

**Monday, June 10, 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.

Public attendees: Carol Sheltry, Michael Trudeau, Pam Kathan, Vic St. Cyr, Jay Ennis, Kris Ennis, George Bell, Michael Crosby, Nancy Crosby, Michael Ryan, Kurt Hall, Paul Deveno, Ron Sheltry, Warren Green, Jennifer Green, Evelyn Flynn, Terri Parks, Brian Parks, Adam King, Robert Fountain, Cathleen Fountain, Thomas Schmidt, Michael Carrier and videographer Emily Thompson as well as others who chose not to sign in and could not be identified.

Ryan Thompson from Passumpsic Financial Advisors presented a retirement proposal for the town's employees. He provided the board with information on a 457B plan and explained the pros and cons of the program compared the New Hampshire State Retirement. BPAS would administer the program with annual fees ranging from \$3000-\$5000 per year. Ryan wasn't able to confirm if the prices on his handout were for a program of Dalton's size or not. The employer is able to choose the contribution/match amount. Returns on investment will vary based on portfolio and risk levels. The program has no minimum or maximum enrollment requirement. Passumpsic currently manages 457B accounts for approximately 6 municipalities in New Hampshire and Vermont combined.

Matthew Koehler from Eversource was present but had no presentation or comments for the meeting.

The Board signed payroll and AP checks.

The Board executed one pistol permit as well as two cemetery deeds.

The Board reviewed meeting minutes from May 29, 2024. Jo Beth motioned to approve the minutes. Tom and Eric stated they had multiple revisions for the minutes. Jeanette asked for them one by one. Tom stated we didn't have time to go over them and suggested discussing it later. Jeanette stated it had to be done during an open meeting; now was as good a time as any. Tom disagreed with the statement that there was no discussion on the proposed document (Amended Proposed Protocols Regarding Safety and liability For the Town of Dalton) since he has half a page of discussion from Jo Beth. Jeanette read the line completely, which states there was a call to vote without discussion, to which Jo Beth objected, and discussion then followed. Tom claimed false accusations in the minutes. Jeanette stated the motion to vote happened prior to the discussion and that's what's stated in the minutes. Tom stated he was not approving the minutes and he didn't want to fight about it that night. Tom asked Eric how he wanted to handle it. Jeanette asked if we could take care of other inaccuracies and go back to this one later. Eric stated that a couple items were missing, like Jeanette's comment about addressing the peanut gallery. Jeanette agreed and added it to the minutes. Eric stated that the way the minutes read, it sounds like him and Tom corroborated. Jo Beth stated that's how it felt in the meeting. Tom said it appeared that him and Eric are doing shady crap, which they're not and wanted the phrase "...although it appeared that both Eric and Tom had seen it prior to the meeting." stricken from the paragraph regarding the "Amended Proposed Protocols Regarding Safety and Liability for the Town of Dalton". Jo Beth disagreed because of their quick action to motion and vote on the topic. Eric claimed the only revision was the keys. Jo Beth stated that without time to review the document, how would she know that? Tom stated that Jo Beth's objections and conversation regarding same happened prior to the motion to vote. Both Jo Beth and Jeanette disagreed. Jeanette suggested pulling up a recording of the meeting.

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Jo Beth made comments regarding her perspective on multiple topics and issues that have been occurring amongst the board members, individually and collectively. The newly proposed protocols appeared to be discussed among Tom and Eric prior to them being given to Jo Beth and Jeanette in a meeting, with immediate motions and calls for a vote prior to discussion. Eric stated that didn't happen. Jo Beth felt these items were being ramrodded through because there was no discussion on any of the policies and protocols. The items on the document should be compared to current policies and procedures. Those affecting Highway or the Fire Dept. should be discussed with those department heads prior to putting them into place. Reviewing policies is good practice, but it's good to discuss them and then vote on them in a subsequent meeting. Current Select Board Procedures state that the Board should never publicly criticize an employee. Jo Beth received a letter sent to her home from a resident and stated that there was a phone conversation between Eric and him in which Eric commented there were communication issues between Jeanette and the Board. Jo Beth suggested a better way of handling this issue. Jo Beth relayed Select Board responsibilities and communication with the office. Lastly, Jo Beth touched on serious accusations being made about employees stealing from the town. This accusation is serious. The Select Board must receive complaints in writing to handle appropriately. Jo Beth asked all present to avoid making disparaging comments about the town and its employees. She made comment about a previous case where an employee was accused of stealing and how it cost the town a great amount of money to settle that case. Discussing town business outside of formal meetings, making disparaging comments regarding town employees to residents, etc. puts the town at significant risk, especially if existing policies and procedures are not followed. Members should come to each meeting prepared to listen and engage in productive dialogue, and follow through on their commitments. Board members were elected to represent all the residents of Dalton, not just their individual constituents or the people that helped them get elected. Tom stated he agrees there shouldn't be false accusations, period. (Draft of discussion points attached.)

