

Monday, August 26, 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: Pam Kathan, Diane Lyon, Kris Ennis, Jay Ennis, Terri Parks, Bob Fountain, Carol Sheltry, Cathleen Fountain, Mark Jacobs, Warren Green, Mandy Deveno, Paul Deveno, Kurt Hall, Michael Ryan, Aiden Young, Adam King, Ron Sheltry, Michael Trudeau, and videographer Emily Thompson as well as others who chose not to sign in and could not be identified.

Jeanette provided the July bank reconciliations and transaction report for the Board to review.

Jeanette shared a thank you card received from Steve and Cheryl Bianchi, in appreciation for the excellent work done by Adam, Ron and Jeanette after the July flooding. Tom read the card aloud.

The Board executed one intent to cut and three Land Use Change Tax Warrants.

The Board reviewed the meeting minutes from July 22, 2024. Jo Beth motioned to approve the minutes with a second provided by Eric. Approval via roll call.

Nonpublic minutes #1 from July 22, 2024 were reviewed and approved. Jo Beth motioned with a second provided by Eric. Approval was through roll call vote.

Revised nonpublic minutes #2 were provided only to the board members by Tom. Jo Beth had corrections not updated from our previous meeting, as requested. Jo Beth read her comments/changes aloud. Tom disagrees with only giving Eric permission to get information on new legal counsel. He motioned for Eric to seek new legal counsel, independently. The Board did not agree on that change, so both versions will remain in the minutes. The minutes were approved with Jo Beth making the motion, Eric providing the second and approval via roll call vote.

The Board was presented meeting minutes from July 29, 2024. Tom hadn't been able to review them yet and asked for the approval to push to our next meeting on September 3, 2024. Jo Beth noted the Select Board has had the draft minutes for a week.

Adam King, Road Agent, was present to discuss various topics. Included in these topics was the leasing of an excavator for the town to continue repairing roads damaged during July's flooding. The excavator is an integral part of the plan to complete road repairs and help maintain road and ditches in the future. Jeanette shared the quote with the board. Jo Beth asked Adam to provide explanation for the use of the equipment. The annual lease payments will be approximately what the town has paid to a contractor for excavator work per week for some of the weeks working to fix the flood damage. Jay Ennis added that the leased equipment may be reimbursable via a base equipment rate through FEMA. Pam Kathan asked about public comment during the working session. Eric stated he was approving comments that contribute to the discussion. Jo Beth motioned to approve the lease. Eric provided a second with approval via roll call.

Smith Road was discussed in regards to rebuilding the road or other possible options. NH DOT's barriers can be moved out of the way once the town is ready to work on the road. Eversource needs to raise their powerline now that the state raised the road when they installed the temporary bridge. Purchasing surrounding property may be an option. Jo Beth proposed Jeanette contact legal to find out our options.

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Tom wants to visit the site to see current conditions. Adam, Tom, and Jo Beth are scheduled to meet and visit the site on Thursday, August 29, 2024 at 2pm.

Adam has secured the gravel from Beattie's pit in Gilman. The cost for the gravel is \$98,560.00. Beattie issued the full invoice but stated the town can make partial payments as possible. The current Capital Reserve fund is approx. \$312k. Our current fund balance is approx. \$300k. Tom asked if we had the money to continue paying for the repairs. Jeanette stated we did; she is watching spending closely. Jeanette provided all select board members, along with Adam, a full accounting of the expenses to date for contractors, vendors, and in-house labor. He asked when the investment funds are being returned and Jeanette reminded him in October.

Michael Carrier provided his retirement letter to Adam on August 2, 2024. He is willing to work for the town on an as needed basis. Adam will utilize him for backup, if needed.

Discussion was had about posting the job again for another employee. The employee will be required to have a CDL. Adam and Jeanette will work on a new job description/posting for the notice. Jo Beth motioned to post the job opening. Eric provided a second with approval via roll call.

Ron Sheltry submitted paperwork for both Owin and Travis to obtain their CDL's through the fire department. Both employees will be required to join the volunteer fire department in return for the classes and training being provided through the fire academy.

