all for coming. I appreciate
22 it. And I think -- I can't express how proud
23 I am of the Town Board of East Greenbush,
24 leadership of Supervisor Conway,
25 Councilpersons Tierney, Fritz, Kennedy and

1 Matters, for taking apart this because we're
2 all in this together. This is just not a
3 Rensselaer issue, this is a county-wide issue,
4 and we all, by working together, can come up
5 with a reasonable solution, I think. So,
6 thank you so much for being here.

7 SUPERVISOR CONWAY: Thank you.

8 Before we introduce Keith Goertz from
9 DEC, I want to recognize Colleen Williams who
10 is here from Congressman Tonko's office. This
11 is an issue that the Congressman monitors
12 closely, but understand, this is not a federal
13 issue.

14 So, what he can do here -- I don't
15 even want to say is limited, it's not his
16 issue; but Paul Tonko is there for the Town of
17 East Greenbush every day of every week; so,
18 Colleen, thank you for coming.

19 MS. WILLIAMS: Thank you.

20 SUPERVISOR CONWAY: We have a special
21 guest, Keith Goertz is here. He is the
22 Regional Director of Region 4 for New York
23 State Department of Environmental
24 Conservation. We met with Keith in
25 Assemblyman McDonald's office, the mayor was

1 there, Jake Ashby's office was there; and one
2 of the things I want to say here, because I
3 want Keith to have his say -- if you follow
4 the rules and regulations that they're, by
5 law, required to follow when they deal with a
6 situation like this, they have truly gone
7 above and beyond anything that they are
8 required to do. The question of whether it's
9 enough is a question we will get to. But if
10 you saw this from where Keith sits, this
11 gentleman is concerned every hour of every day
12 about the Dunn Landfill. He never loses sight
13 of it.

14 So, Keith, if you could give us an
15 update.

16 MR. GOERTZ: Thank you very much.
17 Keith Goertz. G-o-e-r-t-z.

18 Good evening, everybody. I'd like to
19 give everybody an update with regard to the
20 Dunn C and D facility. And I would like to
21 start off by saying that the Department hears
22 the community's concerns loud and clear, and
23 because of those concerns, the Department
24 really has tried to do everything in it's
25 power to insure that this facility is

1 operating within the constraints of its permit
2 and to minimize the impact to the surrounding
3 community as much as possible.

4 I'd like to start off with our
5 regulatory oversight. We really have tried to
6 throw everything but the kitchen sink at this.
7 To give you an idea of how much staff time is
8 spent there, we have a DEC staff member
9 perform a surprise inspection at least once a
10 week at this facility, and they're there three
11 times a week when there's actually
12 construction of a new cell. In addition to
13 that, through enforcement negotiations and
14 under a consent order, the facility is
15 required to fund a full-time third party
16 monitor. That monitor is an employee of a
17 private engineering firm that answers to the
18 Department but his expenses gets paid for by
19 the facility.

20 In addition to that, we have recently
21 hired a seasonal employee who is on the
22 Rensselaer School grounds at the beginning of
23 every school day, and he is there just to
24 confirm the presence or absence of landfill
25 odors; and then, in addition to that,

1 virtually every day, we have a DEC staff
2 member to do a nine point perimeter check for
3 odors around the diameter or around the
4 radius -- I should say just around the area of
5 the facility. And that is done every single
6 day after hours. And it's also done on
7 weekends, during the day or evening.

8 In addition to that, we also review
9 quarterly groundwater sampling and surface
10 water sampling of the Quackenderry Creek to
11 verify that there is no impact from this
12 facility to the waters of the state.

13 Next, I'd like to go over the permit
14 modifications that were initiated recently.
15 You may have heard of the term, DIM,
16 Department Initiated Modification. As this
17 facility has been in operation, we have seen
18 issues that needed to be addressed and we
19 addressed those issues through this DIM
20 process. That includes the installation of a
21 more robust gas collection system than what
22 they have currently. What they have
23 currently, is, they provide a vacuum on the
24 horizontal pipes that exist underneath each
25 cell, they're clean-up pipes. They put a

1 negative pressure on those types to capture
2 landfill gas that's generated and then that
3 gas is sent to a carbon filtration system.
4 That system has a limited radius of influence;
5 so this more robust gas system has more
6 vertical points to be used in concert with the
7 horizontal points and more points get
8 installed as more waste mask gets disposed of
9 at the facility. This system will be
10 activated, at the latest, by June 1. We think
11 it will be probably activated prior to that;
12 and it will also include a flare as a form of
13 treatment instead of carbon.

14 Another thing that was required in the
15 permit modification process was daily cover of
16 the waste. Their original permit only
17 required weekly cover. Now, it's daily cover.

18 As a part of one of the past consent
19 orders that was negotiated due to a -- not to
20 a dust -- off-site dust violation, the
21 facility is required to install a soil berm
22 along the northern and northeast perimeter of
23 the facility between the school and the
24 facility.

25 And this next piece, I want to stress,

1 it's the 24-hour hotline number that was
2 created specifically to take complaints from
3 the public regarding anything associated with
4 the operation of the landfill; and that number
5 is (518) 292-0449. Again, that number is
6 (518) 292-0449. And I strongly urge residents
7 to use that number if they observe landfill
8 odors or any other type of problems they see
9 with the facility. What happens when this
10 number gets called, the operator is required
11 to respond within a certain amount of time to
12 address the problem, and an email is
13 automatically generated and sent to the
14 Department, and the Department can follow up
15 immediately with whatever the complaint is.

16 In addition, this creates a record.
17 And it's the record that's the very
18 important -- a very important piece to this
19 whole process because if we need to -- when
20 the permit renewal comes up in 2022, or if
21 there is sufficient issues in violations, that
22 it could have serious consequences to the
23 facility's ability to continue to operate.

24 In addition to the permit
25 modifications, I wanted to let everybody know

1 what type of air sampling that is currently
2 underway. The DEC has a particulate matter
3 trailer parked at the school, and this
4 collects continuous pm data. During the
5 non-winter months, the DEC collects hydrogen
6 sulfide data from four separate locations
7 around the landfill using pole-mounted
8 agrilogs -- we have to take them in during the
9 winter because they don't work during the cold
10 temperatures, but when the winter breaks, we
11 will have those back out there.

12 In addition, at the behest of the
13 school superintendent, we collected VOC and
14 SVOC samples, that's volatile organic compound
15 and semi-volatile organic compound samples,
16 using Summa canisters at the school; and we
17 are also in the process of running, what's
18 called, speciation testing on particulate
19 matter collected, and will be analyzing that
20 for heavy metals; and we expect that data to
21 be in very shortly.

22 One last thing -- this is just
23 recently, the Department of Health decided to
24 put some of the DEC agrilogs inside the school
25 to monitor the indoor air at the school

1 because there were concerns from residents
2 with regards to indoor air quality. That is a
3 Health Department jurisdiction, not a DEC
4 jurisdiction. We deal with ambient air.

5 Lastly, I want to acknowledge that
6 there was another permit violation that
7 occurred on March 4th, when, during a windy
8 day, there was offsite dust confirmed to be
9 leaving the site. That's a violation of the
10 permit, and we will be proceeding with
11 enforcement on that issue.

12 So, I will be here for a while if
13 anybody would like to ask me questions face to
14 face. I certainly would welcome any inquiries
15 anybody has.

16 SUPERVISOR CONWAY: Thank you.

17 MR. GOERTZ: Thank you.

18 SUPERVISOR CONWAY: Assembly member
19 John McDonald is coming but he is running
20 late, so when he comes, we will work him into
21 the program; but what I would like to do now
22 is hear from the East Greenbush residents
23 first.

24 So, raise your hand; come on up,
25 ma'am.

1 Everybody has to come to the podium.
2 The stenographer needs to be able to hear. We
3 are live-streaming on the website and
4 Facebook.

5 So, everybody has to got to come up.

6 MS. QUINN: Good evening. My name is
7 Rose Ann Quinn, Q-u-i-n-n.

8 This whole situation, sadly, for me
9 and for residents of Plaza View is a very
10 needless case of deja vu. Back in the '90s,
11 there was the proposed landfill behind Plaza
12 View off Third Avenue Extension, almost
13 indentically similar to the one that's
14 currently operating to be called Four Seas.
15 It was run by the Kristo family.

16 I worked with citizens and we were
17 able to stop that. Thankfully, Mr. Stammel
18 and people in the City of Rensselaer, the
19 Common Council, really stepped forward and
20 helped. What ultimately stopped it from
21 operating -- at least so far, we always hold
22 her breath -- is that the City of Rensselaer
23 held fast to a zoning restriction that
24 prevented any type of commercial traffic from
25 a tiny piece of land that would have served as

1 the entrance to the proposed Four Seas
2 Landfill.

3 For the life of me, during all of
4 these lengthy state hearing, local hearings,
5 protests and so on, that ran from the '90s
6 until well into the 21st century, I could not
7 understand -- and I address this to the
8 gentleman from the DEC -- why they thought
9 that siting a landfill behind people's
10 homes -- I don't care what permit
11 restrictions, with all due respect, you intend
12 to make -- why they thought that was an
13 acceptable idea.

14 In 2012, I spoke at the Public
15 Hearing, and I said to the representatives
16 from DEC: You sit in your cubicles and you
17 issue these permits and then it falls to the
18 people to try to deal with it. With all of
19 the modifications, with all of the steps the
20 DEC is taking now, may I respectfully ask:
21 What in heaven's name they were thinking of
22 that there could be a landfill that would
23 operate next to a school -- next to a school?

24 (APPLAUSE.)

25 MS. QUINN: I am very familiar with

1 the concept of NIMBY, Not In My Backyard
2 because we dealt with it. I realize there
3 have to be landfills; but common sense, you
4 look at the location.

5 Several times, I have crossed the Dunn
6 Memorial Bridge, and one day I just stood
7 there and counted the number of consecutive
8 trucks, one after the other, coming,
9 obviously, from the Thruway exit, I believe
10 it's 23, crossing the bridge and coming into
11 the City of Rensselaer. It's not made for
12 that. Did no one at DEC, say: If we're going
13 to have this truck traffic, are the streets
14 wide enough?

15 Will they hold the weight? No.

16 I just don't know --

17 SUPERVISOR CONWAY: Ma'am, three
18 minutes is almost up.

19 MS. QUINN: I am just about through.

20 SUPERVISOR CONWAY: You don't want Mr.
21 Goertz to respond to that because he wasn't
22 personally responsible.

23 MS. QUINN: I realize that, but I'm
24 just saying, as I listen to all of the steps
25 that they are taking, I appreciate that; but

1 this could have all been obviated by using
2 common sense to begin with.

3 SUPERVISOR CONWAY: Very well said.

4 (APPLAUSE.)

5 MS. POLLACK: My name is Maria
6 Pollack, and I have a number of questions but
7 I don't expect them to be answered by the DEC
8 representatives; but why is a landfill where
9 it is when landfills are filled with cancer
10 causing chemicals, such as benzene, barilium,
11 aesbestes, vinyl chloride and arsinic?

12 And then we have the dust that blows
13 into East Greenbush. We have the dust that
14 blows down onto our neighbor's children. Are
15 you going to look for those chemicals in the
16 dust? And when those children have cancers in
17 15 years or so, how are you going to
18 compensate those children?

