

**Tuesday, September 3, 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: Pam Kathan, Kris Ennis, Jay Ennis, Terri Parks, Carol Sheltry, Cathleen Fountain, Warren Green, Jennifer Green, Scott Kleinschrodt, Kurt Hall, Ron Sheltry, Michael Carrier, Michael Trudeau, and videographer Emily Thompson as well as others who chose not to sign in and could not be identified.

Jeanette presented the Certificate of Vote Authorization for the time extension of the NH DES Diesel Grant (agreed to at prior Select Board meeting). The Board executed the agreement.

The Board reviewed the meeting minutes from July 29, 2024. Jo Beth motioned to approve the minutes with a second provided by Eric. Tom abstained.

The Board reviewed the meeting minutes from August 9, 2024. Jo Beth motioned to approve the minutes with a second provided by Eric. Tom abstained.

Nonpublic minutes #1 for legal and #2 for welfare from August 9, 2024 were reviewed and approved. Jo Beth motioned with a second provided by Eric. Approval was through roll call vote

The Board reviewed the meeting minutes from August 26, 2024. Jo Beth motioned to approve the minutes with a second provided by Eric. Tom abstained.

Nonpublic minutes #1 thru #5 from August 26, 2024 were reviewed and approved. Nonpublic minutes #1 and #5 were corrected to be unsealed per the meeting. Nonpublic minutes #1 also had a typo corrected prior to its approval. Jo Beth motioned with a second provided by Eric. Approval was through roll call vote.

The next Broadband Committee meeting is September 26, 2024. Cathleen will provide an update after that meeting.

No update for the Dalton Picnic Area.

Tom is still working on the transfer station revenue and expenditure analysis.

No update for the Select Board Rules of Procedure.

The Board received Casella's tipping fee proposal. While the fee is less than we are currently paying, we do not pay anything for recycled materials; Casella charges \$32/ton for recycled materials. Additionally, we are not charged additional fees for mattresses as they are included in our construction and debris dumpsters for Mt. Carberry. Casella would charge \$19/unit. Additionally, there was concern voiced regarding the longevity of capacity at the Bethlehem facility since it is expected to close in the next 2 years, and the future availability of capacity at Mr. Carberry when NCES closes.

The Twin State Railroad Rails to Trails Project update provided information about a long-awaited meeting between the New Hampshire Bureau of Rail & Transit and Vermont Rail Systems. Marianne Borowski will provide an update to the Board when she receives details. The Transportation Advisory Committee is asking for letters of support for the Rails to Trails Project, as it is receiving a high level of interest. She is asking for a letter of support from the Dalton Select Board and other surrounding towns. Jo Beth motioned for Jeanette to draft a letter and send it to Marianne Borowski in support of the

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project. Eric provided a second with approval via roll call. Jo Beth also asked Jeanette to send Marianne the letter previously sent to Vermont Rail Systems that showed the Board's support for the Rails to Trails Project along with Vermont Rail System's response. Jeanette confirmed she would send them.

No update on the sign for Tillotson Park.

Eversource's presentation has been rescheduled for Monday, September 30, 2024. Jeanette received a flier regarding public meetings Eversource was holding in Campton and Bethlehem the week of September 9, 2024. The Board asked for a copy of the flier via email. Jeanette will provide it to the Board via email as well as post it on the bulletin board in the lobby.

The Employee Personnel Policy changes regarding payment for job-related employee training and the new retirement benefit, discussed most recently at our meeting on August 26, 2024, were approved via roll call vote. Jo Beth motioned for approval with Eric providing the second. The updated policy will be available for signature at the next meeting.

Adam and Jeanette will meet on Thursday, September 5 to review the Highway Equipment Operator job notice. Jeanette will post it this week on Indeed.com.

The State Primary election on Tuesday, September 10, 2024 is all set to go. Tom will be present for Select Board representation in the morning, Jo Beth in the afternoon, and Eric in the evening.

The Building Committee had no update.

Tom had no update for the Dalton Conservation Commission.

Eric had no update for the Planning Board who was scheduled to meet Wednesday, September 4, 2024.

Tom mentioned the Smith Road visit from Thursday, September 5, 2024 with himself, Adam and Jo Beth. There is very little room to rebuild the road to what it should be, double lane with some shoulder on each side. Options are being considered. Jo Beth noted that from her reading and research regarding roads, the town should obtain legal counsel. Jo Beth motioned for Jeanette to provide information to the attorney so they can prepare to meet and discuss the options with all members of the Select Board. It was agreed it should be a zoom call with Adam and Jeanette also in attendance. Tom provided a second with approval via roll call vote.

