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# COURIER

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109TH YEAR, 43RD ISSUE

LITTLETON, N.H., WEDNESDAY, OCTOBER 21, 1998

Which John Wedick?

## Casella dumps on Bethlehem

By REBECCA BROWN  
COURIER STAFF

**BETHLEHEM**—The conflict between the town and landfill owner Casella Waste Systems took another inexorable move towards court last week, as the day after selectmen voted to seek legal action to shut down construction, Casella sued to prevent the town from having any involvement whatsoever in its Bethlehem operations.

Casella filed an 11-count petition for declaratory relief and compensation in Grafton County Superior Court. Essentially, it seeks a court ruling that amendments to town zoning prohibiting expansion of the landfill are illegal, and that subsidiary North Country Environmental Services may proceed with development on the entire 87-acre landfill without further interference from the town.

The suit invokes state statutes and regulatory authority as well as rights to due process under the 14th Amendment of the U.S. Constitution, apparently paving the way for action in federal as well as state court.

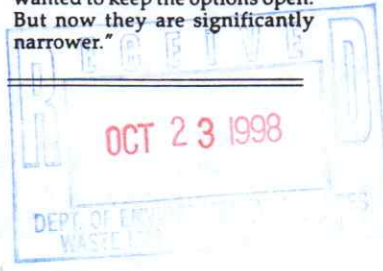
The town's attorney, Phil Waystack of Colebrook, said the Casella action "in no way changes the town's position that it will commence action against NCES." He expects the town's own lawsuit to be filed within a week. Under court rules, the town has until Dec. 3 to answer Casella's petition.

Meanwhile, in Concord, the Attorney General's office was unsure what the state response would be if NCES completed construction on the disputed 3.3 acre cell and sought Department of Environmental Services permission to start operation.

In its lawsuit, NCES declares that it will be finished construction by December, and will apply for an operating permit. It is anticipated that the town will seek to shut down construction while the case is litigated; but just what DES might do if presented with an operating permit application is unclear, Assistant Attorney General Maureen Smith said. Statutory requirements for a landfill operator's demonstrating local approval do not distinguish between construction and operating permits, though DES could look differently at the situation if local control was the subject of litigation. Apparently, the issue has not risen in quite this fashion before.

NCES has also pulled out of its host community agreement with Bethlehem that has been in force for some years. It last week terminated the town's discount on garbage disposal, and is no longer paying Bethlehem \$.50 for each ton of waste deposited in the landfill. The town's tipping fee, paid for residents' trash, goes from \$28.59 per ton to \$55.00. "It's still a deal, just not as good as one," landfill Manager Bob Watts said. The landfill's "gate rate" for other users is \$58.00 per ton for municipal solid waste and \$71.00 for construction and demolition debris, he noted.

"Our philosophy has been that the preferable path is one that involves talking and negotiating and finding a common good," Casella spokesperson Joe Fusco said this week. "We wanted to keep the options open. But now they are significantly narrower."



## Dump vote kudos

My congratulations and heartfelt gratitude go out to the four members of the Bethlehem Select Board, David Wood, Ray Bushway, Brad Presby and Norm Brown who demonstrated their strength of character and courage in moving ahead with a legal battle to end NCES's activities on Trudeau Road. I also want to thank them for acting on recommendations to expend the money allotted for planning and construction of a town-owned transfer station. These four men are doing the job for which we elected them, representing the wishes of the voters.

John Wedick accuses them of committing financial suicide. He, like NCES, just doesn't seem to get it. For the sane people of Bethlehem, the issue is not money. NCES has tried to buy us with their proposed "host community agreements." We voted down their offers. Mr. Wedick is an opportunist. He profited by the sale of \$17,000 worth of sand to NCES and, with future profit in his eyes, continues to find ways to stall the town's efforts to end the landfill madness.

No, for the residents of Bethlehem, the issue is being in control of our own destiny rather than be pushed around by money-hungry, lawyer-wielding corporations. We may lose this legal battle, Mr. Wedick, especially without the support of all of our elected officials, but at least we are not afraid to put our money behind our words.

I grew up in New Jersey and even worked for a small independent sanitation company as a teenager. By threatening his family, sabotaging his equipment and undercutting him on bids, the big companies got my former employer out of their way. There is huge money in trash, and NCES's behavior should make this obvious, preying upon rural communities like ours. The pressure is on, places like New Jersey have run out of room for their trash, and no one wants it in their back yard. Why should we be dumped on? Because NCES says they will relieve our tax burden? I don't really care about the money. I'm satisfied knowing that most of it goes toward educating my son and the other young folks who will inherit the results of our decisions. Let's hope that our decisions will leave them with a place worth calling "home."

Rick Clark  
Bethlehem

Monday, Oct. 12, 1998 will long be remembered by the citizens of Bethlehem as the day the town's government finally represented the will of the town's people. In a courageous move, Selectman Norm Brown, Ray Bushway, Brad Presby, and David Wood voted to initiate legal proceedings against NCES to force that company to comply with the town's law prohibiting landfill expansion. Capping a long history of involvement with and support of the landfill operators, Selectman John Wedick stood alone in proposing that the selectmen ignore Bethlehem's voters and instead allow the landfill to continue operating under a pre-litigation agreement, which would itself add another layer of legal complexity for NCES to litigate.

Selectman Wedick implies in his Guest Column last week that the action of his fellow board members against NCES will bankrupt Bethlehem and that, in fact, the process has already commenced with the increase in the tax rate. However, nowhere in that mass of innuendo could any solid dollar figures on the cost of this action be found.

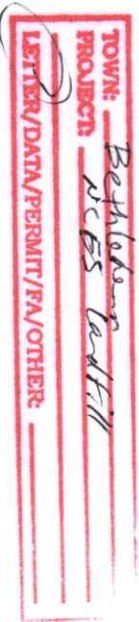
I am certain that Selectmen Wood, Presby, Bushway and Brown—all hardworking taxpayers themselves—gave very careful consideration to the fiscal impact of their decision and its bottom line reflection in every tax bill. Predictions of financial ruin have an obvious design, the same aim as that eye-catching announcement of a 40 percent increase in Bethlehem's tax rate. Sounds frightening, doesn't it? Actually, the change in tax rates is due to the recently completed townwide property revaluation which knocked inflated assessments down to fair market value. A lower face value property base necessitates a higher tax rate to raise a previously budgeted sum. The net impact of that whopping 40 percent increase on the town as a whole is zero.

John Wedick—he selectman—should understand the difference between the increase in the tax rate and an increase in taxes, and his duty as a public official is to clarify these issues for those not as fully informed.

John Wedick—private citizen and NCES advocate—seeks to capitalize on any confusion and fears to push his position.

Which John Wedick authored last week's Guest Column and which John Wedick sits at the meetings of the Bethlehem Board of Selectmen?

Steve Huntington  
Bethlehem



## NCES sues Bethlehem

- MICHAEL J. WALLS
- MAUREEN SMITH
- GRETCHEN RULE
- PHILIP J. O'BRIEN
- MICHAEL A. SILLS
- JAMES W. BERG
- MICHAEL GUILFOY
- CHRIS WAY