

Monday, July 24, 2023 6:00 PM
Regular Session
Dalton Select Board Meeting

Call to order at 6:06 pm by Jo Beth Dudley. Select Board members Jo Beth Dudley, Carol Sheltry and Thomas Dubreuil (Tom) were present. Town Admin, Jeanette Charon present and note taking.

Jo Beth motioned to enter into nonpublic meeting #1 regarding legal/personal at 6:06pm. Carol second. Approved via roll call.

Jo Beth motioned to re-enter public session at 6:12 with a second from Carol and approval via roll call.

Jo Beth motioned to seal minutes from non-public meeting #1. Carol second with approval via roll call.

Jo Beth motioned to enter into nonpublic meeting #2 regarding personnel at 6:15pm. Carol second. Approved via roll call. Michael Carrier, Highway Equipment Operator, joined meeting.

Jo Beth motioned to re-enter public session at 6:39 with a second from Carol and approval via roll call.

Jo Beth motioned to seal minutes from non-public meeting #2. Carol second with approval via roll call.

Public attendees: Michael Ryan, Eric Pilotte, Robin Pilotte, Pam Kathan, Scott Kleinschrodt, Diane Lyon, Ronald Renaud, Janet Damiano, Paul Damiano, Gina Damiano, Joanne Hennessey, Michael Trudeau, Lial Nilsen, Erik Nilsen, Cathleen and Robert Fountain, Nancy Mittleman, Ellen Hays, Elliot Wessler, Steve Bianchi, Cheryl Bianchi, Tanya White, Jim White, Jay Ennis, Kris Ennis, Jean Bergin, Nancy Comeau, Tamela Swan, Jon Swan, Jennifer & Warren Green, Adam Finkel, Terri Parks, Brian Parks, Mike Budash, Gal Potashnik, Michael Byrnes, Mike Noel, Christine Ordinetz, and Michael Carrier as well as others who chose not to sign in and could not be identified.

The Board signed checks for payroll and accounts payable. Tom asked why there was a check for the Dalton Conservation Commission for \$7k. Jo Beth replied it was 50% of the current use penalty. Jeanette let Tom know a detailed report was attached as backup to the check.

The Board executed the 2nd Sewer Tax Warrant for 2023. Tom asked what the warrant was for and Jo Beth provided a response and explanation.

Jo Beth executed three (3) separate pistol permits.

Jeanette provided the NH DOS Highway Safety Grant award document for the Board to review. Jo Beth provided an explanation of the grant and what the funds would be used for, two speed detecting signs. Jeanette confirmed the grant covers 75% of the cost with the town only paying approximately \$1600. Since this is under the \$10,000 threshold, no public meeting is required; however, the grant has been discussed during multiple meetings of the Select Board.

The Board reviewed and approved the meeting minutes from the July 10, 2023 Select Board Meeting. Tom asked to amend the minutes regarding the Select Board Rules of Procedure; Jeanette asked it to be on record that the changes requested by Tom is not what he said during the July 10th meeting. Jo Beth made an amendment, Tom agreed with/confirmed. Carol motioned for approval, Jo Beth provided a second. Approval via roll call. During this discussion, Tom revealed he had written a letter to Walter Mitchell, Town Attorney, asking for confirmation legal had seen the Select Board Rules of Procedure as well as asking for the past 5 years of legal documents. Jo Beth reminded Tom that all legal inquiries must

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go through the Board Chair and be voted on during public session. She noted that Walter Mitchell may not have been the town's legal council when the Rules of Procedure were adopted in 2019.

The Select Board approved minutes from nonpublic meeting #1 regarding personnel, from July 10, 2023. Jo Beth motioned with a second by Carol. Approval via roll call.

The Select Board approved minutes from nonpublic meeting #2 regarding legal, from July 10, 2023. Tom motioned with a second by Carol. Approval via roll call.

The Select Board approved minutes from nonpublic meeting #3 regarding legal, from July 10, 2023. Tom motioned with a second by Carol. Approval via roll call.

