



December 10, 2019

**VIA ELECTRONIC MAIL
& FIRST-CLASS MAIL**

Leslie Connolly
Harter Secrest & Emery LLP
1600 Bausch & Lomb Place
Rochester, NY 14604

RE: Town of Perinton Host Community Benefit Agreement with Waste Management New York L.L.C.

Dear Leslie:

We are writing in response to your January 25, 2019 letter, and to remind you that you promised to provide us with a copy of the proposed draft Host Community Benefit Agreement (“HCBA”) with Waste Management of New York L.L.C. (“WMNY”) “concurrent with [the Town’s] transmission of the document to [WMNY].” To date, we have not received a copy.

Since it has been almost a year since you made that promise, we find it hard to believe that the Town has not exchanged a draft of the HCBA with WMNY. We are demanding again that we receive a copy of the draft agreement on behalf of 221 individual clients and the Fresh Air for the Eastside citizen’s group (“FAFE”).

As explained in my email to you on November 12, 2019, for which we also have not received a response, it is very concerning that the Town has not entered into a new HCBA with WMNY, and specifically, has not required that WMNY provide property value protection to the Town’s citizens who are impacted by this facility. Supervisor Hanna indicated almost a year ago that the “Town is taking a stronger stance on safeguards that will hold WM accountable for odor events as well as protect the surrounding community with a property value protection plan.” WMNY recently stated in its Answer to our clients’ Amended Complaint that it “denies any implication or allegation that the persons referenced require property devaluation protection.” Therefore, while the Town has indicated that it is pushing for property value protection, WMNY has apparently already made a decision on the issue and has no intention of providing such protection.

Our clients’ and the Town’s interests appear to be aligned on the HCBA issue. As a result, FAFE is willing to provide support to the Town, if given the opportunity. Regardless, as we stated in the past, the Town should be allowing its citizens to participate in the negotiations of this important revised Agreement, since the Town is ultimately engaged in this negotiation at least partially for the benefit of the community. While the Town continues to receive financial benefits from the old HCBA, which is extended month-to-month by its terms, the citizens of Perinton impacted by Landfill’s continued nuisance odors, noise and vermin, which in turn impacts property value, go unredressed because the Town appears to be unable on its own to negotiate a new, more beneficial agreement for its impacted citizens.



Leslie Connolly
December 10, 2019
Page 2

Please contact me as soon as possible so that we may discuss this further or simply send the draft Agreement we certainly hope you have at least started to negotiate. Thank you.

Sincerely,

KNAUF SHAW LLP

A handwritten signature in black ink that reads "Linda R. Shaw". The signature is written in a cursive, flowing style.

LINDA R. SHAW