

Monday, July 22, 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, Robin Pilotte, Diane Lyon, Pam Kathan, Kurt Hall, Michael Crosby, Nancy Crosby, Adam King, Jeffrey Young, Aiden Young, Angela Currier, Wayne Lambert, Michael Ryan, Ron Sheltry, Mark Jacobs, Warren Green, Paul Deveno, Michael Trudeau, Michael Carrier, 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 signed one gravel tax warrant, one sewer tax warrant, and resigned the Peterson Deed printed single-sided (previously printed double-sided).

The Board reviewed and signed a request from the USDA to trap and test/inoculate wildlife for rabies in Dalton. Jo Beth motioned with a second from Eric. Approval via roll call vote.

The Board reviewed the June reconciliation reports along with a transaction history for January through June 2024.

The Board reviewed the meeting minutes from June 10, 2024 select board meeting. Jo Beth motioned to approve. Eric refused to sign, and Tom abstained. Eric refused to sign because his vocal statement regarding corroboration was included in the minutes. Tom stated it was an opinion and shouldn't be included. Jeanette informed them the statement included was actually said by Eric in the meeting and was not an opinion. Jo Beth asked for specific suggested changes to the minutes, so they could be amended and then approved. Eric and Tom maintained their stance to not approve/sign. Minutes will be posted in draft format.

Nonpublic minutes 1 and 2 from June 10, 2024 were reviewed and approved. Jo Beth motioned with Eric providing a second. Approval via roll call.

The Board reviewed the meeting minutes from June 24, 2024 select board meeting. Jo Beth motioned to approve with Eric providing a second. Tom abstained.

Nonpublic minutes 1, 2, 3, 4, 5, and 6 from June 24, 2024 were reviewed and approved. Jo Beth motioned with Eric providing a second. Approval via roll call.

Jo Beth motioned for nonpublic minutes #4 from June 24, 2024, be unsealed. The topic discussed should have been done in public session. Eric provided a second with approval via roll call.

The Board was provided minutes from the July 8, 2024, select board meeting. Tom asked to table them to the next meeting. Jeanette asked the Board to not table the minutes as they are needed for the New Hampshire Retirement System application to make it onto that Board's August meeting agenda. Jo Beth motioned with a second provided by Eric. Approval via roll call.

Nonpublic minutes 1, 2, 3, 4, 5, and 6 from July 8, 2024 select board meeting were reviewed and approved. Jo Beth motioned with a second provided by Eric. Approval via roll call vote.

Jo Beth asked if the newly released NH Department of Business and Economic Affairs (BEA) directive coincided with the current Broadband Expansion Program. Jeanette wasn't sure but would forward the information to our representative to the Broadband Committee, Cathleen Fountain.

Monday, July 22, 2024 6:30 PM
Regular Session
Dalton Select Board Meeting

The Dalton picnic area was damaged by the flooding that occurred July 10-12, 2024. At this time, there were no plans provided for refurbishing.

No update from Tom on the transfer station revenue and expense analysis.

No update for the Select Board rules of procedure.

Casella is still on schedule to present on Monday, July 29, 2024 regarding the proposed Granite State Landfill and tipping fees.

No new updates on the Rails to Trails Project. At this point, based on the response from the rail owner, it is expected that no recreational use of the tracks or surrounding area will be allowed. It is still uncertain what will be trucked or stored through the train lines at this time.

The town received a quote from Superior Plus for oil and propane. No quote has been received by CN Brown as of yet. Wayne Lambert offered to contact Superior to see if he could help with getting a better quote from Superior. Jeanette said the help was welcome.

Eversource will be at our meeting on August 19, 2024 to present their X178 Line Rehabilitation project.

Jeanette will contact the NH Community Power Coalition to schedule a presentation for the Board and residents.

No update for the Building Committee. No update for the Conservation Committee. The Planning Board will review the subdivision application submitted by the Heberts on Faraway Road. The setback variance was approved for 438 Miller Rd.

No grant opportunity updates.

Ron Sheltry provided a quick Emergency management Director update. The NH Office of Emergency Management and representatives from FEMA will be in Dalton on Thursday, July 23, 2024, to meet with the Road Agent, Fire/EMS Chief, and Select Board, and tour the town's damages from the flooding that took place on July 10-12. There will be lots of details provided with guidelines and requirements for requesting FEMA reimbursement, if/when a disaster declaration is made. Ron has received no additional compensation for the many hours (>130 hours above regular hours) of Emergency Management Director work he has completed thus far. Jeanette is compiling documents, photos, documentation, etc. and has handled the communications and coordination for the town for the disaster. Maximum reimbursement from FEMA and USDA is 75% with a 25% co-pay.