19 SUPERVISOR CONWAY: Ms. Pollack,
20 before you go any further --

21 MS. POLLACK: How are those children
22 going to be compensated?

23 SUPERVISOR CONWAY: I hear you but
24 please address the board. Mr. Goertz isn't
25 here to be a punching bag.

1 MS. POLLACK: I understand that.

2 SUPERVISOR CONWAY: Rhetorical
3 questions are great, they make your point.

4 MS. POLLACK: Okay.

5 So, how are those children going to be
6 compensated for what happens to them?

7 The DEC representative also talked
8 about the phone number that we call but we
9 know that phone number is manned by the Dunn
10 family because we have looked it up. We have
11 become quite good researchers at that, and we
12 are very concerned because the DEC will not
13 listen to what's put on the Instinct's
14 website, and that's really where citizens are
15 putting their complaints because they can be
16 anonymous but the DEC won't take those into
17 account.

18 The DEC's mission statement is to
19 conserve, improve and protect New York's
20 natural resources and environment and to
21 prevent, abate and control water, land and air
22 pollution in order to enhance the health,
23 safety and welfare of the people of the state
24 and their overall economic and social well
25 being. So, I live in Governor's Square. My

1 well-being has not been great because of the
2 smell, the sound, the dust. And I worry. Am
3 I going to get cancer?

4 Are my neighbor's children going to
5 get cancer?

6 I would also like to know how many
7 violations the Dunn dump is allowed? I mean,
8 in baseball, it's three strikes, you are out;
9 right?

10 How many does the Dunn Dump get until
11 we can revoke the permit?

12 Yes, the other thing is, it's run by a
13 billion dollar corporation. Do you really
14 think the tiny fines that the DEC puts against
15 them is even going to matter? It's the cost
16 of business for them.

17 Thank you.

18 (APPLAUSE.)

19 SUPERVISOR CONWAY: Assembly member
20 John McDonald is here --

21 MS. BALASCIO: Can I speak real
22 quickly?

23 SUPERVISOR CONWAY: Yes.

24 Okay, John, hold on for one second.

25 Rebecca.

1 MS. BALASCIO: Hi, I'm Rebecca
2 Balascio. I am here representing myself and
3 along with FSR, the Foundation for Sarcoidosis
4 Research, and Dr. Mark Dutson, {phonetic} and
5 the natural rare disease -- the U.S.
6 government.

7 I am one of 200,000 people with a rare
8 disease where there's no cure. There's some
9 known things that we know about, environmental
10 factors, that have become very strongly
11 related to my disease.

12 It has taken a lot from my life. And
13 I am asking you guys for all your support on
14 helping us get this closed. I can't even go
15 in my yard in the summer without a fever. You
16 know, I am fighting for my life.

17 I am not able to work. I know Jack
18 has given me a confirmation for April, the
19 Sarcoidosis Awareness month. So, I am going
20 to be educating the board on that in the next
21 several weeks.

22 It's important. We just lost three
23 more lives. We are associated with 9/11
24 victims as well, so I can tell you,
25 environmental factors have a major, major role

1 in people's health. I have been dealing with
2 this disease for 17 years; and probably even
3 longer as a child. So, we need to really do
4 something about this dump.

5 Thank you for your time.

6 (APPLAUSE.)

7 SUPERVISOR CONWAY: Next, we are going
8 to hear from John McDonald. John is the
9 assembly member for the 108th Assembly
10 District which includes the Dunn landfill, and
11 he has been very seriously engaged in this
12 issue. So, let's hear from the Assemblyman.

13 MR. McDONALD: Thank you, Jack, and to
14 the board and to the public. I wanted to stop
15 by -- yes, I don't represent East Greenbush,
16 my friend Jake Ashby does, and, obviously, for
17 the last -- well, since December 5th, 2017,
18 when I had gotten my first question about the
19 Dunn Landfill -- that's when I was officially
20 contacted -- I have been engaged in many
21 aspects.

22 I just want to share a couple of
23 things. My experience as a former mayor of
24 Cohoes, spent 14 years there -- I feel bad
25 turning around, but I should talk to the

1 board.

2 SUPERVISOR CONWAY: Address the board,
3 John.

4 MR. McDONALD: I have the county
5 landfill to the north of me, which was a
6 municipal solid waste landfill approved by the
7 state; and as you know, lately, I have had
8 Norlite to the south of me in Cohoes. So, if
9 it wasn't for stink and odors and all that
10 from the Colonie Landfill -- and then, of
11 course, burying the hazardous materials of
12 Norlite, I definitely have gotten familiar
13 with the process in regards to how these
14 facilities operate, the amount of work that
15 goes in, in regards to compliance because
16 these are permitted facilities; but, also, the
17 reality of how do you either make them comply
18 or how do you get them closed, one or the
19 other.

20 You know, over the years, and it's a
21 coincidence, I guess, the operator of the Dunn
22 Landfill is the same operator now of the
23 Colonie Landfill; and after several years of
24 working with the Town of Colonie and with the
25 operator and with the DEC, the odors have

1 dissipated tremendously from a municipal solid
2 waste facility in Colonie -- I'm not saying
3 it's perfect, it's not a bouquet but it has
4 gotten better. Norlite -- the issues we dealt
5 with in the past, we have made some progress
6 on. Now we have a new issue, which is setting
7 off another journey -- which I am not going to
8 bore this crowd tonight.

9 Dunn Landfill is very frustrating. I
10 came into the Assembly, January of 2013.
11 The -- Dunn was permitted before that time.
12 And, like I said, what started off as an email
13 from somebody who was a friend of somebody
14 living on Partition Street who lived in
15 Menands -- the person was in Menands -- and it
16 started about the trucks on Partition Street.
17 That's what it really started with. And then
18 the odor issues have followed.

19 What started off as something
20 stinks -- that's okay, that's important but
21 did you call somebody? I think this is the
22 important message when we hear of these
23 issues. I think DEC has worked very hard,
24 particularly, because the public has been very
25 much engaged -- especially in the last nine

1 months of the year. They work very hard to
2 bring the operator -- to make a lot of
3 significant changes, many of which I don't
4 think we have seen the benefit of it. I
5 think -- I'm not a spokesperson for DEC, but
6 they can at some point share that information.
7 Some of the changes they're proposing, if
8 they're allowed to move forward, I think will
9 have improvement -- an improvement. It does
10 not, by any stretch in my opinion, eradicate
11 all the issues.

12 To be honest with you, the changes
13 that it's proposing, I don't know if they're
14 going to have a beneficial impact on East
15 Greenbush. I think it's going to address some
16 of the issues in Rensselaer but not all of
17 them. And I don't want to get into all the
18 different issues but what is going to be
19 critical -- and I know this is something the
20 public doesn't want to hear but they need to
21 listen to; is that there are a lot of people
22 that say: Just close the landfill, just close
23 the landfill. It was permitted.

24 We can argue whether it should have
25 been permitted or not back in 2011, 2012. We

1 can argue until the cows come home. The
2 reality is, that's actually law, and it's
3 something that you just can't snap your
4 fingers and make it go away. It's incumbent
5 upon the operator to follow the direction of
6 DEC, and if they continue not to comply, they
7 continue to fail, they continue to cause these
8 problems, this is going to play a large role
9 in eventually causing their closure.

10 Whether -- and I don't want to give a false
11 promise. It doesn't mean they're going to
12 close tomorrow, but we need the public to
13 continue to be engaged.

14 I am sure you will hear from many
15 individuals, you will hear about the
16 Instinct's website which started off -- a
17 spot, it didn't really have much information,
18 but the coalition has done a good job in
19 encouraging people to be very descriptive.

20 I look at every single email I get.
21 It's helped people like myself to really see
22 what's happening. Is it perfectly scientific
23 to help shut down the landfill? It's not
24 perfect but it really has, I think -- and I
25 won't speak for DEC but it's caused a lot of

1 officials, myself included -- Jack, you are
2 shaking your head. I am sure DEC will say:
3 You know what, it's made us pay attention --
4 and this is what it's about when the public
5 gets engaged in the process. And they start
6 to help factualize -- that's the word I use --
7 factualize what's actually happening. By
8 doing that, it gives DEC more information to
9 hold the operator to what they're supposed to
10 be doing, or if the operator refuses to
11 comply, to go down that road of closure.

12 As we all know, there's a permit
13 renewal coming up in 2022. Obviously, the
14 more people able to participate -- and I know
15 there was mailings to the City of Rensselaer,
16 the residents of Rensselaer -- of the hotline
17 that DEC -- now DEC, before it used to be the
18 operator. I get it, most people don't trust
19 the operator. They say: Listen, they just
20 want to do their thing, they're not going to
21 pay attention. DEC has set up their own
22 hotline. DEC wants you to call and make those
23 complaints.

24 I can tell you, I was up at Rensselaer
25 City School District two, three weeks ago.

1 People didn't know I was going. I was going
2 to speak to the school board about their
3 budget, just like I'm going to the East
4 Greenbush School Board right after this about
5 their budget. It's 6:25 at night. Of course,
6 I went to the wrong entrance to the high
7 school. So, I am walking the long way around,
8 and there's a DEC truck driving by. Now, they
9 weren't there because they knew there was an
10 assemblyman was going to be there. They're
11 actually out there doing what they're supposed
12 to be doing, which is either follow-up
13 complaints or doing those unannounced
14 inspections. We need to make sure -- the
15 public needs to be engaged to share that
16 information to help DEC do their job. They're
17 the regulator. That's their job.

18 We need the public to participate.
19 That's really my message tonight. We can talk
20 about a thousand different things. It's more
21 important for you guys to hear from the rest
22 of the public throughout this process. And
23 yes, East Greenbush, I do apologize to a
24 degree, I realize that there's not one red
25 cent you are gaining out of this whole

1 process, you are just gaining a lot of pain, a
2 lot of questions about property values and a
3 lot of complaints.

4 I commend the board for having this
5 opportunity for the public to be heard.

6 Thank you.

7 (APPLAUSE.)

8 SUPERVISOR CONWAY: Mr. Cookson.

9 MR. COOKSON: Leigh Cookson,
10 C-o-o-k-s-o-n, and I live in the townhouse
11 development where Rose Ann lives. We were --
12 my wife and I were involved with other members
13 of Plaza View nine years ago, and meetings in
14 Rensselaer, in Rensselaer City Hall and other
15 meetings, relating to the permit. And at that
16 time a lot of the concerns that were expressed
17 were the concerns -- were the things that we
18 are seeing now; and of course, we were all
19 assured that none of these things were going
20 to happen.

21 We were concerned about how the Kristo
22 family was going to operate the facility, and
23 of course they assured us that they were going
24 to follow all the rules. We were concerned
25 about whether or not they would sell this

1 property to a big corporation and we would
2 lose local control. We were assured that that
3 was not going to happen. We were assured that
4 all the rules were going to be followed.

5 Well, here we are today, in 2020, and
6 what we have found out, is, that almost none
7 of the rules have been followed. And while I
8 am very happy to see that there are
9 representatives and people from Rensselaer
10 County and from our County, from our
11 Legislature, I have one real problem here, and
12 that is, is that what I am hearing is that
13 they seem to be talking about, how do we fix
14 this, and how do we make it better?

