

Monday, August 9, 2024 4:00 PM
Working Session
Dalton Select Board Meeting

Meeting called to order at 4:00 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: Nancy Crosby, Cathleen Fountain, Jen Green, Warren Green, Larry Carrier, Doris Mitton, Kurt Hall, Michael Ryan, Robin Pilotte, Pam Kathan, Jon Swan, Janet Damiano, Paul Damiano, Elliot Wessler, Diane Lyon, Lorraine Koerner, Alice Andrus, Jay Ennis, Paul Damiano, Betsy Manzelli, Mandy Deveno, David Koerner, Marti Faulkner, Michael Trudeau, Kris Ennis, Kevin Whittum Sr., Robert Fountain, Tom Arrison, Michael Carrier, Sarah Doucette, and videographer Emily Thompson as well as others who chose not to sign in and could not be identified.

Eric motioned to unseal sealed nonpublic meeting minutes #2 from July 29, 2024, which were actually from July 22, 2024. Jo Beth stated she didn't have minutes yet; Jeanette hadn't seen them either. Eric produced a copy for them both to review. Tom motioned to correct the date with Eric providing a second; Jo Beth asked to address all the changes at one time.

Kris Ennis asked for point of order. She stated there were audience comments being made which could be considered hostile. She asked the chair to control the meeting. Chair asked the comments to stop.

Jo Beth, referring to her notes, made multiple changes to the minutes which were read aloud and are attached.

Jo Beth asked who Eric and Tom discussed topics with; Tom stated that Jo Beth was attempting to undermine him and Eric. Tom refused to have the conversation and shut Jo Beth down from reading her comments while telling Jeanette the Board was discussing the topic. Jeanette was attempting to add to the conversation but Tom shut her down as well. Jo Beth asked additional questions and was again shut down from Tom; telling Eric to continue on. Jo Beth continued restating what the board previously agreed upon for meetings. She asked about the nonpublic meeting posted for August 6, 2024; scheduled by Eric, posted by Tom but not coordinated with Jo Beth. Eric stated he left a voicemail for Jo Beth, but she said she had no missed calls or voicemail messages. Jo Beth emailed Eric letting him know the meeting was being illegally posted as a non-public meeting and it should be cancelled. The meeting was subsequently cancelled, but the cancellation was not posted. The meeting notices were simply taken down without Jo Beth being notified until an email was sent to her at 5:29pm. Jo Beth, and residents of Dalton, were at the municipal building for the meeting for over an hour with no appearance by Eric or Tom to form a meeting quorum. When Jo Beth checked her emails she noted it was rescheduled, but that she had already left her house to attend the meeting when Eric's email was sent at 5:29pm. Residents witnessed Tom removing the meeting notice signs at 5:15pm. Jo Beth is concerned that she is being left out of conversations on a regular basis, and any discussion of town business by Tom and Eric outside of properly posted public meetings are in violation of the Right To Know Laws. Tom mentioned he was supposed to sign checks on Wednesday morning but Jo Beth signed them Tuesday evening. She noted both she and the treasurer were at the municipal building, so they did take care of signing the checks. He stated that it happens regularly, in his opinion.

The agenda provided by Eric at the beginning of the meeting, stated there will be no public meetings or working sessions while he is on vacation through August 26, 2024. Jo Beth noted that he sent out an email to this effect, and stated this was not allowable, as it is a Board decision whether meetings take place or not, not the Chair's decision. Eversource is scheduled to present at the regularly scheduled

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meeting on August 19, 2024. Eric stated that the meeting should continue as scheduled. Tom agrees. Jeanette confirms the meeting, the Board confirms yes.

Eric asked about grant updates. Jeanette stated there was nothing to add since she's been gone all week.