Jeanette provided a recap of her meeting with the Natural Resources Conservation Services (through the USDA) to assist with prevention and upgrades to our infrastructure. FEMA will handle more of the repairs, the NRCS/USDA is concerned with being proactive to prevent/mitigate damage in the future (e.g. installing larger culverts, adding headwalls, etc.) NRCS asked for a letter from the Board seeking assistance in order to get the program implemented. Jo Beth motioned to approve and sign the letter with Eric providing a second. Approval via roll call.

Jo Beth thanked Town Staff and Volunteers for all the incredible work they've done in response to the flood damage.

Tom mentioned the passing of a life-long resident and asked for a moment of silence.

Monday, July 22, 2024 6:30 PM

Regular Session

Dalton Select Board Meeting

Jeanette provided details on the finances for the emergency road work that has been so far.

The Municipal Solar Grant application is due soon. Melissa Elander, with Clean Energy NH, has asked for a letter from the Select Board showing their support for the solar program. Jo Beth motioned for the Board to issue/sign the letter with Eric providing a second. Approval via roll call.

Adam King asked about the highway garage boiler replacement. He stated there are leaks and he was told by Bob Wentworth that the boiler was in the process of being replaced. Jeanette stated no action had been taken as of yet. She was informed the boiler wouldn't pass inspection in 2 years but wasn't asked to move forward with its replacement. She will contact Arrow in Littleton and the company that replaced the Municipal Building boiler, LP Gas Guy.

Adam King asked about the grant for the new dump truck ordered by Bob Wentworth. Adam has heard a lot of negative comments and reviews of the truck and its systems and is wary of taking the new truck and demolishing our old truck. The old truck has been repaired with a work around and is currently in use by the highway crew. Jeanette will find out what we can do. She does not believe we are required to take the funds.

Public Comments:

Paul Deveno read aloud a statement of gratitude for the highway crew and volunteer fire department. Statement is attached.

Eric motioned for nonpublic session for two legal issues. Jo Beth provided a second. Approval via roll call.

The Board re-entered public session at 8:43pm.

Nonpublic minutes were sealed for sessions 1 and 2.

Meeting was adjourned at 8:44pm.

Minutes Respectfully submitted by Jeanette Charon.

Minutes Approved On: 8/26/24 (date)

Jo Beth Dudley

Jo Beth Dudley

Thomas Dubreuil

Thomas Dubreuil

Eric Moore

Eric Moore

#1 Motioned by Eric, second by JoBeth. Approved by roll call vote.

#2 Motioned by Tom, second by Eric. JoBeth noted this should be public session and voted nay.

Nonpublic Session Minutes

Town of Dalton

Date: July 22, 2024 # 2 Legal

Members Present: Jo Beth Dudley x

Thomas Dubreuil x

Eric Moore x

*Attach Typed
minutes from Jour.*

Motion to enter Nonpublic Session made by Eric seconded by Jo Beth

Specific Statutory Reason cited as foundation for the nonpublic session:

 RSA 91-A:3, II (a) The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a public meeting, and (2) requests that the meeting be open, in which case the request shall be granted.

 RSA 91-A:3, II(b) The hiring of any person as a public employee.

 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 this board, unless such person requests an open meeting. This exemption shall extend to include 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.

 RSA 91-A:3, II(d) Consideration of the acquisition, sale or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are averse to those of the general community.

 RSA 91-A:3, II(e) Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed by or against this board or any subdivision thereof, or by or against any member thereof because of his or her membership therein, until the claim or litigation has been fully adjudicated or otherwise settled

 RSA 91-A:3, II(i) Consideration of matters relating to the preparation for and the carrying out of emergency functions, including training to carry out such functions, developed by local or state safety officials that are directly intended to thwart a deliberate act that is intended to result in widespread or severe damage to property or widespread injury or loss of life.

Roll Call vote to enter nonpublic session: Jo Beth Dudley Yes No

Thomas Dubreuil Yes No

Eric Moore Yes No

Remove public meeting tape (if applicable).

Entered nonpublic session at 8:20 a.m./ p.m.