The state funds provided to the town for bridge work will be expended by October 2024. Adam has a quote for repaving the bridges and he also has direct labor hours for trimming, cleaning, etc. for the bridges. Any unspent funds will be required to be returned to the state.

Ron Sheltry, Fire Chief and Emergency Management Director was present to review the status of the flood event from July. FEMA estimated Dalton's damages to be \$1.9M. The week of September 16, 2024 will be the kick-off meeting for FEMA projects. Jeanette and Ron will complete online training on August 28, 2024 for the FEMA Public Assistance Program.

The Dept. of Homeland Security, Office of Emergency Management contacted Ron Sheltry regarding a town resident who was seeking information "on behalf of the selectboard". Ron didn't recognize the email but wanted to address the issue with the board. Jeanette read aloud the email address and Kurt Hall raised his hand stating it was him. When the board was asked if they gave permission for Kurt to contact the Office of Emergency Management, all members replied they had not. Carol Sheltry voiced her concern over this fraudulent activity. The Board offered no further comments.

Ron presented the grant covering costs for the Hazard Mitigation Plan update, required by the town. Ron briefly described the work to take place, the contributions required by the board, and asked the board to execute the document.

The Select Board, in majority vote, accepted the terms of the Hazard Mitigation Grant Program (HMGP) as presented in the amount of \$8,399.70 for updating the local hazard mitigation plan. Furthermore, the Board acknowledges that the total cost of this project will be \$9,333.00, in which the town will be responsible for a 10% match (\$933.30). Jo Beth motioned with a second provided by Eric.

New Hampshire Retirement System approved Dalton's membership. The plan availability begins September 1, 2024. Jeanette is awaiting account setup and training to get started.

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The next Broadband Committee meeting is September 26, 2024. Jo Beth asked Cathleen Fountain about the BEA Broadband information being distributed. Cathleen confirmed that is different from the original grant and is basically for companies, not residents.

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.

No proposal has been received from Casella regarding solid waste tipping fees.

No update on the Twin State Railroad Rails to Trails Project.

North Country Council will be holding a meeting on Thursday, August 29, 2024 to discuss the scoring of all submitted projects for the Ten-Year Plan Project List.

Jeanette presented the fuel oil price from CN Brown of \$3.059/gallon for the 2024/2025 heating season. No updated bid was received from Superior Plus. Jo Beth motioned to approve the contract from CN Brown. Eric provided a second with approval via roll call.

No update on the sign for Tillotson Park.

Eversource's presentation has been rescheduled for Monday, September 30, 2024.

Community Power Coalition of New Hampshire will be present on September 16, 2024 to present their program.

Jeanette provided information on the availability of a municipal road fee previously presented at the select board meetings (a \$5 fee may added to each vehicle registration to be put into a fund for town road maintenance). The fee can be initiated by the select board. Discussion with the audience present took place and it was determined the topic should be a warrant at town meeting. Jeanette will start a list for topics to be discussed at that annual meeting.

The personnel policy changes regarding payment for job-related employee training and the new retirement benefit, discussed at a previously held select board meeting, was distributed to the members. No additional comments were added by the board members. Jo Beth motioned to approve the changes and revise the policy. Tom asked for more time to review the policy. Jo Beth stated that these changes need to be put into place since the benefits have already been announced and implemented, and the Board should act upon the current changes at the next meeting. If there are further revisions, they may be addressed at a later time.

Jeanette asked about setting up the legal firm interviews. She hasn't set them up yet because she wasn't sure if they were public or nonpublic or if they even needed to be 'meetings'. Tom called NHMA and motioned to rescind Eric's motion from our previous meeting. Eric agreed and Jo Beth voted 'nay'. Jo Beth stated there was good conversation in the previous meeting and she would like the opportunity to speak with these firms. Allowing the board to interview the firms would allow for a better choice to be made for the town and board, as she would ask questions, such as whether they have any conflict of interests with entities the town may enter into negotiations, such as Casella. Cathleen Fountain asked about location and whether or not the firms charge for time driving and mileage. Eric and Tom replied

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that they did not. Jeanette wasn't sure. Tom stated that it was important to move forward because residents were concerned about past representation. Jo Beth again stated that she would like to interview the firms. Paul Deveno stated that the allowable ongoing conversation is seen as good and thoughtful for the residents. Maybe the decision should be put to the voters; no need for additional fees and keep it above the board. Tom appreciated the comments but confirmed that Upton & Hatfield was hired per Eric's recommendation. Tom motioned that Eric should setup the legal transition away from Mitchell Municipal. Eric provided a second, Jo Beth voted Nay. Jo Beth offered to assist Eric with the transition communication if he desired. Eric thanked her for the offer.