Jo Beth subsequently motioned to unseal the July 22, 2024 nonpublic #2 minutes. Eric provided a second with approval via roll call vote. Discussion ensued regarding the process of seeking new legal counsel. Eric provided a statement, attached, regarding the law firms he spoke with. Jo Beth stated that this should be a board process and board decision. The nonpublic meeting of July 22, 2024, did not give Eric the authority to hire new counsel; it gave him authority to seek information on new legal counsel. Eric gave his rationale about why he thinks Upton & Hatfield should be chosen – they don't have any clients in the North Country. Jo Beth suggested the law firms be asked to come interview with the Board and that Mitchell Municipal Group be included in that process. Jo Beth is not comfortable without speaking with the firms. Tom moves into getting multiple bids and how the previous board replaced others when they wanted to. He brings up the floor replacement stating that contractor is going to have to come back a 3rd time to correct the floor and if it had gone in front of the board, it would've had a different outcome. Jeanette corrects Tom by reminding him that we had more than one quote on the flooring and the flooring issue has nothing to do with who put the flooring down. Additionally, Jeanette mentions that the changes being made to the nonpublic minutes where Tom motioned for Eric to gather information and not hire a new law firm are being made, then the document being discussed is moot. The motion was to gather information which means Eric did something he didn't have board permission to do. Tom stated, "If you weren't constantly working against us on everything, and helped on this to begin with, it wouldn't get like this. This is all new to me; it goes two ways. You have to learn to work together on things and that doesn't happen here and you know it doesn't." Jo Beth stated that she has tried and it's frustrating because both Tom and Eric have gone through NHMA training, they both have "Knowing Your Territory" for reference along with all the RSA's being available. She feels like she is always having to step in and make sure the board is doing the right thing and she is tired of it. She feels like they keep trying to push through things because they can vote against her. She feels this needs to be done the right way in front of the board to make an evaluation and then a decision. Eric agrees and motioned for the new process as suggested. Tom provided a second with approval via roll call vote. Eric will send Jeanette the Upton Hatfield information. Jeanette will setup the meetings.

Eric asked about the checklist. Cathleen Fountain hasn't received anything about an inquiry for the checklist. Christina Fintonis asked Eric about there being a vote that she wasn't invited to. Cathleen stated she was invited to a session and she was there. 30-day letters were sent out and they signed the documents to take care of it. Training is up to Concord and she forwarded the supervisor training email to all the supervisors. Jeanette interjected that she doesn't believe Cathy understands what Eric's actually means to ask. Christina had inquired about the assistant vote that took place the evening of town meeting/town election, as the State suggested there be an assistant so there were two people with access to the electronic State Checklist system should Cathleen not be available. Jennifer Green was voted as the Assistant per the recommendation of the Secretary of State's Office.

Jo Beth went back to the discussion on the attorney interviews. She feels strongly about other people who work with legal who should be part of that process. The Tax Collector, Town Administrator, and Moderator. Tom states they can be present to listen. Jo Beth stated they should weigh-in on the

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decision, even though they don't vote. Kevin Whittum states the public doesn't generally get involved on what the select board chooses.

Eric motioned to enter nonpublic at 4:58pm for welfare and ?. Jeanette stated it's legal if it's what she thinks it is. Jo Beth provided a second. Approval via roll call.

Jay Ennis asks if there will be any public comments allowed. Eric answered "no".

Eric motioned to return to public session at 5:08. Second by Jo Beth. Approval via roll call.

Eric motions to seal nonpublic minutes #1 and #2. Jo Beth seconds with approval via roll call.

Eric asked about Smith Road, which was completely washed out and whether or not it can be fixed and at what cost. Jo Beth states it's a question for Adam who was not present. Tom asks if it's a private road. It's a town road down off Hwy 135. Jeanette will ask Adam about the touring that was done previously with a civil engineer. No repairs have been done to the road at all. He asks why we can't just fill it so they can get in and out. It's explained that the road is gone and it won't be that easy, and the embankment down to the river is over 30 feet. Cathleen Fountain stated she spoke with resident Nancy Smith and that FEMA will need to be a big part of that repair once the temporary bridge is in place.

Eric motions to adjourn the meeting at 5:10 pm.

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

Town of Dalton Select Board

Nonpublic Session Minutes

22

[INSERT NAME OF MUNICIPALITY AND BOARD]

Date: July 22 2024

Members Present: [board-member-name] Eric Moore
[board-member-name] Tom Dubreuil
[board-member-name] Joseph Dudley
[board member name] _____
[board member name] _____

Motion to enter Nonpublic Session made by Tom Dubreuil seconded by Eric Moore

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.*

____ 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 adverse 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:

[name]	<u>Tom</u>	<u>Y</u>	N
[name]	<u>Joseph</u>	<u>Y</u>	N
[name]	<u>Eric</u>	<u>Y</u>	N
[name]		Y	N
[name]		Y	N

Remove public meeting tape (if applicable).

Entered nonpublic session at _____ a.m./p.m.