15 Representative McDonald said something
16 about, in Colonie they had a problem, and it
17 took seven years to fix it. We don't have the
18 seven years to fix this. And the people that
19 were involved with this when the permit was
20 issued had an obligation to do the right thing
21 and follow the rules. And they did not. So,
22 three strikes, you are out -- no, one strike,
23 you are out. The focus here should be to
24 close this dump down now.

25 (APPLAUSE.)

1 SUPERVISOR CONWAY: Thank you.

2 MR. POLLACK: My name is Jonathan
3 Pollack, my wife spoke earlier. I am a
4 24-year resident of East Greenbush. And I
5 love East Greenbush -- even with the high
6 taxes and everything else, but I will say that
7 one of the issues, is, we are talking about
8 intentions here, versus solutions. If
9 intentions were solutions, all these people
10 wouldn't be here; right?

11 The solutions right now -- they suck.
12 Let's be honest. They stink as much as the
13 dump does. So, what we are talking about
14 here, is, going out in your yard, 6:30 in the
15 morning, beep, beep, beep -- 5:30 in the
16 afternoon, beep, beep, beep. Grinding from
17 bulldozers moving dirt around. On any humid
18 day, it stinks. For three hours, four hours,
19 whatever it is. Some days are worse than
20 others. I believe last October was the worst
21 that we have seen.

22 So, what I am saying, is, it's a
23 quality of life issue here. It's not just an
24 issue of, are there chemicals in the air --
25 that's pretty bad, that's horrible. The kids

1 are being poisoned at the school. The people
2 in our developments are being poisoned. We
3 don't know what is in those chemicals but we
4 also have a rotten quality of life with the
5 dump being here.

6 So, what we are looking for is a
7 change. Change means closing the dam thing
8 down. Thank you.

9 (APPLAUSE.)

10 MR. COPPA: Frank, Coppa, C-o-p-p-a,
11 East Greenbush.

12 As a neighbor of the Dunn property for
13 almost 30 years, I have seen varying levels of
14 mining or landfill activity -- Rose Ann
15 alluded to the Four Seas issue years ago on a
16 contiguous part of the property. Sometimes
17 dirty, sometimes quiet, and sometimes loud and
18 annoying. It took me a while to realize the
19 activity since about 2015 had risen to the
20 level never seen before.

21 On weekdays, we are treated to a
22 grinding symphony which gets worse as the
23 weather warms and windows need to be opened.
24 Let's make one thing clear. You can't have an
25 observer or even a large number of monitoring

1 stations that are going to catch all of the
2 odors and noise around that property. That
3 property is so big. That activity can move
4 from one end to the other, and if it's not
5 annoying me one day, it's annoying someone up
6 to two miles away. Look at those trucks. You
7 see from here how far they move across that
8 surface.

9 The site is so big that as activity
10 moves from location to location, it's very
11 difficult to monitor each day how much you
12 smell. I have smelled that -- even though
13 there's no activity at night, you go out at
14 11 o'clock to bring out the trash or
15 something, there's a heavy sulfur smell,
16 comparable to what you see at the Albany
17 landfill.

18 When that project was proposed, it
19 didn't cause a stir in East Greenbush and
20 Rensselaer. It's my recollection that very
21 few people, perhaps the Rensselaer Mayor, now
22 deceased, and some other Rensselaer officials,
23 and probably some county officials as well,
24 knew how big this thing was going to be. And
25 it's probably true that the permitting process

1 for this landfill was technically followed,
2 but even if there was a plan set out on paper,
3 no other individual contemplated a project
4 that was going to be that massive and
5 disruptive. Look at that massive scar on that
6 hill from 787; along with the massive number
7 of trucks passing through the City of
8 Rensselaer. If you come -- luckily, they're
9 not going through East Greenbush, although you
10 never know what could be contemplated in the
11 future -- but I know, going up Partition
12 Street, it's ridiculous.

13 It's time to begin the process of
14 pulling the permit or drastically reducing the
15 size of the operation -- drastically, as
16 another speaker just said.

17 Regarding the penalties and the fines.
18 Please. These fines could be ten times what
19 they are now and could extend into the 22nd
20 century, and that's a drop in the bucket
21 compared to what this company can make by
22 dumping as much as possible in that pit.

23 I have heard a lot about hazardous
24 waste and while that's a legitimate concern, I
25 tend to doubt that there's any dumping of

1 hazardous waste in the sense that residents
2 would define the term. And that's why
3 decisions here should not hinge on the
4 presence of these types of materials.
5 Regardless of any hazardous waste
6 contamination, this is a noxious hazard and a
7 quality of life issue that does not belong so
8 close to schools and to East Greenbush and
9 Rensselaer residents. This massive operation
10 is squeezed between neighborhoods. It's like
11 that casino which we had about five years ago.
12 If we were put that casino that's now in
13 Schenectady in the middle of the town park on
14 Elliott Road --

15 SUPERVISOR CONWAY: Time is running
16 out.

17 MR. COPPA: I appreciate the
18 supervisor holding this hearing in view of the
19 odd situation, that it's really Rensselaer
20 City activity; but in regard to not meddling,
21 I ask the Supervisor that if we are not
22 getting action here from the City of
23 Rensselaer, from the county, we are East
24 Greenbush residents and we are affected by
25 this, and there's a dynamic between East

1 Greenbush and Rensselaer. And I want to see
2 some action taken.

3 Thank you.

4 (APPLAUSE.)

5 MS. COLATOSTI: My name is Mary
6 Colatosti, C-o-l-a-t-o-s-t-i.

7 I grew up on Sherwood Avenue. I have
8 lived there for over 60 years, and, you know,
9 we have had BASF, the fumes and stuff. We
10 have Sterling Winthrop in our back yard. Now
11 we got Regeneron and stuff.

12 Now, a lot of people that lived on our
13 street that had cancer and stuff -- who knows,
14 you know, if it was due to that; and, you
15 know, I really don't appreciate having the air
16 quality, you know, from the dump coming over
17 to East Greenbush -- and, you know, we don't
18 know what the effects will be on us and stuff;
19 but somebody had talked about the cost and
20 stuff, and East Greenbush and North Greenbush
21 incurring costs -- and, you know, I think
22 these things should have been looked into
23 before the Dunn -- the dump was put into
24 place, not after the fact.

25 And I don't think it's right that they

1 moved the Rensselaer School from by the river
2 for the casino, and, you know, I go to -- I
3 used to go to Stewart's on my way to work --
4 I'm a retired state worker -- and I used to
5 see the trucks tuning from Broadway onto
6 Partition Street, and I just used to think
7 that it was local people that were dumping but
8 I didn't realize it was out of state trucks
9 coming in from New Hampshire, Massachusetts,
10 Pennsylvania -- and I just think it's
11 ridiculous that we have to pay the brunt.
12 Thank you.

13 (APPLAUSE.)

14 MS. CONNELL: My name is Jean Connell,
15 C-o-n-n-e-l-l. Jean, J-e-a-n.

16 I have lived in East Greenbush for
17 several decades but I was born on the banks of
18 Love Canal. I was born by the dump. And my
19 family has been exposed to that. So, it's for
20 that reason that I want to tell you, you can't
21 prove that your family members -- that my
22 family members died decades early because they
23 were exposed to that stuff. I was in my
24 fifties when I found out that I had spent the
25 first three years on Love Canal; and it was

1 paved over at that point but there was no
2 fence. The kids were playing on it. My
3 brothers brought it home. My mother washed
4 our clothes together. So, we were all
5 exposed.

6 But I want to tell you that I took
7 part in the telephone survey that they did.
8 They did a medical study. You can't prove
9 that people develop cancer from exposure to
10 that. You can't get a doctor who will say --
11 she or he was exposed to this stuff 20 years
12 later, 30 years later -- they won't do it.
13 And the fact that they're putting those kids
14 there, what the -- what are you thinking to
15 put those kids -- you know, make them build a
16 school someplace else. Make them move the
17 houses if they won't shut the dump. Thank
18 you.

19 (APPLAUSE.)

20 SUPERVISOR CONWAY: Thank you.

21 Any other East Greenbush residents?

22 MS. CERMIGLIA: Yes.

23 SUPERVISOR CONWAY: Come on up, Sue.

24 You are going to have to spell your last name.

25 MS. CERMIGLIA: My name is Susan

1 Cermiglia, C-e-r-m-i-g-l-i-a.

2 I live over here on the dead end
3 street, Lakeview Avenue. Yours and my sons
4 used to go to the end of my road and they came
5 home one time and said: We saw some barrels
6 by the back of Sterling Winthrop, and there
7 was this weird, creepy looking stuff coming
8 out of it. That's been on my mind ever since.

9 I also come over the bridge every day,
10 several times sometimes, and see the
11 horrendous mess there. They have a beautiful
12 sign, Rensselaer; but behind it, is all this
13 massive stuff.

14 I am also a member of a neighborhood
15 group, blog group called, Nextdoor Digests.
16 They have sub-groups for the littler
17 neighborhoods, called Nextdoor Hampton Manor.
18 Right at the top, from the Nextdoor Team:
19 Everyone wants a healthy neighborhood. Now is
20 the time for neighbors to stay informed and
21 get prepared -- and then the blog goes on.

22 Over the past couple of years, I have
23 seen numerous complaints about the Dunn Dump.
24 Something's got to be done. It just goes on
25 and on. I am not going to repeat what

1 everybody else said, but I just wanted to make
2 the point.

3 (APPLAUSE.)

4 SUPERVISOR CONWAY: Anyone else from
5 East Greenbush?

6 MR. TERPENING: (Indicating).

7 SUPERVISOR CONWAY: Come on up, David.
8 Mickey, are you going to speak?

9 She hasn't decided yet. She gets mad
10 that I pick on her.

11 MR. TERPENING: Hi. My name is David
12 Terpening. I live in back of here, over in
13 the Hillview subdivision.

14 Can you hear me all right?

15 SUPERVISOR CONWAY: Yes.

16 MR. TERPENING: I don't think I'm
17 directly affected but I have my suspicions,
18 however, I want to make a statement here that
19 the Supervisor is doing as much as he can do
20 about this for the residents of East
21 Greenbush.

22 Don't hold your breath because I
23 guarantee you nothing will be done unless you
24 gather together, poll your money and hire an
25 attorney or some sort of legal advice to help

1 fight this. It's the only way you are going
2 to have any results.

3 I can empathize with all of you
4 because not only -- you have your health
5 issues, you also have property value issues;
6 and, like me, most of you have worked hard all
7 your life to build wealth in your home, and I
8 guarantee you, if you have a perspective buyer
9 come to your house now, they'll say: Hum,
10 what is that funny smell? And: What is that
11 over there? Is that a landfill? Is that a
12 dump? Whatever. So, don't hold your breath.

13 Another matter here, is, I saw in here
14 that this was a former mine, started being
15 dumped in, whatever. Town of East Greenbush
16 residents, how many do we have, raise your
17 hands?

18 (Indicating).

19 MR. TERPENING: Are you aware that we
20 have a mine over here that's active? Anybody
21 know where that is?

22 What is going to happen when that mine
23 dries up?

24 SUPERVISOR CONWAY: It's not going to
25 be a dump. Not if we're all -- five of us are

1 still here, won't be a dump.

