

Monday, April 15, 2024 6:30 PM
Regular Session
Dalton Select Board Meeting

Meeting called to order at 6:30 pm by Eric. Select Board members Jo Beth Dudley, Thomas Dubreuil (Tom), and Eric Moore were physically present. Town Admin, Jeanette Charon present and note taking.

Eric motioned to enter nonpublic session #1 regarding personnel at 6:31pm. Tom second with approval via roll call.

Tom motioned to re-enter public session at 6:41pm. Eric second with approval via roll call.

Public attendees: Pam Kathan, Vic St. Cyr, Cathleen.Fountain, Michael Trudeau, Michael Crosby, Kurt Hall, Nancy Crosby, Michael Ryan, Jay Ennis, Kris Ennis, Carol Sheltry, Wayne Sweeney, Warren Green, and videographer Emily Thompson as well as others who chose not to sign in and could not be identified.

The Board signed payroll and AP checks.

The Board also signed two gravel intents, one timber intent, and one gravel tax warrant.

Nancy Crosby presented sweep account bank documents for board signatures. All members signed and the documents were given back to Nancy.

Jeanette presented a stray dog/cat contract from Riverside Rescue which they decided not to accept/execute. State police handle our animal control issues in Dalton.

Jeanette presented Lufkin's price increase letter to take effect in April 2025.

Jeanette presented the Notice of Final Tax Date Form submitted to BTLA to the Board, as required.

The Board reviewed and approved meeting minutes from our April 1, 2024 select board meeting. Tom asked about broadband regarding cost. Cathy confirmed this is the work covered by the \$40M grant the state accepted last year. Eric motioned to approve the minutes, Jo Beth second with approval via roll call.

Jeanette asked Tom if he was recording the meeting on his phone again. He confirmed that he was.

Cathleen Fountain was present to give another broadband update. She provided a copy of the minutes from the Broadband Committee March 28, 2024 meeting. Michael Trudeau asked if she knows how many people have signed up. She did not know and stated CCI (Consolidated Communications) is likely keeping track. Jo Beth asked if we could add some wording to the draft informational post card Cathy provided, for example, to emphasis that signing up is required to have the fiber optic cable run to your house at no cost; and to emphasize that NO contract (with any provider) is required at this time. Cathy stated we could make edits. Jeanette proposed adding that people could commit now with no contract or cost. Vic St. Cyr asked who the providers are. Cathleen stated that Fidium Fiber was running the cable. Their web address is on the postcard going out to residents. People are being asked to register early for service, at no cost or commitment. Eric moved to approve the postcard with the changes discussed. Cathleen would handle the changes, ordering and mailing the cards. Jeanette asked Cathleen to have the town billed for the costs. Jeanette to complete the E911 letter on town letterhead for the Board to sign at our next meeting.

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Asbestos abatement is scheduled to take place starting 4/25 with setup and then abatement. Doris has been notified and the work has been posted in the building and online.

Jeanette hasn't received anything from NHRS (NH Retirement System) yet. Tom independently made an appointment with Financial Advisor Brian Thompson (company not identified) to discuss options for an employee retirement plan. Tom to bring the information to the next meeting. Jeanette asked if this shouldn't be done in a SB meeting. He stated he was just meeting to get options for the town. Jeanette asked for the appointment and contact information. Meeting to take place at 9:30am on Tuesday, April 23rd. Location was not disclosed.

Eric asked about the Building Committee meeting update. Jeanette let him know the committee won't meet again until April 29, 2024.

Tom provided the agreement he drafted for the Dalton Picnic Area and landowner. Jo Beth suggested removing 'swimming' from the description. Jeanette commented there is wording legal won't like. Tom motioned to send it to legal. Eric second with approval via roll call. Jeanette will forward the agreement to legal.

Jeanette confirmed the Eastern Analytical Report was submitted by Horizon for our closed landfill. Jeanette confirmed Tom received an emailed copy, as requested, and a hardcopy was provided to Adam.

Dalton has not yet secured a new assessor. We are getting close to the State of NH approving our proposed assessor.

