

Bethlehem Board of Selectmen  
Meeting Minutes  
Bethlehem Selectmen Office  
November 7, 2016

Present: Chairman Glavac, Selectman Laleme, Selectman Blanchard, Selectman Ubaldo.

Chairman Glavac opened the meeting at 6:00pm. He reviewed the agenda for the evening; explaining why we are here, the steps taken, why is the Board talking with NCES, presentation by NCES, public questions and answers, Board input, what are the next steps.

Chairman Glavac reviewed the timeline of when NCES approached them and the meetings and votes that have happened since. He said there has been talk and questions about the agreement being broken and explained the advice the Board received was the agreement has not been broken per NH Contract law and said if NCES would have gone to DES for approval to expand that would have broken the agreement. Chairman Glavac said the difference is the two parties are discussing the possibility of amending the agreement which is legal and states that in the agreement.

John Casella, John Gay, and Kevin Roy did a presentation on the proposal for the sustainability park. Mr. Casella said the existing 60 acre landfill will close in 2021 with 4.7 million in benefits left until 2021 with most of it going away in 2020. He explained the proposal will include an expansion of District V with a buffer between the Ammonoosuc River and to the North and South the National Forest is the buffer. He explained the renewable energy benefits to the industrial park. Mr. Casella said there is 46.8 million in benefits with the expansion and sustainability park. He also explained that the permit capacity would add value as soon as the vote happens and will have value until 2042. Mr. Casella said the landfill is currently 60 acres with 47 acres of landfill footprint and the proposal is for 100 acre expansion with 70 acre footprint.

Mr. Roy explained the sustainability park will use renewable energy supplied by NCES and would be 34 acres with 200,000 square feet of buildings for businesses like wood processing, greenhouses, etc. He said it would expand the tax base and create jobs. He also said the town would be given \$75,000 a year for 5 years to develop the area.

Mr. Roy said the proposal will add 46.6 acres to Conservation.

Mr. Roy said the recreation area will include snowmobile trails, hiking trails, trails to access the river and multipurpose recreation fields.

Mr. Roy also said road sand will be provided to the town as long as they are operating landfill. Mr. Casella said the proposal has a 46 million value and that he took the tax revenue plan that currently is in place.

Chairman Glavac explained how the question process would work for the public.

Selectman Laleme said she thinks it is the Boards responsibility to the town to look at any revenue source but said it doesn't mean you accept it. She also said they should look into it to get information and let the voters decide.

Selectman Ubaldo said the current agreement doesn't go away and this will go to a town vote and the Board is only giving the opportunity to look at it.

Selectman Blanchard said the Board needs to be fiscally responsible and look at the benefit to the town and said the voters will have the final say.

Chairman Glavac said the town doesn't regulate landfill operations; that DES regulates it.

Speaker #1 – Julie Seely said she didn't expect to be back here because an agreement is an agreement. She said in Southbridge MA Carcinogens were found in the water of abutting properties of the landfill and bottled water has been provided by Casella. She also asked why Bethlehem would want an industrial park to provide a scapegoat for Casella. She asked the Board if they evaluated the value of what Casella is providing compared to when we had to pay for bags. Ms. Seely said there are more tons now and the transfer station is being used liberally by people in different towns and wants a comparison of tonnage.

Mr. Casella said there are 2 landfills in Southbridge, one lined that is owned by Casella and one unlined that is owned by the town. He explained they took over the landfill when it was in the attorney general's office. He also said he doesn't believe either landfill is causing the problem and said they cleaned up the mess that was already there. Mr. Casella said they were not required to provide the water but did it because it was the right thing to do.

There was discussion about agreements Casella has with other towns and Mr. Casella said they are all different and need to look at the entire benefit because some towns don't have a tax and pay only a tipping fee. He explained the 46.8 million in benefits is broken down by host fee of 5.4 million, tax 29.3 million, trash and recycling 8.2 million, transfer station 3.5 million, and industrial park 4 million. He said this is based on the current host fee and tax formula.

Speaker #2 – Cheryl Jensen said she sees a problem with the conservation land. She said the town holds the conservation because Ammonoosuc Conservation Trust or The Society for Protection of the Forest does not hold the conservation easement and said it hasn't been looked at to see if there is any toxic polluting on the property or something that shouldn't be there. She also said there should be money to protect it and asked how would having more in conservation prevent an expansion. Chairman Glavac said the Town does hold the easement and said Ammonoosuc Conservation wasn't interested in holding it.