2 MR. TERPENING: So, to finish what I
3 am saying here, what I'd like to have is, not
4 only the minutes be available to the Town of
5 East Greenbush residents on the website, but
6 also the transcript.

7 SUPERVISOR CONWAY: That's what we are
8 doing.

9 MR. TERPENING: Because the transcript
10 should be always available.

11 So, good luck to all of you. Don't
12 hold your breath.

13 (APPLAUSE.)

14 SUPERVISOR CONWAY: Anyone else from
15 East Greenbush like to speak?

16 (NO AFFIRMATIVE RESPONSES.)

17 Anyone else like to speak?

18 MS. STASACK: Thank you so much for
19 holding the hearing. My name is Judy Stasack.
20 That's S-t-a-s-a-c-k. I am a resident of the
21 City of Rensselaer. I am also a member of
22 Advocates for a Clean Environment and the
23 Rensselaer Environmental Coalition.

24 I would also like to just give a
25 little hint of my background, which is a

1 Master's Degree in Environmental Health and
2 Toxicology. Environmental Health is the study
3 of how the environment affects your health,
4 and toxicology is the study of what toxins
5 actually do to your body once they have
6 entered it.

7 I am appalled that we have this dump
8 in the City of Rensselaer, and so close to the
9 children at the school, the residents of
10 Rensselaer and the residents of East Greenbush
11 and North Greenbush. It is absolutely
12 devastating.

13 During my studies for my Master's
14 Degree, we had an opportunity to study
15 multiple, multiple situations where projects
16 were approved by state agencies that ended up
17 very poorly for communities. And then we have
18 an opportunity to do epidemiology studies and
19 look at what those health impacts are of the
20 residents in the community and potentially
21 make those links. It is difficult, but that
22 can be done -- but do we want to wait for
23 that? We don't. We really don't.

24 I can empathize with you. I also have
25 problems breathing but not sarcoidosis and I

1 feel bad for you. I have moderate to severe
2 asthma, and I can tell you that not being able
3 to breath is absolutely horrifying. It's very
4 scary. We are putting our children in that
5 situation with hydrogen sulfide. It is
6 appalling that we would even allow that.

7 Additionally, because I am involved in
8 these organizations, I have an opportunity to
9 talk to a lot of parents, and parents are
10 coming forward and sharing some of the
11 challenges that they're seeing, both
12 themselves and with their children. Children
13 are having a very hard time breathing, they're
14 running fevers for unknown reasons. We have
15 one child that has been diagnosed with both
16 flu A and flu B in the same month, and other
17 children who have both been diagnosed with the
18 flu and with Epstein-Barr.

19 I bring this up because we are not
20 really talking about it and you may not be
21 aware of the immune compromising aspects of
22 being exposed to environmental toxins.
23 Children are 20 times more sensitive and
24 susceptible to environmental toxins for a
25 variety of reasons. Their cells are growing

1 rapidly. That means their DNA has to
2 replicate and issues can happen when their DNA
3 replicates that can lead to cancer later in
4 life.

5 You know, there are multiple reasons
6 for the susceptibility in children; and,
7 ultimately, for public health professionals,
8 we are supposed to be looking at the most
9 vulnerable populations -- and never allowing a
10 situation like this to happen in the first
11 place. So, I would just -- I just really
12 appreciate you guys having this hearing. I
13 appreciate the opportunity to speak.

14 You know, my concern is truly that if
15 we don't do something now, that we will see
16 and we will find people are sick and people
17 getting sick, and it would be a shame to look
18 back and say we didn't do enough or we didn't
19 actually make this happen to get the dump shut
20 down.

21 Additionally, I would like to add that
22 someone spoke earlier about the hotline
23 number. I have, being a resident of
24 Rensselaer, have called to make complaints and
25 I will just let you know, I also did a tour of

1 the dump per invitation from Waste
2 Connections, and they shared with me that the
3 hotline is run by a contractor that they have
4 hired. Frankly, it's not a DEC person, it's
5 actually a contractor from Waste Connections,
6 and they are supposed to be sending those
7 reports to DEC. I may have to FOIL for that
8 information to see what's coming through but
9 who knows exactly what is getting referred
10 from that hotline to DEC.

11 So, I have a lot of concerns because
12 -- I would also like to mention, we don't
13 always know what's being dumped at the dump
14 because we can look at other situations, other
15 landfills, and find out that there are things
16 being dumped at those landfills that were
17 never approved; and, supposedly, they're
18 inspections but it's just not enough. There
19 are never enough -- going to be enough
20 modifications or anything that will make this
21 landfill appropriate in the area that it's in.
22 And I appreciate your time today.

23 (APPLAUSE.)

24 MR. ELLIS: Good evening. David
25 Ellis, Rensselaer. I just wanted to thank you

1 guys for allowing us to be here this evening.
2 We share the same concerns that the residents
3 in your communities deal with on a daily
4 basis. This is affecting multiple
5 communities. It's not just the City of
6 Rensselaer. It's Rensselaer, the residents in
7 East Greenbush and North Greenbush -- this is
8 a major problem. 99-acre facility -- a huge
9 mistake on the officials' parts who approved
10 this facility back in 2012.

11 You know, the Public Hearings, the
12 public came out. They did not want this
13 facility. They did not support it. The
14 school superintendent at the time was very
15 concerned about the adjacent mining operation
16 affecting the HVAC units on top of the school
17 buildings.

18 The County Legislator, Mike Stammel,
19 wrote letters. We had -- dozens of people
20 wrote letters and spoke with concerns and DEC
21 went ahead and approved the permits for this
22 facility anyway.

23 And many of the concerns that the
24 residents and officials like Mike brought out
25 are happening today. You know, it's just

1 unacceptable. My niece goes to that school.
2 And she tells me all the time that when they
3 go outside on the sports fields, to run on the
4 track and play on the playgrounds, it stinks.
5 And she says it's disgusting. My sister kept
6 her home one day when the odors were so
7 intense -- News 10 had a report on, at 5:30 in
8 the morning, that the odors were so bad and
9 they were entering the school. My sister
10 would not send my niece to school.

11 Since my niece started going to that
12 school a couple years ago, she has been sick
13 quite often. She used to live in Schenectady
14 when she was little before she was school age
15 and she was not as sick as she is today. And
16 there's so many parents coming forward with
17 the same problem.

18 There was a girl who had -- she had
19 influenza A, then she came down with Mono. and
20 then she came down with something else, you
21 know -- and she lives in close proximity to
22 the landfill. It's just ridiculous that this
23 is allowed to go on.

24 And nothing DEC does, DOH does,
25 nothing that anybody can do will solve these

1 problems -- whether state officials or the DEC
2 says themselves, we're working to address the
3 problems.

4 We're sick of hearing the dump and DEC
5 saying: Oh, we are working with the facility
6 to mitigate these problems with corrective
7 actions. We are taking all the proper steps.
8 We are utilizing many resources. We have
9 people on site all the time. They're doing a
10 robust gas collection system. We don't care
11 about your monitoring.

12 We want this dump shut down now. It
13 is impacting our communities and I'm really
14 sad to say that it's impacting our residents
15 in East Greenbush and North Greenbush as well.
16 So, I stand with you guys, Jack, and I
17 apologize you have to deal with this. It's
18 not appropriate. And I hope all the
19 municipalities call for the closure of this
20 dump immediately. Thank you.

21 (APPLAUSE.)

22 MS. JOHNSON: My name is Wendy
23 Johnson. I am a resident of Rensselaer. My
24 son, who is the back there, Eric, he goes to
25 the school. He is in seventh grade. His

1 health is being affected by this. He now has
2 to use a rescue inhaler that he has never had
3 to use before.

4 I have met with the DEC officials at
5 their office twice and voiced my concerns as a
6 parent. I am a single parent. I have no
7 income. I pay over a thousand dollars a month
8 where I live for my house -- just for us to
9 live.

10 The biggest slap in my face recently
11 by the DEC, apparently, is that when the
12 smells are bad, we are supposed to close our
13 windows and close our doors and stay inside
14 and keep the air conditioning on. So, a
15 multi-billion dollar company now has me held
16 hostage in my home that I pay for and nothing
17 I say or nothing I do helps.

18 A little bit of other background
19 information. My brother was Officer Edward
20 Witko of the East Greenbush Police Department
21 that passed away on August 15th. He is buried
22 in Holy Sepulchre Cemetery, very close to
23 where the Dunn is. His headstone is covered
24 in dust and dirt. Our family goes there on
25 the day of his passing every year to gather

1 and spend time with him. This past year, I
2 went, we couldn't even stay more than 15
3 minutes. We had to go elsewhere -- out to
4 dinner and we could not share a moment in
5 memory of my brother. To me, that's
6 disgusting. The smells were so bad it made us
7 sick.

8 SUPERVISOR CONWAY: Since we didn't
9 get a chance to say it because of the way he
10 died, we thank you for brother's service to
11 the Town of East Greenbush. He was a great
12 cop.

13 (APPLAUSE.)

14 SUPERVISOR CONWAY: I pledged to stay
15 quiet here but you broke my heart -- the story
16 of his gravestone, that broke my heart.

17 MS. JOHNSON: Sorry. It breaks my
18 heart, going there and seeing the condition
19 and not being able to spend time at his
20 cemetery, his final resting place.

21 We, of the City of Rensselaer, don't
22 want this. There is a map that shows a three
23 mile radius of the most affected areas that is
24 closest around the dump landfill. That
25 includes, not just one school, it includes

1 Doane Stuart, which is the second school that
2 you don't hear about because those are all
3 private school kids, and there's a third
4 school -- it's in here. And it's within those
5 three miles -- no one has even mentioned --
6 that's Red Mill. It's all elementary school
7 kids. They may not be on top of the dump like
8 our kids are, but they are still within that
9 three mile radius, and they are still going to
10 have effects from there. So, it's not just
11 protecting our kids either, your kids need to
12 be protected as well.

13 And I'm saying this, and I am going to
14 continue saying this -- I have been saying
15 this for two years. I've been fighting this.
16 It's not just my son I'm trying to protect.
17 I'm trying to protect every one of our kids.
18 He is my only, and I can't bury him. I can't
19 do that.

20 Thank you so much for allowing me to
21 speak. Anything we can do to help Rensselaer
22 and East Greenbush and North Greenbush
23 alike -- happy to do so. Thank you.

24 (APPLAUSE.)

25 MS. BECERRA: My name is Sharlene

1 Becerra, spelled with an S. B-e-c-e-r-r-a. I
2 am from Rensselaer. Mike knows me quite well.

3 About the second week he was in office
4 or so, I was in his office with the Chief of
5 Police. Now, I will shut this place down.
6 When it comes to my youngest grandson going
7 there, come September, I am going to shut it
8 down -- everyday. He knows it too. I told
9 him. I will go to jail. I am going to do a
10 Jane Fonda thing. Even though I'm not as good
11 looking as Jane Fonda, I am going to do it.

12 I will shut it down everyday until
13 somebody from the national news, whatever --
14 because the State of New York doesn't give a
15 shit -- excuse me, I'm sorry. I get a little
16 bit passionate and get loud.

