

A deal with the devil?

By Randy Seaver
Editor

Richard Rhames, a longtime political activist from Biddeford, says his hometown became easy prey for companies that were looking to build trash incinerators throughout Maine in the early 1980s.

“Biddeford was politically weak,” said Rhames, a former city councilor. “You don’t see these things (incinerators) being built in Kennebunk or Cape Elizabeth.”

But not everyone shares that view of the city.

“Biddeford wasn’t politically weak,” said Robert Farley, a former Biddeford mayor who walked into office shortly after MERC became a done deal in 1983.

Farley’s predecessor in the mayor’s office, the late Martin Reilly, was the one who signed the deal with Kuhr Technologies Inc. and General Electric to site the Maine Energy Recovery Company’s trash incinerator in Biddeford.

“Marty was a strong mayor and before him you had Babe (Lucien) Dutremble as mayor,” Farley said. “They were strong mayors, but there were a lot of other things going on back then. When you’re the mayor, you have a lot of other things to worry about.”

Farley, who served one term as the city’s mayor after serving in the Legislature as both a state representative and senator, knows firsthand the political ramifications attached to the MERC plant.

“There’s one thing you guys (the media) keep getting wrong,” Farley said. “I never threw those petitions in a wastebasket. They were sitting on my desk when I left the mayor’s office.”

Farley is referring to an often repeated story that he discarded hundreds of signatures on a petition circulated by Plato Truman that called for not moving forward with the plan to build the MERC plant.

“I never went to the ribbon cutting ceremony,” Farley added. “The plated shovel they gave me remained in my office when I left. I wasn’t the mayor who gave them a key to the city,” he said, referring to former mayor James Grattelo, who served two terms in the mayor’s office, from 1993 to 1997.

Grattelo did not return the Courier’s phone calls for this story.

Farley said the MERC plant has been “nothing but trouble” since the day it was built. He would like to see it closed and believes the best way to solve the problem is to send the issue to the city’s voters in the form of a referendum question.

But Farley did concede that MERC significantly affects area politics, pointing to his own son as an example.

Kenneth Farley was elected to the city council in 2003 and serves as one of three members on Biddeford, negotiating team that is working with a delegation of Saco officials and company representatives to solve their differences in an out-of-court settlement.

“The only reason they’re doing all this now is to get to my son,” the elder Farley said. “What else do you think? The whole thing is a mess.”

But Councilor Farley, who is often mentioned as potential mayoral candidate in the upcoming Nov. 2005 elections, said he is happy to serve on the city’s delegation and described MERC as the most significant issue the current council is facing.

And he adamantly denied any plans to run for mayor.

“I might be interested in seeking another term on the council, but I am not running for mayor,” the younger Farley said. “It’s a flattering concept, but not something I want.”

Unlike Saco Mayor Mark Johnston, Councilor Farley believes the ongoing meetings with MERC officials should remain behind closed doors for now. “Absolutely, we will bring this to the people to decide,” he said. “But now is not the time to do it.”

When asked how much longer the negotiations would continue or about the issues driving the ongoing discussions, Farley refused to comment. “It’s under executive session,” he said, referring to an exemption in state law that allows elected officials to discuss public business behind closed doors.

All politics are local

Donna Dion, another former Biddeford mayor who held the city’s top post from 1997 to 2003, said MERC is an important issue and — like many other issues — simply cannot avoid the political fray.

“Everything is political,” Dion said. “And all politics are local.”

Dion said she always attempted to remain above the political fray,

especially in matters involving MERC.

“I came into office with a neutral position,” she said. “My approach — always, from day one — was not to shoot from the hip. I wanted to get all the facts.”

One of the lasting legacies of Dion’s time in the mayor’s office was the development and implementation of the city’s controversial Air Toxics ordinance, which provides stiffer emission standards than what is required under state or federal standards.

But Dion dismissed claims made by those who say the ordinance was solely intended to target MERC as a way to shut it down.

“Obviously, we were addressing Maine Energy,” Dion said. “So, the focus may have been MERC, but we also needed to look at all the stacks that could be affecting the health of our community.”

On the issue of re-routing departing truck traffic from MERC through Saco in April 2000, Dion concedes that the move was designed to capture the attention of the city’s neighboring counterparts who had started unilateral negotiations with the company.

“We needed to deal with the truck traffic, anyway. This was just a way to send a signal,” she said. “We wanted to know why they (Saco) were not carrying their responsibility.”

Using MERC as a political tool

But there is one area where Rhames and Dion agree. Some political players have used MERC as a political tool, switching positions on the issue to match current public opinion.

“When Joanne (Twomey) was on the council, Jim (Grattelo) used to say, ‘I will not sit here and listen to you crucify them (MERC),’” Rhames said. “Then, when he wanted to get back on the council, he changed tunes to some kind of let’s get tough on MERC charade.”

“There will always be politicians who watch a parade to see what direction it’s going in, and then run as fast as hell to get in front of it.”

And Dion, who often found herself at political odds with Grattelo, said the MERC issue was the only time that Grattelo and some of his supporters on the council gave her any breathing room.

“It was always, always a struggle,” Dion said. “The only time I had the council’s support was when we were talking about Maine Energy. They (Grattelo and former city councilor Marc Lessard) were always operating on a political level, and maybe they saw it as a way to get public approval.”

Dion maintains that she never used MERC as a political tool and said she refused former Gov. Angus King’s assistance on the issue in the spring of 2003 only because she wanted the next governor (who would be elected five months later) to also be involved in the discussions.

