

**Monday, September 30, 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, Carol Sheltry, Cathleen Fountain, Michael Ryan, Kurt Hall, Warren Green, Christine Ordinetz, Kris Ennis, Terri Parks, Scott Kleinschrodt, Tom Arrison, and videographer Emily Thompson as well as others who chose not to sign in and could not be identified.

Eversource was in attendance to present their X-178 Line Rebuild Project. Connor, Jen, Jennifer and Sam were on hand to deliver the presentation and answer questions asked by the Board and residents. A copy of the presentation will be posted on the Select Board Meeting Minutes web page for viewing by those who could not attend. Various questions from the Board were answered.

Community Power Coalition of New Hampshire was in attendance to present their Community Power Program to the Board and the residents. Henry provided information on the coalition, the program, how it works and the benefits of membership for the Town of Dalton. Various questions from the town and Board were answered. The next steps would be for the Dalton Committee to meet, and then for the town to have their second meeting/Public Hearing regarding the program and then have it as a warrant article at Town Meeting in March. A copy of the presentation will be posted on the Select Board web page for viewing by those who could not attend.

The Select Board signed AP and payroll checks.

Jeanette provided the Board with the August bank reconciliation and accounting transaction reports.

The lease agreement from Milton CAT was provided for the Board to execute. Approval for the lease/purchase took place at the August 26, 2024 working session.

Jo Beth motioned to approve the September 9, 2024 working session meeting minutes. Eric provided a second with Tom abstaining.

Jo Beth motioned for approval on nonpublic meeting minutes 1, 2, 3 and 4. Eric provided a second with approval via roll call vote. Tom motioned to unseal nonpublic minutes #3 as the topic was announced during a public session. Eric provided a second. Jo Beth disagreed stating it was a nonpublic discussion after the initial mention of the issue. Tom stated he had already spoken with Kurt and apologized for his part in the situation. Kurt wanted to speak but was no longer present at the meeting. Tom rescinded his motion since Kurt was no longer in attendance. He will re-motion at a later date.

September 3, 2024 nonpublic #3 regarding legal has not been approved by Board majority. No comments or edits have been provided by Tom or Eric. Jo Beth motioned to approve. Neither Eric or Tom provided comments or approval again during this meeting. The minutes will be placed in the file unapproved.

Cathleen Fountain was present to provide an update on the Broadband service installation in Dalton. Both Whitefield and Dalton line installation has begun. The estimated time of completion for pole wire runs is mid-November. Fidium will then begin installing service lines to homes, if requested for service connections. Cathleen provided a brief explanation on Fidium Fiber services and installation. Tom Arrison and Michael Ryan asked questions regarding installation and the correlation between Spectrum

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and Fidium. Installation to residences is only being made at the request of the homeowner, and there is no correlation between Spectrum and Fidium; they are competitors.

No update on the transfer station revenue and expense analysis. Tom motioned to have Casella come back in to discuss their tipping fee proposal. Jo Beth stated that we should also invite Carberry to be fair. Tom was fine with Carberry also coming in. Tom stated he sees the town would have substantial savings by switching to Casella at NCES. Jeanette asked if he could share those savings. He stated he will when Casella comes back in to discuss them. Jo Beth reminded Tom that we do not currently pay for recycling and actually get revenue for recycling metal. Tom wants to find out what Casella will charge us; there is nothing wrong with having them come in. Jo Beth reminded Tom that Casella has a charge for recycling services. Jo Beth mentioned that there was a good article in the paper recently about why other municipalities are moving away from NCES, since they plan to close in the next 2 years. Tom stated he didn't care what others were doing. Jo Beth asked if Tom could put his questions together for providers, but he would like them to just come in. Tom wants to do one company each week and not do them together. Christine Ordinetz stated we should do some type of public forum so others can also ask questions. Jeanette asked why we wouldn't have them come on the same day. No answer was provided. Eric provided a second. Jo Beth voted 'nay'. Jeanette asked if she should contact the companies. Tom stated yes. Jo Beth restated that we handle our recycling separately and we get paid for our recycling instead of paying for it.

The Rails to Trails Project has no update. Tom provided input regarding a conversation with a realtor who sold property with rail. He doesn't understand how they can re-use the property if it's been sold to residents. Christine Ordinetz stated this isn't so. The railroad owns the bed and rails lines. Perhaps what was sold is abutting property. Cathleen Fountain added that the railroad will put rails back into place if/when they decide to awaken the rail line again.

