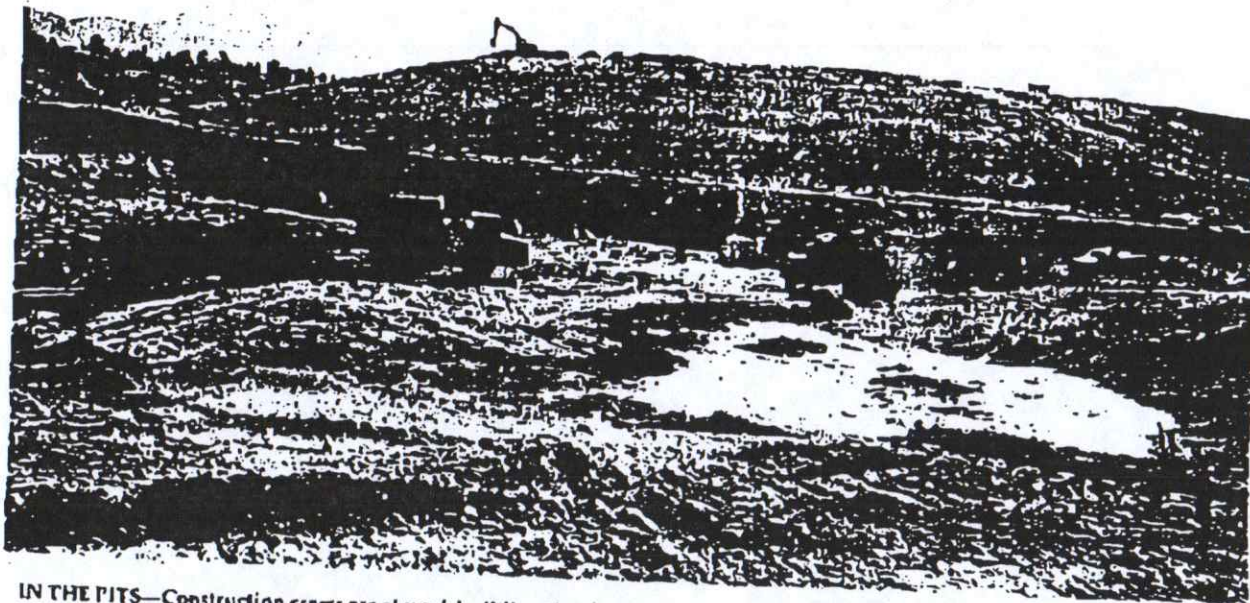


9/23/98 Courier

# Landfill move stuns Bethlehem community



IN THE PITS—Construction crews are at work building the next stage of the North Country Environmental Services landfill in Bethlehem. In the background, is the nearly full present stage.

(Photo by Rebecca Brown)

By REBECCA BROWN  
COURIER STAFF

BETHLEHEM—In apparent disregard of community will, North Country Environmental Services has started construction of the next phase of its landfill on Trudeau Road.

Dump trucks and bulldozers rolled onto the 3.3 acre site last Thursday, two days after the state Department of Environmental Services granted a permit for construction.

The previous Friday, Sept. 11, NCES handed each selectman a notebook detailing the company's historic and legal reasons for why it already has local approval to proceed with the expansion. Included are two maps showing subdivisions approved for the landfill in 1983 and 1985—maps that apparently have not come to light until now, and that NCES believes greatly strengthens its case.

The book also includes another offer of cash payments and services in a host community agreement with the town. The terms are

similar to what NCES offered the town in 1997, a combination of cash payments and services worth about \$400,000 a year. NCES officials call the proposal an opening offer for further negotiation.

Selectmen immediately referred these documents to their attorney, and have refused to make them public.

Many in town were stunned by these latest developments in the two-decades-old landfill saga.

In March, voters rejected for the second year in a row changes to town zoning laws that would have opened the door for landfill expansion. From the moment of its defeat, NCES had vowed to return with another try at negotiating terms for expansion. But this latest move appears to have been unexpected.

"They assured everyone that Bethlehem would have complete control," Nancy Van Houten said, referring to statements made by NCES officials during previous debates on proposed zoning amendments.

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TOWN: Bethlehem

PROJECT: NCES landfill STAGE II

LETTER/DATA/PERMIT/FA/OTHER: \_\_\_\_\_

# Casella landfill move alarms Bethlehem

(Continued from One)

"It shows that just about everything they said to town to date is a bald faced lie," said Roland Shick. Both Van Houten and Shick have been working all summer on a town recycling strategy as members of a Citizens' Advisory Group on Municipal Solid Waste.

