

Sticking point in landfill dispute: Employee alleges non-residents have kept their dump permits

By **Katie Liesener / News Staff Writer**

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WAYLAND -- A Wayland landfill employee's complaint filed in December has raised the question of how landfill officials determine residency for those who obtain and keep dumping permits.

Employee Bob Robinson alleged two former residents had been using the landfill when they no longer kept primary residences in town.

Under current policy, applicants must provide a copy of their auto registration as proof of residence. If they provide that and pay the permit fee, an employee places a sticker on a car or other vehicle, according to Charles Kiley, landfill superintendent. The permit costs \$220, with \$25 for an additional vehicle. Seniors pay \$165 for a permit.

The two users in question were both given stickers for the 2005-06 year. Paul McGuire, who now lives in Sudbury, said because he had already paid for his sticker, he did not know he was violating landfill policy.

"It's not a question of illegally dumping, I didn't even know...that carrying a sticker for an extra year was going to be a problem," he said. Had he known, he said, "I could have used the Sudbury landfill for half the price."

The other man, Richard Milton of Bolton, has since provided a letter from an elderly Wayland resident indicating he keeps a room at her house and helps with her household maintenance and trash disposal.

Town Administrator Fred Turkington said he is up to speed on the situation, and understands that Milton keeps the room in Wayland to receive medical treatment at a local hospital.

Milton did not respond to calls for comment.

Since the complaint was filed, McGuire had his permit suspended until he can furnish proof of residency in Wayland. The letter of tenancy Milton provided has satisfied town officials, Turkington said.

Kiley said Milton also provided mail delivered to him at the Wayland address as proof of residency, though Health Director Steve Calichman could not confirm that.

Though he considers those two particular cases resolved, Turkington said the complaint raises the bigger question of how residency should be defined and regulated for those using the landfill.

"I'm not sure registration is the appropriate benchmark," he said, citing possible instances in which a person may live in Wayland for a portion of the year, but have a summer home elsewhere or leave for warmer climates in the winter.

Landfill regulations do not define residency, but state that the landfill is intended for refuse generated within the town.

Kiley said current practice is to request auto registration for all applicants. In situations where an applicant's car is licensed elsewhere, landfill officials will request tax records, mail, licenses, leases or other legal papers as proof of residency.

"The current regulations don't define what a Wayland resident is, so it's up to the Board of Health if they want to get into the business of tighter scrutiny," Turkington said.

George Harris, a Wayland resident and lawyer who represents Robinson, said a clear policy should be in place defining who ought to receive permit stickers.

"It can't just be ad hoc as you go along," he said.

The Board of Health intends to overhaul landfill rules and regulations, which were last drafted in 1996, sometime after the budget process is completed, according to Chairwoman Michelle Wolf. She said the board could re-examine its residency policy at that time.

"We could investigate other kinds of identification -- whatever is most dependable without being an excessive burden to residents," she said.

Wolf said terminology is also a problem.

"The term 'resident' has a legal connotation, as in you're a resident of one town or the other," she said. "But I would not necessarily say that if somebody is technically a resident of Florida but maintains property in Wayland, then they can't use the landfill."

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The other question the Board of Health may choose to explore is how to keep track of residency. Both Calichman and Kiley said they have no way of determining if a resident with a sticker moves to another town.

"We issue 3,500 permits. How do you think we would know when somebody moves? Do you think they send me a message?" Calichman said.

Wolf said landfill officials once offered refunds as an incentive for ex-residents to return stickers. The policy was discontinued because it made landfill revenues too difficult to project.

In the meantime, Robinson said a number of other former residents continue to receive permit stickers after they have moved from Wayland.

"The townspeople themselves, I feel, are being duped," he said.

Robinson said he named only two people in his complaint because he felt his prior complaints about landfill practices had gone unanswered. He wanted those two instances on the record.

Calichman said he does not believe that use of the landfill by non-residents is a major problem.

"To the best of my knowledge, since the Health Department has been running the landfill (July 1996), the question of residency has only come up on three occasions," he said.

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