

Selectmen's Meeting Minutes
Monday, March 11, 2019

At the Selectmen's Meeting held on Monday, March 11, 2019 at 6:30 p.m. the following people were in attendance: Peter Corey, John Tholl, Stanley Holz.

Sarah Doucette attended the meeting to update the Board to potential developments in Dalton, which would border Forest Lake State Park. Casella/North Country Environmental Services has an option to purchase 1,890 acres of land at the site of Chick's Sand & Gravel/J.W. Chipping on Route 116. She has a huge concern for the welfare of Forest Lake and Burns Pond to the John's River. We need to educate ourselves about the effects of living near a landfill and be part of the conversation. Nancy Comeau in Dalton works for USDA and she fills in at Mt. Carberry. They have a full-time person monitoring the seagull population. The accumulation of seagull feces is dangerous. Forest Lake turns over once a year and we will be within a ½ mile of that property and all that heads to Forest Lake heads to Burns Lake and the John's River. The Ammonoosuc is already under strain. It is protected under the federal clean water act. A project such as this has the potential to be detrimental to Whitefield's recreational waterbodies with groundwater pollution and seagull overpopulation bringing fecal contamination to Forest Lake, Burns Pond, and the John's River. Landfills have a documented reputation for posing public health concerns by degrading both water and air quality and diminishing property values and quality of life. Heavy truck traffic to such sites is another daily impact on neighboring towns, in this case likely Whitefield and Littleton. How will those big trucks get there? Trucks are already a problem in Sugar Hill. Bethlehem has had a group of people very concerned about this for 25 years giving a history of what they have been through. Let's be vigilant educate ourselves, and stay on top of it. It has to get through the DES Waste Management permitting process. A lot of states, Maine and Vermont, are working with the same problem. 36% of the waste going to Bethlehem comes out of Massachusetts and Connecticut. There is a lot of wetlands over there on the Dalton property. There are vernal pools over there. It is a very wet area. Some of the land is in Littleton, Bethlehem, and most of it is in Dalton. What triggers a regional impact here? Sarah has a hand-out to leave out at town meeting tomorrow night. Peter said the Planning Board sent letters to Dalton—has Bethlehem and Littleton done similarly? The Conservation Commission sent letters as well. We did not get a reply. Sarah thanked the Boards for their assistance. She said local citizens are going to approach the state legislature. We will want to keep an eye on it and see how it develops. It was noted that Dalton has limited means to weigh in at present. They feel ineffectual—they don't think there is much they can do. They could open the door for a regional impact? They don't have to by law. John Tholl said when they were talking about a dragstrip in that location, they weren't looking in that regional impact direction. Sara said their Master Plan is beautiful, but there are no teeth without ordinances. Rick Wright said that Dalton feels strongly about Forest Lake State Park. John Tholl said that Dalton has always been very anti-zoning. Stanley said without zoning, they can't enforce their Master Plan. Sara will keep us in the loop as things develop.

Frank Lombardi said he noticed an article about the Northern Pass and that Whitefield was no longer participating. Frank contacted the Selectmen's office. At Town Meeting in 2016 when the people had voted for the Northern Pass Resolution, everyone stated they were opposed to it. The Board needs to stand by that resolution. If there were any financial resolutions, Frank said he should have been contacted that we were no longer going to participate, and he feels disrespected. Frank said he wants the Board to e-mail Christine Filmore and tell her we want to participate. We have until March 21, 2019

to let her know that we will participate. If we can immediately email her tonight and pay that fee from October and tell her we are on-board.

Peter said this Board continues to oppose Northern Pass, and we have not waived in that opposition. We were approached last fall if we wanted to participate and we were told there would be no cost. We have fully participated in the opposition and have spent a tremendous amount over the years, probably close to \$80,000. The applicant lost their appeal and when we were approached, we said add our name to the list. We were then told that there is probably going to be a cost. We discussed it, we have a lot of demands, trees restored to the common, rec program, water and sewer lines replaced. We felt the appeal process was going to happen whether or not Whitefield joined. We thought we would sit out this process, and jump back in if the applicant wins their appeal. The court is going to take a look at the testimony that was given by everybody and the applicant and the procedures that were followed by SEC and determine if the SEC followed procedures, etc. We decided that adding Whitefield to the list of intervenors during the appeal was not going to be the straw that broke the camels back. There are plenty of towns and environmental groups that have signed up and we didn't feel we needed to spend the money in this phase to make a difference. Peter knows this is a very emotional subject for a lot of people, and we fully considered this in our decision. Frank inquired as to what the quote was that was given? Peter said it is irrelevant. In the past, the quotes we were provided were far below what we ended up paying. Peter suggested that if folks want to spend more money on it, then amend the budget tomorrow at town meeting. Frank said he doesn't understand why we can't get this quote. The Selectboard has had two weeks to tell Frank what the quote was. John said he doesn't think we ever got an actual quote. Stanley said he recalls getting information that if we want to continue participating at the Supreme Court it may cost an additional \$2000 to \$3000. Frank said we have \$27,000 left over from legal expenses from 2018 and that is what that money is there for. Frank wants to email Christine to do this. He is not sure he can even make it tomorrow night to town meeting to amend the budget. Frank said Whitefield has been mentioned, Wendy & Frank's testimony, everyone's information has been provided. If we aren't in the brief, we don't have any standing.