17 SUPERVISOR CONWAY: We have heard that
18 word.

19 MS. BECERRA: Well, I am a former
20 marine. You don't irritate me without feeling
21 the consequences. Like I said, I came from a
22 little town in New Hampshire. They had two
23 paper mills and a tannery in my town. I got
24 out at 17. I have friends that are dying, 40
25 years later, from still living there -- of

1 cancer and everything else.

2 Now, I know there's asbestos being
3 dumped in that because you cannot tear a house
4 down -- from back 25 years and further -- that
5 does not have asbestos in it. And I know,
6 there was a house right down the street from
7 me that one of the individuals in
8 Rensselaer -- he does a lot of business with
9 the City or used to when we had the other
10 mayor -- so, when he tore that house down, he
11 was trying to get rid of all the asbestos that
12 he could get rid of, okay. Because that's the
13 law. As a single individual, you could get
14 rid of so much of it -- as long as you don't
15 hire anybody. Am I right, Mike?

16 Well, he hired these people. Then
17 they had to cover it up. They tore it down,
18 wet it down, covered it with plastic -- and
19 before they could move it, they had to wet it
20 down again. I guarantee it, there's asbestos
21 in there.

22 Now, I have been subject to that most
23 of my life. I have been a mechanic -- it's
24 there. I was an insulator, when it was still
25 asbestos. I sure as heck don't want to get it

1 now from the landfill. And what little bit
2 that they shove in there that's buried -- you
3 are not going to find it unless you go in
4 there with a teaspoon.

5 So, don't tell me that that stuff,
6 when it's dry, it's not floating for miles.
7 Okay. We don't check for this? I mean:
8 Well, we're supposed to be -- but whatever.
9 Like I said, I will shut that place down
10 everyday. Come September. Whoever wants to
11 go with me, fine. I don't care. I'll do it
12 myself.

13 SUPERVISOR CONWAY: I once heard that
14 there's no such thing as former marine.

15 MS. BECERRA: There's no such thing as
16 a former marine. You are always a marine,
17 exactly. I will not be quiet. Mike knows me.
18 I worked with him for a quite a few years. I
19 will not be quiet. Even my neighborhood, I
20 fight for the kids in that neighborhood. And
21 that's usually where all the Section 8 is. I
22 live on the corner of Tracy and First. I have
23 been fighting with the City for seven years
24 over a stop sign, making those people stop at
25 that. I will probably be dying -- in fact,

1 they probably wish I did die -- so they didn't
2 have to listen to me. I don't know. We will
3 see how Mike -- he has only been in office for
4 a few months now. We will just see.

5 Thank you.

6 (APPLAUSE.)

7 MR. HARRIGAN: My name is Joe Harrigan
8 I live in Rensselaer. H-a-r-r-i-g-a-n, good
9 Italian name.

10 So, that one picture I gave you shows
11 the mile radiuses from the dump and various
12 things -- Red Mill actually falls within one
13 mile of that dump. This is a picture right
14 here that I have. (Indicating).

15 I also have a picture here that was
16 taken on December 28th of the dump which is a
17 Saturday in December. At that time all the
18 material in the dump is supposed to be covered
19 up at the end of every workday.
20 (Indicating).

21 Here is a picture of the dump on a
22 Saturday, December 28th, with it wide open.
23 And in this picture, there's a black bag with
24 silver duct tape around it -- which I am sure
25 you probably know what that is.

1 (Indicating).

2 I have had an asbestos handler's
3 license and removal license for 30 years, and
4 I am a facility engineer for Albany Medical
5 Center, so I had some experience dealing with
6 this stuff.

7 Also, in this picture here, there's a
8 red bag. A red bag in this picture here is
9 biohazard -- not allowed on the permit.
10 (Indicating).

11 There's also a seat cushion. Seat
12 cushions leach hazardous material off when
13 they get wet. Seat cushions in this
14 picture -- uncovered in the dump on a
15 Saturday. Supposedly, they enforce them
16 taking this stuff out of this dump when it's
17 dumped. Here it is, a Saturday, it's not
18 covered and this stuff is wide open.

19 (Indicating).

20 DEC is not really following up on the
21 rules that they talk about. DEC, when they
22 had the informational meeting, two weeks ago
23 at the high school, talked about air
24 monitoring, et cetera. They put this
25 particular monitor at the school. They

1 compare the readings with that to Albany
2 County Health Department. That's not
3 comparing apples to apples, that's comparing
4 apples to oranges.

5 They actually admitted to me at the
6 meeting, they did not do a baseline study at
7 the school. So, you can do all these monitors
8 and all this stuff they want to install now,
9 but you don't have a starting point because
10 you are way beyond the starting point to this
11 situation. Most people know, if you go get a
12 hearing test, the first thing you do for an
13 organization is your baseline study. That's
14 why anywhere else down the road, they compare
15 it. They don't have nothing to compare it to
16 at the starting point. So, this is where the
17 information is just not put out to the public
18 properly.

19 We find this stuff out because I am a
20 member of ACE, Rensselaer Environmental
21 Coalition also. So, this is why we get this
22 stuff. And you just need to inform people on
23 this stuff, and see what's there. I have
24 copies of that photo. I can pass to anybody
25 who wants one.

1 I have an ACE business card, anybody
2 wants to join us, we are looking for members;
3 but thank you very much. I appreciate it.

4 SUPERVISOR CONWAY: Thank you, Joe.

5 MS. BOLLMAN: My name is Sara Bollman,
6 B-o-l-l-m-a-n. I live in the City of
7 Rensselaer. I grew up in East Greenbush. I
8 went to both schools. I live less than three
9 footballs fields away from the dump. My kids
10 go to school there.

11 I think people need to know what you
12 can do to help, just as regular people that
13 live in houses. Start keeping logs. I have
14 met DEC attorneys. Keep a log when you smell
15 it. Don't just call the number -- call the
16 numbers too but keep a log.

17 But my daughter needs an inhaler now.
18 She is not asthmatic. She used a nebulizer
19 twice. She has got sensitive allergies. She
20 will go to soccer practice, and a few hours
21 later, I am at urgent care and she is on that.

22 So, people -- go to the doctors. I
23 went and had her tested for heavy metals. I
24 live so close. So, get tested for heavy
25 metals -- your insurance will cover it. You

1 live within a certain distance of a dump.
2 These are things -- we need to build a case
3 for the attorneys to shut them down. You
4 can't just stomp your foot and bang on the
5 door, and say: Shut it down. So, we have to
6 help build a case.

7 SUPERVISOR CONWAY: You heard that
8 tonight from state officials, from county
9 officials, from the mayor. This has to be
10 documented.

11 Part of what we are doing tonight, to
12 some extent, is trying to document this. You
13 have to make the phone calls. Don't stop and
14 say somebody else will do it. This has to be
15 documented. That's what we're talking about.

16 I'm sorry.

17 MS. BOLLMAN: No, I just want people
18 to really -- everybody, anybody that lives
19 here. If you have grandparents that don't go
20 on the internet, won't file a report -- call
21 them, be like: Gram, does it stink there
22 today? Okay. Let me call the DEC number. We
23 need everybody -- all hands on deck. Can't
24 just be the same 30 of us. I'm with ACE, I'm
25 with REC. You know, it's got to be everybody.

1 Thanks.

2 (APPLAUSE.)

3 SUPERVISOR CONWAY: Thank you.

4 Mickey Jenkins. I've been waiting for
5 an hour and 25 minutes.

6 MS. JENKINS: Okay. Mickey Jenkins,
7 J-e-n-k-i-n-s. I grew up in Rensselaer. I
8 have live in East Greenbush, out on Red Mill
9 Road. I work at the local nursing home.

10 I keep hearing the documentation part
11 of it. Obviously, I can't talk too much about
12 it; but a lot of the patients we get are
13 either Rensselaer, East Greenbush, North
14 Greenbush, whatever. Every time I turn
15 around, I bet you -- probably five, six, seven
16 people out of my caseload have some kind of
17 cancer or multiple cancers. It's like, you
18 start putting two and two together, saying:
19 'Hum, geez, is it because you live by the
20 dump? Who knows what it is, but I also sell
21 Avon down in Rensselaer. These people, I go
22 to the -- it's Jefferson Heights. Every time
23 you turn around: Oh, I'm having problems
24 breathing, my breathing is awful. All the
25 health problems. It's ridiculous. I mean,

1 they're older, but it's like, I'm 58 -- a lot
2 of them are my age. And it's like, every time
3 you turn around, they're diagnosed with some
4 kind of cancer, some kind of breathing...

5 So, it's like, how do we start a
6 documentation? How do we do that -- I guess
7 is my question? Because it's, like, it's
8 getting too much. Especially when -- my first
9 question, are you a Rensselaerian or are you
10 an import? A lot of people grew up in
11 Rensselaer. So, it's like, geez, they have a
12 lung cancer -- whatever kind of cancer. So,
13 how do we get that started? We really do need
14 to do that.

15 SUPERVISOR CONWAY: If you experience
16 an incident of odor or dust or anything --

17 MS. JENKINS: It's not that, I'm just
18 saying, there's such a high rate of cancer.
19 So, you got to say, is this all from -- you
20 know, I mean --

21 SUPERVISOR CONWAY: But what you are
22 talking about is information you can only
23 gather from long-term epidemiological studies.
24 And that's part of the mystery here. And it's
25 not a mystery that anybody wants to chance.

1 MS. JENKINS: Yes. So, I don't know.
2 I think it was...

3 SUPERVISOR CONWAY: Thank you, Mickey.

4 MS. JENKINS: It's, like, more and
5 more -- it's ridiculous.

6 SUPERVISOR CONWAY: Anyone else like
7 to speak?

8 MR. ELLIS: Good evening. My name is
9 Tom Ellis. I live in Albany, and I have been
10 assisting people in Rensselaer and East
11 Greenbush for a few years on these issues.

12 I have some documents I would like to
13 have included in the record. This is a letter
14 from David Carpenter, M.D., Times Union,
15 December 5, 2019. He specializes in looking
16 at the health impacts of poisons -- world
17 famous for it. His last sentence is: We need
18 action by the government and the State
19 Departments of Environmental Conservation and
20 Health to immediately close the Dunn Landfill.

21 A letter from Ward Stone, who lives in
22 Troy now, Times Union, February 16th, 2020.
23 He was the wildlife pathologist for DEC from
24 19 --

25 SUPERVISOR CONWAY: He was a legend.

1 MR. ELLIS: From 1969 to 2010. He is
2 an expert on construction and demolition
3 debris dumps. His final sentence: My
4 scientific knowledge and conscience indicate
5 to me that the dump should be shut down
6 immediately and action taken to contain the
7 toxins.

8 My third document here is an email
9 that I sent to DEC on November 19th, to their
10 Commissioners and their Regional Director,
11 asking them to respond to what I think are
12 some confusing and contradictory statements
13 they made about health and safety last year.
14 DEC has never responded to this letter, even
15 though it's been three months, four months
16 now.

17 My next document is a letter I sent to
18 Gary Ginsberg, he is with the State Health
19 Department. He is the director of their
20 Center for Environmental Health, and I asked
21 him to answer some questions about health and
22 safety. He responded today, but it really is
23 a non-response. He didn't deal with the
24 medical questions that I asked.