Jeanette again asked if he wanted her to strike that portion of the sentence in the minutes. He stated 'yes'. Jeanette confirmed striking it and asked for any other modifications. Tom went back to the 'no discussion' prior to the vote on the proposed protocols. Jeanette again offered to pull up a video. Tom declined stating this is why he records the meetings on his phone, so he can go back and listen while he reviews the meeting minutes. Jeanette asked what other items needed editing. Neither Tom or Eric provided details to the 'multiple revisions' they stated were required. Tom motioned to table the review and approval and Eric provided a second. Approved with a Nay vote by Jo Beth.

The Board reviewed nonpublic minutes #1 for legal and #2 for personnel, from May 29, 2024. Jo Beth motioned to approve with a second by Eric. Approval via roll call.

There is no update for the Broadband Expansion work as the next meeting isn't until June 20, 2024.

Jeanette provided an update on the Building Committee work that has progressed. The door for the Boiler Room has been replaced. It will be primed and painted in the near future. The door threshold will also be completed soon. The bathrooms were primed and painted over the weekend. Toilet partitions are currently being installed and the new toilets will be installed shortly thereafter. There is no update on the police door and entry grate.

The license agreement for the Dalton Picnic Area has not been received by Donna Madonna via email. Jeanette will mail a copy to her.

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Tom has no update on the transfer station revenue and expenditures analysis.

Select Board Rules of Procedure are mentioned but not discussed. Tom stated when he first came onto the Board he asked for the original. Jeanette stated she doesn't have an original, only the one that is current. He asked for the one that was there prior to them. That is what was sent. Jo Beth stated it's been in place since 2019.

NCES and Turnkey still have not provided tipping fees as requested. Jeanette sent an article to the Board regarding tipping fees and the fast increase the country has seen. Our current fees, with Mt. Carberry, are currently more than 10% lower than the average price on the east coast.

Casella will be present to provide their ideas for a community host agreement on Monday, June 17, 2024. Pam asked if it was on the website. Jeanette confirmed it was.

The US Army Corp of Engineers will hold their public hearing regarding the proposed Granite State Landfill Project in the Municipal Building gymnasium on Wednesday, June 26, 2024, from 5-7pm. Jo Beth asked if we were providing the sound system or visual equipment. Jeanette stated we would coordinate as we get closer. She asked if security was necessary. Neither Eric nor Tom responded. Jeanette didn't think so. We will have volunteer firemen present in case the occupancy limit is exceeded. The occupancy limit permit is posted in the gymnasium.

There has been no further information or communication regarding the Rails to Trails project and existing rail lines. Tom asked if they've already bought the system. Pam Kathan stated the new owners have no deal with snowmobiling or recreational clubs for using the property. The new line owner does intend to reactivate the lines. Tom is concerned about the storage of rail cars within the town, asking if they require town permission. Jo Beth stated there is no permission required for them to utilize their own property. Jo Beth suggests to the Board that the town submit a letter to the new owners supporting the Rails to Trails Project. Tom and Eric both support the idea. Jo Beth makes the motion. Eric provides a second with approval via roll call vote. Jeanette will work on the draft.

No one had comments to provide for the North Country Council Transportation Improvement Plan Project list sent to the Board and Adam via email. This is due by no later than July 3, 2024. Everyone was asked to bring comments to the June 24, 2024 meeting for discussion and submission.