Jeanette provided the preliminary audit last week, to all members, for discussion tonight. We also have Veroff's letter of management to sign. Jeanette made one correction and had one question which Steve Veroff addressed adequately. Tom asked about signing the audit. Jeanette confirmed the letter was the only thing requiring signature. Tom asked to table the topic to the next meeting so he has more time to review the document and approve the letter.

Tom has not yet delivered the Transfer Station revenue and expenditure information. He mentioned he went to meet with Carbury [Androscoggin Valley Regional Refuse Disposal District, AVRRDD] to discuss rates and their contract. Fees increase annually, Tom believes due to not having a current contract. He still needs to visit other transfer stations to check into pricing for bags and whatnot. Jo Beth let him know he could readily find that information on town websites. Jeanette asked what he met with Mt. Carbury about. He went to talk with them about our contract and tipping fees. Jeanette asked Tom for that information. He said he will email it. Jeanette asked Tom if he would be in attendance at the Building Committee meeting on 4/29 to discuss the Transfer Station and he stated he didn't know yet but was planning on it. Jeanette again asked for the pricing information she gave Tom in February for the transfer station so it can be shared with the Building Committee. He will check.

Eric motions to get three tipping estimates: one each from Turnkey, NCES and Carbury. Jo Beth asked why we would do that at this time. Mt. Carbury was cheaper initially. NCES will be closing and then we won't have anywhere to take our trash. Turnkey is in southern NH (Rochester) and transportation would be much more expensive than what we pay now. Eric states he's just asking for 3 bids. Tom states Carbury is not cheaper right now and that's his point. Jeanette asked if he's talked to the other landfills

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to see if they're cheaper. Tom states he has not talked to anybody yet. Jeanette asks how he can make such a statement then that Mt. Carbury is more expensive. Tom stated that their price has just gone up since the contract started from \$55 to \$75 or \$78, he'd have to look again. Jeanette stated that over three- or four-year period they've gone up; they're not at \$78. Jeanette looks at the signed checks and see Mt. Carbury is at \$72. Tom doesn't think it'd hurt to have the three estimates.

Tom then stated that Casella in the host agreement, he believes, if they took it over, it wouldn't cost the town anything. Jo Beth stated that we don't know that. We have no current host agreement, and they haven't even filed a solid waste permit application that has been accepted as complete by DES yet. And, Casella representatives stated during their recent presentation to the Select Board that there are no plans for a transfer station as part of the proposed Granite State Landfill. Tom states it's because we haven't talked with them and we just sit back and do nothing but we should at least talk to them and see what they have to offer. It's not going to hurt. If it's going to be here, it'd be dumb not to work with them and let the town profit off it; they'd have to help this town. Jo Beth stated they've already said that they're not having a transfer station. Tom meant a landfill. Jeanette stated there is no approval as far as the state is concerned as far as the permits go. She believes it may be a little premature to sit down and try to negotiate terms with them for if or when they come to Dalton. Tom asked if Jeanette had documentation that states their applications are incomplete. She confirmed he was asking as to whether the permits have been completed/approved. He stated yes. Jeanette confirmed she did and that he had been provided the letters as well. Letters were sent from NHDES listing deficiencies on the applications and that they're not being reviewed because they're incomplete. Tom thinks the host agreement said they were going to do it out of good will, to take it over from us. Jo Beth stated that was five years ago and it was a totally different plan and we don't want to start there now. It was a great agreement for Casella but not for the town. There were terms in that old agreement that are problematic. Jo Beth continued to state they don't even have a complete solid waste permit application yet; what do we have to negotiate? Tom asked if we have the old host agreement. He wants to look at that and bring it in. Jo Beth asked why we would start there when it's so old. Tom's point is that if we don't talk to them, we don't know. We are grasping at straws and we need to go to the source so we know what's going on. Jeanette states that we know what's going on: they have a bunch of permit applications that have been submitted that are incomplete and are not being reviewed by DES and until after Casella responds with complete applications. Jeanette's guess is that Casella could be waiting for the bills with the Senate and the House; they could be delaying their actions so they aren't wasting resources. Jeanette believes it's premature and she's just contributing to the conversation. There is no landfill coming to Dalton as of right now. If you said, "today, where is it going or is it coming?", the answer would have to be no because the state hasn't approved it. Jo Beth added that at some point, yes we should discuss a new agreement. Until we are closer, it's hard to negotiate. Jeanette added that when Jon Gay was here doing the presentation in January, he stated that there was no host agreement and that would be with their legal team. Tom would like to look into some information deeper and discuss it with them. Jo Beth stated that it should be with the whole board and not one of us individually. Pam Kathan adds "start a discussion." Tom believes we should have them come and talk about the project in the meeting. Jo Beth noted that they had already met with the Board and presented their plans, and that it was at that meeting when John Gay stated there was no transfer station in the current plans, and that there was no host agreement and that the concept of a host community agreement was with their legal department. Jeanette asks if they want her to reach out to Rebecca and

