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Officials: Dump closed forever

Cost-cutting proposal for city leaves pols gagging and finds no backing at any level

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ADVANCE CITY HALL BUREAU

New York City may be facing some tough financial times as a result of the terrorist attacks, but Mayor-elect Michael Bloomberg said yesterday bringing back the Fresh Kills landfill to save cash won't happen during his watch.

"It's simply not an option," Bloomberg declared. "I can never envision reopening the landfill under any circumstance. Mayor Giuliani and Borough President Molinari fought intensely to close the landfill and improve the quality of life in Staten Island and I promise to keep their work from becoming undone."

The billionaire media mogul, who picked up a whopping 78 percent of the vote in this borough in defeating Democrat Mark Green last month, said he fully understands how sensitive a subject the Staten Island dump has been for borough residents through the years.

"I'm aware of Staten Islanders' plight concerning the landfill," he said.

The mayor-elect's comments came in reaction to a controversial op-ed piece in the New York Post in which Benjamin Smith of Smartertimes.com, basing the commentary on interviews with several fiscal watchdogs, cited the reopening of Fresh Kills as one of several options for getting the city out of the red.

Budget officials project a staggering $4 billion deficit in the upcoming fiscal year, as a result of the economic downturn and fallout from the Sept. 11 terrorist attack on the World Trade Center.

By reactivating the dump — and ending the export of refuse — the city could save more than $200 million a year, the Smith article said, citing both the left-leaning City Project and the more conservative Manhattan Institute as backing the landfill proposal.

The other cost-cutting propos-

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"It's simply not an option." *Mayor-elect Michael Bloomberg*



"The permanent closure of Fresh Kills landfill is non-negotiable." *Borough President Guy Molinari*



"The chances of overturning the law are nil." *Spokesman for Assembly Speaker Sheldon Silver*

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als highlighted in the article included requiring city workers to pay part of their health care costs; trimming the city bureaucracy; civilianizing desk jobs in police stationhouses and police headquarters; reworking police overtime procedures, and slashing "non-core" social services.

While the opinion piece did not cite any elected officials or government agencies as advocating the belt-tightening schemes, the landfill proposal has provoked howls of protest from Staten Island officials, who pointedly warn that any suggestion of the dump's comeback would trigger a resurgence of the now-dormant secession movement.

"The permanent closure of Fresh Kills is non-negotiable," said Borough President Guy V. Molinari, a key player in the decades-long battle to shut the dump.

"When the idea of reopening the dump is advanced, Staten Island will have no choice but to seek secession from New York City. In the last weeks of my 27-year career in public service on Staten Island, I can say with confidence that the reopening of Fresh Kills would single-handedly destroy the quality of life of our citizenry and reverse the positive strides we've taken over the past eight years. It is something we will go to any length in opposing. Simply put, the reopening of Fresh Kills for the city's garbage will never be acceptable under any terms."

The dump was put out of business by a 1996 state law carried in Albany by State Sen. John Marchi and Staten Island Assembly members Eric Vitaliano, Robert Straniere and Elizabeth Connelly and backed by Gov. George E. Pataki and Mayor Rudolph W. Giuliani.

Marchi said last night that he specifically sought a legislative mandate for the closing, as opposed to an executive order, "to prevent exactly the type of action Mr. Smith advocates by reopening this nightmare."

The Ward Hill Republican, the longest-serving member of the state Senate, called the Smith article "an insult to all Staten Islanders who have endured this disaster for over half a century . . . and an alarming wake-up call to all Staten Islanders." He added that he would "vigorously oppose and block any effort to repeal or modify the closure law . . . and I am confident Staten Island officials are solidly and strongly unified in our opposition to reopening the landfill."

A Marchi aide, Jerry McLaughlin, said "the senator can't see any circumstance short of a nuclear attack that would warrant any deviation from the law."

"Senator Marchi and I insisted that a law was necessary," said Vitaliano (D-Mid-Island), who joined in condemning Smith's proposal.

Vitaliano, who is leaving his Assembly seat to assume a Civil Court judgeship, said the landfill's re-opening would fail to produce the savings Smith expects because it would likely be required to obey all federal and state environmental regulations. Before it shut down last spring, the dump operated under a series of legal agreements, called consent decrees, which allowed it to skirt some regulations.