Speaker #3-Kay Allen said if we lose the ability to have a place for trash, swap shop, etc. how does the taxpayer get affected if we lose revenue and services. She said if we had less taxes it may bring in more people to town. Chairman Glavac said it is approx. \$200,000 that affects the tax rate by \$1.00 per \$1000 and in 2021 if we don't amend the agreement there will be a \$4.00 to \$5.00 increase to the tax rate. He said the current agreement would remain if this doesn't pass.

Speaker #4-Rebecca Brown said she is the executive director of Ammonoosuc Conservation Trust and said she talked with the town attorney for hours about the easement and said they

were never contacted by the town. She suggested the town should demand a monetary amount and asked if the easement was ever recorded. She also said she is surprised that we are back here and asked how much of the new landfill will be on an aquifer. Mr. Gay said there is no aquifer. Ms. Brown said NH Dept. of Environmental services have mapped it. MR. Roy said in the stage V permit approval it says it is a low yielding aquifer that is not for commercial use. He suggested going to DES website and said he will leave that information at the town office.

Speaker # 5- Len Reed asked what technical discussions were held with technical authorities to use 25% as conservation area and asked why provide it. He asked about the buffer between the river and asked about the aquifer. Mr. Casella said it made sense for engineering it that way and being prudent. He said it is built with double liners and provides an additional buffer because it makes sense not because they think it will fail.

Speaker #6- Neil Brody asked how long the liners last and was told by Mr. Casella that they have improved over the years and now last 30 years. He said failures are usually construction failures not from liners. He was asked if there was a guaranty of the liner and said there was not.

Speaker #7-Seth Goldstein said there should be multiple meetings but also said we shouldn't be meeting at all because the agreement said NCEC agreed not to purchase more land for landfilling. He said he researched pollution and Casella had tears in liner from 2010 and Casella denied it. He said there is a regular pattern of deceit. Mr. Goldstein said they have doubled the amount of waste they take and 49% is from out of state and only 14% in 2010. He read portions of the agreement and asked why they are back here. Chairman Glavac said they have a contract with NCEC and the two parties can agree to amend it. Mr. Casella said they bought the property for operation of current facility to eliminate the need of trucking in cover for the next 3-4 years. He said that was not a violation of the agreement because they needed the property regardless of expansion.

Speaker #8- Trevor Sullivan asked if the deal doesn't go through what productive use could the land be used for. Chairman Glavac said the land is privately owned.

Speaker #9-Sonya Clark told Mr. Roy a great job on the geothermal for the sustainability park and asked about access to the town for geothermal. Mr. Roy said they are the first ones to capture the heat this way and that it hasn't been done before. He explained it is a pilot project and that there are 1.2 million BTU's per hour from the loops but the heat doesn't travel far. He said 10 acres of greenhouses could be a very real project and will be a benefit to the industrial park.

Speaker #9-Andrea Bryant said the owner of the landfill and the engineer is not aware it's on a stratified aquifer. She said taxes will still be owed after closure because they will still own the property. She also asked if the Tucker property was in current use. Mr. Casella said he is not

sure if the land was in current use or not but they plan on having it taxable and will pay taxes but the value will be very low when it's closed.

Speaker #11 – Kevin ????- He said he lives close to the landfill and moved here 3 years ago and was not aware of the landfill. He said he has a small farm and was looking forward to the closure. He asked who would eat or buy vegetables grown on a landfill. He said he smells the landfill.

Speaker #12- Mary Moritz said we are here under violation of the agreement and disappointed the Board didn't take action when NCES purchased the Tucker property. She asked what the tax ramification is if they closed and will the land they own still have value that is based on the price they paid. Mr. Casella said it would be valued for a lot less.

Speaker #13- Cliff Crosby said the problem in this town is taxes and they are about \$30.00/\$1000.00 and that people are not coming to Bethlehem because taxes are high. He said the taxes in surrounding towns are much less. He said with this proposal it is proposed to be 2.4 million a year but said it is actually 2.7 million because when Casella determined the value they only counted their costs for garbage pickup and transfer station not retail value. He said he would like a 1 sort facility in Bethlehem to increase recycling. Mr. Casella said they have 0 sort then it is transferred to another facility. He said they would need enough volume from surrounding towns or they wouldn't get the return.

