

Monday, July 29, 2024 6:30 PM
Working 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, Ron Sheltry, Warren Green, Jennifer Green, Rebecca Metcalf, Kevin Roy, Joe Gay, Jeff Weld, Christine Ordinetz, Marilyn Nadeau, Alice Andrus, Brian Oliver, Laurie Boswell, Nancy Morrison, Eliot Wessler, Ellen Hays, Terri Parks, Cathleen Fountain, Robert Fountain, Terri Barnet, Charles Taylor, John Danos, Joanne Booth, Adam Finkel, Dave Koerner, Richard Nadeau, Brian Parks, Eric Pilotte, George Bell, Jon Swan, Don Sharps, Lorraine Koerner, Scott Kleinschrodt, Shawn St. Cyr, Wayne Sweeney, Mary Sweeney, Michael Trudeau, and videographer Emily Thompson as well as others who chose not to sign in and could not be identified.

Casella presented their proposed Granite State Landfill Project. Their draft of a Host Community Agreement (HCA) was provided and briefly discussed. The draft HCA proposal was just received at the meeting so the Board had not had a chance to review it. The Board asked questions regarding recycling, composting, value of landfill property, abatements, our current transfer station, our closed landfill, the value of curbside collection, negotiation related legal cost reimbursement should the project not be approved through permitting, etc. Payments from Casella to Dalton mentioned being subject to a CPI escalator. The Board noted that Casella's stated value of \$65K for accepting trash prior to GSL operations was not a valid value comparison, as the Town's currently spends less than \$15K per year on tipping fees for approximately 200 tons of MSW and demolition material. The \$2M figure includes both the property tax liability and a net HCA payment. Upon Board questioning, Casella said they would not waive their right to request a tax abatement. The assessed value of the landfill upon commencement of operations was not available. Other topics briefly discussed included clarification of an annual payment to the town, a renewable energy project, the 18-year life span of the landfill, limits on future expansion, out of state trash limitations, the impact of traffic in Dalton and its surrounding towns, PFAS and Dioxin contamination and testing, leachate capacity, property value compensation for the landfill's impacts to landowners, an escrow account for care of the property once it's closed, compliance officer salary and benefits reimbursement, and an upcoming open house on August 24, 2024 in Bethlehem from 10am to 2pm. Casella stated construction of the landfill would be up to current standards, the Board noted that the current NH standards are out-of-date and have not been updated in years, and questioned the sufficiency of the geology of a gravel pit site with the 2-4 feet of clay under the Mt. Carberry landfill. In response to Board questions of the proposed landfill infrastructure and Douglas Drive, Casella indicated that the Leachate pipes would be run parallel to Douglas Drive, and that traffic for the existing businesses would not interfere with the Landfill operations.

The Board signed AP checks.

The Board reviewed and signed a letter to request assistance from the NH DRA for assessing property values. DRA issued a letter to the town stating that David Buckley was not able to determine property values since he has not been licensed by the OPLC. Jo Beth motioned with a second from Eric. Approval via roll call. Jo Beth motioned for the Board to reach out to NHMA and to our State Representatives and Senators and ask for a legislative bill allowing NH and VT assessing reciprocity. Eric provided a second with approval via roll call.

The Board signed two cemetery deeds.

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A guarantee of Davis Bacon wages is required for the Municipal Solar Grant application. This is the standard letter required for Federal funding, in which the funding recipient agrees that all laborers, workers, mechanics working on the project will be paid fair wages. Jeanette will sign this document since she will be responsible for checking that. Jo Beth motioned to approve with Eric's second. Tom abstained.

Based on prior Board approval, the Board signed a letter of support for the Solar Energy Grant. Tom declined to sign.

The Municipal Solar grant application will be ready Thursday morning. The deadline for submission is Thursday prior to noon. Jeanette asked to be able to execute the application for submission. The Board will still accept or decline the grant funds, if awarded. Jo Beth motioned to authorize Jeanette to sign and submit the grant application on behalf of the Select Board. Eric provided a second. Tom abstained.

