

**Tuesday, October 15, 2024 6:30 PM**  
**Regular Session**  
**Dalton Select Board Meeting**

stated he may come to a meeting to listen. Jeanette will reach out to the committee members to see when a meeting can be scheduled to accommodate all members.

Eric spoke with Casella and received a letter stating they would reimburse the town up to \$25,000 for legal fees expended in conjunction with the Host Community Agreement. Jo Beth asked why the letter wasn't sent to the Board. Eric stated he said he was going to get it at the last meeting. Eric motioned to send both agreements to legal. Jo Beth voiced confirm over the dollar amount since Coventry recommended Dalton get a financial planner, which would be in addition to legal, assessor, etc.

Jeanette mentioned the need of a public hearing to accept the unanticipated funds, required for >\$10K. Tom stated they're paying for the legal, not giving us \$10,000. If we don't move forward, then we will never know what to do. Jo Beth asks for the letter to be sent to legal separately to confirm it is sufficient to insure we will be reimbursed. Tom motions to send the letter to legal. The meeting will be an ongoing thing. Eric provided a second. Jo Beth voted nay, stating she believes it is still too early in the permitting process to have legal involved.

Tom provided a written response from Nate Midolo, town legal, regarding the appeal filed with the state by the Dalton Conservation Commission in regards to the Shoreland Permit issued to Casella for the proposed Granite State landfill project. *Email is attached to minutes.* Jeanette asked for a copy so she could follow along; Eric gave her his copy. Tom read the email out loud. The attorney did not believe the action and spending was allowable without Select Board approval. Jo Beth asked for clarification regarding the case law cited by the attorney, as it referred to a land use board appeal, which is different than a regulatory agency. Jo Beth stated that sending the appeal is allowable for the Commission and that it costs the town nothing to do so. She noted that we have not seen any invoice related to this action. She voiced the importance of speaking to legal as a Board and not individually. Jo Beth is concerned about the "additional issues" mentioned by the attorney and asked Tom about those issues. Tom stated those issues will come out in time and then continues to state he did his research and isn't doing things on his own. He goes back to the legal opinion of the appeal filed by the DCC. Jo Beth's understanding of the basis of the appeal is because Dalton was not copied on the application for the Shoreland Permit. Tom stated that the shoreland is in Bethlehem, not Dalton. Jo Beth reminds him that it is related to a project in Dalton (the GSL). Tom talks briefly about the RSA he read in the past meeting regarding financial burdens that could fall upon the shoulders of the town, but does not have the documentation. Tom motions to vote to void the appeal recently submitted and continue speaking with legal regarding the issue to see what should be done. Jo Beth states that he has it reversed and that a conversation with legal should happen prior to any action, if needed. Pam Kathan speaks and states the three selectmen should meet with legal and have it out with him. Tom wants a meeting set up for the board members and legal only. Jeanette asked why she was being excluded from this process. After receiving no response, she continued to ask why. Tom stated it was ok for her to not be involved in something. Jeanette asked why again with responses from Pam Kathan and Mike Ryan stating that Jeanette is not a Select Board member. Jeanette let them know she was not asking them and asked the Board why again. Jo Beth explained why Jeanette should be involved in the meeting since she does follow-up, and verifies the invoices; there is no reason to exclude her. Tom stated the meeting could be set up and the decision could be made later. Jeanette asked again if she was going to get an answer and Tom stated, "no". Jo Beth confirmed Jeanette would send the letter and setup the meeting for the Board members and the Town Administrator; Tom stated that was fine and he would let it slide this



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time. Tom asked if it was better on the phone or on Zoom, since Jo Beth had done this before. Jo Beth stated Zoom was fine, so there could be a face to face, since they hadn't met the legal counsel before, or at least she hadn't. Jeanette asked what Tom was letting slide and no response was provided. Tom asked for a second on his motion. Eric provided the second with Jo Beth voting nay.

Tom called Carberry to get some information from them regarding solid waste disposal. He asked about the mattresses we have at the transfer station claiming Carberry charges for them, but they let us slide when it's only a couple. Additionally, they charge \$130/ton for asbestos related materials. Tom stated the tipping fee is going up over \$80/ton. Jeanette asked for the numbers in writing. Tom didn't have anything in writing. Casella has quoted us \$55/ton for solid waste plus a cost for recycling. Recycling costs us because we gather it and then have to pay Kyle to take it to Littleton. Since Jo Beth mentioned concerns about recycling in the past. Since Casella currently quotes less for municipal solid waste, Tom motions to move the town's disposal of same to Casella in Bethlehem and when we get the host agreement from Casella, it isn't going to cost the town anything. With the disaster and everything, we should be saving money to make everything work. Jo Beth agrees on saving the town money, however she stated that it is a short-sighted decision and read aloud excerpts of the article regarding the rationale for Littleton's decision to move from NCES in Bethlehem to Carberry for their solid waste disposal (article attached). Casella's application for permits hasn't been accepted by the state yet so there is a good chance that Dalton's landfill may not even be open when NCES closes. Tom stated that he thinks it's important to save money now so he motioned to make the switch now. Tom also stated he called Beattie stating that the rate they charge will increase. He is willing to take the chance on Casella now. Casella stated they would accept our recycling with our municipal waste. Jo Beth asked why we would do that. Jeanette stated it's because Casella charges an extra \$23/ton for solid waste than recycling so it would benefit them. Jo Beth stated that other towns are making sure they have a place for their waste disposal when NCES closes, thus hedging their bets to be safe in case the GSL is delayed. Jo Beth stated that in a year or more, if we see the GSL project is moving forward, the Board can reconsider and make the change. Doing so now would be irresponsible. Tom states it is all hearsay and that people and towns are just bashing Mr. Casella. Jo Beth states this is about being pragmatic for the town and ensuring the town has a place to send their trash. Bethlehem is closing and when that happens, Carberry may not be able to accept us. Paul Devino asked about our locked in contract with Carberry. Jeanette stated there is no locking in. Dalton can make a move at any time. Paul states it's safer to stay with Carberry because we know they will be able to service us. Tom stated that with what he has found out on his own, PFAS is not created by Casella, we created it, and Casella is creating a system so run-off can go into tankers to take it away and they're trying to separate that. Mandy Deveno asks for Tom's research, and she appreciates his opinion. If Casella is the best option for the future, then we can make that change later. Right now, we don't have an option and as a town, trying to project and save money in the long run, we need to not be short minded with Casella at the moment. Casella coming to Dalton is up to the state. Right now, Carberry appears to be the better option for Dalton. Tom stated that he doesn't have information in writing because he went one-on-one with people. Mandy states that his consistency on doing things one-on-one without providing information to others is getting disturbing for him as a selectman. She is losing confidence in his ability to serve as a selectman. Jen Green adds that she hears everything Tom has said, and it is important. She echoes Mandy that gathering information that it is prudent to have it verified and put in writing so due diligence can be