

Because the road should always
lead you home.

UnionBank

Member FDIC Equal Housing Lender

MORTGAGES

https://www.caledonianrecord.com/news/local/dalton-town-meeting-voters-extend-et-zoning-reject-negotiation-with-casella/article_7a784ac4-b250-5b54-84a3-b60931714f7d.html

Dalton Town Meeting: Voters Extend ET Zoning, Reject Negotiation With Casella

Select Board Member Carol Sheltry Elected To Second Term

rblechl@caledonian-record.com Staff Writer

Jun 9, 2021



During a large turnout to town meeting on Tuesday, Dalton voters extended emergency temporary zoning for another year, rejected a petition demanding that selectmen negotiate with Casella Waste Systems, and elected Select Board member Carol Sheltry to a second term. (Photo by Robert Blechl)

For many Dalton voters - and for the 2021 elections there were some 350 of them, about one-third the town population - there was a lot at stake, whichever side of the aisle they stood on.

Tuesday's annual town meeting drew such a large turnout that the start of it was delayed by nearly an hour as voters queued up outside town hall to be processed before entering.

At 7:45 p.m., Town Moderator Christine Ordinetz said, "Everyone is in. In a few minutes, we still start. There is light at the end of the tunnel."

The big draw - a selectmen-recommended article to extend emergency temporary zoning (ETZ) for another year and some petitioned articles on the warrant in support of the proposed commercial Casella Waste Systems landfill beside Forest Lake Start Park.

During a meeting that lasted until about 1 a.m., residents voted to extend the zoning, rejected a petition demanding selectmen negotiate a host community agreement with Casella, rejected another petition that sought to cap at \$10,000 annually the legal fees selectmen can spend on any new company wanting to do business in town, and elected Select Board member Carol Sheltry to a second term.

In the lead-up to the town meeting and at the request of several residents, Ordinetz received permission from the New Hampshire Municipal Association to change the sequence of the articles on the warrant to move the ETZ and petitions toward the top.

"It was done to expedite the meeting," she said before making the motion to change the article order, which voters approved.

Zoning

Up first was Article 11, the zoning extension.

“For a lot of you, this is your primary concern,” said Ordinetz.

Landfill opponent Jon Swan was the first to speak, in favor of extending ETZ, a form of zoning that is allowed under New Hampshire statute.

“Tonight, you get to decide the future of Dalton ... for your children, your grandchildren,” he said. “This is an insidious landfill project that would forever change our town.”

Swan noted a June 1 letter from the New Hampshire Department of Environmental Services to Casella, in which DES told the company that its permit application is missing required local zoning approvals.

“Casella has skirted local approvals for two years,” said Swan, who added that voting yes on ETZ extension gives the town the opportunity to evaluate the company’s application.

“It’s just one more year, folks,” he said.

At the opposite end of the spectrum was resident Scott Kleinschrodt, who said the ETZ is not about zoning or an emergency, but about keeping one company out of Dalton, a town he said that is in need of an expanded tax base and has residents who can’t pay their property taxes.

“The Select Board needs to start looking out for all the residents in the town and not just a select few who live near Forest Lake,” he said. “Vote no on an ordinance that would be detrimental now and in the future.”

A permanent zoning ordinance is expected to be presented to voters at the March 2022 town meeting.

Speaking against extending ETZ was resident Jim Dannis, who said it is a state ordinance that doesn’t fit Dalton and has nothing to do with a permanent ordinance, which he said the planning board is doing a wonderful job putting together.

“There is no need for a temporary zoning ordinance,” said Dannis.

Dannis also said his view is that zoning would not stop Casella's plans in Dalton.

Not all agreed, including resident Adam Finkel, who said a gap between temporary and permanent zoning is what Casella, which has been trying to claim retroactivity, would want to try to get a foot in the door.

Finkel also said that a permanent ordinance could stop the project, depending on how it was written.

In a secret ballot vote, residents extended ETZ in a 135-130 vote.

They also voted to restrict reconsideration of the article for the duration of town meeting so it couldn't be brought back up for discussion and another vote.

Negotiation, Legal Fees Petitions Fall Flat

Next up was Article 18, submitted by petition by resident Pam Kathan and not recommended by selectmen, which asked voters to demand that selectmen negotiate the host community agreement that Casella presented to the board in 2020 and put the agreement up for a special town meeting vote no later than Sept. 30.

After consulting with town counsel and obtaining a legal recommendation, selectmen in February issued a statement on the proposed HCA, saying that negotiating at this time would be premature and it wouldn't be prudent for the board to spend legal and appraisal money on an HCA until there is a strong likelihood the landfill project will move forward.

Beginning any negotiations, they said, is contingent on a number of factors that include Casella submitting a full and complete application to the Dalton Zoning Board of Adjustment for a special exception, which is required under the ETZ.

At Tuesday's town meeting was town counsel Laura Morgan-Spector, who said ETZ would not necessarily prohibit a landfill in Dalton, but would require Casella to file for a special exception.

That process would determine if the company meets the special exception criteria for a landfill.

Morgan-Spector also said it is her legal firm's opinion that the negotiation article would not be legally binding for selectmen if it were to pass.

In a secret ballot vote, Article 18 failed 93-109.

Authoring Article 19, the petition to spend no more than \$10,000 a year in legal fees for new companies, was Ordinetz.

"I don't want to see Dalton go down the road Bethlehem did in spending hundreds of thousands of dollars in legal fees," she said.

The article would put a cap just on new businesses and there could still be a special town meeting if voters authorized more to be spent on legal costs, said Ordinetz.

Finkel said the cap would only tie the hands of the town in negotiating with any company and would open Dalton up to predatory lawsuits.

The article, which was also not recommended by selectmen, failed in a 47-77 vote.

Like ETZ, residents voted to restrict reconsideration of the petitions.

Budget And Elections

Selectmen proposed an operating budget of \$872,183.

Not happy with it was Kleinschrodt, who made a motion to amend the budget to reflect the 2020 budget amount of \$784,551 for the remainder of 2021.

He took aim at selectmen, saying they have not completed an audit for 2020, have overspent the budget, and have unreconciled financial reports.

Jo Beth Dudley, chair of the Board of Selectmen, said selectmen have not overspent the budget by \$105,000 as alleged, the board is trying to be as budget-careful and conservative as possible, the board provided line-by-line budget detail during the budget hearing, and the town needs to hire an auditor after it was not been able to find an elected auditor.

Kleinschrodt's amendment failed 74-91 and the proposed budget passed in a 94-62 vote.

In the race for the one open three-year selectmen's seat, Sheltry emerged the winner with 180 votes, versus 173 votes for Kevin Whittum Jr. and six for David Spreadbury.

In the race for town clerk, Swan, who received 138 votes, was defeated by write-in candidate Jessie Wentworth, who received 225.

(The election results were still unofficial Wednesday afternoon).

Robert Blechl