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| **The Gardner News**  **April 24, 2004**  **Landfill contract to take center stage again** |
| **Town activists prepare for court battle by seeking to rescind contract with NEWS** |
| **By Sean DuBois - Staff Writer** |
| TEMPLETON -- Members of Templeton Citizens Against the Dump will collect petition signatures to request a Special Town Meeting.  The citizens' advocacy group wishes to see if the town will rescind and void the contract signed in 2003 between the Board of Health and New England Waste Services for the building of a new landfill, which was to be built adjacent to the existing capped town landfill off of Route 202.  The project was put on hold, however, after two article votes taken during a Special Town Meeting on Feb. 19.  At that meeting, residents overwhelmingly voted to abolish a Board of Health Sanitary Landfill Enterprise Fund for one article and to delete the amended language to an existing bylaw that would restore original wording -- which meant that outside trash would not be accepted from other towns, for the second article.  "We found that many of the citizens of the town felt the dump problem was solved at the last Special Town Meeting when we voted to eliminate the Board of Health's enterprise fund and to change the bylaw regarding junk being brought into the town," TCAD member Ray Voutila said. "This issue is so important to Templeton that we felt another Town Meeting was needed to get the support of the townspeople in the event that we have to challenge the dump contract in the courts."  Three TCAD members got the petition article notarized midafternoon on Friday by the town clerk and received papers allowing them to begin collecting petition signatures.  TCAD members said they will be collecting signatures throughout the weekend and until they have enough to get their article heard at a Special Town Meeting.  Town Clerk Carol Harris said that in order to have the petition for the Special Town Meeting pass, at least 200 signatures from registered voters are required. At that point Harris would certify that everyone who signed the petition is a registered town voter.  The Board of Selectmen will be required to hold the Special Town Meeting within 45 days after receiving the signature certification from the clerk.  "We'll bring this to the state and federal level if we have to, if that's what it takes to stop the landfill from going in," said TCAD member Bob Mitchell.  The state attorney general's office is due to make a ruling on the Feb. 19 Special Town Meeting votes by May 25. The attorney general's decision could decide whether the landfill contract stands as it was prior to Feb. 19.  "The Board of Health was never authorized to enter into an agreement with NEWS a wholly owned subsidiary of Casella Waste," according to a TCAD handout. "To enter into such an agreement the Board of Health and or the Board of Selectmen needed to seek Town Meeting approval under Mass. General Law, Chapter 44, section 28C subsection (g)."  Health Agent Richard Stevens said TCAD has the right to try to request the Special Town Meeting and to try to throw out the contract, but the general law they're referring to seems to work against them.  "Nowhere in the four corners in any article ever brought to the town floor did the town vote to authorize the signing of a contract between NEWS and the town, nor void and rescind a contract," said resident Gregg Edwards. "The Board of Health and select board would not let the town vote on it then, we will vote on it now, and should it end up in the court of law, this vote will be a valuable data point."   sdubois@thegardnernews.com |