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ask them to come in. Eric motioned. Tom seconds. Eric and Tom 'yay', Jo Beth "nay". She believes it's premature. Eric stated he just wanted three bids.

Jeanette asks if Eric still wants her to get three prices from the landfills. She reminds them that it's not just pricing we have to look at. It's also capacity and other things as well. Tom and Eric agree it wouldn't hurt. Jo Beth states that transportation all the way down to Rochester (Turnkey) is going to be expensive. Jeanette will contact Turnkey and NCES. Tom has Carbury tipping fees, which he will email to Jeanette. Jo Beth asks again, if NCES is closing in two years, why would we change at this point. Eric states we could get locked in. Eric states it's not going to hurt to get three bids. Tom added it won't hurt to talk; there is no finalization to just talking.

Michael Trudeau mentioned that he spoke with Stockley's in Lisbon. They would be interested in placing a metals container at our Transfer Station. Jeanette asked for contact information from Mike Trudeau. He will provide the information. Jay Ennis added that Whitefield just left their vendor for Northeast Metal Salvage on Route 116 who provided a much better price. Jeanette asked if they were the new company. Jay confirmed. Vic St. Cyr stated to ask about tonnage rate. Stockley's asked about frequency, per Trudeau.

Internet Café just needs final layout/planning and then board approval so the work can happen. We are also waiting for Certified Computer to come run the data cables, as previously approved by the board. Eric asked if it'd be cheaper to just do a Wi-Fi extension? Jeanette let him know that with multiple users, the speed will decrease dramatically. He agreed.

Tom asked about the Clean Diesel Grant information. He asked for a copy of the truck order confirmation. He also mentioned that Adam got the old dump truck running again so it can be used for gravel this year. Jeanette confirmed it was fixed by running a bypass. The truck is safe to operate. Jo Beth noted that the town voted to proceed with financing for the new truck, which is already on order.

Grant Funding opportunities have no updates. Solar work is on hold pending the RFP from the State for grant funding. Sewer work is complete. Clean diesel truck is on order. Tech Assistance grant has not been used yet.

Eric motioned to have the open highway equipment operator job posted in the Caledonian Record, the Democrat, and the town website. Jo Beth asked if we were using the same ad as last year. Eric confirmed. Jeanette asked about the pay rate. Tom asked if we should ask what they're looking to be paid. Jeanette stated we need to list a starting salary. Jo Beth mentioned updating the description since we now include retirement. Jeanette will post job. Starting salary is agreed to at \$21/hour. Tom states we should have Adam present when the people are here. Jeanette reminds Tom that Adam is the interviewer. Jo Beth confirms that Adam screens the candidates and then he and the board conduct the interviews. Tom provided a second. Approval via roll call.

Jeanette provided her job description to both Tom and Eric in response to the conflict of interest claim Tom made two weeks ago. She read aloud information from the description that removes her from having a conflict of interest as he claimed. She has no board vote, she just provides the information. Jo Beth reiterated that the conflict of interest language discussed town officials. In the town admin capacity, Jeanette is an employee of the town, not a town official. The Select Board members are the town officials. Tom doesn't deny but with what he read it was a different story and he needs to look into

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it further and then he will give his opinion. Jeanette asked if we should keep it on the agenda. Tom stated yes, that he will try to get all this stuff done in another two weeks.

Michael Ryan stated that the drainage runs on Martin Meadow Pond Road have been ruined by whoever has been plowing. He believes that Lancaster has been plowing the road. The drainage pipes are covered up and there is no opportunity for water to drain; the road is going to get washed away. Jeanette will send information to Adam to address and reach out to Mike.