Joseph Kenney provided an email with information regarding possible loan options for the town to utilize for road repairs due to damages sustained in the July 10-12, 2024 flooding events. Tom asked for a copy of the email and information. Jeanette confirmed she would send to the Board members.

Adam Finkel provided an email with instruction required by the Planning Board due to the passing of HB1221 and the new requirements regarding the designation of any proposed landfill as a development of regional interest. Information attached.

An update was received from Marianne Borowski, NH Co-Chair of the TSRR Rails-to-Trails Project, regarding the Rails to Trails Project. Update is attached.

DRA provided a letter summarizing their recent audit of the Town's Tax Collector files. Everything was found to be in accordance with State regulations.

Jeanette provided information regarding the option of adding a \$5.00 municipal transportation fee to all vehicles registered in Dalton (RSA 261:153 VI). This additional fee would allow funds to be set aside for local road maintenance. Jo Beth asked if this was a Select Board decision or something that must be voted on at town meeting. Jeanette will research to find out.

Jeanette is waiting for a proposal from Certified Computer Solutions for a replacement laptop for Adam. The Board previously approved purchase of a laptop for the Planning Board (not yet purchased, pending receipt of specs from Carl, PB Chair). Jo Beth motioned for Jeanette to obtain the quotes and authorize the computer purchases with a budget of ~\$2,000 per unit. Eric provided a second with approval via roll call.

Tom asked Jeanette about the flooring that is curling in the hallway. Jeanette has been in contact with the company about the issue and fixing the flooring. She is waiting for their reply to the message she left today.

Eric asked about the pricing for the highway garage furnace. Jeanette has not had the chance to obtain those quotes yet.

Eric motioned to adjourn the meeting at 7:50 pm. Tom provided a second with approval via roll call.

Jeanette reminded the Board that there will not be a meeting on August 5th, as Jeanette will be in TC/TC training and the Board previously agreed to cancel that meeting. Tom/Jo Beth agreed to sign payroll

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checks on behalf of the Board by Wednesday morning, August 7th. There will be no working session meeting on August 12th. Eric will be on vacation for the August 19th meeting, and unable to participate remotely.

Minutes Respectfully submitted by Jeanette Charon.

Minutes Approved On: 9/3/24 (date)

Jo Beth Dudley

Jo Beth Dudley

Thomas Dubreuil ORSTAIN

Thomas Dubreuil

Eric Moore

Eric Moore

From: Marianne Borowski <marianneborowski@gmail.com>
Sent: Saturday, July 27, 2024 6:04 PM
To: Town Clerk
Subject: Update on Twin State Rail Trail Project and Alternate Uses of the Rail Corridor

Dear Dalton Town Clerk, Please forward this letter to the Select Board? Thank You!

Dear Dalton Select Board,

I am writing to provide an update on the Twin State Railroad Rails-to-Trails Project and the potential alternative uses of the rail corridor.

As the NH Co-Chair of this project, in collaboration with Michael O'Hara, the Vermont Co-Chair, our goal is to establish a 150-mile continuous rail trail connecting Vermont's Lamoille Valley Rail Trail to New Hampshire's Ammonoosuc Recreational Rail Trail via the Twin State Railroad corridor. This initiative seeks to promote year-round recreation, off-road transportation and small business opportunities in the northern regions of our states.

Following the recent acquisition of the New Hampshire Central Railroad by Vermont Rail System (VRS), there have been speculations about the revival of railroad operations in regions including Littleton, Bethlehem, Whitefield, Dalton and west to St. Johnsbury. Uncertainty surrounds the nature of these operations, sparking concerns within our project team.

As I mentioned in the note to you in May, rumors have surfaced indicating potential uses of the rail corridor for storing boxcars and propane tanker cars. The new rumor is use of the rail corridor for facilitating trash trains delivering waste to the Dalton Landfill, if permitted. While the latter could alleviate traffic concerns on local routes, it conflicts with our vision for a thriving rail trail benefiting the communities and regional economy. VRS has applied a defoliant to the rail corridor heading west from the center of Whitfield for a short distance... so they are "out there" doing work to prepare the corridor for something.