“I think my biggest accomplishment was getting the attention of the DEP on this issue,” Dion said. “Our little rock (the Air Toxics ordinance) in the lake created a ripple. I always tried to take the debate to the next level, and now we’ve gotten the attention this important issue deserves.”

A deal with the devil

In 1990, just three years after beginning its operations, the MERC plant fell upon hard financial times. The company was seeking bankruptcy protection and reportedly hired a Washington, D.C.-based attorney to determine if it could get out of its then three-year contract with its member communities.

“It was not an easy negotiation,” said Johnston who was then serving his first term as Saco’s mayor. “But we had no real alternatives back then. I held my nose and made a deal with the devil. A lot of people accuse me of being the father of MERC, but there was no wiggle room. We soon learned they were not bluffing.”

Johnston and former Biddeford mayor Bonnie Pothier entered into negotiations with KTI. The result was a 17-year extension of the existing three-year contract and an agreement for the cities to pay a significantly increased set of tipping fees.

In exchange, KTI offered the two cities a clause that would entitle them to a 20 percent share of the company if it were ever sold. Furthermore, the company was obligated to report any changes in its financial status and agreed to make investments in its operation to minimize noise and odor complaints.

That clause prompted both cities to file suit against the company after it was acquired by Casella Waste Systems of Vermont in Dec. 1999.

In the years following the signing of a new deal with MERC, Johnston became one of the plant's most vocal critics.

In 1999, when he decided to return to City Hall after a two-year hiatus from political life that included four consecutive terms as the city's mayor, Johnston paid for a series of ads that included him and other council candidates from both Biddeford and Saco who all pledged to get tough on MERC.

"It was and is an important issue for both communities," Johnston said of the political ads.

But Johnston denies using MERC to further his political ambitions. "Sometimes, you have to heat up the debate in order to get the company's attention," said Johnston, who purchased publicly traded stock from Casella just before the Vermont-based company acquired KTI. "You need to know your enemies," he laughed. "This way, I had easy access to all shareholder information."

But today, Johnston's tone about MERC and its owners seems much softer than it was six years ago. "You have to live with what you have and work with them to accomplish what you really want," he said of the company.

While other politicians continue to express serious reservations about MERC's parent company, Johnston describes Casella Waste Systems as one of the "most successful, and environmentally sound companies" in the industry.

"I would agree with those who say we have squandered the last five years with petty bickering and political infighting," Johnston said.

And the co-signer of MERC's renewal contract agrees.

Perception versus reality

Bonita Pothier served only one term as Biddeford's mayor, but she says she has been "disgusted" with the way local politicians have used MERC as a political tool.

"We have witnessed many, many squandered opportunities," Pothier said. "For the last eight years, there has been no productive effort. Now, I hope that our current elected leaders have finally gotten the message. We can no longer continue to use Maine Energy as a whipping boy."

Pothier says the problem with MERC is much more about perception than reality.

"Unfortunately, it's perception that drives most of the policy regarding Maine Energy," she said. "It's the perception that keeps the issue constantly in the forefront without moving forward."

When Twin Cities Renaissance, a grass-roots MERC watchdog group, came onto the scene in 2000, Pothier said she was somewhat skeptical about what the citizens group could accomplish and wondered how their agenda would influence the debate.

Five years later, Pothier says TCR has made significant strides in productively focusing the debate so that all sides can tackle the problem equally.

"I like to think their approach has provided a more reasoned view of the problem," Pothier said. "You have to have a grass-roots group

overseeing it to keep the politics to a minimum. You can't just stand on the sidelines and throw stones at the problem."

Pothier said she and Johnston were able to garner significant concessions for the city when they signed a renewed contract with the company in 1991, including tougher operating standards and provisions for updating the plant's technology.

The problem, she says, is that no one continued to monitor the progress of those concessions. And if foul odors were what caused increased public opposition to the plant in the late 1990s, Pothier wonders how many people remember the stench that was associated with other downtown businesses such as the former Saco Tanning Company.

"The downtown area has always had industry in the middle of it," Pothier said. "Today, that doesn't fit well with where we want to be. But we can't blame Maine Energy for every problem that pops up in Biddeford."

While Pothier agrees that MERC's location is in the "worst possible" site for a solid waste facility, she wonders if the plant would create as much controversy if it didn't handle trash.

Time for a vision

"Forces converged to put it where it is today," she said. "It's time to stop complaining and time to do something positive to solve it."

Johnston agrees, saying he would like to see the plant closed over a 10-year period, a proposal he fears that Biddeford's delegation may not want, especially when considering the possible loss of the city's largest taxpayer.

"I see my role as a statesman, not as a politician on this issue," Johnston said. "I know that I'm asking a lot, but I want others to be a visionary, too. You don't need a health study if you close the plant. I think we can do it, but it will be costly and we have to change our concept of trash disposal."

Pothier said Biddeford should consider mandatory recycling and a pay-per-bag trash system, such as the one now used in Old Orchard Beach as ways to curb the trash flow.

And when asked about higher trash disposal costs, by as much as 50 or 60 percent more for tipping fees to another facility, Johnston points to cities and towns such as Sanford and Kennebunk. "If they can do it, so can we," he said. "Think of the revitalization we could achieve if we get that plant out of our downtown."

Sam Zaitlin, a former Saco mayor and MERC official, once routinely sparred with Johnston on issues involving MERC. Today, Zaitlin praises Johnston's leadership on the issue, saying the current mayor has "matured" in his approach to problem solving.

Asked if Johnston was simply trying to shrug off the image of being the man who signed an extended contract with the company, Zaitlin said it didn't matter.

"I don't know," Zaitlin said. "But I do know that Mark is making a good-faith effort to solve the problem. And at the end of the day, that's what you need to focus upon."