Michael Trudeau is looking for answers/comments on his question regarding the re-ordering of petition warrant articles at the Town Meeting. He believes, through conversations with Jamie Dow, from NH DRA, that our town attorney misled the residents on petition warrant article ordering. Jamie stated any resident can change the order of the articles in the meeting. Jeanette stated she was told the budget had to be addressed in the beginning of the warrant articles and town meeting. Jo Beth stated that we can't go back and change what happened at town meeting and that this is good to know going forward. Trudeau believes it's more serious than that because the outcome of a town meeting was changed. Jeanette stated she doesn't believe that is definitively true. There was a proposed amendment to the budget and that amendment failed. The petitioned warrant article was discussed at the time of the budget. Trudeau believes the article Sweeney proposed could've been passed and that would have superseded the budget. Trudeau stated he went off the minutes Jeanette provided. Jeanette stated she would have to go back and look. Trudeau is asking for any communication the town had with Mrs. Butterfield prior to town meeting. Jeanette stated that would be attorney client privilege. Trudeau states it's town information. What happens at the town meeting is, but anything before or after would be attorney client privilege. Trudeau stated he was going to check with DRA on that. Jeanette stated that was fine. Trudeau wanted to know if there was anything prior to town meeting. DRA approved the warrant and all the warrant articles, as did the attorney, prior to posting for the Town Meeting. Jeanette stated that Naomi isn't our regular attorney; she was filling in for our attorney. Wayne Sweeney stated that Mrs. Butterfield should be able to produce the rule or law that was presented at a very critical time in the meeting. If we can get that, we can take it from there. Tom's opinion is that the budget is public knowledge, and he also spoke with Jamie Dow and if we had to keep #2 in its place and she did not say anything of the sort. He doesn't know what answer to give and it should just be laid out with facts and then be done with it. Trudeau asked if a motion had to be made to contact Naomi Butterfield. Jo Beth confirmed yes, and there would be a cost to the town. Tom stated if they pushed it, then it could be even more. Jo Beth confirmed the town voted at the meeting. They voted down the amendment, which would have reduced the budget to the amount proposed in the petitioned warrant article and voted in the budget as originally presented. She doesn't understand the purpose of all this discussion. Sweeney adds that the purpose is to follow-up whether or not the legal expert for the town gave accurate information at a very critical moment in the meeting; that's the purpose. Jo Beth states it's important to know going forward, but it's not going to change anything now. Eric asks Tom what he thinks. Tom states it's going to be continuous agony. He motions that we should have legal come and sit here to answer. Jeanette asked if he knew how much money that was going to cost to have an attorney come up here and sit through a select board meeting. Tom states he sees the bills and he knows what's been going on. Jeanette asks to make a recommendation that perhaps we review a town meeting video before we contact legal so we all know how it went down. Trudeau states so much time was wasted and people got frustrated during the whole process. Jo Beth stated the best way of dealing with proposed changes to the budget is to amend the budget warrant article and not add petition

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warrant articles. Cathleen Fountain recommends to reach out to DRA regarding the rules and guidelines. They won't charge you to answer questions. Accusing legal counsel could be walking into a hornet's nest. Sweeney stated it should be unoffensive to ask an expert to site what they're using during an official meeting. Jeanette will contact Jamie, at the Board's request. Eric motions for Jeanette to contact DRA. Tom seconds. Approval via roll call.

Jeanette informs the board there is one, possibly two legal issues. Tom asks what they are. Jeanette states she can't tell him that. They're legal. They're nonpublic and there are people in here.

Eric motions to go into nonpublic for two legal issues at 8:05pm. Tom second with approval via roll call.

Eric motioned to re-enter public session at 8:25pm. Tom second with approval via roll call.

Jo Beth motioned to seal both nonpublic legal sessions #2 and #3. Tom second with approval via roll call.

Tom motioned to adjourn meeting at 8:28pm. Jo Beth second. Approved via roll call vote.

Minutes Respectfully submitted by Jeanette Charon.

Minutes Approved On: 4/29/24 (date)

Jo Beth Dudley

Jo Beth Dudley

Thomas Dubreuil

Eric Moore

Eric Moore