Furthermore, VRS is attempting to purchase the 21-mile TSRR corridor in Vermont from CSX (this is NOT a rumor!). This raises apprehensions about similar activities occurring in the St Johnsbury to Gilman area. Despite uncertainties surrounding these developments, we are attentive to all possibilities.

I seek to keep you informed about any official plans or rumors involving the Twin State rail corridor. It has been tough to get official information, but we are working on it!

Your awareness and support are crucial as we navigate these potential challenges. The TSRR project has been well-funded and we have lots of interest in this project, so we are of course concerned about alternate uses of "our" rail trail corridor!

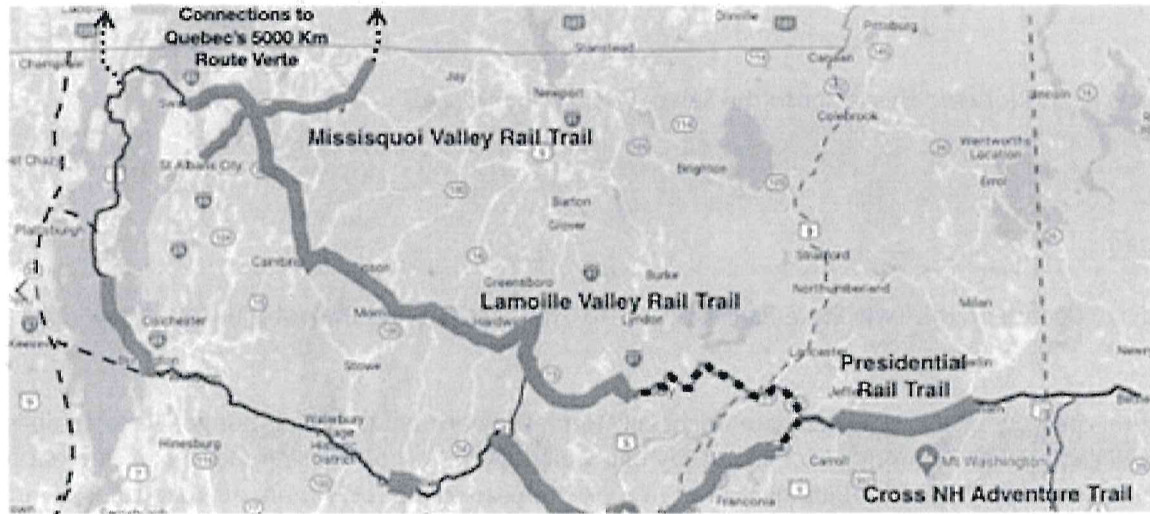
Sincerely,

Marianne Borowski
NH Co-Chair of the TSRR Rails-to-trails Project
President and Founder of the Cross NH Adventure Trail

P.S. The TSRR team and the Town of Whitefield renewed our application to the North Country Council for the TSRR rail trail project to be included in the NHDOT 10-Year Plan. I see that you also applied to help provide bicycling infrastructure in the town and connectivity to the TSRR project! Great!! If you need any help from the TSRR project team such as letters of support and/or partnership in the projects, we certainly would help!

NH and VT Rail Trail Connectivity

- Existing Rail Trails
- Dirt and Paved Roads
- Twin State Rai



July 26, 2024

VIA E-MAIL

Dear (former) Colleagues on the Dalton Planning Board,

I write to inform you that you now have some new obligations under RSA 36:57, and that the Legislature (and many of your constituents) will be watching carefully to ensure that they are timely fulfilled.

On July 19, Governor Sununu signed HB 1221 (attached), which had passed both the House and Senate earlier this year with bipartisan voice votes, after unanimous passage in both the House Environment and the Senate Energy committees.