Vitaliano said the improvements needed to put Fresh Kills in compliance with all regulations would cost the city more than it would save from not having to export its garbage.

"The idea that this would save New York City money is probably the grossest insult of all," Vitaliano said.

Under the state law, the dump, which actually ceased being the repository for city garbage in March, officially closes on Dec. 31. State legislative leaders, echoing the comments of Marchi and Vitaliano, said last night they envision no circumstance — fiscal or otherwise — under which the law would be shot down.

"The chances of overturning the law are nil," said Charles Carrier, a spokesman for Democratic Assembly Speaker Sheldon Silver. "It takes effect on midnight Dec. 31."

If city officials need help in closing budget gaps, Carrier said, Silver is more than willing to help them sort out options without looking to the dump. Mark Hansen, a spokesman for Senate Majority Leader Joseph Bruno, said "there are no proposals out there to reopen the dump."

Staten Island elected officials reached for comment yesterday spoke with one voice on the issue: The dump stays closed, no matter what.

"I'll lead the charge for secession if they ever contemplate reopening the dump," vowed Rep. Vito Fossella.

"I suggest to those who argue for reopening that we find out where they live and then we'll open a landfill right next to them," he added. "We can solve the city's fiscal problems in their backyards."

Councilman James Oddo (R-Mid-Island), whose district includes part of the landfill, summed up his thoughts in an e-mail to the New York Post: "By proposing to reopen the Fresh Kills landfill, the biggest health and environmental nightmare in New York state, Benjamin Smith has told Staten Island to 'drop dead.' Staten Islanders say to Mr. Smith: 'Go to hell.' "

No borough should be asked to take more than its share of garbage, Oddo said. He added that Bloomberg, throughout his campaign, stuck with his vow that he would never see the borough again burdened with the city's trash.

Council freshman Andrew Lanza (R-South Shore), whose district includes the bulk of the dump, flatly stated, "You don't close budget gaps by creating environmental disasters . . . Staten Island suffered for decades from that disaster. Now that it's closed, I say let it rest in peace."

Councilman-elect Michael McMahon (D-North Shore) called the Smith proposal "the worst type of budget deficit scare tactics.

"What these fiscal experts forget to consider is that this landfill was always illegal," McMahon said. "It operated in violation of state and federal law and was allowed to proceed under consent decrees that have now expired."

McMahon said the city should be handling its fiscal problems "in a responsible way, and not creating an environmental threat to the people of Staten Island."

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Councilman Jerome X. O'Donovan (D-North Shore), the lawmaker McMahon will replace in January, said "there are things that go beyond money — things like the commitment the governor, the mayor, the state Legislature and the City Council have made to closing down the dump. Everybody worked hard to close this monstrosity."

He continued: "The fiscal experts can make all the recommendations they want, but the landfill closure law is on the books."

Assemblyman Robert Straniere (R-South Shore) said the Smith article "is the kind of attitude toward the outer boroughs that for 40 years allowed Staten Island to be home to the world's largest landfill." Straniere vowed that no one is going to "change the state's law as long as I'm a member of the state Legislature."

State Sen. Vincent Gentile (D-Brooklyn/East Shore) said Smith's idea was "absolutely outrageous."

"We've got to move forward, not backward, and that's a move backward," Gentile said.

Assemblyman John Lavelle (D-North Shore) and Borough President-elect James Molinaro could not be reached for comment yesterday.

Meanwhile, Glen Pasanen of City Project, one of the groups pushing the reactivation of the dump, said bringing the dump back "is definitely worth it."

When asked whether he had any sympathy for Staten Islanders forced to suffer the toxic fallout, he replied: "In a perfect world, they wouldn't have to put up with the city's garbage. But the problem is, Rudy Giuliani closed the dump without a cost-efficient alternative for dealing with the garbage."

Douglas Turetsky, a spokesman for the Independent Budget Office (IBO), said the city could save as much as $400 million a year by dumping at Fresh Kills instead of exporting refuse. "That includes not only the cost of export, but money spent on tolls and permits and other things," he said.

Comptroller-elect Bill Thompson, through a spokesman, said last night he thinks the dump "should stay closed."

Said spokesman Marc Kalech, "It would take a lot of study to convince the comptroller it would be worthwhile to reopen it."

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