Other persons present during nonpublic session: _____

Description of matters discussed, and final decisions made: _____

Note: Under RSA 91-A:3, III. Minutes of proceedings in nonpublic sessions shall be kept and the record of all actions shall be promptly made available for public inspection, except as provided in this section. Minutes and decisions reached in nonpublic session shall be publicly disclosed within 72 hours of the meeting, unless, by recorded vote of 2/3 of the members present, it is determined that divulgence of the information likely would affect adversely the reputation of any person other than a member of this board, or render the proposed action of the board ineffective, or pertain to terrorism. In the event of such circumstances, information may be withheld until, in the opinion of a majority of members, the aforesaid circumstances no longer apply.

Motion to leave nonpublic session and return to public session by Eric, seconded by Tom.

Motion: PASSED / DID NOT PASS (circle one)

Nonpublic meeting tape removed; public meeting tape replaced (if applicable).

Public session reconvened at 8:43 a.m./p.m.

Motion made to seal these minutes. If so, motion made by Tom, seconded by Eric, because it is determined that divulgence of this information likely would

___ Affect adversely the reputation of any person other than a member of this board

___ Render a proposed action ineffective

___ Pertains to preparation or carrying out of actions regarding terrorism

Roll Call Vote to seal minutes:	Jo Beth Dudley	Yes	<u>No</u>
	Thomas Dubreuil	<u>Yes</u>	No
	Eric Moore	<u>Yes</u>	No

Unsealed 8/9/24

Motion: PASSED / DID NOT PASS (circle one)

These minutes recorded by: Jeanette Charon

July 22, 2024

Executive session; Legal matters

Select board

Eric Moore, chair

Jo Beth Dudley

Thomas Dubreuil

Tom; requested that the SB meet without Jeannette.

Jo Beth requested A Reason,
NONE WAS PROVIDED.

Jo Beth; someone needs to take the minutes.

Tom; we can take our minutes.

^{YES}
Jeannette left the meeting.

Tom; I want to move to seek new council because the residents expressed their concerns to do with the town meeting and not happy they're not getting their questions answered. Also I'm sure our legal have done a great job for the select board before I came on. We do have a new select board now and I believe it's time for a new set of eye. With what has been going on I believe it is a conflict of interest.

Joe Beth; how is that a conflict of interest?

Tom; Just my opinion, I have nothing else to say on that.

Jo Beth; The Mitchell municipal group is one of the top municipal attorney firms in the state. Both Walter Mitchell (retired) and Laura Spector residing have provided excellent service to the town and that lawyer is not the attorney we usually use at town meeting.

Tom; But you told us that she fills in for the firm.

Jo Beth; She told them there is a special order to the articles that needs to be followed and she corrected that the voters can change the order of the warrant articles, including the Budget warrant article. Mr. Sweeney agreed to discuss his petition warrant article with the budget warrant article.

Tom; How come I was not included in the conversation? I've read the select board policy and it says to respect one another, what is your definition of respect? Since I've been on the board and then Eric came on the board, there has been no respect for either one of us.

Jo Beth; Why didn't you reschedule the appointment with our legal so you could talk with her? She is very good at what she does, even to the point where she even corrects me.

Tom; I did and asked her does everyone need to be here at the meeting. She told me that whole board needs to be present. Since I've been on the select board I have yet to be involved in any conversation for the past year and a half.

Jo Beth; the previous board delegated the chair, ^{me, as} to work with legal as appropriate.

Tom; Right but for a year and a half, I've had enough of Mr. Swan undermining this select board.

Jo Beth; I don't think this is a board matter for non-public meeting.

Tom; Like hell, he has undermined both Eric and I, not once but twice. Frankly I'm tired of being on edge coming to the meeting wondering who is going to attack next.

Tom; I make a motion for Eric to seek ^{information on} new Legal for the town of Dalton.

statement as written HD.

for the Select Board to consider at our next meeting

Eric; second the motion.

Jo Beth; I'm going to push back; I think this meeting should have been held ⁱⁿ public.

Tom; I don't think so.

Eric; Called the vote.

Tom; voted I

Eric; voted I

Jo Beth; voted Na

Tom; Motion to seal the minuetts

Jo Beth; Said the minuetts need to be sealed back in public meeting.

Eric; Motion to go back into public meeting

Tom; Motion a second

Eric; Voted I

Tom; Voted I

Jo Beth; Voted I

Tom; Motioned to seal the minuetts

Eric; Motioned a second

Tom; voted I

Eric; voted I

Jo Beth; voted NA

+ AGAIN objected that this meeting was held in non-public session and should have been held in public session

Eric moved to adjourn, vote unanimous to adjourn.

SEALED MINUTES; for the protection of the legal reputation.