The Board reviewed and approved the working session meeting minutes from the July 17, 2023 Select Board Working Session Meeting. Jo Beth motioned with a second by Carol. Approval via roll call.

The Select Board approved minutes from nonpublic meeting #1 regarding legal, from July 17, 2023. Carol motioned with a second by Tom. Approval via roll call.

The Select Board approved minutes from nonpublic meeting #2 regarding welfare, from July 17, 2023. Carol motioned with a second by Tom. Approval via roll call.

The Select Board approved minutes from nonpublic meeting #3 regarding personnel, from July 17, 2023. Tom motioned with a second by Carol. Approval via roll call.

Jo Beth announced that the 2022 audit was completed in June and confirmed with Jeanette that all DRA reports have been complete, submitted, and accepted by the DRA proving all moneys have been accounted for. Jeanette distributed copies of the Veroff & Austin 2022 audit report to the board members.

Jeanette provided an update on the website project. Since our Project Manager left, the owner of GreenLight has taken over our project to get it completed. They made updates and changes based on the original set of comments provided and sent Jeanette new links to review. Jeanette hadn't reviewed them at the time of the meeting but will this week and then forward the links to the Board.

Jo Beth asked if there was any update from the Broadband Committee. Jeanette has not heard anything. Cathleen Fountain, Dalton's representative for the committee, was present and confirmed she had not heard any updates either. Jo Beth asked Jeanette to provide Cathleen with the contact information so she can ask for a status on the Coos County Broadband Committee. Jeanette confirmed she will do so.

Jo Beth inquired about the accounting software update and if it was on track. Jeanette confirmed it's still on track.

The 2nd meeting with Granite State Water to discuss the pump station and town sewer system is scheduled for Tuesday, July 25th. Jeanette invited the Highway Department and Health Officer to attend and collectively discuss the next steps in developing a plan for repair, maintenance and a proactive plan for the sewer system serving 28 lots in town. Jo Beth inquired about the work for the Pump House and Jeanette stated we were just waiting on the Notice to Proceed from NH DES for the grant funding. We

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should see it in the next week or two and then can proceed to get the SCADA board and flow meter work finally completed.

Scott Kleinschrodt was present and provided a brief update for the Crime & Public Safety Committee. Jeanette received the approved July 6, 2023 minutes left at the tax collector window. The minutes have been posted on the website and the town building bulletin board. Scott stated the committee is prepared to have a Public Meeting and asked the Select Board for a date in August or September. Jo Beth stated there were no conflicts except for the published Select Board and other town committee meeting dates, and that he should check with Jeanette in case other groups have reserved the meeting room. Scott will provide a date and information for the hearing so it can be published per RSA requirements for Public Hearings.

Jeanette confirmed the Facility Use Policy update was completed and is available for all requests effective immediately.

The Drop Box has been installed at the entryway. This was requested by residents so they could securely drop off payments or letters to the Town during non-business hours.

Linda Greenwood, Treasurer, confirmed to Jeanette that she provided Passumpsic Bank with a letter requesting authorization for cash withdrawals be removed from the Town's debit cards.

NH Tax Deed & Property Auctions provided the Town with a revised agreement, per comments and questions from our review of their sample agreement. Jeanette will send them the details for the properties going up to auction so Schedule A can be prepared for a complete agreement to be provided for the Select Board's approval and execution.

Jeanette provided the Board with proposals from RPF Environmental Testing & Consulting Services, a company referred to the town by David Gogolen from Primex. Jeanette was informed by Nolan from ACM Group, the asbestos abatement contractor approved in the previous meeting, that he received a call from Tom Livingston from NH DES regarding a call he received from a Dalton Select Board member regarding abating the asbestos in the building. Nolan asked if we had test reports confirming the flooring and insulation was a indeed 'hot'. Jeanette let Nolan know she wasn't sure but she would ask others and since this was a known and ongoing issue, it's likely that testing had been done already. Nolan stated that he would need that report to submit with the permit for approval from DES and if the town didn't have said testing results, ACM would have to test it first. Nolan would include these tests in the quote already provided if they were hired to do the work, if it was still needed. If they didn't get awarded the work, then the Town would be charged their normal testing fees.

