

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY CLERK'S OFFICE

BUFFALO, N.Y., MAY 17, 2007

TO WHOM IT MAY CONCERN:

I HEREBY CERTIFY, *That at the 10th Session of the Legislature of Erie County, held in the Legislative Chambers, in the City of Buffalo on the Seventeenth day of May, 2007 A.D. a Resolution was adopted, of which the following is a true copy:*

A RESOLUTION SUBMITTED BY LEGISLATOR IANNELLO

WHEREAS, the United States Army Corps of Engineers (USACE) in March 2007 released a proposed plan for the closure of the Town of Tonawanda Landfill, located adjacent to residential properties on Hackett Drive in the City of Tonawanda; and

WHEREAS, the USACE has stated that testing has shown evidence of Uranium, Radium, Thorium and Americium present on the Landfill site; and

WHEREAS, the USACE has stated that the levels are below the Environmental Protection Agency (EPA) risk levels with minimum exposure, residents of Hackett Drive and Riverview Heights have concerns of health risks due to long term exposure and loss of property value; and

WHEREAS, Legislator Michele Iannello hosted a public meeting on February 8, 2007 and all of the appropriate agencies were present (USACE, NYS Department of Environmental Conservation, Town of Tonawanda and City of Tonawanda), along with 175 residents who heard a presentation followed by a question and answer session; and

WHEREAS, a conference call was conducted on March 19, 2007 between the NYSDEC, NYS Department of Health, USACE, Legislator Michele M. Iannello, representatives from Cong. Slaughter's office, Assemblyman Schimminger office, elected officials from the Town and City of Tonawanda; and

WHEREAS, residents and elected officials agree that the USACE closure plan is unacceptable as it states that it is not recommending removal of the hazardous materials prior to closure of the Landfill; and

WHEREAS, the only way to determine if toxins have migrated to the private, adjacent properties through run-off or ground water is through further testing and residents and officials alike are calling for such testing.

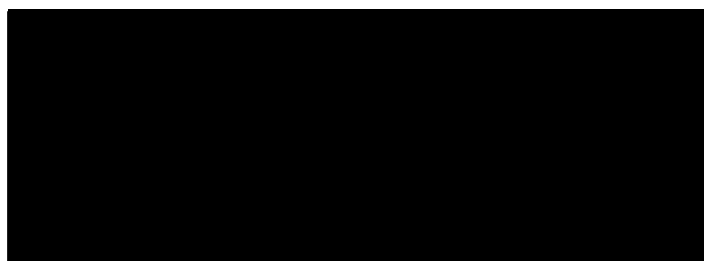
NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature is calling upon the above agencies to come together with the residents of Riverview Heights, and members of the organization called "Clean Up Riverview Heights (CURE);" and be it further

RESOLVED, that the Energy & Environment Committee of the Erie County Legislature call upon the appropriate agencies and the residents of Riverview Heights to meet with the Energy & Environment Committee to present further facts of said issue; and be it further

RESOLVED, that the Energy & Environment Committee act expediently on such a meeting as the Riverview Heights neighborhood appears to have a high rate of cancer and other illnesses potentially resulting from exposure of such toxins named above; and be it further

ATTEST



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Clerk of the Legislature of Erie County

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RESOLVED, that the current and immediate goal is to develop a plan for testing and the type of testing to be accomplished on the adjacent properties on Hackett Drive, including that of Riverview Elementary School, located on Hackett Drive adjacent to the Town of Tonawanda Landfill; and be it further

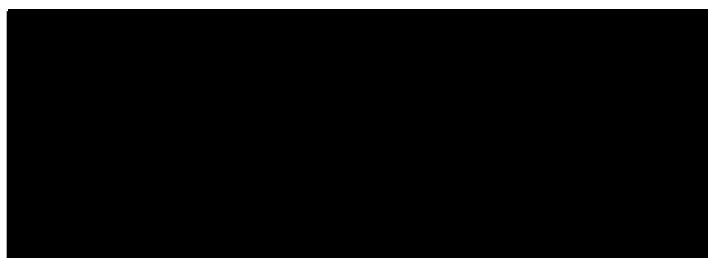
RESOLVED, that the homeowners of Riverview Heights have a right to protect their investment and the health of their families, thereby, removal being the final and ultimate goal; and be it further

RESOLVED, that the Erie County Legislature goes on record in support of testing of said properties, followed by removal, and that the Energy & Environment Committee will join with those seeking further testing and removal, and serve as an advocate for the citizens of Erie County; and be it further

RESOLVED, that copies of this resolution be sent to the Erie County Executive, the Erie County Attorney, the USACE, NYSDEC, NYS Health Department, Erie County Commissioner of Environmental Health, Town of Tonawanda Supervisor, Mayor of the City of Tonawanda, Congresswoman Louise Slaughter, Assemblyman Robin Schimminger, Senator Antoine Thompson, League of Women Voters, City of Tonawanda School Superintendent Dr. Barbara Peters, and the co-chairs of CURE.

REFERENCE: INTRO 8-2

ATTEST



Clerk of the Legislature of Erie County