Upton & Hatfield provided their service agreement for signature from the Board. Jeanette mentioned a discrepancy in the billing rate for their paralegal. The original letter stated it should be less than the billing schedule sent with the service agreement. Jo Beth asked if they required a retainer fee. Eric stated they said they did not. Eric motioned to sign the service agreement with communication to the selectmen email address and the town admin cc'd. Tom provided a second. Jo Beth voted 'nay' based on how the decision was made to hire the new firm without full vetting by the Select Board. She did however sign the agreement.

Jeanette asked about the lack of any fees for permits for nonresidential building in town. We have businesses coming into town to develop land using resources for free. Is it logical to add some type of permit and fee structure so that our resource costs are covered? The town is missing out on revenue due to the lack of having anything in place. Pam Kathan stated that this sounded a lot like zoning. Jeanette stated it's quite different. It puts a system into place that allows the town, fire chief, Board, etc. to know when businesses are forming in town. It's important to know these things so the town can be



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appropriately managed. Jay Ennis voiced a concern over lack of an inspector. He finds it illogical to issue permits if there are no inspections. Ron Sheltry, fire chief, handles inspections for the state fire marshal, if necessary. Currently, there are no rules about building, other than those pertaining to state and fire marshal guidelines. Pam stated that the PA28 inventory form is used for this purpose. Jeanette stated that it is not, and the PA28 is an 'after the fact' inquiry from the town. Additionally, it may come as a surprise, but not everyone is honest on their responses. She asked if Jeanette was proposing Casella had to complete this 'permit' for each of their buildings. Jeanette replied that this had nothing to do with Casella. There was discussion regarding the required inspections for home building when using a licensed plumber or electrician. Residents in the audience had differing opinions on the inspections allegedly required. Ron Sheltry add that this is exactly what we need. We had businesses come to town and he finds out when the state asks him to inspect. After the work is done, it's too late and he has to be the bad guy by not passing their inspection. Having something in place would prevent this situation. Kris Ennis voiced concern over funding to maintain our town's infrastructure when more vehicles and people come to town to use these businesses. It would help a lot if we could get the information before building or major modifications start. Jeanette stated that perhaps "permit" is the wrong term. Maybe the town should require business licenses or something of that nature. Tom Dubreuil stated that he will call to find out from the state. Jo Beth asked what department he planned to contact. He didn't know.

Jo Beth asked Eric about the email he sent asking if the Board had any questions for him to ask while he went to Coventry. He clarified that he will visit the Casella landfill and meet with the Select Board and Town Admin in Coventry. Eric stated he was going because he wanted to find out more about the landfill there. Jo Beth stated that it should have been a Select Board decision, and it would've been nice to coordinate as a Board, and not proceed as an individual. Tom stated that he wasn't going and that Eric was going to do research.

Scott Kleinschrodt spoke during public comments thanking the Board for inviting Casella to present their Host Community Agreement. He voiced concern over some of the questions made by a select board member regarding truck traffic. He stated that Dalton has all types of truck traffic including loggers, semis, etc. but this board member was only concerned about trash trucks. He asked how these trucks were going to affect Dalton since the roads are primarily through surrounding towns. Our trash is trucked to Mt Carberry, which is much further than Bethlehem, yet we are ok with that trucking – how hypocritical. The cost to Casella and savings to the town for curbside trash pickup should be viewed differently in his opinion since it would no longer require residents to purchase the town's blue bags. Jo Beth stated that the amount of trucks Casella would bring in would be much more than our trucks taking our trash to Berlin. Scott disagreed. Michael Carrier, a transfer station attendant, stated we only have dumpsters taken to the landfill twice a month on average. Scott asked again if the Casella trucks coming in would affect "Dalton" traffic. Jo Beth did not comment. She did state it would have a regional impact to the North Country. Michael Carrier stated that Dalton truck traffic would increase as the drivers will go the fastest, shortest, most convenient route. Kris Ennis asks for Point of Order. Scott's opinion is that our landfill shouldn't have ever been changed (from NCES to Mt. Carberry) and it cost more to do so. Jo Beth stated there were many factors taken into consideration when that change happened and the change happened mainly to get into Mt. Carberry to have somewhere to take our trash when Bethlehem closed. She noted that the analysis that Scott referred to focused on a couple of specific weeks, and the Board refuted those calculations, looking at longer timeframes, at the next meeting. Carol Sheltry added that there was more trash when Covid happened. Everyone was home generating more trash. Towns with pickup services started requiring the purchase of town bags because others

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were dropping trash in the 'free pickup' towns. Michael Trudeau stated it'd not only save money on bags, but it would save people time and money if they didn't have to drive to the transfer station. Cathleen Fountain stated there would be more trucks and traffic in town and around town with curbside pickup. Tom stated there would only be one trash truck making the loop and picking up trash. Kris Ennis mentioned bears.