25 I have a five-page document here. I

1 have a cover page out in the hall. This shows
2 you the map of the Instinct's complaints and
3 where they have originated from, from
4 June 20th to January 4th of this year. Each
5 circle there is a complaint. This is Hudson
6 River, this is Rensselaer, this is the dump,
7 this is the school, this is East Greenbush.
8 (Indicating).

9 This document was produced by Peter
10 Finn, and he has a four-page summary of the
11 Instinct's complaints attached to it. And I
12 have 29 pages of Instinct's logs that have
13 been collected since June 20th, last year, and
14 part of the reason that Rensselaer people
15 started the Instinct was because we weren't
16 sure that DEC was serious about collecting
17 odor complaints, so we thought that we had to
18 do it ourselves.

19 So, there's more than a thousand
20 complaints on this log and, you know, it's
21 pretty revealing stuff. I defy anybody to
22 read this log and tell me that we do not have
23 a public health emergency in Rensselaer and
24 East Greenbush. I dare anybody to do it.

25 (APPLAUSE.)

1 I support your resolution. The only
2 thing that I would do is add the word
3 immediate -- or immediately in front of the
4 word, revoke the permits. I think the dump
5 needs to be closed today.

6 I agree with the other speakers that
7 nothing can be done to make this dump
8 acceptable in this community. The dump is a
9 bad neighbor. It can't be made a good
10 neighbor. It was insane for the state
11 government to have allowed this dump to be
12 sited right next to a school and in between a
13 City and a Suburban area; and I think it's
14 immoral for the state government to allow this
15 dump to operate even one more day.

16 I wish the Governor would call up the
17 Commissioner of DEC and tell them to shut down
18 the dump tomorrow and just cite all of the
19 different violations that have been stated
20 here and undertake your resolution. I believe
21 that the Governor could shut this dump down
22 tomorrow -- or today, and that it would stand
23 up. It would not be blocked.

24 So, here is my documents. Thank you.
25 (Indicating).

1 (APPLAUSE.)

2 SUPERVISOR CONWAY: Would anyone else
3 like to speak?

4 Yes, ma'am.

5 MS. KELLY: Hopefully, I won't cry.

6 Lisa Kelly, K-e-l-l-y. I live in the
7 City of Rensselaer. I have lived there since
8 2002 with my husband -- and my daughters have
9 lived there their whole entire lives. They --
10 my oldest daughter -- my youngest daughter
11 still goes to Holy Spirit School in East
12 Greenbush. My oldest graduated from Holy
13 Spirit last year and started at Rensselaer. I
14 heard so many great things about the school.
15 I think it's a very strong school, and she is
16 doing very well there, except for her health
17 effects.

18 Her health has changed dramatically
19 since starting at this school and -- from
20 having migraines on a regular basis -- she
21 spent the whole month of this past month,
22 February, dizzy, migraines. She has missed 18
23 days of school. She has to have an elevator
24 pass because she is terrified that she is
25 going to fall down the stairs at the school.

1 She is also using her inhaler more often.

2 She is a new student to this school,
3 and having these sudden health effects -- I
4 don't know if this is because she is going to
5 this school and because it's related -- or
6 next to this dump; but things are happening at
7 the school, as you heard from all these other
8 people, with the health of our children. And
9 I just feel very strongly that this -- that
10 the landfill should be closed. Thank you.

11 SUPERVISOR CONWAY: Thank you.

12 (APPLAUSE.)

13 SUPERVISOR CONWAY: Would anybody else
14 like to speak?

15 MR. KARDOS: Let me give this a shot
16 here. My name is Rick Kardos, K-a-r-d-o-s,
17 East Greenbush resident. I have been up here
18 for about 40 years. And what I have been
19 seeing going on here, it just seems it's all
20 dirty money.

21 It's all about the politics, past
22 politicians. Who in the hell would take a
23 perfectly good school that was down there on
24 the river, and then put it up near the dump --
25 even open up this bullshit. It's all about

1 the money. It's all about the money.

2 How much is this guy paying? How much
3 are the loads? How much is each load paying
4 them to dump in there? These fines, it's
5 nothing but BS, because it's a drop in the
6 bucket to what this guy Dunn has got. What
7 does he got, property -- he has 20 other
8 dumps. I don't know all the particulars.

9 SUPERVISOR CONWAY: Waste Connections
10 owns the dump. The Dunn's don't own the
11 dump -- Waste Connections.

12 MR. KARDOS: Okay. Well, somebody is
13 making a lot of dam money and whatever they're
14 getting fined is nothing but a drop in the
15 bucket -- and you are going to see nothing but
16 a mountain from the bridge. Lovely. I just
17 thought I would put my common sense in there,
18 but it's all about dirty money.

19 (APPLAUSE.)

20 SUPERVISOR CONWAY: I forgot to ask
21 and Councilor Tierney has been reminding me
22 about it.

23 Is anyone here from the Dunn Landfill?

24 UNIDENTIFIED SPEAKER: No, I don't
25 think so.

1 SUPERVISOR CONWAY: Okay, I just
2 wanted to ask that question.

3 Anybody else like to speak?

4 MR. MAHAN: I am a little shy. Bill
5 Mahan, M-a-h-a-n, from East Greenbush. Born
6 in Rensselaer.

7 My sister owns three properties on
8 Partition Street. That's the most traveled
9 path. They talk about parking cars and
10 blocking the street. I have two cars parked
11 down there and they've been there for three
12 weeks. When they come down, now they have to
13 slam on the brakes -- the trucks.

14 They have been through my niece's
15 house. They hit the house. So, my sister --
16 we took her to the hospital Sunday, COPD, et
17 cetera, et cetera, kidney failure. You see
18 the pictures I sent you of the sweeper? I
19 sent you a copy. There's no water in the
20 sweeper. It's Canaday. I guess they contract
21 for the dump.

22 I live in the Manor, Western Avenue.
23 Certain mornings, I can smell it. Certain
24 nights, you can smell it. I never complained
25 too much, as I said, geez, maybe it's that

1 rotten building up in the back -- that closed
2 up building on New Jersey -- I think it is.
3 But it's just going on and on and on.

4 And the Waste Management -- I missed
5 the Assemblyman speak tonight, but I mean, if
6 you look up Waste Management, you look up
7 their donations to these politicians -- you
8 know, really, and he is, kind of, taking an
9 iffy base on this; but the new mayor -- people
10 are blaming him but it's not him, it's the
11 previous City Council -- I hate to say it, but
12 the democrats.

13 MR. KARDOS: Dirty money.

14 SUPERVISOR CONWAY: Let's not get
15 partisan, and let's not replay the mayor's
16 race.

17 MR. MAHAN: I mean, you don't see any
18 of them here tonight. I don't think they were
19 at the meeting in Rensselaer when you had it.

20 Jack, you went down to Rensselaer, you
21 spoke. I mean, you are probably the best
22 speaker we have in the area for this but it
23 just goes on and on and on and, you know --

24 MR. KARDOS: Dirty money, man.

25 SUPERVISOR CONWAY: Thank you, Bill.

1 (APPLAUSE.)

2 SUPERVISOR CONWAY: Anyone else like
3 to speak?

4 MR. KARDOS: Everybody else has been
5 talking about the chemicals and everything
6 else going on here but still, no one has
7 really said nothing about the money.

8 SUPERVISOR CONWAY: Okay. Sit down.
9 Thank you.

10 MR. KARDOS: That's what it's all
11 about, man.

12 MS. VOGEL: Sir, my name Brittany
13 Vogel, B-r-i-t-t-a-n-y V-o-g-e-l. I am a
14 candidate for assembly in the 107th district.
15 East Greenbush is part of that but Rensselaer
16 is not, but I care just as much about
17 Rensselaer as I do about East Greenbush.

18 I'm standing here today because I
19 think this is a problem of justice.
20 Environmental justice, economic justice. I
21 care mostly about the children at the school.
22 I can't believe that we made these decisions.
23 I think the leadership that we had was poor
24 leadership. I think if we are going to get
25 out of this situation, we are going to need

1 real good leadership that actually cares about
2 the community, cares about the people, cares
3 about your kids. That's really what it comes
4 down to. And I do care about them.

5 I am not really here to talk, I'm here
6 to listen. So, if anyone wants to talk to me
7 about it -- whatever we can do together. We
8 are all in this together. So, whatever you
9 guys need.

10 Thank you.

11 (APPLAUSE.)

12 SUPERVISOR CONWAY: Thank you,
13 Brittany.

14 MR. STAMMEL: Jack, can I just close
15 out?

16 SUPERVISOR CONWAY: Yes.

17 MR. STAMMEL: Michael Stammel,
18 S-t-a-m-m-e-l.

19 I just want to close out by saying,
20 one of the things that I requested for the
21 longest time, both from the Rensselaer City
22 Council -- that has not acted yet -- and the
23 Rensselaer City School Board, is a resolution
24 doing just what we are talking about tonight.

25 I do not understand why a school board

1 or a PTA would not stand up and support what
2 we are supporting here in the best interests
3 of the children that we are representing. And
4 I would ask the school board from Red Mill as
5 well. If -- you know, if you are concerned
6 like we're concerned, it's just that for some
7 reason, whether it be the City Council -- with
8 the exception of the councilman we have here
9 from the City of Rensselaer who tried to bring
10 up a resolution the other day at one of the
11 meetings --

12 (APPLAUSE.)

13 -- and he was shot down by the council
14 president, wouldn't allow it to come on the
15 floor -- in order to support shutting down the
16 dump. We need these types of resolutions. A
17 resolution from East Greenbush, a resolution
18 from the Rensselaer City School Board, the
19 PTA, and the Rensselaer City Common Council
20 would go a long way to get to the end means as
21 quickly as possible.

22 Thank you.

23 (APPLAUSE.)

24 SUPERVISOR CONWAY: Ma'am, in the
25 back, could we talk to Eric?

1 MS. JOHNSON: Yes.

2 SUPERVISOR CONWAY: Eric, can you come
3 up.

4 How are you doing, Eric?

5 ERIC: Good.

6 SUPERVISOR CONWAY: Tell me what it's
7 like, going to school?

8 ERIC: It's -- most of the time, it
9 smells when you walk in the school.

10 SUPERVISOR CONWAY: What does it smell
11 like?

12 ERIC: Rotten eggs, cow manure,
13 sometimes both.

14 SUPERVISOR CONWAY: Sometimes both.

15 And during the school day when you are
16 in class, do you have any experience of it?

17 ERIC: Sometimes we -- some people are
18 not as focused as they should be in class.
19 Sometimes I am too because some noises are too
20 loud for me to concentrate.

21 SUPERVISOR CONWAY: So, you are
22 hearing noise while you are in class?

23 ERIC: Yes.

24 SUPERVISOR CONWAY: And the smell is
25 mostly when you are coming in and out of the

1 school?

2 ERIC: Yes, coming in and out -- at
3 the end of the day and the beginning of the
4 day.

5 SUPERVISOR CONWAY: Have you been to
6 the nurse in school?

7 ERIC: Yes.

8 SUPERVISOR CONWAY: What do they say?

9 ERIC: She didn't say much about it.
10 I have to go down there in the middle of the
11 day to take my medicine before I go to lunch.