No update on the NCC Transportation Improvement Plan Projects for 2027-2036.

We should have an update on the Tillotson Park sign soon.

We are awaiting a final word from the attorney for the approved updated personnel policy. There have been some irrelevant questions. Perhaps we will have an update for the next meeting.

Adam has chosen not to pursue an additional highway equipment operator at this time. We will close the job posting.

Adam will provide a status update for the bridge repairs that have been funded by the state.

We are waiting on the school district and county to send their tax rate information to DRA so we can set our tax rate.

Eric motioned to send the open Right to Know (RTKs) requests and responses to legal. Jo Beth asked why we would want to incur legal expenses for something that's straight forward. Eric stated it's because he could. Tom stated it's more of a harassment than anything. Jo Beth stated that RSA is clear and has nothing to do with harassment. Tom stated it's ongoing and he gave everything and has nothing to give. Jeanette stated he didn't give anything, that's the problem. Tom seconds Eric's motion. Jo Beth votes 'nay', as it's a waste of town money. Jeanette asks for clarification on which RTK's she should send. Tom

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stated he will get back to her. Jo Beth stated that we can't have a motion then. Tom smiles and states that it's the same one we've been doing. Jo Beth and Jeanette attempt to clarify the RTKs in particular to Right to Know's requests must be complied with, whether or not we deem them harassment. Tom mentioned he plans to move forward with the other topic that must be discussed in nonpublic. Jeanette asks what happened to transparency? This RTK topic has been discussed previously and Tom and Eric have stalled. They are going to get the town sued. Tom claims he has nothing to give Jeanette. Tom mentions minutes he didn't have completed and phone call details. Jeanette reminded Tom of that conversation and request made through the RTK request. The attorney is going to advise the Board that they must comply with the request. The state statute is clear. Pam Kathan keeps making comments from the back of the room and Jeanette asks her if she'd like to come sit at the table. Eric motions for Pam to stop making comments. Jo Beth asked again which RTK's need to go to the attorney. Eric states it's two of them. The ones from Kris Ennis. Eric adds the one from Bob Fountain as well. Jeanette asks what she is supposed to ask the attorney to provide regarding the RTK requests. Eric states he just wants the attorney's feedback. Tom stated there is another way so they don't spend the money. What he is going forward with... Eric rescinds his motion to send the RTK requests to the attorney.

No update from the Building Committee.

No update from the Conservation Commission. Tom stated he did not attend the Conservation Commission Meeting. Jeanette stated he was there.

The Planning Board Meeting was scheduled for the following Wednesday, so no update.

No update on the Solar Energy Grant.

NH Clean Diesel Grant came up in conversation where Tom asked Jeanette to discuss the grant again. Jeanette gave a brief overview of the grant. Tom made comments regarding the grant being a glorified loan that the town had to pay back. Jeanette asked Tom where he was getting his information. He was able to find the grant documents online since Jeanette didn't print them for him, and said he found the grant is actually a loan that has to be paid back. Jeanette asked to see the document he was reading from. Jeanette fully read the sections highlighted and/or underlined and explained to Tom that the funds would only have to be repaid to the state if we took possession of the truck and didn't use it as expressly implied in the contract for 5 years, or if we used the funds for something other than allowed by same. Tom insists he did not know about the grant, see it, or vote on it. Jo Beth stated it was discussed in Select Board meetins, a public hearing, at the budget hearings, and at town meeting. Tom insists he never saw the grant. Carol Sheltry also commented it was discussed and reviewed in Select Board Meetings when Tom was on the Board. Jeanette offered to provide the minutes. Tom switched to the truck not being a good deal, in his opinion, and that now is not a good time to purchase it. Adam has offered commentary that he is concerned about the truck we ordered, as he has heard it is not reliable for others who are using it in their fleet. Eric mentioned that Adam needed to be part of this discussion. Jeanette let them know he planned to attend but couldn't make it. Tom stated the deadline was that day. Jeanette confirmed the grant period had been extended to September 30, 2025. This deadline is for the entire grant scope of work to be completed, including receiving the truck and compensation being paid out per the contract. We have not accepted the grant funds yet.