The bill has amended RSA 36:56 so that any new solid waste landfill requiring a DES permit *shall* automatically be designated a “project of regional impact.”¹

Under the existing RSA 36:57, this designation requires that the Dalton Planning Board, as the “host community” for the Granite State Landfill proposed project, must:

- Notify the North Country Council (NCC, whom I have cc’ed here) and every affected community (see below for a partial list of these communities) that they are considered to be “abutters” to the GSL for the “purpose of providing notice and giving testimony”;
- Submit a set of the project’s plans to the NCC (at the applicant’s cost);
- Set a date for a *regional public hearing* on the project and provide at least 14 days’ notice to the NCC and all abutters.

The new law takes effect 60 days from signing (i.e., September 17), so *I urge the Board to prepare to fulfill these obligations immediately*. The determination of regional impact is unequivocal—there is now no need for any local land use Board to meet and consider whether a landfill is a “project of regional impact”—and this automatic determination sets in motion the requirements in RSA 36:57 for notification and hearing. RSA 36:57(II) requires that the notification occur within 5 business days of the determination of regional impact, so by September 24 of this year the Board will have to provide such notice.

HB 1221 specifically designates two kinds of communities as abutters. The attached DES Watersheds map shows the boundaries of the 8-digit USGS Hydrologic Unit in which the GSL would be situated—see the purplish-blue region called “Waits” on the map, Code 01080103. I may not be familiar with every town within that region, but it certainly seems

¹ See <https://casetext.com/statute/new-hampshire-revised-statutes/title-3-towns-cities-village-dis-tricts-and-unincorporated-places/chapter-36-regional-planning-commissions/review-of-developments-of-regional-impact> for the complete text of RSA 36:54 through :58.

that the Board must at a minimum notify: *Benton, Haverhill, Bath, Monroe, Lyman, Easton, Lisbon, Sugar Hill, Franconia, Bethlehem, Littleton, Whitefield, Carroll, Twin Mountain, and* the communities near Mt. Washington's western slopes where the Ammonoosuc River has its headwaters.

In addition, lines 13-14 of HB 1221 require the Board to also notify those communities *not* within the Waits Hydrologic Unit that are 10 miles or less from the landfill tract. I would think that would include *Lancaster and Jefferson*, at a minimum.

As those of you who were on the Board with me may remember, I objected to the Board's continued stance that there was no "proposal before you" under RSA 36:55, and therefore no requirement to even consider whether the GSL would have regional impact. This was preposterous, as obviously there is and has been an application "before you" for several years. The fact that the applicant arrogantly chooses to ignore the host community and will not deposit a set of plans at the Dalton Town Hall does not change the fact that there are currently 9 sets of permit applications in front of DES and the Army Corps.

Given your stance (and that of the Select Board) about this purported "loophole," I worked with prime sponsor Rep. Chuck Grassie and others to write HB 1221, testified in favor of the bill (see attached testimony), and am very pleased to see it enacted and signed. It's slightly frustrating that we had to pass legislation to get this simple task done, but *now there is no alternative to the Dalton Planning Board undertaking its responsibility to notify the region that the GSL would affect all of the region's citizens, and to conduct a public hearing for affected citizens to express their views.*

Please let me know if there is anything more I can do to help broaden the needed public participation in this important project. I trust that the applicant knows of this new law, but I leave it to you to involve Casella, or not, as the case may be.² The notice and hearing must occur with or without the applicant's participation. I know your inclination will be to seek advice from our municipal attorney; I hope the delay in involving counsel won't cause the Board to be in violation of the new law. Please bear in mind that there may be litigation consequences if the Board is given more bad advice.

Best regards,



Adam M. Finkel, Sc.D.
365 Forest Lake Rd., Dalton NH

² I am sending this in advance of the July 29 presentation by Casella in Dalton, as the PB or Select Board may wish to mention it then, and remind the company that it must bear the costs of all notifications under RSA 36.

HB 1221 - VERSION ADOPTED BY BOTH BODIES

28Mar2024... 1027h
05/22/2024 1942s

2024 SESSION

24-2546
08/10

HOUSE BILL **1221**

AN ACT relative to including solid waste landfills in the definition of development of regional impact.