Tom had a chance to read the Building Inspection from March 2022 and he too wants to remove the asbestos so the building is safe but would prefer to address the most important items first. He feels jumping the gun on abatement would be throwing good money out. Due to years of deferred maintenance on the building, there are many items that need to be addressed and he wants to make sure things are done right, and to consider whether the building is worth repair. During Fire Department Ladder Training on August 18th, it was revealed there is a gaping hole in the roof where the gymnasium meets the office used by the State Police. No leaking into the building has been reported. It's unknown at this time whether it can be patched or will need to be replaced completely. A long conversation took place with input from Mike Ryan, Ron Sheltry, Christine Ordinetz, Eric Pilotte, Michael Trudeau, Scott

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Kleinschrodt, Cathleen Fountain as well as others. It was determined there should be a Building Maintenance Committee formed to meet and review the March 2022 Inspection Report, prioritize the work that is required, assist with quotes and reviewing subcontractors, and getting the work scheduled and completed, at the Select Board's approval. Part of the committee's work will be to consider the cost of building repair versus the cost of a new building.

Residents were asked to volunteer for the committee by providing their contact information and qualifying experience. Jeanette will send information to those who show interest so a meeting schedule could be determined. A couple residents asked if they could obtain copies of the March 2022 report and Jo Beth confirmed that it's a public document. Jeanette will share the document on the Town's website, with a hard copy available in the Select Board Office. Jo Beth stated that it's important to keep this building maintained until it can be decided whether or not this building should remain in use or a new building should be built, potentially taking 3-4 years to complete. Jeanette mentioned she has already applied for free assistance in writing a proposal that could cover some, most, or maybe even all of the costs for either option since the building is used in so many ways – supporting the town. Ron Sheltry mentioned he may be able to use FD resources and contacts to get discounted or free testing for the materials and/or air testing, proposed by RPF Environmental. Jo Beth will wait to motion (until the next meeting) on approving the proposals for the testing work. This will give Ron some time to see if he can get the testing done at less or no cost. Jo Beth asked Jeanette to contact roofing contractors to see if we can get some quotes for the work that needs to be complete. Tom mentioned structural issues in the report – timbers/rafters pulling away. A structural engineer may need to be hired.

Jo Beth thanked the attendees for their participation in this discussion, noting that it was a positive discussion.

Jeanette made a preliminary introduction for a retirement plan for qualifying employees of the Town. Many residents have vocalized their surprise that the town doesn't offer this to employees. This information for participation in the State retirement system is very preliminary with the contribution being approximately 13.53% for regular town employees; 31.28% for Police employees; and 30.35% for fire department employees. Employees would also make contributions. Jo Beth said this was good information and asked if there are other options, similar to 401k. Jeanette will investigate. The topic will be discussed further during the development of the 2024 Budget.

Jeanette asked that we start looking at budget and tax rate setting meetings. The Tax Collectors goal is to have 2nd issue tax bills due on December 1st to avoid needing a TAN for the county tax bill due mid-December. It was agreed we would start working on this mid-September.

Ampersand's PILOT is up in December. Jeanette will reach out to Sansoucy (utility assessor) to see when he is available to meet and then we can schedule a meeting with Ampersand. Pam Kathan confirmed it shouldn't take more than one meeting, when asked by Jeanette.

C.N. Brown is locking in oil prices this year. Jeanette inquired and received a rate of \$3.119 per gallon for 4700 gallons. The Board discussed the risk on locking in a rate with the market still being volatile. The Highway Department mentioned previously about getting a new propane supplier due to issues this past winter. Jeanette will ask C.N. Brown for a contract price for propane. Jo Beth motioned to approve the quoted rate for the 2023/2024 season. Carol provided a second with approval via roll call.