"It's purely a ploy to force town to take them to court," said Stan Harrison, another advisory group member. "They've shifted the burden to the town to defend itself. That's why they're in a poor town to start with."

"It's a desperation move," said Ted Wilkinson, a planning board member. "They knew they couldn't buy the votes. Now they're trying to throw a blizzard of stuff to try and confuse the town and the selectmen, and induce the town to settle on terms favorable to the landfill."

"They hope we yokals don't have the stomach for protracted litigation. It's a business strategy, at the same time bold and desperate."

While news of the construction seemed to take everyone, includ-

ing selectmen, by surprise, signs that NCES was moving quickly in this direction were actually quite clear.

On July 20, NCES applied for a construction permit with DES. The same day, landfill manager Bob Watts hand delivered a copy of the application to the town. Selectman John Wedick said he remembers Watts bringing the package, but said he didn't actually read the application until last week. Nor did other selectmen mention the application to him, said Wedick. Other selectmen could not be reached for comment.

## Time is money at landfill

At the landfill Friday, crews were moving earth and rocks in the pit that is site of the expansion. High above them, trucks arrived with tons of trash. The garbage is quickly filling the adjacent cell of the landfill.

"Time is money," landfill manager Watts said. "We wouldn't be good businesspeople if we didn't pursue construction now that we have the opportunity."

Essentially, it is a question of timing, Watts explained. The current stage of the landfill will be filled to the brim by the end of the year. The next townwide vote on amending zoning to allow expansion wouldn't be until March 1999. Even if an amendment passed, construction couldn't start until May. By starting now, NCES expects the new phase to be ready for action in December of this year.

## New evidence asserted

"We have more than the town of Bethlehem to think about," says

Jim Bohlig, chief operating officer of Casella Waste Systems, parent company to NCES. "We are committed to providing uninterrupted North Country disposal capacity to all communities—but we must have the facility to do that."

Bohlig, who flew into the Whitefield airport Monday to meet with *The Courier*, said that his company was not renegeing on its avowal of local control. Instead, it was merely asserting its right to do business. By refusing to pass zoning changes, the town has repeatedly rejected his firm's voluntary offer "to bind ourselves to a more restrictive basis," he said.

In fact, Bohlig asserted, evidence uncovered recently strengthens the company's position that it already has local approval to expand the landfill.

He offered as evidence two maps showing site plans for the landfill. One, dated April 1983, shows a 10-acre subdivision for a landfill approved by the planning board for Harold Brown.

The other, dated March 1985, shows a 48-acre subdivision for a landfill, also approved by the planning board.

The maps were found at the Grafton County Register of Deeds. They are not in the town's own files, nor are there planning board minutes referring to these, he said. (In a quick check of Bethlehem planning and zoning files, *The Courier* also failed to uncover these documents.)

"People in Bethlehem—like Ted Wilkinson—must have known this, but they never said anything," Bohlig charged.

Shown the maps Tuesday, Wilkinson said he'd never seen them before or heard of these apparent earlier planning board decisions. "It's a mystery," he said. But even if these planning board actions were legal, he reasoned, "this does nothing to change the status of local permits and the limits implied in the special exception granted the landfill in 1986." And therein lies the heart of the legal tangle that has possessed the town and landfill for years: disagreement over exactly how much

acquire the special exception covers.

## What next?

What happens next is anyone's guess. NCES has asked the selectboard to respond to its offer by Oct. 14. Some in town advocate that selectmen immediately issue a cease and desist order to stop construction. Selectman David Wood last week pondered that "it could be the duty of the town" to seek an injunction to uphold zoning laws as currently understood. A legal defense fund has been started by members of the citizens' advisory group, who say that they will challenge selectmen, if necessary, to defend town zoning.

Selectman Wedick suggested that "other towns (that send garbage to Bethlehem) can breathe easy, because I don't think the landfill will go away, even if the selectboard falls on its sword." In any case, he says, the board should do nothing until it receives a legal opinion.

The board is due to discuss the issue at its meeting Sept. 28.

Without question, however, NCES's decision to forge ahead with expansion will affect public opinion about the landfill.

"Many voters who may have been swayed (to approve zoning changes favoring the landfill) will be alienated by this defiant law-breaking," Wilkinson ventured.

"It's part of the challenge to explain why we think we can do what we're doing," said Watts, in response to the question of whether the good will he has personally tried to create will be eclipsed. Watts has spent many volunteer hours working on town efforts, including the Chamber of Commerce and revitalization committee. NCES has also donated thousands of dollars to local nonprofit groups. "We've tried to be a good corporate citizen and we intend to continue doing that," he said.

"There's nothing better than your actions to speak to what kinds of beliefs you have," he added. No doubt, many will agree.