Ron Sheltry and Adam King were present to discuss the proposed "Amended Proposed Protocols Regarding Safety and Liability for the Town of Dalton" distributed at two previous Select Board Meetings. Ron briefly reviewed his current process as it pertains to equipment, emergencies, etc. He asked if the Board wanted to be contacted at 3am if equipment broke down. They replied to the negative. Jo Beth noted that this contact would be required per the proposed document. Ron finds it helpful to contact the Town Administrator with issues, who then can easily contact the Board members, if there was an issue deemed an emergency. Ron would follow up with a report. Tom stated Ron is doing a good job. Tom stated the broken-down truck cost the town money. It should have been reported to the Board so it could've been fixed. The Road Agent should fix the equipment if it can be fixed.. Adam confirmed he could follow the same protocol. Jo Beth had Adam clarify that with the Highway department truck, Bob Wentworth (prior Road Agent) was diligently trying to get the truck repaired. Jo Beth noted that contacting the Board wouldn't have changed that process. Both department managers want to be able to manage their departments and focus on getting their jobs done in lieu of reporting every item or detail when they feel it isn't necessary. Tom stated that communication is broken, but not

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because of Ron. Both Ron and Adam agreed to come to meetings on a quarterly basis to provide a brief report of what has happened in the past months as well as provide information on upcoming issues the managers may foresee. The Board found this reasonable. Tom asked for time and communication to deal with issues. Ron and Adam are both taking their budgets into consideration when making business decisions. Both managers are open to providing tours to the board members if they would like them. Ron provided details on what has been done through the Fire/EMS department and how they handle things. Adam added that while he is still figuring things out, they're getting things done. It should be a bit easier now that there are three Highway department employees instead of two. Ron stated that everything is running great in his opinion. Bills are paid, work is getting done, and the managers have the support from Jeanette, as the Town Administrator, they need to be productive. Ron noted that Jeanette is doing a great job, and communicating very well with him. Ron currently holds five positions with the town, Fire Chief, EMS, Forest Fire Warden, Health Officer, and Emergency Management Director. Lastly, he mentioned that the Town Mitigation Plan renewal is forthcoming. All board members will be required to contribute. Robert Fountain asked how the newly proposed protocols would have improved the process in which the managers deal with issues, such as the Highway Truck not working. There was nothing the proposed new protocol would change in the repair of the truck. Robert asked then why is a change being proposed. Tom stated that the Board needs to know. Adam confirmed he will reach out when it's necessary. Jeanette added that the Board sees all invoices, checks, etc. that deal with equipment repair. The Board members are receiving all the information when they sign checks and review financial reports, although it may not be by someone coming to the table and telling them. Information is there; it just needs to be realized and utilized.

Evelyn Flynn asked if the departments had committees? She stated the School Board has committees where all board members are required to participate, selectively. Ron stated that the departments don't have committees, but the town does. Carol Sheltry mentioned the Joint Management Loss Committee formed in 2020 that has not met in a long time. Other committees also exist with Select Board representation include the Planning Board and the Conservation Commission.

Travis Wright has been hired for Highway Department, and started work today, June 10, 2024.

Ron provided details on the payroll for the Volunteer Fire Department. Many towns pay more than Dalton and also pay a two-hour show up time. Dalton pays one hour. After discussing with members of the department, they would rather get new equipment. Ron and the department maintain all of the vehicles in-house to save the town money. Repairs generally cost the town nothing, unless parts are needed. The department added a training room on the second level of the firehouse. The rescue boat the town received free from the state was also rebuilt at no labor cost to the town.

NH DES has released the RFP for the Municipal Solar Grant. The information was shared with the Board. No one had comments regarding the RFP. Jo Beth asked about other grants the town could do to reduce costs and increase efficiencies. The solar lighting proposal from Affinity was nearly \$50k for all buildings and it was something the town was not prepared to do. Some smaller items may be for feasible at this time.