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The Hazard Mitigation Grant has been granted. Ron Sheltry and Jeanette had the initial kick off meeting. There will be a series of meetings setup requesting different people to attend and participate in revamping the current Hazard Mitigation Plan. Jeanette told the Board to watch their emails because it will be busy.

Emergency road repairs are ongoing. Most roads are being top coated at this point. Eric asked about Smith Road. Jeanette is waiting to hear back from legal.

The Town received a letter from a Bethlehem resident regarding the proposed Granite State Landfill and its regional impact. Jeanette read the letter aloud asking the town to declare the project one of regional impact. Letter is attached. Jo Beth confirmed that Carl was reaching out to legal regarding the implementation of the change in the RSA from HB1221. Pam Kathan mentioned that there must be a permit in front of the planning board which there is none. Jeanette stated it actually doesn't, depending on how you read it. Cathleen Fountain provided information on the rewritten RSA to the Board for their use.

It's time to order the new edition for Planning and Land Use RSA books. Jeanette is asking how many we should order. Jo Beth suggests ordering extra for new members on the Planning Board. Jeanette asked someone to present the option to Carl so she can get the number needed. Carl hasn't mentioned to Jeanette about Emily Thompson being chosen as an alternate. Tom declined a copy, stating he will use one from the library if needed. Jo Beth motioned for the town's purchase of needed books. Eric provided a second with approval via roll call vote. Pam Kathan asked if Emily can purchase one at the town's rate if she pays for it. Jo Beth stated it's for town use, not personal use. Jeanette asked Emily to mention it to Carl at the meeting Wednesday. If he wants her to have a book, then that's fine, just include it in the count for the Planning Board. Jeanette informed others that the book simply has all the RSA's for planning and land use; all of the RSA's can be found online. Carol Sheltry asked if we got books with CD's last year? Jeanette confirmed that CD's aren't being offered.

Jeanette provided the Town Clerk audit from DRA. All is good with exception of the ACH payment schedule. We should have an alternate deposit schedule with Thursday's transactions. At the direction of our auditor, Jeanette sent a request for the alternate deposit schedule and it was approved.

Jeanette mentioned an email from Kris Ennis with questions regarding the Under Canvass Campground coming to Dalton. There is concern regarding the tax revenue and whether or not it will be enough to cover the costs the town will incur with services for the business. Jo Beth mentioned that the applicant should be responsible for a traffic study to be completed and input can be provided by Adam for the increased road use, and any costs to the town related to required road improvements and maintenance. A private consultant can also review the plans and provide an estimate on what the anticipated assessed value will be for the property once it's developed. Kris is concerned about the impact on the local tax payers. The company seems willing to work with the town. Jo Beth asked if the town wanted some type of fee from them to improve the roads since these should be paid for by the applicant. Pam Kathan asked since when does the Planning Board allow or not allow businesses to come to town. Kris answered that this is a special exception in state statute since it's a campground. The Planning Board should be looking at the plans closely to ensure everything is on the accurate and complete. Pam asked what makes this a special exception. Terri Parks confirms there are state and local regs that have been in

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place for quite some time. Scott Kleinschrodt states that this business is exactly what was spelled out in the Town's Master Plan, developed and completed in 2023. He believes the town should do everything in their power to get this business to come here. Cathleen Fountain stated the concern is making sure Blakslee Road upholds its structure with the additional use. Jo Beth noted that is standard procedure for developers to pay the town for consultants and required infrastructure improvements.

Tom brought up Warrant Article 15 from March's Town Meeting, requiring the Board to provide a detailed line-by-line budget, updated monthly, for the residents to see. He wanted to throw this out there as something the Board needs to follow. Jo Beth reminds Tom that every month the Board reviews the detailed report and anyone can come in and look at it. Tom stated that we just have to do what they asked. Jeanette was glad Tom brought that up because she wanted to mention that Kurt Hall had sent an email through the website stating the report is required and that we are 7 months past the meeting occurrence and there hasn't been a statement received. Jeanette clarified that one was just signed off today when the Board reviewed the reconciliations. The transaction report details all the ins and outs of what took place for the month. Jeanette has these reports available at any time in the office during normal business hours. They have been available but no one ever comes to view the reports. Jeanette responded to Kurt's email and copied the Board members on the response.

