

Monday, March 31, 2025 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, and Eric Moore were physically present. Town Admin, Jeanette Charon present and note taking. Meeting available for public viewing via Zoom.

Public attendees: Carol Sheltry (online), Warren Green (online), Tom Arrison, Paul Deveno, Pam Kathan, Robin Pilotte, John Bean, Terri Parks, Adam King, Michael Carrier, David Eckman and videographer Emily Thompson as well as others who chose not to sign in and could not be identified.

David Eckman from Eckman Engineering was present to publicly open the bids for rebuilding Smith Road. Sixteen companies requested access to the plans and six companies responded with bids; one bid was delivered in person to the town administrator and five were delivered via email to Eckman Engineering. Jo Beth asked how the bidders will be vetted to ensure they are responsible and capable of doing the work. David explained that his company will vet the bids and contractors to ensure they can bond the project and are capable of performing to the specifications in the contract documents. All bidders were responsive, acknowledged addendums, and provided pricing and completion dates for the project. The apparent low bidder is J.A. McDonald out of Middlesex, VT. David will review all bids to ensure they are complete and all inclusive. Eckman Engineering will make a recommendation to the Board for awarding the contract. The Board will vote at the next meeting on issuing a notice of award, contract, and notice to proceed. Bid results are attached.

The Board signed AP and payroll checks.

Jeanette asked about the open invoices for legal counsel. Jo Beth was the only board member who provided comments on the invoices in questions going back to November 2024. Neither Tom or Eric had any comments to provide for the invoices and items in question. Jo Beth sent her comments regarding legal counsel, with copies to Jeanette and the board members. No response has been received to date. She also started a log to track legal calls and emails so the invoices could be reconciled and processed more effectively. Tom stated he would have something the next time around. Tom stated we should just pay it and Nate can make good on it later. Jeanette has an issue just paying the invoice, when it has not been reconciled because there are still items in dispute, and items related to interaction with Tom that have not been verified. Tom motioned to pay \$15k. Jo Beth suggested half of the invoiced amount. Eric provided a second to Tom's motion. Jeanette stated that we owe Upton & Hatfield \$19k. Paying him \$15k is the total he is owed. The balance is for the investigator. She voices that this is not a good idea. Jo Beth voiced concerns again about Nate's lack of response to town issues. Jo Beth motions to find new legal counsel. Eric and Tom disagree. Tom and Eric both agree to get Jeanette comments prior to April 14, 2025 so she can cut a check for legal bills outstanding.

Eric motioned to enter nonpublic at 7:16pm for personnel RSA -1-A:3, 11 (a). Tom provided a second with approval via roll call vote.

Jo Beth motioned to return to public session at 7:32pm. Tom provided a second with approval via roll call vote.

Jo Beth motioned to seal minutes from nonpublic session #1. Eric provided a second with approval via roll call vote.

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Meeting minutes from February 20, 2025 were presented. These minutes were missed for approval in our previous meeting. The Board reviewed the minutes. Jo Beth motioned to approve the minutes with a second from Eric. Approval via roll call vote with Tom abstaining.

Meeting minutes from March 17, 2025 were presented to the Board for review. Jo Beth motioned to approve the minutes with a second from Eric. Approval via roll call vote from Eric and Jo Beth.

Nonpublic meeting minutes for sessions #1, #2, and #3 were presented for March 17, 2025. Eric motioned to approve minutes for sessions 1, 2, and 3.. Jo Beth provided a second with approval via roll call vote from Eric and Jo Beth.

Jeanette asked for the Board to motion and vote for the Chair and Board Liaisons for the planning board and conservation commission so the MS-123 could be submitted to the Dept. of Revenue. Eric motioned for Jo Beth to be chair. Tom provided a second with approval via roll call vote. Eric motioned for Jo Beth to be planning board liaison. Tom provided a second with approval via roll call vote. A short discussion ensued regarding the conservation commission liaison. Tom agreed to maintain the position. Eric motioned for the vote with Tom providing a second. Approval via roll call vote.

Jeanette presented the MS-232 for the Board to execute. This report is due to the Department of Revenue to confirm the 2025 appropriations voted and approved by the legislature at town meeting on March 11, 2025. Jo Beth motioned to approve and execute the document. Eric provided a second. Tom voted nay because he didn't approve. Jo Beth noted that the MS-232 is a record of what the voters decided at Town Meeting, whether or not the Select Board agrees. The MS-232 was signed by Jo Beth and Eric.

Jeanette provided the December and January reconciliation packages for Tom to sign; at a previous meeting he had agreed to sign off on the transaction report once Jeanette emailed them to him. Tom refused to sign the reports. Jeanette reminded him that he said he would. He said he wasn't signing them. The Board reviewed the February bank reconciliations and transaction report on March 14, 2025, in Tom's absence. Jeanette asked Tom if he would like to review that package. He stated he didn't need to see it. Jeanette confirmed he did not want to review the reconciliation and transaction report for February 2025. He confirmed he did not want to review the documents.