The Building Committee had no update.

Tom provided an update on the Dalton Conservation Commission. On August 2, 2024, the DCC voted to appeal the Casella Shoreland Permit issued by DES. Tom did not vote for the appeal. This appeal was denied by DES. Another appeal is being completed by Jon Swan, Chair of the Conservation Commission. Tom attempted to explain but was missing notes. Tom would like to stop the DCC from submitting this appeal and wishes to ask legal. Jo Beth reminds Tom that the Select Board has no authority over the Conservation Commission. Tom disagrees and states the Board needs to stop Jon's appeal. Tom stated that the Select Board will be held liable if this leads to a lawsuit.

Eric had no notes for the planning board update. Terri Parks was in attendance and provided an update on the approved subdivision on Faraway Road. Under Canvas also submitted information on their proposed glamping campground to be on Dannis' land between Blakslee and Simonds Roads. Kris Ennis voiced concerns over tax revenue being high enough to cover additional costs incurred for road maintenance, road upgrades and emergency services. Jo Beth reminded Eric that he will have to be the person seeking board approval when it comes time to seek legal help for that project. Terri stated there were no detailed plans at this time but they expect them soon.

Jo Beth offered comments regarding the meetings taking place with the Public Utility Counsel regarding the revisions for net-metering of solar systems. Jo Beth read aloud a draft email with comments and concerns regarding the topic. Jo Beth motioned to have this information sent to the Governor and the Public Utility Counsel. Eric provided a second with approval via roll call. Jeanette can submit and cc the Board.

The NH Clean Diesel Grant was anticipated to be complete by no later than September 30, 2024. We have not yet received the truck and it still needs to be retrofitted for town use. Jeanette asked the Board's approval to sign an extension that allows the town an additional year to complete the work required to complete the grant requirements. It is understood that the town can refuse the funding if they so choose. Jo Beth motioned for approval with a second by Eric. Approval via roll call.

Jeanette recommended tax rate setting training for the Board along with training on Budgeting. Both emails were provided to all members by DRA. Jeanette can provide copies of the emails, at member's request.

Jeanette wanted to make a special point to mention the importance of setting the tax rate this fall. The town was in a very good financial position until the floods hit in July. To date we have spent nearly \$275k on repairing roads and infrastructure to make our town safe for travel. If we do not issue tax bills early and start collecting tax revenue the first week of December, we will be in a situation where we will

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be required to take out a TAN (Tax Anticipation Note) for the county tax bill payment as well as operating expenses to get through the year.

Jo Beth recommended the NHMA Good Governance Series for both Tom and Eric. This educational series allows them to remotely attend classes and receive a certificate for completing all of the prescribed classes. Jeanette stated it was a great series and worth the while even if they don't do them all.

Jeanette asked if the town planned to auction the deeded properties this year. NH Tax Deed Auctions did a fine job for us last year and we can utilize them again if so desired. Jo Beth motioned to utilize them again this year. Tom provided a second with approval via roll call.

Tom mentioned the host community agreement presentation from Casella. He would like to ask the Board for permission to ask Casella for \$3.5M for start-up fees. Kris Ennis asked about the RSA that allows the Board to handle ordinary town business. The Casella host community agreement is not ordinary town business. Jo Beth stated that we have no idea what the value will even be for the proposed landfill. Mike Ryan asked repeatedly if the town could stop Casella. He continued by stating that if the town couldn't stop them, then we should get money from them. Jo Beth stated that negotiating is not off the table, but at the appropriate time, and with necessary information.

Jeanette presented the Trust Fund letter from Kris Ennis to be added to the bank accounts managed by the Trustees of the Trust Funds. Jeanette signed this letter previously for Christine Ordinetz and asked if she could sign the letter for Kristina Ennis. Jo Beth motioned with Eric providing a second. Approval via roll call.