12 SUPERVISOR CONWAY: How old are you,
13 Eric?

14 ERIC: 12.

15 SUPERVISOR CONWAY: You are doing
16 great here. I couldn't have stood up at that
17 podium when I was 12.

18 (APPLAUSE.)

19 SUPERVISOR CONWAY: What do you want
20 to say to us about this situation?

21 ERIC: If the dump is going to stay
22 around, which I really -- none of us want it
23 here any more, we are sick and tired of it --
24 it stinks, the odor smell, the dust is
25 terrible. Kids are going outside and coming

1 back in sick. So, all I can say, is that if
2 this dump wants to stay here, either do
3 something about it, cover it up or make it
4 smaller.

5 SUPERVISOR CONWAY: Very well said.

6 (APPLAUSE.)

7 SUPERVISOR CONWAY: We knew you were a
8 good mother from the way you spoke. You
9 should write a book. That's a good kid.
10 Thank you, Eric.

11 Okay.

12 Would any of the councilors like to
13 comment?

14 MS. POLLACK: Can you read us what the
15 resolution is going to say?

16 SUPERVISOR CONWAY: Yes. We will do
17 that. Good idea.

18 It will be resolution 55 of 2020, and
19 tonight after all you guys leave, we still
20 have a meeting to go over 25 resolutions. We
21 passed them last week, so this resolution will
22 be active and will be voted on next Wednesday.

23 WHEREAS, the S.A. Dunn & Company, LLC,
24 located on Partition Street Extension in
25 Rensselaer, New York possesses a Mined Land

1 Reclamation Permit for operation of an
2 existing 73-acre sand and gravel mine, and a
3 Solid Waste Management Permit authorizing
4 conversion of the mine to a construction and
5 demolition disposal site; and

6 WHEREAS, the Dunn Landfill received a
7 Department of Environmental Conservation
8 Permit to operate in August 2014 and began
9 accepting debris for disposal in January 2015;
10 and

11 WHEREAS, in December 2018 the DEC
12 started to receive an increasing number of
13 complaints and concerns associated with the
14 landfill, including odors and air quality
15 impacts from landfill gas, such as the rotten
16 egg smell associated with hydrogen sulfide
17 gas, dust, debris and particular matter due to
18 construction and general operations and from
19 the truck traffic to and from the facility;
20 and the facility's proximity to the City of
21 Rensselaer public school campus and
22 neighboring homes; and

23 WHEREAS, within the Town of East
24 Greenbush, residents living within close
25 proximity of the Dunn Landfill have expressed

1 concern about significant dust settling on
2 their windowsills and outdoor furniture; have
3 reported a pungent odor similar to rotten eggs
4 that is so unbearable they cannot remain
5 outside; and have stated the noise from trucks
6 has disrupted their quality of life; and

7 WHEREAS, in August 2018, the DEC
8 issued an Order of Consent to the Dunn
9 Landfill for inspection violations during
10 January and February 2018; in February of
11 2019, DEC issued an Order on Consent to the
12 Dunn Landfill for inspection violations during
13 October 2018; in June 2019, DEC issued an
14 Order on Consent to the Dunn Landfill for
15 inspection violations during April 2019; and

16 WHEREAS, on October 10, 2019, the DEC
17 issued a Department Initiated Modification
18 (DIM) to include specific and stringent
19 conditions to protect public health and safety
20 that the Dunn facility must undertake in order
21 to continue operating; and

22 WHEREAS, the DIM conditions include
23 installing and operating a robust gas
24 collection system, covering disposed waste
25 daily, constructing a berm before the

1 construction of a new waste cell, and
2 establishing a hotline to report complaints;
3 and

4 WHEREAS, in response to community
5 concerns and to ensure the facility operates
6 within its strict permit conditions, the DEC
7 conducts air monitoring at the school campus
8 and other nearby locations to measure air
9 quality impacts, including measuring levels of
10 hydrogen sulfide and particulates; conducts
11 routine inspections of operations at the
12 landfill; requires the facility to fund a
13 full-time monitor to provide daily oversight
14 of the landfill operations, modifies the
15 facility's permit to improve collection and
16 management of gas, requires cover of waste on
17 a daily basis, and establishes mandatory
18 complaint investigation protocols; and

19 WHEREAS, Resolution 230 of 2019,
20 passed by this board, urged the Department of
21 Environmental Conservation to hold the Dunn
22 Landfill operators responsible for
23 implementing controls to prevent dust, odors
24 and truck noise, to ensure that residents in
25 East Greenbush are not exposed to any

1 potential health or safety hazards, and to
2 recognize that failure of the facility to
3 comply with the DIM should result in DEC
4 revocation of the facility's permit; and

5 WHEREAS, the Town Board scheduled a
6 public hearing via Resolution 53-2020 for
7 March 11th, right now, to consider public
8 input on the problems and potential solutions
9 to the negative issues created by the Dunn
10 Landfill for the residents of the town; and

11 WHEREAS, while the progressive actions
12 enacted by DEC have been responsive to the
13 community concerns, the residents the East
14 Greenbush continue to assume health, safety,
15 environmental and quality of life risks
16 associated with the continued and ongoing
17 operations of the Dunn Landfill, and residents
18 have indicated that the responsive actions
19 have not resulted in a reduction of dust, odor
20 or truck noise impacting their quality of
21 life.

22 Now, therefore, be it resolved that
23 the Town Board of the Town of East Greenbush
24 urges the DEC, responsible for protecting
25 public health and safety and for the

1 protection of air resources, to revoke the
2 facility's operating permits;

3 And be it further resolved that the
4 Town Board directs the Town Clerk to send a
5 certified copy of this resolution to Governor
6 Andrew M. Cuomo and Basil Seggos, Commissioner
7 of the Department of Environmental
8 Conservation.

9 (APPLAUSE.)

10 So, that can serve as a preface, so I
11 probably am not going to surprise you with
12 what I am going to say.

13 MS. LOWENHEIM: May I comment?

14 SUPERVISOR CONWAY: Yes.

15 MS. LOWENHEIM: Hedy, H-e-d-y,
16 Lowenheim, L-o-w-e-n-h-e-i-m .

17 It was to the very end of your --
18 whatever, proclamation --

19 SUPERVISOR CONWAY: Resolution.

20 MS. LOWENHEIM -- resolution, whatever
21 you want to call it. I was just talking to a
22 gentleman out there, and I was going to
23 address this woman who says she is an
24 environmental -- you know, Master's. Get
25 Cuomo involved. Everyone needs to call their

1 senators. Get the big wigs. We got to stop
2 screwing around. Just write your senators
3 daily, constantly, and get Cuomo involved --
4 and you said it.

5 SUPERVISOR CONWAY: We have to move
6 on.

7 Everybody speaks once, even my best
8 friends.

9 MS. LOWENHEIM: So, thank you.

10 SUPERVISOR CONWAY: You're welcome.
11 Here is where we are. This landfill is a
12 problem. It's a problem for us in East
13 Greenbush. Our residents are suffering from
14 this. The neighborhoods over on that side of
15 town -- these people pay a lot of taxes. They
16 put so much hard work and investment into
17 their homes and they can't go outside when the
18 weather is nice. It is unacceptable, but when
19 I hear you guys talk about the school or I
20 look on -- I watch television, I watch that
21 dust rolling across the parking lot at the
22 school, I want to say to the state -- and I
23 want to thank Keith Goertz for being here and
24 taking the time to listen to all this -- but I
25 want to say to the state, what is your

1 problem? This can't be. It has to stop.

2 (APPLAUSE.)

3 Look, I understand there's a number of
4 interests involved here -- no fooling around,
5 there's millions of dollars at stake. There's
6 revenue that's going to the city, going to the
7 school district -- even North Greenbush,
8 everyone but East Greenbush; but I will tell
9 you this, if offered the money, this board
10 would not accept it.

11 (APPLAUSE.)

12 I know it would be a significant cut
13 in Rensselaer budget, I won't tell the mayor
14 how to do his business but if I was here, we
15 would not take the money.

16 There are interests here. There is --
17 this is a multi-million dollar business. And
18 as Assemblyman McDonald said, this is a
19 permitted facility, so under the laws of the
20 State of New York and the United States of
21 America, they have a right to do what they're
22 doing. I think DEC has done a bang-up job.
23 They're trying everything. They're doing
24 everything they can.

25 The Rensselaer County Health

1 Department is doing an investigation under
2 Subsection 8 of the State Sanitary Code. They
3 too need real data. Everybody is pulling in,
4 kind of, one direction on this thing, except
5 the landfill sits there and it accumulates and
6 the dust gathers and problems increase.

7 For me, this is a quality of life
8 issue for the people of East Greenbush. What
9 we don't know is what the public health
10 implications are.

11 MS. BALASCIO: That's why I think it
12 is important. They have to take all the
13 medical data. Take pictures of everything.
14 That's what happened to me for the last
15 several years.

16 SUPERVISOR CONWAY: We have to
17 document this but, more importantly, at some
18 point in a civilized society, reason should
19 prevail. I applaud DEC for what they have
20 done. I applaud the Rensselaer County Health
21 Department for what they've done. I applaud
22 the mayor. I applaud the people -- everyone
23 who has come out. You guys have fought such a
24 good fight, you fought valuable -- and the
25 question becomes: What will it take to move

1 us to the point where the absurdity of this
2 situation becomes obvious to everyone?

3 Now, in the United States of America,
4 when people are making millions of dollars off
5 something, is it easy to stop it? Nope.
6 Nope. And this isn't easy. They are up for
7 permit renewal in 2022. That absolutely
8 cannot happen. If this effort doesn't stop
9 this thing now, it has to be the prelude to
10 stopping that renewal of that permit.

11 Fair enough, two years from now, if
12 there are long term health implications and we
13 are two years further down the road, what is
14 that going to do?

15 What I will tell you, is the Town
16 Board of the Town of East Greenbush is
17 committed to green energy, green ecology,
18 protection of environmental resources with a
19 natural resource inventory, so in our
20 Comprehensive Plan update, we can protect the
21 environment. We can protect the species --
22 flora, fauna, everyone, people -- everything
23 that lives in the Town of East Greenbush is
24 precious to some extent to us. And what we
25 are trying to do is preserve these things and

1 here we are. Here we are.

2 What can we do to protect ourselves?
3 What can we do to preserve the environment if
4 the government won't even listen to itself at
5 this point? Something has to change.
6 Something has to happen. We are going to keep
7 fighting.

8 I have -- these guys can speak for
9 themselves. This resolution will pass next
10 week. Trust me. We have been in this issue.
11 We are going to stay in this issue. We have
12 had enough.

13 It's 2020 in the United States of
14 America. Children cannot be walking to school
15 through toxic dust. It can't happen. And I
16 know it's easy for me to spew the rhetoric
17 while you guys are walking your children
18 through there. So, I appreciate the people
19 from Rensselaer who came here tonight. I
20 appreciate the people from East Greenbush who
21 came to speak. I really appreciate Keith
22 Goertz coming from DEC and hanging in here for
23 the whole time because, as a public official
24 who has been known occasionally to be
25 criticized, it is no fun to sit for an hour

1 and 50 minutes and hear -- this, almost
2 personalized. Keith is a good man. He has
3 done a great job. This is not on him. But
4 here is the rub: Everybody has done
5 everything they can -- and it's not enough.
6 So, we have to stop where we are. Everyone
7 needs to come around the table. I don't know
8 how you do this.