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The State of NH – Dept. of Safety completed the Town Clerk audit on Tuesday, July 18th. The report was received on July 20th showing the Town of Dalton and Municipal Agent, Jeanette Charon, are in compliance and have no negative observances.

NHTCA/NHCTCA Certification Program awarded Jeanette with a scholarship covering the costs for her attendance at this year's Conference as Town Clerk and Tax Collector. The association will provide a check back to the Town of Dalton in the amount of \$260.00.

Christine Ordinetz mentioned that a previous town public servant is ill and asked that if she passes her years of services be recognized by lowering the flags to half-staff for the number of services years to equal number of days. The Board found no issue with doing this. Jennifer Green commented that there were very strict guidelines to lowering the federal flag to half-staff. Jo Beth asked Jeanette to investigate. She confirmed she would check on it.

NH Municipal Association provided "Knowing Your Territory" training for municipal officials on June 29, 2023. A recording of that training was made available via YouTube and provided comments made by Tom Dubreuil regarding two years of books that couldn't be closed out because the town can't find \$250,000.00 and asked how do they handle that. Carol asked Tom to elaborate on the publicly made comment. Pam Kathan and Scott Kleinschrodt repeatedly stated the topic should be non-public. Carol stated it was regarding a Select Board member and was public. Pam added it was a public hanging. Jo Beth attempted to explain but was interrupted. Tom stated it was ok, there was a double standard and continued on stating he didn't say it and that it was his opinion and that he heard it and he has a right to his opinion. Carol asked if he wanted to hear the tape at which point Scott Kleinschrodt stated "this is way out of order". Carol responded that it was not out of order because Tom went to a public meeting and accused the Select Board of missing \$250,000 on video. Pam and Scott again interjected for Jo Beth to "stop this". As Jo Beth attempted to speak, she was again interrupted by Scott Kleinschrodt suggesting the Board go in the back to discuss the topic. Jo Beth explained the non-public guideline is for protection of one's reputation, but that members of the Select Board are excluded from that provision. Further discussion continued.

For reference, the pertinent RSA regarding non-public sessions is as follows (emphasis added):

RSA 91-A:3, II(c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, **other than a member of the public body itself**, unless such person requests an open meeting. This exemption shall extend to any application for assistance or tax abatement or waiver of a fee, fine, or other levy, if based on inability to pay or poverty of the applicant.

Jo Beth stated that she would hope anyone going to a meeting and representing the town would do so in a positive manner. Pam stated 'this isn't positive'. Tom stated he was asking questions he didn't state 'they did this, they did that'. He's trying to learn the rules. He stated the Select Board is equal across, but it's not the case here. They have done a lot of things without even telling him and he has a list of them. Carol asked for the list. The Board is responsible for the welfare of the town but every time he brings it up, he receives static, such as he was receiving during this meeting. He continued stating he wasn't perfect and any time he makes a mistake they are there to hang him, but when they do it, it's ok. If the public wants to fire him, that's fine because it's a very thankless fricking job. Tom continued by stating

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everything was a secret and that one can't even go to the Conservation Meeting because it gets shut down – no questions to be asked. Jo Beth attempted to speak but was interrupted by Tom who stated that other committees in town are supposed to go through the Select Board but they don't either... and if it does, it goes through maybe 1 or 2. He doesn't care if he gets hung or not and he is doing what's right for the people and first off before God. He's not a perfect man and is only trying to do what's right. Maybe he did say something out of nervousness, but it was only his opinion. But when everything is a secret and they don't want to talk about it; they're not going to tell you nothing. Jo Beth attempts to speak again and is interrupted. He states that he's not liked anymore because he talks to 'those people'. Again, Jo Beth attempts to speak and Tom stops her by yelling "No, you brought this up, we are trying to pull the town together". "You opened it, you got it. Call the State and fire me outta here, you're not going to pull this crap with me". I am a man that makes mistakes, and I'll make it again. The work the Select Board is supposed to do is dumped over there at Jeanette and a lot of it, and again I'm gonna put it in my opinion because I need to get the RSA's on it, but being an Administrator and a Tax Collector is a conflict of interest.