Jeanette asked the Board for permission to issue a letter of cancellation to David Buckley since DRA issued a formal letter stating he could not assess property values in NH since he was not licensed by the NH Office of Professional Licensure and Certification. We are currently receiving support from DRA in a limited capacity to allow us to complete 2024 assessing duties as needed for the town. Jo Beth motioned for approval with Eric providing a second. Final approval via roll call vote.

The town received the first of our 2024/2025 DOT Block grants payments in the amount of \$21k +/- . We can anticipate approximately \$50k +/- more between October and June of 2025.

With our next meeting falling on Labor Day, the meeting has been rescheduled for Tuesday, September 3, 2024 at 6:30pm. Additionally, working sessions have been scheduled for Monday, September 9, 2024 at 6:30pm and Thursday, October 10, 2024 at 6:30pm.

Jeanette has received free furnishings through the District Court Offices in Concord. Cathleen Fountain volunteered to pickup the furnishings which were unloaded at the Municipal Building with the help of Adam King. Jeanette asked permission from the Board to revamp the Tax Collector/Town Clerk office space, including painting on her own time, with the town covering any miscellaneous costs. Jo Beth motioned to approve the revamp of the space. Eric provided a second with approval via roll call.

The State Primary is Tuesday, September 10, 2024. Adam will ensure the election room is setup on Monday, September 9, 2024. The Select Board must be present during polling hours. Tom will be available in the morning from opening to approximately noon. Jo Beth will be available from 9 or 10am until approximately 6pm and Eric will be present from 5pm through completion of vote tabulation and closing.

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Eric motioned to enter nonpublic at 9:57pm for welfare, legal and personnel. Tom provided a second with approval via roll call.

Eric motioned to re-enter public session at 10:24pm. Jo Beth provided a second with approval via roll call.

Eric motioned to seal minutes for non-public sessions #2, #3, and #4. Tom provided a second with approval via roll call vote.

Jo Beth motioned to adjourn the meeting at 10:25pm. Eric provided a second with approval via roll call.

Minutes Respectfully submitted by Jeanette Charon.

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

Jo Beth Dudley

Jo Beth Dudley

Thomas Dubreuil

Thomas Dubreuil

Eric Moore

Eric Moore

Nonpublic Session Minutes

Town of Dalton

Date: August 26, 2024 # 1 Legal

Members Present: Jo Beth Dudley x

Thomas Dubreuil x

Eric Moore x

Motion to enter Nonpublic Session made by Eric seconded by Tom

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 9:57 a.m./ p.m.

Nonpublic Session Minutes

Town of Dalton

Date: August 26, 2024 # 5 Personnel

Members Present: Jo Beth Dudley x

Thomas Dubreuil x

Eric Moore x

Motion to enter Nonpublic Session made by Eric seconded by Tom

Specific Statutory Reason cited as foundation for the nonpublic session:

 x 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.

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Roll Call vote to enter nonpublic session:	Jo Beth Dudley	<input checked="" type="radio"/> Yes	No
	Thomas Dubreuil	<input checked="" type="radio"/> Yes	No
	Eric Moore	<input checked="" type="radio"/> Yes	No

Remove public meeting tape (if applicable).

Entered nonpublic session at 9:57 a.m./ p.m.

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

Description of matters discussed, and final decisions made: Jo Beth recommends a raise for Adam King. He has been working nonstop and has gone over and beyond to help get the town back on track after the flooding disaster in July. While he has yet to obtain his CDL, he is planning to get that in September. Jo Beth suggests a raise to \$26/hr with another increase to come once he obtains his CDL. Eric provided a second with approval via roll call.

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 Jo Beth.

Motion: PASSED / DID NOT PASS (circle one)

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

Public session reconvened at 10:24 a.m./p.m.

Motion made to seal these minutes. If so, motion made by _____, seconded by _____h, 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	<u>gc</u>	No
	Thomas Dubreuil	<u>9/3</u>	No
	Eric Moore		No

Motion: PASSED / DID NOT PASS (circle one)

These minutes recorded by: Jeanette Charon