Public Comments:

Robert Fountain asked why his Right to Know Request was still open. Tom stated it was discussed on April 29<sup>th</sup> and Jeanette should've sent him the stuff. Jo Beth recalls Tom was to send Jeanette an

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email response to the request. Tom believes it's a game that is being played and he is not going to play the game. Robert objected to the fact this is being described as a game. Tom advocated for transparency and was asked why he doesn't do what he expects of others. Tom apologized to Robert stating he assumed Jeanette would have sent him Tom's comments. Jeanette, feeling the need to defend herself, read aloud the information included in the April 29, 2024 meeting minutes, and presented to Tom the minutes from April 29, 2024, that in fact included the discussion about the Right to Know from Robert Fountain. During that meeting, Jeanette asked multiple times for Tom's response in writing, so the Right to Know Request could be formally answered. Tom had stated she would get his response. No response was received until Tom's June 7<sup>th</sup> email. Jeanette asked Tom to please stop lying and trying to defame her name and position. Tom told Jeanette to 'not go there'. Pam Kathan asked what was being requested and why Robert asked for the information. Jeanette told her what was being requested and that a reason is not a requirement; anyone can ask for information, as she knows. Tom stated he was sorry it took so long but now Robert has it. Robert stated he has gotten nothing. Tom asked what he doesn't have. Tom replied to Robert's request, via email on Friday, June 7, 2024. Robert stated he asked for the emails and the recordings. Tom stated that per NHMA, because he records meetings for his own personal use, that they're not public material. Tom stated per RSA 91-A:5, VIII, "Tapes or notes by a board member for personal use are not governmental records and are not subject to disclosure un the Right to Know Law." Robert replied that Tom left out critical words of RSA 91-A:5, VIII. The RSA did not shelter his recordings of the meetings as they're used for official business. Tom stated he would look into it.

Jennifer Green asked about the May 29, 2024 meeting minutes discussed earlier in the meeting. She noted that both Tom and Eric stated they had issues with the minutes and didn't want to sign them but wouldn't articulate their issues. They are being vague about the issues and it's making her very uncomfortable. They both state they want transparency but when they're stating there is an issue but can't bring it forward, it leads everyone to use their imagination. They represent the town and if there is an issue recording the minutes, they should come prepared to be able to state the issues precisely for discussion and not kick the can down the road. Why aren't issues being cleared up? As tax payers, if there is an issue, we should be aware of it. Jennifer asked if she can expect them to come to the next meeting with the issues ready to present and discuss. Tom stated that he hopes to. Jen asked if she can expect that Eric can say what the issues are. He stated he could, but he didn't. Tom stated that Jennifer got her point across.

Carol Sheltry submitted a Right to Know and asked to have a copy signed. Jeanette looked at the request and asked that the Board sign acknowledgement on both copies. The Board members reviewed the document and signed it, except for Tom. He stated he wasn't signing it and that it was a double standard being treated differently than Robert Fountain's request. Jeanette asked how. Tom stated that this one was being signed by but Robert's wasn't. Jeanette reminded Tom that Robert's request was received by the Board and Jeanette via email. Carol's request is being received in person. Additionally, Carol didn't sign her request just like Robert didn't. Tom stated he had enough and was going to consult with his attorney. Jeanette will handle responding to the request.

Jo Beth motioned to go into nonpublic for legal and personnel at 8:47pm. Eric provided a second with approval via roll call.

Jo Beth motioned to re-enter public session at 8:59 pm. Eric second with approval via roll call.

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Jo Beth motioned to seal the minutes for all nonpublic sessions. Eric second with approval via roll call.

Eric motioned to adjourn meeting at 9:00 pm. Tom provided a second. Approved via roll call vote.

Minutes Respectfully submitted by Jeanette Charon.

Minutes Approved On: \_\_\_\_\_ (date)

\_\_\_\_\_

Jo Beth Dudley

\_\_\_\_\_

Thomas Dubreuil

\_\_\_\_\_

Eric Moore

DRAFT

**Discussion Notes / Talking Points** -- for Select Board Meeting: June 10, 2024 (JBD)

I have some important things to discuss with the Board.