Speaker #14- Nancy Czarny said she is disappointed and used a peanuts metaphor about trust. She said it is the Boards responsibility to stop the divisiveness of the town and asked if the board thinks financial benefit overrides divisiveness of town. Mrs. Czarny asked when the project was conceived and said it is less than 5 years of original agreement. She said this was part of the plan the whole time. Mr. Casella said there was no conspiracy and said they needed the property for cover because it would have been more expensive to truck in. Chairman Glavac said the promise from 5 years ago he can't speak of because it was a different board. He said situations change and the taxes have remained high. He said there have been other opportunities that have been turned away. He said since 2012 the town worked well together but hears all the time that taxes are too high. Chairman Glavac said people have asked to talk with Casella but the Board didn't have interest. He said Casella came and Board should at least look at it and said the town will come together whether there is a high tax rate or a landfill expansion. He also said he thinks it is the Boards responsibility to look into it. Selectman Laleme said she believed it should go to town to get vote first and depending on that negotiate. She said she believes we should get the towns input and believes we put the cart before the horse but believes in the process and will act as a member of the Board. Selectman Blanchard said he thought the agreement ended it but looked at the tax rate and people not being able to afford taxes going up. He said he feels responsible to at least look at it and said the ability to negotiate has yet to be determined and said if not benefit to the town will vote no. He also said the split of the town is sickening and understands why. Selectman Blanchard said he wants to get concrete ideas of what to put on the table and not to rehash.

Speaker #15- Peter Roy asked what it will take to get the question on the warrant and asked if the Board will negotiate additional benefits and ask for more. Chairman Glavac said he is not sure yet how the process would look like yet to get it on the warrant. He also said people are saying the .75 cents per ton was not a good deal.

Speaker #16-Jeanne Robillard said when Cliff Crosby came in with the flyer about talking with Casella all the Board members said no that they believed in the agreement. She said people believed in the Board in regards to the agreement. She said she agrees with Selectman Laleme about having the vote first. She said it was promised the agreement would lower the tax rate and the taxes didn't get better so why would we think they will this time. She said Casella doesn't keep promises and said she is disappointed in the Board. Chairman Glavac said Mr. Crosby asked the Board to approach Casella and the Board was not interested in that. He said the town is split and is happening again so why drag it out; should put it on the table now and vote in March. Chairman Glavac said they stopped spending \$300,000 a year in legal fees, have a new library and the pool has been rehabbed.

Speaker #17-Chris Brooks said this is contempt of agreement and asked why they would pay millions for a sand pit. Mr. Casella said they would buy it if it is cheaper than trucking it in. He said they needed that property and the voters will decide. He also said the agreement stands if the town votes it down. He said they would not do anything else on the property and said they got an AOT (Alteration of Terrain) permit to open up 10 acres. He also explained they need 2000 to 3000 cubic yards a day and they screen and process dirt every day. Mr. Casella said 600,000 to 700,000 cubic yards is worth 2.5 million. He said they did a cost analysis and they only wanted the pit but Tucker would only sell if they bought all of it.

Speaker #18- Gary Deiner said agreements and contracts can have one party approach the other party and that is what is happening here. He said he supports the Board doing this and said there are many aspects to explore. Mr. Deiner said he is an oncologist and when in the village district received a letter every year about water that had chlorine in it. He said that can cause cancer so you can't blame Casella. He said he pays \$12,000 a year in taxes and asked what they will be in 2021 if the town votes no and it closes. He asked where they (Casella) will go if the town votes no. Mr. Casella said the settlement agreement is binding if the town votes no they have other landfills so they will close and leave if the town votes for that. Chairman Glavac said the tax rate would be \$30.00 to \$35.00 tax rate which will increase tax bill by 15 – 20 %.

