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# Another Landfill Expansion Vote Pitched In Bethlehem

Town Gears Up For Another Legislative Fight Over Local Control

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The New Hampshire House of Representatives last week removed language in the upcoming state budget that sought to override local control when it comes to expanding major landfills, such as the NCES landfill in Bethlehem, pictured here. (Photo contributed by NHDES)

As Casella Waste Systems faces the April 3 state denial of its proposed new landfill in Dalton, a former Bethlehem selectman who previously supported landfill expansion in Bethlehem is asking the town for another vote on expansion, following the last town-wide vote nearly a decade ago.

At the same time, Bethlehem is gearing up for another legislative fight against a possible new bill seeking to strip towns of local control when it comes to landfill expansions.

### Proposed Landfill Expansion Vote



On Monday, Richard Ubaldo, a regular attendee of the last several Bethlehem Select Board meetings, asked the current board to consider putting the expansion question to a vote.

The North Country Environmental Services (NCES) landfill, which Casella acquired in the mid-1990s and expanded through multiple phases thereafter — although not without contention and lawsuits filed on both sides — is slated to reach its disposal capacity and close after 2026.

In 2012, the Bethlehem Select Board negotiated a settlement agreement with Casella through which the town gave the company another 10 acres of expansion, bringing the town's landfill district to its current 61 acres, in exchange for Casella providing free trash and recycling pickup and transfer station services and agreeing not to buy new land for expansion.

But in 2015, the company bought 123 adjacent acres, after which it proposed a 100-acre expansion.

In 2017 and 2018, Bethlehem voters rejected two warrant articles to amend the town's zoning ordinance to allow the expansion.

As the landfill closure nears, Ubaldo said it seems like the town will be losing revenue, including what he said is \$143,000, as of 2024, in the tipping fees per ton that Casella gives the town as well as property tax revenue, all on top of new expenditures he said would come from a town-owned transfer station, which would also carry transportation costs to another landfill and new waste disposal costs.

"I'm wondering if the town board would be willing to look at Casella and see what an expansion agreement would look like," he said.

For any vote, residents can make their own decisions and vote yes or no, he said.

"The town did vote on that quite a few years ago," said Selectman Casey MacDonald.

"Yes, they have, but in the past they're not looking at 24 months, and I would estimate at the very minimum a \$750,000 increase," said Ubaldo.

The town would potentially have one vote, in March 2026, prior to the landfill closure, said Nancy Strand, chair of the Bethlehem Select Board.

Because of the town's settlement agreement with Casella, a town-sponsored warrant article would be a whole different scenario than if the expansion proposal came through a petition, said Select Board member April Hibberd.

Resident Rich Southwell said he wanted to correct Ubaldo's claim about tipping fees.



"Casella does not give the town tipping fees," said Southwell. "They pay us for the use of that land and to put the world's refuse in our backyard. We are paid for that."

Ubaldo's request follows a recent mailer Casella sent to Bethlehem residents, which cites "landfill frequently asked questions."

The mailer claims that costs for the town will increase after NCES's closure, and while there is land available for expansion, it exists outside of the town's landfill zone and "absent a change in zoning and an amendment to the settlement agreement, NCES is prohibited from expanding the landfill at its current site in Bethlehem."

Another question states, "I heard it is mostly out-of-state waste being brought there, is that true?"

The mailer states that in 2024, 87 percent of waste landfilled at NCES came from within New Hampshire.

The mailer does not include the company's 30-year average, which, when disposal capacity was greater, saw out-of-state waste ranging in the high 30-percent range to more than 40 percent in some years, according to New Hampshire Department of Environmental Services numbers.

## Threat To Local Control Reemerges

In June, state Sen. Howard Pearl, R-Loudon, proposed an amendment to the state budget that sought to remove local control for at least some major landfill siting and put it entirely in the hands of a state agency.

The amendment, which was submitted in early June and defeated in the Legislature shortly thereafter, carried a preference for properties adjacent to already existing landfills, such as the 123 acres beside NCES.

The amendment also sought to nullify any legal agreements a town might have regarding a landfill.

At the time, the Bethlehem Select Board sent a letter to lawmakers stating its opposition to the amendment.

"We have heard that the New Hampshire Senate is possibly going to be revisiting the Pearl amendment that was proposed a while back, which was an attempt to basically usurp local control from local government and hand it back to the state," Strand said Monday. "And it also had the potential of voiding existing legal agreements that we currently have as a town."

She suggested that board members be proactive and write another letter reiterating their opposition to state Sen. David Rochefort, R-Littleton, as well as to District 2 Executive Councilor Karen Liot Hill and to Gov. Kelly Ayotte, whom Strand said has taken numerous stances for the North Country.

Bethlehem Selectman Mike Bruno, who wrote a letter to Pearl expressing his dismay about the amendment, said he supports another letter from the board, though he expressed caution about sending it too early before the next legislative process begins in earnest.

“I also think it’s fair to say we know the reason for that amendment in the first place,” said Bruno. “It’s not a statewide issue, but to specifically affect our community. So I truly see the value of it, I just ask we find out a little bit more about where they are in the process.”

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