Jo Beth and Jeanette replied it was not a conflict of interest to which Tom said to start proving it. Jeanette stated she gave him that documentation already. He also asked during the training session and he was told it was not a conflict of interest. Jo Beth stated for years that one person was the administrator, tax clerk and town clerk with Jessie Wentworth. In "Knowing Your Territory", it is not incompatible duties. Tom stated that what he's finding out, it is. He's always hearing where there is an RSA, there's one that always supersedes it. Jeanette reminded Tom that he threw it out on the table during the 1st meeting in April and said he would send me the RSA showing it was a conflict. It's now July 24th and she's still waiting. Even though Jeanette provided Tom with the documentation that it is not a conflict, he continues to beat the dead horse. Tom asked why legal 'down there' would tell him otherwise then? Jeanette asked for proof that they said it and Tom replied he would get it. Cathleen Fountain interjected that, as the Supervisor of the Checklist, she is required to understand the RSA's on conflicts of interest and incompatible duties for elected officials. She stated she would provide Tom with those RSA's but couldn't now since she didn't have the book with her, and that in Dalton the Town Clerk and Tax Collector are separate positions and it is not a conflict for one person to hold both of them and the Town Administrator position. Tom replied he'd be happy to see the RSA's. (Follow-up note: Cathleen Fountain provided documentation to the Select Board later that night, clearly showing that it is not a conflict of interest, nor incompatible duties, for one person to hold the positions of Town Administrator, Town Clerk and Tax Collector.)

Jo Beth continued by telling Tom everyone on the Board has taken the "Knowing Your Territory" training, read the "Knowing Your Territory" book, and has worked hard to develop the knowledge Tom is trying to develop. Jo Beth asked for specifics on the information he is accusing her and Carol of not sharing with him. Tom stated 'ok'. Jo Beth stated that she was tired of hearing general accusations without specifics. Jo Beth continued that in regards to the \$250,000, the town has completed the audit for 2022; Carol added for all 3 years, 2020, 2021, and 2022. All of the books are tied out. DRA reviews all of our books and financials. We can't set our tax rate until these things are all tied out. We have no missing money. Tom stated 'that'd be great, if that's the case'. Jo Beth stated that is the case. Tom said OK.

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Kris Ennis had heard through the grapevine that there was \$250,000 missing. The Town voted for a CPA to do our audit. She asked if the CPA said everything is clear from the CPA audit. Jo Beth confirmed that is correct. Kris continued to mention finding it odd that a Select Board member would say otherwise and since Tom is not a CPA, she will take the CPA's expertise. Tom stated he will be the first to apologize that it was meant to be his opinion and he probably didn't say it that way. He was going on hearsay and when you go to the meetings and they don't give you answers; Carol interrupted that she was never asked by Tom about it. He said he knows he didn't it was just when he was back there watching and listening. Kris asked, but you had a certified public accountant....at which point Jo Beth asked to move one and Tom stated he could be wrong, and he apologizes if he was.

Jo Beth asked if there was any additional new business. Jeanette replied she had new business.

Jeanette continued that after seeing the video from the June 29th NHMA training and after experiencing some things happening since the last meeting, she reached out to Primex regarding the situation. Primex directed her to look at our policy and follow those guidelines. Jeanette is concerned about what's going on because she is an employee, a part of the select board; an elected official, and a resident; she is here because she cares. She jokes that it's not for the money. The items presented come from the Dalton Select Board Rules of Procedure, signed and put into place on July 1, 2019 when receiving majority vote of the then Select Board consisting of Jo Beth Dudley, Carol Sheltry, and Anna Gilbody.