Other persons present during nonpublic session: _____

Description of matters discussed and final decisions made. **Note:** Any votes taken must be recorded "in such a manner that the vote of each member is ascertained and recorded":

Matter: Changing legal representation
by motion from Eric and by Tom Nay by
Joseph.

Reason to hold in non-public - ~~to~~ so as not to
hurt reputation of Mitchell Municipal group

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, **taken in public session**, 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 Tom.

Motion: **PASSED** / DID NOT PASS (circle one)

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

Public session reconvened at 8:42 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:

[name] Tom
[name] Eric
[name] Joseph
[name]
[name]

<input checked="" type="radio"/> Y	N
<input checked="" type="radio"/> Y	N
Y	<input checked="" type="radio"/> N
Y	N
Y	N

Motion: **PASSED** / DID NOT PASS (circle one)

These minutes recorded by: Tom

22
July 29 2024

Executive session; Legal matters

Select board

Eric Moore, chair

Joe Beth Dudley

Thomas Dubreuil

Tom Requested that the SB meet without the Town Administrator. Neither he nor Eric provided a reason. Jo Beth noted that without Jeanette, someone else would be required to write minutes. Tom & Eric agreed to this responsibility.

To Beth - The Mitchell Municipal Group is one of the attorneys firms in the State. Both Walter Morgan & Laura Specter provided excellent service to the town.

Mr Sweeney agreed to discuss his petitioned with the Budget & WA

Tom; I want to move to seek new council because the residents expressed their concerns to do with the town meeting and not happy they're not getting their questions answered. Also I'm sure our legal have done a great job for the select board before I came on. We do have a new select board now and I believe it's time for a new set of eye. With what has been going on I believe it is a conflict of interest.

Joe Beth; how is that a conflict of interest?

Tom; Just my opinion, I have nothing else to say on that.

Jo Beth; that legal is not the one we usually use. (the ~~one~~ ^{lawyer} at town meeting)

Tom; But you told us that she fills in for the firm.

Jo Beth; She told them there is a special order to the articles that needs to be followed.

Tom; How come I was not included in the conversation? I've read the select board policy and it says to respect one another, what is your definition of respect? Since I've been on the board and then Eric came on the board, there has been no respect for either one of us.

Jo Beth; why did you ^{it reschedule} cancel the appointment with our legal, you ^{so you could} need to talk with her; she is very good at what she does, even to the point where she even corrects me.

Tom; I did and asked her does everyone need to be here at the meeting. She told me that whole board needs to be present. Since I've been on the select board I have yet to be involved in any conversation for the past year and a half.

Jo Beth; the chair has special rights. ^{the} Previous Board delegated the chair to work with legal as appropriate

Tom; Right but for a year and a half, I've had enough of Mr. Swan undermining this select board.

Jo Beth; I don't think this is a board matter. ^{for non-public meeting}

Tom; Like hell, he has undermined both Eric and I, not once but twice. Frankly I'm tired of being on edge coming to the meeting wondering who is going to attack next.

And she corrected that the voters can change the order of articles, including the Budget & WA

Tom; I make a motion for Eric to seek new Legal for the town of Dalton.

*information on
council*

*for the
Select Board to
consider At our
next meetings.*

Eric; second the motion.

Jo Beth; I'm going to push back; I think this meeting should have been held public.

Tom; I don't think so.

Eric; Called the vote.

Tom; voted I

Eric; voted I

Joe Beth; voted Na

Tom; Motion to seal the minuets

Jo Beth; Said the minuets need to be sealed back in public meeting.

Eric; Motion to go back into public meeting

Tom; Motion a second

Eric; Voted I

Tom; Voted I

Joe Beth; Voted I

Tom; Motioned to seal the minuets

Eric; Motioned a second

Tom; voted I

Eric; voted I

Joe Beth; voted NA

*objected +
AGAIN stated that this meeting should
have been in public*

Eric moved to adjourn, vote unanimous to adjourn.

SEALED MINUETES; for the protection of the legal reputation.

Agenda for August 9th meeting

1. This meeting is being held to do any signing before I go on vacation. No other public meetings or working sessions will be held until August ~~9th~~ ^{16th} when I return.
2. Any checks to sign if needed
3. Quick updates on any grants
4. Discussion of Town legal
5. Discussion of Supervisor of the Checklist vote for assistant, explain what went on.
Christina and Cathleen will be the only ones to speak from the public on this matter.

Otherwise, there will be no public input at this meeting.