Speaker #19- Mike Culver said he was on the Board when they did the agreement and agrees with what the Board is doing. He said he did say it will end and he believed that then but this is a democracy so let the voters vote and let the Board do their job. He said we voted them in to do it. He asked what the tax rate is for 2016 and was told \$27.46. He said the town has sold land in auctions, have new things, rec dept. increases, town garage, schools have grown etc. Mr. Culver said a chicken farm and dollar general were told to take a hike and people will move if they can't afford their taxes. He said they can't sustain taxes without businesses and asked what the answer is. He said there is no other solution. Selectman Laleme said the tax rate is

down and said they are fiscally sound and have used the unreserved fund to lower the tax rate. She said the state requires we keep that fund and we have used some of that to bring down the tax rate each year for the last few years. Chairman Glavac said the tax rate was kept stable but it was done at the expense of infrastructure and said roads are in poor condition.

Speaker #20-Gabe Waso (??) said he built on family land and loves Bethlehem. He said young people are coming in and commends them (Casella) for purchasing land for sand/gravel. He raised concerns about the sustainability park and asked total dimensions and height of the landfill. He asked if businesses were ready to go in the park now and asked who can vote on this and was told only residents can. Mr. Casella said 70 acres of footprint and height will be determined in permitting but similar to current. He said someone is interested in industrial park but not ready to move in. Mr. Roy said there is a height limitation in the current agreement so would remain the same. He also said renewable energy brings people in and believes it is a marketable park.

Speaker #21 – Passed

Speaker #22-Kim Johnson said she went to the dump 2 weeks ago and had to show her license so doesn't think other towns are using it. She asked if the business going into the park would have to be voted on. She said she thinks the geothermal greenhouse is wonderful and the schools are great but are nearly being taxed out of town. Chairman Glavac said it wouldn't be a town vote about the businesses going in to the park but a planning Board process.

Speaker #23-Chris McGrath said the Planning Board has not run out businesses in the 3 years he has been on it. He said he agrees with Selectman Laleme about voting first. He asked what the host agreement is with other towns and Mr. Casella said it varies because some towns have higher tipping but no taxes so would have to look at the whole value to compare and said Bethlehem is comparable.

Speaker #24- Linda Moore said she sees, smells and hears the landfill every day. She asked if Casella will be finding the companies to go into the industrial park. Mr. Casella said they will provide funding and team will help market. Chairman Glavac said it will not be up to the Board and said there will be a committee formed. Chairman Glavac said the town has not done enough. He said they started a business retention and economic development committee that will provide a report in April. He said the town hasn't done much to plan for this (closure) and said the planning board didn't run the businesses out but the town itself did that.

Speaker #25- \_\_\_\_\_ concerned about methane burn off when they close in 2021. Asked how will that be managed and if renewable energy will be used after closure. Mr. Casella said after the closure they will continue operating the flare while there is gas and will be used by the industrial park. Mr. Roy said they have the potential to bring the user to the source so everyone will benefit.

Speaker #26- Carol Kerivan said she lives here and owns a lodge close to the landfill. She said this is the first year it has affected their business. She said her business brings people to Bethlehem and they spend money in town but she has to now keep the doors closed because of the odors. She said the economic development committee is a retention program on how to keep businesses in town not about bringing in new businesses. She said Arlington Hotel is here, Baker Brook is coming, Dick Gould Subdivision housing project and the Ahead Project so shouldn't rely on Casella. She said we are not taking advantage of new businesses coming to town and need to work with businesses or deal with the landfill. She said people are against everything that comes to the town.

Speaker #27- Dick Robie said that people who say the landfill is contaminating the water don't know where the water comes from. He said he expects people to stick to word and agrees with Selectman Laleme about voting first.

Julie Seely said in the Worcester telegram from May the Southbridge landfill had 78,000 tons in the first quarter and paid 675,000 in royalty and 31,500 in quarterly tax. Mr. Casella said in Southbridge there is no tax and said he could do an analysis to look at the benefits of the different landfill towns.

Seth Goldstein said there is water pollution coming from the landfill and that it leaked in the past. He said he empathizes about the high taxes but said the landfill will not solve it so need to look for other businesses. He asked why Casella didn't purchase the other gravel pit down the road for 250,000. He asked what Mr. Crosby's interest in this is because he doesn't pay taxes. He told the Board to be honest with the meeting agenda. Mr. Roy said the pit down the road was not available at the time they needed it and that the material is not great.