Section IV; Section B; ...when dealing with the Town Staff; (numbered as they appear in the document)

- 1) *Recognize the administrative chain of command and refuse to act on complaints as an individual outside of the administration.*
- 2) *Treat all staff as professionals and respect the abilities and integrity of each individual.* Jeanette adds to be told that she functioning in a conflict of interest and that she believes she runs this town and how does that get addressed other than telling her to 'shut up'. Saying that in a public forum when it doesn't take much to figure out who you're talking about....she is severely offended. She acknowledged that she and Tom had their differences in the beginning and they discussed those privately, like she thought they should have. She would never bring something up in public until he did; and this is not a tit for tat, but he's not following the guidelines as an elected Select Board Member and one of her bosses.
- 3) *Never as individuals publicly criticize an employee. Concerns of employee performance shall be handled at the Board level, usually in nonpublic session pursuant to RSA 91-A:3.* Pam Kathan interjects by saying "ahhh" and pointing to Tom. Carol and Jeanette both reiterate "Employee", he's not an employee of the town, he's part of the Select Board.

Section IV; Section B; ...in their relations with fellow members: (numbered as they appear in the document)

- 1) *Recognize that no member by their actions alone can bind the Board or the Town.* Tom didn't understand Jeanette, so she reiterates that Tom is not supposed to act

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alone as part of the Board. Tom replied, “that’s right”. Jeanette told him that he did though and he even admitted it tonight and he asked how’s that? Jeanette reminded him of his reaching out to legal on his own, asking for the past 5 years of legal; he asked what was wrong with that since he’s on the Board – he wasn’t asking for advice. Jeanette tells him there is a policy for contacting legal.

- 2) *No member, including the Chair, shall conduct any town business outside a regular scheduled meeting without the prior knowledge and approval of the Board at a meeting.* Tom contacted NH DES leading into the next rule
- 4) *Refrain from communicating the position of the Town or Board to other entities (i.e., state and federal officials) unless the full Board has previously agreed on both the position and the language of the statement.*
- 5) *Treat with respect the rights of all members of the Board despite difference of opinion.*

Tom stated that if he didn’t call the DES and the EPA, in his opinion, the town would have been fined very heavily. He called to find out about asbestos because it’s a safety thing and they already outvoted him so he just wanted to find out what the rules were. Jo Beth interjected that she thinks we can all work better together. When we discussed having site visit to obtain an estimate for the asbestos, Tom said he would be present for the walk thru and that would’ve been good so that he could’ve raised these questions. Tom stated he didn’t know these questions. Jo Beth stated that he could’ve raised these issues earlier in the discussions, instead of waiting until the Board is ready to make a decision or has already made a decision. Tom wanted an air analysis and the Board said no. Jeanette reminded Tom an air analysis is not required to do asbestos abatement; Tom interrupted that we’d know what was going on though. Jo Beth interrupts and stated that if Tom wanted to be involved that we talked about it and then waited for another meeting and it’d been better to have these things brought up early on or talked about as a Board about contacting other people.

Jo Beth thinks everyone needs to pay attention to the document that was crafted back in 2019 after the Board members had taken the “Knowing Your Territory” Training. Language was borrowed from similar documents in other towns; it wasn’t developed from scratch. It was developed to try to have civility on the Board. It behooves all of us to read it and adhere to it even though Tom didn’t want to make changes; she reminds him it is still in place. Tom asked where the policy is from before 2019. Jo Beth replied that there wasn’t one and that’s why they created one in 2019. He replied that ‘he understood that’. Tom continues by stating he’s about transparency and ends with, “so fire me”.

Jo Beth motioned to enter non-public #3 for welfare at 8:44pm. Carol provided a second with approval via roll call.

Jo Beth motioned to go back into public at 8:55pm. Second provided by Carol with approval via roll call.

Jo Beth motioned to seal minutes from non-public meeting #3. Tom second with approval via roll call.

No working session for July 31, 2023.

Jo Beth motioned to adjourn the meeting at 8:56pm. Tom second with approval via roll call.

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Minutes Respectfully submitted by Jeanette Charon.

Minutes Approved On: 8/7/2023 (date)

Jo Beth Dudley

Jo Beth Dudley

Carol Sheltry

Carol Sheltry

Thomas Dubreuil