Jay Ennis, White Mountain Regional Airport Commissioner is up for reappointment for a new term. Jo Beth provided a motion with Eric providing a second. Approval via roll call vote.

HB1264 – Local Election Accessible Voting System: Jeanette has no update. The current share program with the state for the voting tablets runs through July/August. We should hear from the state around that time whether or not we will be given their old tablets or will need to purchase our own for the town's use at all elections.

Conservation Commission update: Tom noted the Conservation Commission filed an objection to the motion to dismiss the appeal hearing for the shoreland permit issued to Cassella for work at the proposed Granite State Landfill project. Legal counsel sent a letter to the DCC before this was filed. Tom wants to go to legal counsel to see what needs to be done next. Jo Beth stated that this isn't worth the time and expense to the town. Eric stated that Jon is the one incurring expenses for the town. Jo Beth disagreed, as the only expenses are those incurred by the Select Board. Tom stated that Jon doesn't follow the rules and was working on his own accord. Their legal has nothing to do with Dalton. Jo Beth

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suggested that Tom discuss this with the commission at the next meeting. Tom motioned to send info to legal. The rules were spelled out to Jon but he chooses to not follow them. Eric provided a second to Tom's motion. Jo Beth voted nay. Jeanette can forward the legal question on what the Board should do.

Planning Board update: Jo Beth spoke with Carl Lindquist, Planning Board Chair to determine the current status of the subdivision related to the sale of ~1/2 acre to Karel Bean. She then summarized the status of the property purchase in an email to Karel Bean. The planning board needs a formal request for the lot line adjustment so the town can move forward with the process. Two public hearings are required for the property sale, and one for a lot line adjustment/subdivision request. Legal costs will be paid by Karel Bean on a reimbursement basis. Jo Beth stated that the legal costs have been high, in her opinion. Tom and Eric stated they couldn't open Jo Beth's pdf file regarding the purchase/transfer. Jeanette was able to open it with no issue. Jo Beth motioned for Jeanette to schedule the two public hearings, and Jo Beth will coordinate with the Planning Board regarding scheduling the related PB public hearing (for the lot line adjustment/subdivision request). Tom provided a second with approval via roll call vote.

Jo Beth asked about the solar grant status. Jeanette stated the kick-off meeting with NH DOE has been scheduled. Jeanette is meeting with DOE on Tuesday, May 6, 2025, at 9am via Teams. Jo Beth asked if we will issue an RFP for additional quotes or use who we submitted for the grant. Jeanette stated we could do it either way. She can reach out to Melissa and see what she recommends.

The hazard mitigation plan is currently undergoing revisions. Meetings take place one day per month with a committee including Ron Sheltry, Adam King, Jay Ennis, Paul Deveno, Jon Swan and Jo Beth Dudley. Jo Beth again extended the invitation to the other board members to participate. Jeanette will post an invitation for Dalton residents to participate on the website.

No additional update is available for FEMA funding. Jeanette continues to work on the mitigation plan for the last dozen or so roads.

Sam from the Dalton Country Store is interested in selling the town's blue trash bags at his store as an option for residents. Jeanette suggested the easiest way to do this would be for him to pre-purchase the bags to sell at his facility. This would allow us to avoid inventory and payment tracking. Jo Beth made a motion to try this process and see how it goes. Tom provided a second with approval via roll call vote.

Public Comment:

Pam Kathan asked about the selectboard email being on Forest Lake State Park's Facebook page. She asked if the town sanctioned the page, posts, etc. She suggested the town investigate it so it doesn't lead to liabilities. She suggested the Board come up with a website post policy where the Board approves all communications. Jeanette handles all updates to the website. Jo Beth confirmed this authority was given to the town administrator years ago. Pam voiced that she thinks it's a bad idea. Jo Beth reiterated that the Select Board has no control over Facebook postings on pages belonging to others..

Pam wants to be able to record the zoom board meetings on her computer. Jeanette stated that the petition warrant article stated the town would record the meetings and make them available on a town sponsored YouTube account. After consulting with NHMA legal counsel, it was recommended that the town provide the recordings; people can find ways to record the meetings if they so choose, but it is not required of the town to allow it through zoom. Pam asked the Board to make a motion allowing the

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recording on her own computer. Jo Beth suggested following the legal advice received. Eric made the motion to allow people to record through zoom and Tom provided a second. Jo Beth voted nay.

Pam asked what investigation was mentioned in public when discussing legal bills. Jo Beth stated it was the hostile work environment investigation.