SPONSORS: Rep. Grassie, Straf. 8; Rep. Germana, Ches. 1; Rep. Grote, Rock. 24; Rep. Muns, Rock. 29; Rep. Rung, Hills. 12; Rep. Bixby, Straf. 13; Rep. N. Murphy, Hills. 12; Sen. Watters, Dist 4

COMMITTEE: Environment and Agriculture

ANALYSIS

This bill includes solid waste landfills in the definition of development of regional impact, for review by local land use boards.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 1221 - VERSION ADOPTED BY BOTH BODIES

28Mar2024... 1027h
05/22/2024 1942s

24-2546
08/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to including solid waste landfills in the definition of development of regional impact.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Development of Regional Impact; Definition. Amend RSA 36:55, VI to read as follows:

2 VI.(a) Shared facilities such as schools and solid waste disposal facilities; **and**

3 **(b) Solid waste disposal facilities includes a solid waste landfill requiring a**
4 **department of environmental service permit under the department of environmental**
5 **services administrative rules contained in Env-Sw 800.**

6 2 New Paragraph; Regional Impact. Amend RSA 36:56 by inserting after paragraph II the
7 following new paragraph:

8 III. All proposed solid waste landfills shall be projects of regional impact and notice shall be
9 made to all communities located within New Hampshire that are:

10 (a) Located within any watershed (as defined by the 8-digit Hydrologic Units from the
11 National Hydrography Dataset 2011 and as may be from time to time amended) where such landfill
12 may be proposed; and






















13 (b) If outside the watershed, located within 10 miles of the boundaries of such proposed
14 landfill location.

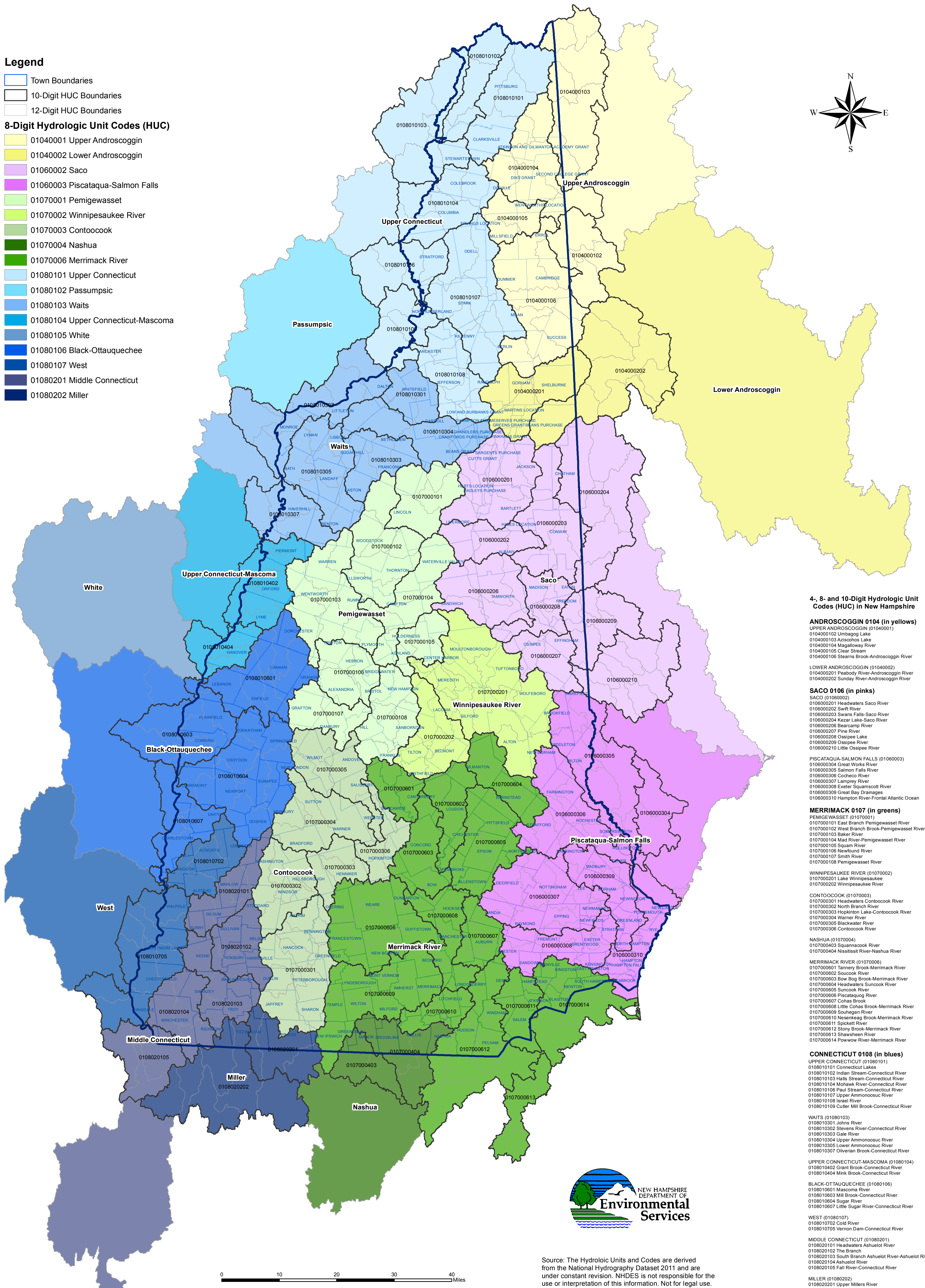
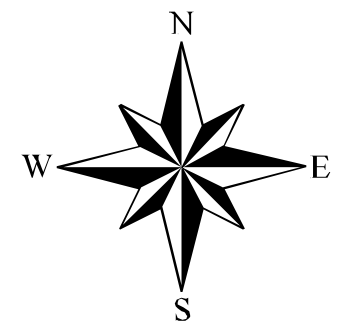
15 3 Applicability. Nothing in this act shall be construed to include landfill facilities on any site on
16 which, as of December 1, 2022, a RCRA Subtitle D landfill exists that has been fully permitted. For
17 the purposes of this section, the term "site" shall mean a single parcel or adjacent parcels, owned in
18 its entirety by a landfill operator or its affiliates as of December 1, 2022, including a site where one
19 or more public utility easements traverse the site; perennial water bodies traversing a footprint shall
20 still be monitored in accordance with or exceeding United States Environmental Protection Agency
21 regulations and guidelines.