Greg Moore asked if the sustainability park was an option without the expansion and Mr. Casella said there would be no mechanism to create it because without the expansion they can't fund it.

Mrs. Czarny said the town voted 17 times prior to 2012 against the dump and this was a promise to end. Mrs. Czarny asked Mr. Casella if the town doesn't vote will he sue the town. Mr. Casella said there is no basis to sue the town because the agreement will be in place. Mrs. Czarny continues to ask if he would sue the town and Mr. Casella said he would not sue the town.

Carol Kerivan asked if the town would own the land where the sustainability park will be. Mr. Casella said it hasn't been discussed but it is a possibility. Mrs. Kerivan said 75,000/year is not much for marketing and will need an administrator to get businesses to town which is known as unfriendly. She asked what the benefit is to town if it doesn't own the land. Mr. Casella said it makes sense to turn it over to the town. Mrs. Kerivan said businesses may not want to be next to a landfill.

Ms. Robillard said Casella will make money off the sustainability park and there is no benefit to the town. She asked why the board approved the sign permit. Chairman Glavac said the Board approved the permit because there was no way to turn it down because the Board does not

have grounds to turn it down. He said Board shouldn't be telling businesses what their signs should be. Mr. Casella said money will be made off the gas and will attract businesses to town. The businesses will pay taxes and create jobs.

Dean Knapton said he is selling his house because of the expansion and is worried about the property values. He said Bethlehem used to be known for fresh air and tourism. He said taxes go down when property values go up. Mr. Casella said he doesn't believe values have gone down and have not heard that values go down.

Roger Metras said Berlin is a dying community and Bethlehem is headed that way. He said this is an opportunity and said the Board hasn't yet presented anything. He said their job is to present to voters and would be a disservice if they didn't go to the voters with a proposal. He also said Casella is a for profit business with shareholders. Mr. Metras said there was a Warrant Article to keep certain businesses out of town. He said he appreciates the Board allowing the people the opportunity to vote.

Mr. Culver said the housing market is alive in Bethlehem right now. He said he is buying a house and paying more than what it was assessed for and his house sold within 2 months. He said a house on Turner just sold and a house on Prospect that sold in 1 day.

Mrs. Czarny said 20 years ago she bought her property and the landfill was supposed to be closed in 5 years because town voted to not expand.

Julian Czarny said in 2012 told lower taxes and now 1.3 million in unreserved fund and said that is a piggy bank not to offset taxes. 2012 was supposed to end all fighting and lawyer fees but sees the attorney is here tonight.

Chairman Glavac closed the question and answer session. He said they now need to figure out the next step and they heard a lot of what they are looking for. He said it was a mixed bag of comments and they need to bring it to the people. He said the Board needs to make a motion to negotiate.

Selectman Blanchard moved: Based on the proposal of NCES to expand the landfill, I move that we open negotiations with NCES, through our respective legal counsel, in order to negotiate a new host community agreement, and assuming that the new agreement is acceptable to the Board, we will bring it before the Legislative Body (the Town Meeting) next March. Should the Board of Selectmen and NCES not be able to arrive at a mutually acceptable host community agreement then the Board will not bring it to the voters. After a second, I reserve my right to speak to the motion. Selectman Ubaldo seconded.

Selectman Blanchard said he makes this motion to confirm to the public that we will enter into negotiations for the benefit of the Town. I recognize that it is only the Town Meeting that can ultimately approve or disapprove a new host agreement by way of a zoning amendment and, perhaps, other warrant articles. However, I also make clear to NCES tonight that this Board intends to negotiate and is not simply accepting NCES's initial proposal. If the Board of Selectmen does not ultimately agree with the numbers and contract, then the Board will not bring anything to the voters.



Selectman Laleme said she doesn't disagree that Board needs to look at the proposal because of reduced revenue and said we could be forced to cut recreation, police officers, new ambulance, etc. and doesn't disagree with need to do this. She said we were shortsighted and presented it as end all. She wanted the conservation easement to limit expansion. She wanted to vote first before negotiating so will vote no but will respect the Board vote. Carried 3-1 (Selectman Laleme opposed).

At 9:25 Chairman Glavac moved to adjourn. Selectman Ubaldo seconded. Carried 4-0.

Respectfully submitted,  
April Hibberd