Tom provided printed emails to Jeanette and asked if he's supposed to do anything with them. Jo Beth and Jeanette confirmed that it's spam and he should just delete it. We don't get voicemails as emails so that should just be deleted.

Eric motioned to send the two Host Community Agreements to legal. Jo Beth stated this is a topic that needs more discussion. Eric asked why, because we aren't paying for it, Casella is. Jo Beth reminds Eric we don't have an agreement. They already said they would pay for it. Jo Beth repeats that we don't have an agreement with them and maybe we need a preliminary agreement that they'd pay for it. She is happy to spend time to go through that agreement and give her perspective on that, but everyone needs to do some homework first. Tom stated that we've had it for quite a while and we keep putting it off, and if we keep putting it off, we aren't going to get anything. This is just to get it started. It's been how many months or years? Tom seconds Eric's motion. Jo Beth reminds them of priorities like the flood and dealing with FEMA and getting the tax bills issued. Kris Ennis brought up that the Select Board's powers are limited to ordinary town business. This Host Agreement doesn't seem like ordinary town business. Pam Kathan and Eric state it is town business. Kris agrees, but it's not ordinary town business. Eric confirms. Kris states others should look at the RSA's. Tom stated that the Select Board has the authority to do this and that none of those present are lawyers, and we are trying to find out the starting point. Nobody wants a landfill here, but whether it comes or not, they're looking out for the town's benefit. If it doesn't come, everyone can be happy. Kris clarifies that she doesn't know whether or not she wants the landfill or not. When dealing with this, it's something the whole town, the legislative body, the voters, need to address and they're the ones who need to be involved when it's not ordinary town business. Maybe there needs to be a special meeting. Michael Ryan states the town has no control whether the landfill goes in or not. The state controls that if they follow all the rules. Jo Beth explains it's not a simple yes or no answer. Right now, Casella has not had their application accepted as complete. When is it appropriate for the town to expend town resources for the agreement to be negotiated? Michael Ryan states that Casella doesn't have to give Dalton anything. They're offering it as

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a tax write-off by offering these benefits. Jo Beth claims we do not know how much of a benefit we should get since we don't know what the base tax rate would be. Mike asks what that has to do with them offering us money and picking up our garbage. Jo Beth explains they have to pay taxes based off the value and tax rate so we don't know if we are getting the fair amount in what they are offering. Mike states they will give us \$2M and just write it off their taxes; that's how this works, comparing this to a person donating to a charity and taking a write-off. Tom adds that we are not going to be paying for this, Casella is going to be paying for it. Jeanette and Jo Beth ask for that in writing; that's the first step. Tom stated it's in the host agreement anyways. Jeanette states that agreement isn't signed. Eric calls the vote and Tom and Eric both vote 'yay'. Jo Beth states they've got to be kidding. Jeanette asked who is signing a personal check to the law firm; she then apologizes. Jo Beth states if Casella is going to pay for it, then we need to get that in writing prior to sending anything to the attorney. Tom states that he thinks we could do that. Jo Beth asks them to rescind the motion on sending anything to legal. Tom states he's not rescinding it. Cathleen Fountain asks, as a resident, that we expedite the best route to reducing the cost to the town. It's about the expenditure to the town as we are already spending a lot of money redoing the roads in town. She would like to not spend a lot of money if we can get a guarantee from Casella that they're paying for that fee. Eric rescinds the motion for now until he gets it in writing from Casella. Jo Beth asks for the cost of the assessment as well as the cost of legal. We need to look at these things as a Board. Tom stated that looking at these things as he sees it, people try and try and try, and they couldn't get the time of day and we just keep putting it off, putting it off. Jeanette asks about having a special meeting to...Tom shuts her down exclaiming 'point of order, point of order'. He's had enough and Eric rescinded it and it is what it is.