Eric provided two documents for new business. A new standard agenda document. Jeanette asked what the 'correspondence' item would cover. Eric said he didn't know. Jeanette and Jo Beth both stated that we have an agenda that covers all the topics. Jo Beth stated maybe a hybrid of some sort would be possible. Additionally, a policy for contacting town counsel was provided. Jo Beth stated that this is the policy and it's what she has been stating for the past year, without acknowledgement from the other members.

Tom asked if the Board signed the agreement for the HCA committee. Jeanete asked which agreement. The agreement for Casella to reimburse the town for legal costs having to do with the HCA for the proposed Granite State Landfill. Jeanette and Jo Beth stated the Board signed that months ago based on a 2-1 vote.

Jo Beth motioned to enter nonpublic session at 8:29pm for litigation/legal RSA 91-A:3, II(I). Eric provided a second with approval via roll call vote.

Jo Beth motioned to re-enter public session at 8:42pm. Eric provided a second with approval via roll call vote.

Eric motioned to seal nonpublic sessions 2 and 3. Jo Beth provided a second with approval via roll call vote.

Jo Beth motioned that the Select Board accept the legal description of the ~1/2 parcel provided by the Surveyor hired by Karel and Pamela Bean. She noted the alternative would be to hire our own surveyor. Jeanette summarized the professional liability of Surveyors. Eric provided a second with approval via roll call vote.

Tom asked when the HCA committee would be meeting. Jeanette will send out the notice for the committee members for Monday, April 14, 2025, at 5:30pm.


Jo Beth motioned to adjourn the meeting at 8:48pm. Eric provided a second with approval via roll call vote.

Minutes Respectfully submitted by Jeanette Charon.

Minutes Approved On: 4/14/25 (date)



Jo Beth Dudley



Thomas Dubreuil



Eric Moore

Nonpublic Session Minutes

Town of Dalton

Date: March 31, 2025 # 2 Legal

Members Present: Jo Beth Dudley x

Thomas Dubreuil x

Eric Moore x

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

Specific Statutory Reason cited as foundation for the nonpublic session:

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

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

 RSA 91-A:3, II(c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of this board, unless such person requests an open meeting. This exemption shall extend to include any application for assistance or tax abatement or waiver of a fee, fine or other levy, if based on inability to pay or poverty of the applicant.

 x 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.

 RSA 91-A:3, II(l) Consideration of legal advice provided by legal counsel, either in writing or orally, to one or more members of the public body, even where legal counsel is not present.

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 8:29 a.m. p.m.

Nonpublic Session Minutes

Town of Dalton

Other persons present during nonpublic session: Jeanette Charon, Town Administrator, present and note taking.

Description of matters discussed, and final decisions made: Jo Beth summarized legal council status of the ~1/2 acre parcel sale. Jo Beth stated that the Board needs to decide whether or not they wanted to accept the legal description of the property being adjusted for sale to Karel Bean. The Board can hire a surveyor to provide a legal description if necessary. The Board needs to schedule the public hearings required for the lot line adjustment and sale of the newly formed lot. Jo Beth motioned to accept the Bean's surveyor's legal description. Eric provided a second with approval via roll call vote. Jo Beth noted that this conversation regarding the legal description should have been held in Public Session, and will be repeated in Public Session.

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 8:29 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

 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

Town of Dalton

Public Bid Opening for SMITH ROAD @ 135, DALTON, NH

March 31, 2025

| Bidder | Bid Price | Addendums | Completion |
|---|---------------|-----------|------------|
| J.A. McDonald, Inc. | \$ 501,423.25 | vW | 7/31/2025 |
| Lee T Corrigan, LLC | \$ 583,705.00 | vW | 7/31/2025 |
| Daniels Construction | \$ 787,535.00 | vW | 6/15/2025 |
| Elevated Excavation | \$ 831,813.20 | vW | 7/31/2025 |
| RM Piper, Inc. | \$ 873,083.50 | vW | 7/31/2025 |
| Michelle Baillargeon Construction Services, LLC | \$ 899,064.13 | vW | 5/31/2025 |

Access to Dalton Town Counsel Policy

It is the policy of the Dalton Select Board that members of the Select Board, department heads, or other employees, chairs and or members of any other board, committee or commission shall not contact Town Counsel without prior explicit approval of the Select Board.

The Select Board shall provide prompt updates concerning contacts with Town Counsel either in open meeting or in executive session, depending on the nature of the issue discussed.

Dalton Select Board Standing Agenda

Meeting called to order

Announcements

Approval of Minutes

Presentations

Public Hearings

Legal Matters (Public)

Old Business

Other agenda items submitted

New Business

Setting a schedule for the HCA negotiations committee – suggestion of working sessions to be used. ✓

Correspondence

Board and Committee Updates

Conservation Committee

Planning Board

HCA Committee

Meeting Schedule

Non-public (Legal, personnel, etc.,)

Adjournment