1. Regarding both the original “Proposed Protocols Regarding Safety and Liability For the Town of Dalton” and the amended version presented May 29<sup>th</sup>
  - a. Both times this document was presented to the Select Board, there was an effort to ramrod these documents through with no discussion, without even allowing Jeanette and I time to read and review them.
    - i. It appeared that both Tom and Eric had seen both versions before the Select Board meeting and agreed to act on them.
    - ii. **This is inappropriate. It violates the Right to Know Law for Select Board members to discuss Town issues outside of a Select Board meeting.**
    - iii. It is OK to share a draft document with *all* members of the Select Board prior to a meeting, *without discussion*. From the conduct in the meetings, it appears these documents were shared with only two of the three Select Board members. That is not appropriate.
    - iv. Items presented for a vote by the Select Board deserve discussion and deliberation IN the Select Board meeting.
  - b. Two of the Select Board members, Tom and Eric, were disrespectful to the town, and to both myself and Jeanette by the above actions, and by not engaging in *productive* discussion about Policies and Protocols.
  - c. Specifically, regarding this document:
    - i. The items listed on the document are separate items and should be considered separately.
    - ii. Each item should be considered in conjunction with current Town policies and procedures. The correct approach is to review and possibly amend current Town policies, if appropriate. If necessary, new policies/procedures may be drafted and considered.
    - iii. For policies/procedures that impact the Highway Department, or Fire/EMS, the appropriate supervisor should always be involved in developing and discussing the policies/procedures (i.e. Adam as Road Agent and Ron as Fire Chief).

1. A reminder that, per RSA 154, the Fire Chief (not the Select Board) is responsible for Fire/EMS equipment maintenance.
- iv. It is good practice to review each policy/procedure at one meeting, and postpone making a decision until a subsequent meeting.

## 2. Secondly, regarding Personnel

- a. The current Select Board Procedures, adopted in 2019, contain language concerning the conduct of town business and interaction with town staff. One of the provisions states: “The Board, when dealing with the Town Staff, shall: ...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.
- b. On 5/30/24 I received a copy of a letter sent to Eric from a resident, stating: “I am aware from our phone conversation there may be communication issues between Jeanette Charon and the board” **To make such a statement publicly, to a resident, is inappropriate, unprofessional, and goes against the Select Board Rules of Procedure.**
  - i. Eric should have declined discussion of this town issue outside of a Select Board meeting.
  - ii. In this case, he should have referred the resident to Jeanette, as Tax Collector, for the information requested and a status update.
- c. Select Board members have a responsibility in communication with the Town Administrator. If a Select Board member has a question, she or he may pick up the phone and call Jeanette, or send an email.

## 3. Third, regarding Personnel

- a. I’ve heard about a rumor circulating that Town Employees are stealing from the Town. This is a serious accusation. If there is a complaint regarding any town employee, it must be presented to the Select Board, in writing. The Select Board cannot deal with general, nonspecific accusations.
  - i. I ask all of you here tonight to refrain from any disparaging remarks about our town employees and officials. If you have a complaint, it must be put before the Board in writing. Rumors disparage the town and its hardworking employees and elected officials.
  - ii. To my fellow Select Board members, I ask that you handle any such accusations or rumors by requesting that the allegation be put in



writing, so that the Select Board can evaluate it and determine if any action is warranted. Under no circumstances should a Select Board member engage in discussions of accusations or rumors.

*iii. As a reminder to our residents and to the current Select Board members: Over ten years ago, an unfounded allegation of theft by a town employee resulted in the town paying out a substantial court settlement. Vic – perhaps you remember the details, as I understand you were on the Select Board at that time? Personally, I don't want to see something like that happen again to our town.*

#### 4. In Summary

- a. There is a risk to the town for two of the Board members to continue to handle Select Board business outside of public meetings. It is in violation of RSA 91 A:3 and must stop immediately. Items must be put forward for discussion and deliberation in a meeting, before a vote is taken.
- b. Failure to recognize and follow existing policies and procedures puts the Town at significant risk. In case of a lawsuit, Primex will not cover the town if policies and procedures are not followed.
- c. It is the responsibility of each Select Board member to come to each meeting prepared, to listen and engage in productive dialogue, to research issues before the meeting, and to follow-through with commitments.
- d. Each Select Board member was elected ***as an individual*** to represent all the residents of the Town of Dalton, not just their individual constituents or the people who helped them get elected.