9 MS. STASACK: That's the reason for
10 REC and ACE. We are organizing people.
11 That's part of what we are doing; so, please,
12 take the cards and let everyone know. This is
13 what we need to do.

14 SUPERVISOR CONWAY: And for those of
15 us who don't know the history, several of us
16 on this Town Board came to politics late in
17 life, thoroughly unexpected development in our
18 life. Somebody decided to destroy this town
19 with a casino, and we said: Hell, no. We
20 vocalized, we organized, we fought it every
21 step of the way. And I am not saying we are
22 the reason the casino isn't in East Greenbush,
23 but I'm saying, it's the reason why this Town
24 Board is in place because the people of this
25 town refuse to accept a Town Board and Town

1 Supervisor who do not represent the interest
2 of the people who pay their salaries and who
3 live in this town.

4 (APPLAUSE.)

5 So, I am going to get off my soap box
6 in four years when my term is up, but I am
7 going to get off the soap box now because
8 other councilors might want to make remarks;
9 but I will say this, and I said this during
10 the casino war, and I will say this to you
11 guys as well. I am a cultural anthropologist,
12 which means very little to anyone except me
13 but my hero is woman named Margaret Mead, and
14 one of Margaret Mead's most famous quotes, is:
15 Never doubt that a small group of people can
16 change the world; in fact, nothing else ever
17 has. So, I leave you with Dr. Mead. Get to
18 work. Keep up the fight.

19 (APPLAUSE.)

20 COUNCILOR TIERNEY: I will just never
21 learn not to speak after you. First of all, I
22 wanted to thank everyone for their presence
23 and for the people who shared tonight.
24 Certainly, we heard some very impactful
25 statements, none more important than the

1 others -- except for maybe Eric's.

2 Things that stuck out tonight --
3 comply or close. We don't want to study the
4 effects of any landfill, but this is the wrong
5 location. No organization worth any permit
6 should require daily monitoring.

7 We can measure dust. We can measure
8 noise but we can't measure quality of life and
9 that's what we are talking about here. Our
10 resolution stands for itself and I certainly
11 will be a yes on this resolution.

12 (APPLAUSE.)

13 COUNCILOR KENNEDY: Thank you, Mr.
14 Supervisor. I, too, would also like to thank
15 everyone for being here tonight, taking time
16 to speak and voice your concerns. The fight
17 does not end here tonight. It is just still
18 the beginning, and we as a collective body are
19 going to continue to recommend the closure and
20 demand the closure of the landfill. We will
21 pass this resolution next week; and I would
22 like to thank everyone for their specific
23 comments.

24 I worked across the river in one of
25 the large state towers, and one day I looked

1 out, and I was looking at Rensselaer. I was
2 watching -- actually when the high school
3 building was taken down, and I was watching
4 the transformation of the hillside and I
5 looked out and I saw this huge -- I didn't
6 even know what it was. It just, kind of,
7 appeared, and someone said tonight it's
8 99 acres. The size of that landfill is just
9 atrocious but from the height, from looking
10 out of the tower building, I mean, it covers
11 the entire hillside -- and you don't know what
12 it is. It just looked like this big brown
13 mess or blob. And I live over here, and I
14 couldn't tell what it was in the beginning.
15 Someone said, that's the new landfill that's
16 opening. What?

17 So, we are in this fight together. We
18 are going to continue to vocalize. We want
19 everyone else to continue to vocalize, and if
20 the permit is not revoked immediately, we have
21 the opportunity in 2022 that we have to
22 continue to vocalize until then because that's
23 when the permit is up for renewal; and if it
24 doesn't become -- if the operating certificate
25 does not become -- terminated before then,

1 that's the opportunity. We cannot allow the
2 permit to be renewed in 2022. I mean, that's
3 the outside -- the outside date. So, we have
4 to continue to speak and voice our concerns
5 and document the visits to your doctors.
6 Document to the visits to the nurse in the
7 school on the school campus, document any
8 illnesses, document smells.

9 Call the hotline, but you still have
10 to keep a log of all of the negative
11 instances, the smells, the sicknesses, the
12 headaches, the breathing problems, because
13 come 2022, this is the data that is going to
14 be important to give evidence to non-renew
15 that permit. So, continue on a daily basis.
16 You have to keep the logs for that purpose
17 alone. Thank you.

18 (APPLAUSE.)

19 COUNCILOR KENNEDY: I had a question
20 for you. You referenced a March 4th permit
21 violation of the off-site dust. You said the
22 DEC was looking at --

23 MR. GOERTZ: Pursuing enforcement.

24 COUNCILOR KENNEDY: Yes. Could you
25 just speak to that?

1 MR. GOERTZ: It's, essentially, a
2 violation of their mining permit, not a
3 violation of their landfill permit. It was
4 piles of sand. It was vegetated but it was a
5 windy day, and sand left the site. So, that's
6 the violation that we will be pursuing.

7 COUNCILOR KENNEDY: Thank you. Thank
8 you.

9 MS. POLLACK: The sand that left the
10 site though comes actually off the landfill.
11 Can you just ask him about that?

12 MR. GOERTZ: The sand was coming off
13 the stockpiles.

14 MS. POLLACK: That's part of the
15 landfill. That's what they cover the landfill
16 with.

17 MR. GOERTZ: These are the staged sand
18 piles that they removed from the ground to
19 construct the cells.

20 MS. POLLACK: And they cover the cells
21 with it?

22 MR. GOERTZ: They were vegetated but
23 even with the vegetation, because of the high
24 winds, the sand was still leaving the site.

25 SUPERVISOR CONWAY: Okay. This is not

1 a question and answer.

2 Councilor Matters.

3 COUNCILOR MATTERS: Thank you, Mr.
4 Supervisor.

5 Again, I can't probably say much more
6 than what's been said already. Along with a
7 couple of my board colleagues, I have had the
8 pleasure of attending the meetings in
9 Rensselaer recently with Mayor Stammel.

10 You know, what I am beginning to see,
11 is, and hear, is, really circular dialogue.
12 I'm not -- that's not a criticism at all.
13 What that is, it's an observation on my part
14 that, you know, not all the right people are
15 listening at this point. Everyone in this
16 room is listening to each other, okay, but it
17 hasn't reached outside of the forums, you
18 know, of all the residents.

19 The science is clear. You know, this
20 so self-evident. As the Supervisor said, it's
21 staring us right in the face. I have to say
22 that, you know, I don't have a -- I didn't do
23 my undergraduate work in anthropology as the
24 Supervisor had, mine was in public
25 administration, which just means I learned

1 about government. And over the last 40 years,
2 what that's done to me, quite frankly, as a
3 bureaucrat, it's made me -- it's, kind of,
4 desensitized me mostly -- especially with the
5 work that I do; but when I have taken in all
6 of the dialogue and all of the issue -- and I
7 say that, kind of, collectively, the issue,
8 okay, which is this landfill, it's underscored
9 to me the importance of local government. And
10 it's made me very sensitive -- this is about
11 the most important issue to which local
12 government could be sensitive.

13 And it clearly says to me, this
14 particular matter, that this is not a
15 sustainable set of circumstances. I mean, all
16 I'm sensing is how much longer are the
17 residents going to have to live with this.

18 How much longer is this operation
19 going to continue and, you know, to me, these
20 are exigent circumstances right now. This
21 is -- you are a DEFCON 4, DEFCON 5, everything
22 goes to heck in a hand basket.

23 To me, the perpetual vigilance that
24 the residents are having to maintain
25 throughout the dump's operation is horrendous.

1 It's taxing on your lives. You have to wake
2 up every day and wonder how much longer is it
3 going to be. I mean, DEC is monitoring,
4 pursuant to, you know, their statutes and
5 their rules and regulations that they're
6 promulgated to make. They're doing their
7 work, they're doing their job; but the
8 question is: How much longer is this going to
9 last?

10 I think, at this point, it's really a
11 case of whether, you know, you folks can
12 outlast the determination of this operation in
13 continuing itself, continuing its operation.
14 You know, I know it's a lot to contemplate
15 that you are going to have to go on and on and
16 on with this, but as long as you have City of
17 Rensselaer officials and members of this
18 board -- you know, I feel incumbent upon
19 ourselves to be the last line of defense here
20 where this issue is concerned. We had an
21 obligation. We see the significance of this
22 issue. And we are not going to lay back on
23 this -- as long as you are not going to, we
24 are not going to.

25 (APPLAUSE.)

1 COUNCILOR MATTERS: Thank you very
2 much.

3 MR. COPPA: Just one comment. This is
4 a battle of attrition. Anybody who thinks
5 this company hasn't seen these resolutions
6 before -- and entities, governments across the
7 country -- is naive. They deal with this.
8 And there's got to be even a greater level of
9 urgency because if the money is in this,
10 they'll stick it out, and they know what they
11 have to do with the state criteria.

12 This group -- unfortunately, we are
13 all meaning but to them this is amateur hour.
14 They can deal with this. They deal with this
15 hundreds of times so unless this is raised to
16 another level -- once they get that permit,
17 they can -- work themselves into longevity up
18 there.

19 SUPERVISOR CONWAY: Frank, good point.
20 Councilor Fritz.

21 COUNCILOR FRITZ: Thank you all for
22 being here. This has been a long meeting. We
23 still have more to go, so I am going to keep
24 my comments short.

25 This is a matter of urgency. There is

1 a very obvious need here in the Town of East
2 Greenbush as well as in the City of
3 Rensselaer. We really need to do something.
4 This resolution is our first step. We will
5 keep fighting with you, but this is definitely
6 something that we need to all work on
7 together. So, thank you.

8 (APPLAUSE.)

9 SUPERVISOR CONWAY: Since this is not
10 a formal, legal Public Hearing, I am not going
11 to make a motion to close it; but thank you
12 all for coming.

13 We have, what we call, our pre-board
14 meeting with 25 resolutions, and you are all
15 welcome to stay.

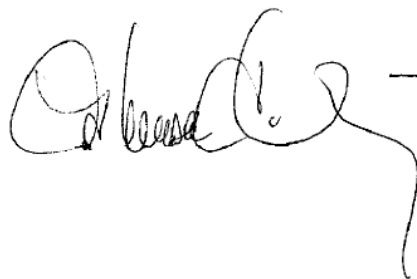
16 Thank you, Keith Goertz. Thank you,
17 Mayor Stammel. Thank you, Tom, and everyone
18 else.

19 If anyone wants to talk to Keith
20 Goertz, he is here.

21
22 (8:10 P.M. - WHEREUPON, THE ABOVE
23 PUBLIC HEARING CONCLUDED.)
24
25

C E R T I F I C A T I O N

I, THERESA C. VINING, hereby certify and say that I am a Court Reporter and Notary Public within and for the State of New York; that I acted as the reporter at the proceedings herein, and that the transcript to which this certification is annexed, is a true, accurate and complete record of the minutes of the proceedings to the best of my knowledge and belief.

A handwritten signature in black ink, appearing to read 'Theresa C. Vining', followed by a horizontal line.

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