22 4 Effective Date. This act shall take effect 60 days after its passage.

New Hampshire Watersheds

Legend

-  Town Boundaries
-  10-Digit HUC Boundaries
-  12-Digit HUC Boundaries
- 8-Digit Hydrologic Unit Codes (HUC)**
-  01040001 Upper Androskoggin
-  01040002 Lower Androskoggin
-  01060002 Saco
-  01060003 Piscataqua-Salmon Falls
-  01070001 Pemigewasset
-  01070002 Winnepesaukee River
-  01070003 Contoocook
-  01070004 Nashua
-  01070006 Merrimack River
-  01080101 Upper Connecticut
-  01080102 Passumpsic
-  01080103 Waits
-  01080104 Upper Connecticut-Mascoma
-  01080105 White
-  01080106 Black-Ottauquechee
-  01080107 West
-  01080201 Middle Connecticut
-  01080202 Miller



4-, 8- and 10-Digit Hydrologic Unit Codes (HUC) in New Hampshire

- ANDROSKOGGIN 0104 (in yellows)**
 UPPER ANDROSKOGGIN (01040001)
 0104000102 Umbagog Lake
 0104000103 Aussoog Lake
 0104000104 Magalloway River
 0104000105 Clear Stream
 0104000106 Stearns Brook-Androskoggin River
- LOWER ANDROSKOGGIN (01040002)**
 0104000201 Peabody River-Androskoggin River
 0104000202 Sunday River-Androskoggin River
- SACO 0106 (in pinks)**
 SACO (01060002)
 0106000201 Headwaters Saco River
 0106000202 Swift River
 0106000203 Swans Falls-Saco River
 0106000204 Kazar Lake-Saco River
 0106000206 Bearcamp River
 0106000207 Pine River
 0106000208 Ossipee Lake
 0106000209 Ossipee River
 0106000210 Little Ossipee River
- PISCATAQUA-SALMON FALLS (01060003)**
 0106000304 Great Works River
 0106000305 Salmon Falls River
 0106000306 Cocheco River
 0106000307 Lamprey River
 0106000308 Exeter Squamscott River
 0106000309 Great Bay Drainages
 0106000310 Hampton River-Frontal Atlantic Ocean
- MERRIMACK 0107 (in greens)**
 PEMIGEWASSET (01070001)
 0107000101 East Branch Pemigewasset River
 0107000102 West Branch Brook-Pemigewasset River
 0107000103 Baker River
 0107000104 Mad River-Pemigewasset River
 0107000105 Squam River
 0107000106 Newfound River
 0107000107 Smith River
 0107000108 Pemigewasset River
- WINNIPESAUKEE RIVER (01070002)**
 0107000201 Lake Winnepesaukee
 0107000202 Winnepesaukee River
- CONTOOCCOOK (01070003)**
 0107000301 Headwaters Contoocook River
 0107000302 North Branch River
 0107000303 Hopkinton Lake-Contoocook River
 0107000304 Warner River
 0107000305 Blackwater River
 0107000306 Contoocook River
- NASHUA (01070004)**
 0107000403 Squamscott River
 0107000404 Nissittis River-Nashua River
- MERRIMACK RIVER (01070006)**
 0107000601 Tannery Brook-Merrimack River
 0107000602 Soucook River
 0107000603 Bow Bog Brook-Merrimack River
 0107000604 Headwaters Suncook River
 0107000605 Suncook River
 0107000606 Piscataqua River
 0107000607 Cohas Brook
 0107000608 Little Cohas Brook-Merrimack River
 0107000609 Souhegan River
 0107000610 Heskett Brook-Merrimack River
 0107000611 Spickett River
 0107000612 Stony Brook-Merrimack River
 0107000613 Shawheen River
 0107000614 Fowow River-Merrimack River
- CONNECTICUT 0108 (in blues)**
 UPPER CONNECTICUT (01080101)
 0108010101 Connecticut Lakes
 0108010102 Indian Stream-Connecticut River
 0108010103 Halls Stream-Connecticut River
 0108010104 Mohawk River-Connecticut River
 0108010105 Faul Stream-Connecticut River
 0108010107 Upper Ammonoosuc River
 0108010108 Israel River
 0108010109 Cutler Mill Brook-Connecticut River
- WAITS (01080103)**
 0108010301 Johns River
 0108010302 Stevens River-Connecticut River
 0108010303 Gale River
 0108010304 Upper Ammonoosuc River
 0108010305 Lower Ammonoosuc River
 0108010307 Oliverian Brook-Connecticut River
- UPPER CONNECTICUT-MASCOMA (01080104)**
 0108010402 Grant Brook-Connecticut River
 0108010404 Mink Brook-Connecticut River
- BLACK-OTTAUQUECHEE (01080106)**
 0108010601 Mascoma River
 0108010603 Mill Brook-Connecticut River
 0108010604 Sugar River-Connecticut River
 0108010607 Little Sugar River-Connecticut River
- WEST (01080107)**
 0108010702 Cold River
 0108010705 Vernon Dam-Connecticut River
- MIDDLE CONNECTICUT (01080201)**
 0108020101 Headwaters Ashuelot River
 0108020102 The Branch
 0108020103 South Branch Ashuelot River-Ashuelot River
 0108020104 Ashuelot River
 0108020105 Fall River-Connecticut River
- MILLER (01080202)**
 0108020201 Upper Millers River
 0108020202 Lower Millers River



Source: The Hydrologic Units and Codes are derived from the National Hydrography Dataset 2011 and are under constant revision. NHDES is not responsible for the use or interpretation of this information. Not for legal use. NHDES Watershed Management Bureau, March 2012.

