From: Jo Beth Dudley
To: Town Admin
Subject: FW: Dalton: Question
Date: Wednesday, February 5, 2025 4:44:18 PM

From: Legal Inquiries <legalinquiries@nhmunicipal.org>
Date: Friday, January 24, 2025 at 11:56 AM
To: Jo Beth Dudley <jbdudley@townofdaltonnh.gov>
Subject: Dalton: Question

Good Morning Jo Beth:

The language of RSA 149-M:17, IV applies to any action by the town to enter into a contract for disposal of solid waste with the owners or operators of solid waste disposal facilities. You will need to explain in much more detail what you are referring to when you ask does RSA 149-M:17, IV apply to a non-commercial (ie. municipal district) solid waste facility.

When you ask what is the recourse if the town did not have proper town meeting approval? This might mean that any contract entered into without town meeting approval was void or voidable because the select board did not have that actual authority to enter into that contract.

Stephen C. Buckley
Legal Services Counsel
NH Municipal Association
25 Triangle Park Drive
Concord, NH 03301
603-224-7447
legalinquiries@nhmunicipal.org

The attorneys at NHMA provide general municipal legal advice based on the information that is provided by the inquirer. The attorneys at NHMA operate best when they are answering questions of general municipal law—issues of interest to more than just a few communities—especially questions which can be answered by reference to state statutes or court opinions. In the event you have already received legal advice from your town attorney, please understand that NHMA does not provide second opinions and would defer to the advice of town counsel who is in a much better position to advise on specific facts and circumstances. Please read the full legal services FAQ located here: https://www.nhmunicipal.org/legal-services.

From: Jo Beth Dudley <jbdudley@townofdaltonnh.gov>
Sent: Thursday, January 23, 2025 3:21 PM
To: Legal Inquiries <legalinquiries@nhmunicipal.org>
Subject: Re: Dalton: Question

Caution - External Email
This email originated from **outside** our organization.

Do not click links or open any attachments unless the sender and attachments have been verified.

Forward suspect emails to the Mainstay Security Operations Center as an attachment.

Thanks Stephen!

Two follow-up questions:

Would this also apply to a non-commercial (ie. municipal district) solid waste facility?

What is the recourse if a Select Board has acted against this statute?

Many thanks!
--- Jo Beth

Jo Beth Dudley
Dalton Select Board

From: Legal Inquiries <legalinquiries@nhmunicipal.org>
Date: Thursday, January 23, 2025 at 2:17 PM
To: Jo Beth Dudley <jbdudley@townofdaltonnh.gov>
Subject: Dalton: Question

Good Afternoon Jo Beth:

Whenever a statute states that a town may undertake a particular action, that always means that the proposed action shall be approved by vote the town meeting. In this instance paragraph IV or RSA 149-M:17, IV dictates that the town (town meeting) upon majority vote of the legislative body (the town meeting) may enter into a contract with the owners or operators of solid waste disposal facilities for the disposal of solid waste. Yes, this means the select board cannot contract with a commercial landfill operation for the purpose of disposal of solid waste without going to the legislative body at town meeting approval.

Stephen C. Buckley
Legal Services Counsel
NH Municipal Association
25 Triangle Park Drive
Concord, NH 03301
603-224-7447
legalinquiries@nhmunicipal.org

The attorneys at NHMA provide general municipal legal advice based on the information that is provided by the inquirer. The attorneys at NHMA operate best when they are answering questions of general municipal law—issues of interest to more than just a few communities—especially questions which can be answered by reference to state statutes or court opinions. In the event you have already received legal advice from your town attorney, please understand that NHMA does not provide second

opinions and would defer to the advice of town counsel who is in a much better position to advise on specific facts and circumstances. Please read the full legal services FAQ located here: https://www.nhmunicipal.org/legal-services.

From: Jo Beth Dudley <jbdudley@townofdaltonnh.gov>
Sent: Thursday, January 23, 2025 8:44 AM
To: Legal Inquiries <legalinquiries@nhmunicipal.org>
Subject: Question

Caution - External Email

This email originated from **outside** our organization.
Do not click links or open any attachments unless the sender and attachments have been verified.

Forward suspect emails to the Mainstay Security Operations Center as an attachment.

Good morning,

RSA Title X, Chapter 149-M, IV states: "A town may contract , upon a majority vote of its legislative body, with the owners or operators of solid waste disposal facilities for the disposal of solid waste...."

Does this mean that a Select Board cannot contract with a different, commercial landfill operation without going to the legislative body at town meeting?

Many thanks for clarifying this!

--- Jo Beth

Jo Beth Dudley
Dalton Select Board