Jeanette removes herself from the table to speak as a resident who has a huge problem with everything being sent to legal right now at \$250/hour. Our budget for legal was \$15-20k and we've already publicized that we've spent half a million dollars to rebuild the roads in this town and we haven't even finished and all Tom keeps bringing up is going to Casella and asking for a startup fee of \$1M or \$3.5M. Now we want to send the host community agreements to legal when the Board hasn't sat down to discuss the ins and outs of what the town should have. We don't even know what the value of that property is right now, let alone what it will be when Casella builds, if Casella builds. She told Mike Ryan that she agrees with him that we have no control over whether it comes or not. What she doesn't agree with is throwing dollar after dollar down the drain for attorneys to look at stuff and come back over and over asking questions and not give us an answer. She is appalled that her tax money is being spent this way. Mike Ryan stated that we need an attorney to figure out what is going on. We need an attorney to write something up that Casella can be held liable for. We need an attorney to tell us what is going on with Casella and how they're going to do this. Carol asked if it made sense to have a sit down with questions to ask the attorney instead of calling every time there is a question? Eric stated the Board will look into it. Mike states that what we need an attorney for is so we know our liabilities and Casella's liabilities. Jeanette explains we know some of those liabilities already but some we cannot determine until there are answers to questions an attorney can't answer. Jeanette lets the Board and audience know we have \$4981 left in our legal budget through the end of August. Scott Kleinschrodt states that's on target as to how much we targeted and what's left. Jeanette disagrees. Jo Beth stated we need to save on other departments because of the highway costs we've expended. Jeanette stands up as a resident again and states that now is not the time to be frivolous with the money we do have because

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it's starting to run low. Maybe that's the goal here, but it's running low and unless we start to think twice before spending money on things, we are going to find ourselves in trouble and having to take out loans towards the end of the year. We need to get the tax rate set and start collecting money before the first week of December. Mike states that we can't keep kicking the can down the road. Jeanette states that the Board needs to meet first to determine what they want before meeting.

Scott Kleinschrodt asked about posted agendas. Jeanette confirmed we don't post an agenda. Tom thinks we should. Scott stated that he posted agendas when he was on a committee. He also mentioned permitting brought up at a previous meeting. He claimed that a permitting process could lead to a building inspector that could lead to zoning and we know where the town stands on that. If it's just a rubber stamp, he would be ok with that too. If it's a permitting process that could lead to a denial, then we would be going down a very slippery slope. Jeanette asks to give clarification to his permit statement. She explains that the permitting things was something that would apply to just businesses...non-residential only. This would be similar to a business license or permit; it's nothing to lead to zoning, or anything like that. It's a mechanism that would allow the town to capture the changes for tax revenue as well as give us information to better enable us to manage the town with resources, tax revenue, fire response, etc. Scott stated he gets the inventory form every year; Jeanette clarifies again that it's nonresidential. Scott claimed he didn't want the back and forth. He deserves to have his opinion. Jeanette apologizes for providing clarity to the previously presented idea. Lastly, Scott thanks Tom and Eric for looking into the cost of trash being sent over 45 miles away. He suspects they will find some savings.

Eric motioned to enter nonpublic at 10:06pm. Tom provided a second with approval via roll call.

Jo Beth motioned to return to public session at 10:17pm. Eric provided a second with approval via roll call.

Jo Beth motioned to seal nonpublic minutes #2. Eric provided a second with approval via roll call.

Eric motioned to adjourn the meeting. Jo Beth provided a second. Approval via roll call vote.

Minutes Respectfully submitted by Jeanette Charon.

Minutes Approved On: 10/28/24 (date)

Jo Beth Dudley

Jo Beth Dudley

Abstained

Thomas Dubreuil

Eric Moore

Eric Moore

Nonpublic Session Minutes

Town of Dalton

Date: September 30, 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 10:06 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 would like to pursue the legal action against Jon Swan regarding the social media criticism of him and Eric Moore as selectmen. Jo Beth and Jeanette advised Tom this is a public topic as it relates to the attack on them as individuals on the board members and not the board. Additionally, it relates to the reputation of the board members. Tom believes it is non-public because it is against Jon Swan. Jo Beth asks why we would consider any legal action, as there as been nothing forthcoming since the postings months ago, and the comments were against individual Board members, not the Board as a whole.

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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 Jo Beth, seconded by Eric.

Motion: PASSED / DID NOT PASS (circle one)

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

Public session reconvened at 10:18 a.m. / p.m.

Motion made to seal these minutes. If so, motion made by Jo Beth, 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 | No |
|                                 | Thomas Dubreuil | Yes | No |
|                                 | Eric Moore      | Yes | No |

Motion: PASSED / DID NOT PASS (circle one)

These minutes recorded by: Jeanette Charon