Tom stated he would like to have a Casella questions session but only for Dalton residents. Casella offered to provide burgers and hot dogs so residents can come and ask questions. Carol Sheltry stated that it needs to be regional with surrounding towns welcome. She opposes the bribery with 'free' food. Cathleen Fountain reminded everyone of the new law HB1221 Governor Sununu signed, taking affect this month, making landfills a development of regional impact.

Kris Ennis extended an invitation to the Board for the presentation on School Funding being held on Monday, September 16, 2024 at 6pm at the White Mountain Regional High School. She knows we have a meeting scheduled that conflicts with this but she thinks it is important enough to consider attending. Cathleen Fountain added that it's the NH School Funding Project working in conjunction with SAU36 on the presentation which will focus on funding education through property taxes. We have The Community Power Coalition (CPCNH) making an appearance that meeting. Jo Beth asked Jeanette if she can call and reschedule the presentation for CPCNH. Jeanette agreed. Jo Beth motioned to move the September 16, 2024 Select Board Meeting to 4pm at the Municipal Building. The meeting would then break and reconvene at the White Mount Regional High School to attend the School Funding Presentation. Tom provided a second with approval via roll call.

Terri Parks mentioned Smith Road and the limitations on rebuilding same. It was determined that the road cannot run through the Cemetery and forested area as it involves multiple parcels of property and the work would be too costly. Additionally, she mentioned there is a small divot/ditch that formed at the southern most exit from Cushman Cemetery where the tires of a vehicle will get stuck, and/or the vehicle may bottom out. Jeanette will mention it to Adam.

Ron Sheltry gave an update for FEMA in regard to the July flooding. He and Jeanette completed the online training and filed the public assistance application on August 28, 2024, as required. The kickoff meeting for Recovery scoping will take place on Tuesday, September 17, 2024 at 9am. We are hoping to get some answers regarding property and rebuilding.

Eric motioned to enter nonpublic for welfare and legal at 8:22PM. Jo Beth provided a second with approval via roll call.

Eric motioned to return to public at 8:44pm. Tom provided a second with approval via roll call.

Jo Beth motioned to seal nonpublic minutes 1 and 3. Eric provided a second with approval via roll call.

Michael Trudeau submitted a Right to Know request at the beginning of the meeting, asking for 'all records pertaining to the Town of Dalton's payment for legal counsel from 1/1/2024 to the present date (9/3/2024)'. He included a request asking for the Board to waive any client-attorney privileges with regard to his request. Jeanette asked how she should proceed with this request, as waiving the privilege would change the way the request is processed. Jo Beth motioned to deny his request to waive said privilege. Eric provided a second with approval via roll call vote.



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Jeanette explained to the Board how important it is for all board members to respond to Right to Know requests, as required by RSA 91A, especially when the entire "Select Board" is addressed in the request. Kris Ennis' recent request has not been fully satisfied as neither Tom or Eric replied to the request. Jo Beth replied with emails but Jeanette cannot assume that there is nothing more from the other Board members; it is her job to ensure our responses are complete and accurate. She asks for documents from all members. Tom asked how to get phone calls or texts to Jeanette, as he is not giving up his cell phone. Jeanette explained that details of the call, text, etc. should be written or typed out and provided. He asked how he would reference the call from Pam asking him to post the meeting signs for August 6<sup>th</sup>. She was too busy to post them so she asked him to do it. Jeanette let him know that he would just type it or write it out and submit it to her with his other stuff.

Eric motioned to adjourn the meeting at 8:58pm. Jo Beth provided a second with approval via roll call.

Minutes Respectfully submitted by Jeanette Charon.

Minutes Approved On: 9/16/24 (date)

Jo Beth Dudley

Jo Beth Dudley

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Thomas Dubreuil

Eric Moore

Eric Moore

Nonpublic Session Minutes

Town of Dalton

Date: September 3, 2024 # 2 Legal

Members Present: Jo Beth Dudley   x  

Thomas Dubreuil   x  

Eric Moore   x  

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.

  x   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 8:22 a.m./ p.m.

Other persons present during nonpublic session: Jeanette Charon, present and recording minutes.

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Description of matters discussed, and final decisions made: Tom wants to contact the attorney to pursue his claim with Jon Swan and the letter that he wrote. Tom says it's about Jon undermining the Board. Jeanette stated that this appeared to be more of a personal attack on Tom and Eric and not on the Board itself. The town should not burden the legal expense for Tom's personal issue. Tom interrupted and Jeanette asked to not be interrupted. Jo Beth noted for the record that this should be a discussion in public meeting by standards of RSA 91A-3, II(c), with states "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." She noted this issue concerns the reputation of Board members. She further asked why the Board should pursue any action, as nothing has happened since the letters were sent.

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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 8:44 a.m./(p.m.)

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

x 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	No
Thomas Dubreuil	Yes	No
Eric Moore	Yes	No

Motion: PASSED / DID NOT PASS (circle one)

These minutes recorded by: Jeanette Charon