John Tholl said that the appeal to the Supreme Court is not whether we want it or not, they are looking at the SEC decision and the process. Wendy said that is not true. Frank had said that John had written a letter of support for Northern Pass. John said he has never supported Northern Pass. He has sponsored legislation to deny the Northern Pass. John said he did not write that. He has never supported Northern Pass, and he has done what he can not to support it. The Board made the decision not to spend anymore money in this phase of the appeal.

Sondra Brekke said she understands the reason for not joining the appeal, but how would we know that we can amend the budget at town meeting if we didn't even know that we were no longer participating? Peter said we don't believe we made a left-turn. We made a fiduciary decision. It is not going to make or break the appeal. Sondra said she feels this is a town issue and it should be more public so people know they stopped their process. Wendy Roberts said her question is what was the basis for not pursuing the appeal? At the appellate level, then at the SEC level, she doesn't understand why we stopped, it is penny wise, pound foolish. We want to make sure the SEC decision is not upheld at this point. To just not show up at the Supreme Court level, is a bad decision. To quit now is just a mistake.

Donald Laplante said he understands their logic and reasoning. Are there sufficient funds left in the legal budget to participate? Don's suggestion is if there is, we should participate. Peter said that at some

point should Eversource win their appeal at the Supreme Court level we are going back to the trenches. Will the current budget carry enough to go forward? Peter said what we don't know what the cost will be over the long-term. If it goes on for months and the quotes don't end there, the money keeps going on out the door.

Frank said that if we don't file the brief, we have no standing, and our attorney can't stand up for Whitefield. We have an unexpended balance in our legal fund. Bridget White said what good would it do for the Town to put money and effort in to beautifying the Town if we are going to throw in the towel for Northern Pass. Stanley said how do we approve a non-specific open-ended amount of money? We still don't know the amount of money. Peter said we felt the Supreme Court was going to make their decision based on the procedures of the SEC. We felt with all the interveners on the list, Whitefield could take a knee on this one, and let the other interveners participate. Stanley said we opted out when we were told that that it was open-ended. Wendy Roberts said that Attorneys work for an hourly rate and they apportioned it based upon the number of towns in the group.

Frank Lombardi said that March 21st is when the briefings are due. Frank said he is looking at the process taking three more months.

John Tholl made a motion to spend up to \$5,000 to enjoin the Northern Pass legal appeal. The motion was seconded by Stanley Holz. All in favor, 3-0. Motion passed.

A motion was made by John Tholl to approve the Selectmen's Meeting Minutes of February 11 and February 25, 2019, the non-public session minutes of February 14, February 18, and February 23, 2019. The motion was seconded by Stanley Holz. All in favor, 3-0. Motion passed.

The Board adopted the Capital Asset & Depreciation Policy.

The board reviewed some different scenarios for Water & Sewer Rates. There will be a substantial increase. Edie Worcester said she recalls that when we were discussing the projects that the money was based on the town being poor and we were under the median income so we got a really good rate, but you based it on the poverty of the Town. She said that she recalls at these meetings, it is not supposed to be more than 10% of the median income of the Town so that would be \$400 for an average bill. She feels her usage is less and she is pretty much up to \$400.

Peter Corey said that the reason we got the money that we got was because of in large part of where we were with our water rates. Had our water rates been higher, we would have received more grant, we actually received less grant than we would have if our rates had been higher. We have to start making payments on the bond. We have to take in enough money to cover our payments. We are going to have a public hearing on the water rates.

Shawn White understands we are looking to hire someone tonight for the Public Works Director position, and he is asking the Board to make a decision on this tonight. He feels a knowledgeable candidate in public works be hired and we not rush into this. He said our job posting said the candidate has to have 5 years of experience in public works, why are we overlooking that? Shawn said it is not against the person we want to hire, but there is no reason the decision had to be made quickly. The biggest thing to do is take your time in hiring someone. Shawn said he feels we should follow the same process we do when we hire a Police Chief. We should have a committee and an oral board and have that group come back to the Board with the best candidate. Peter said the Board has the best interest

of the town and town employees at heart. The Town has to be sure the town departments function and achieve the goals set out each year.

A motion was made by John Tholl to enter into non-public session pursuant to NH RSA 91-A:3, II(I) 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. The motion was seconded by Stanley Holz. Roll call to enter non-public session: Corey-Yes; Tholl-Yes; Holz-Yes. All in favor, 3-0. Motion passed. The Board entered non-public session at 7:38 p.m.

The Board adjourned from non-public session at 8:00 p.m.

A motion was made by John Tholl to enter into non-public session pursuant to NH RSA 91-A:3, II(I) 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. The motion was seconded by Stanley Holz. Roll call to enter non-public session: Corey-Yes; Tholl-Yes; Holz-Yes. All in favor, 3-0. Motion passed. The Board entered into non-public session at 8:00 p.m.

The Board adjourned from non-public session at 8:20 p.m.

A motion was made by John Tholl to enter into non-public session pursuant to NH RSA 91-A:3, II(b) the hiring of any person as a public employee. The motion was seconded by Stanley Holz. Roll call to enter non-public session: Corey-Yes; Tholl-Yes; Holz-Yes. All in favor, 3-0. The Board entered into non-public session at 8:20 p.m.

The Board adjourned from non-public session at 9:00 p.m.

The Board discussed an issue with a sewer back-up on Pleasant Street.

The meeting adjourned at 9:05 p.m.