Town of Dalton

462 Main Street

Dalton, MA 01226

**Select Board, Regular Session**

**May 28, 2019, 7:00 p.m.**

**1. Call to Order:**

**Members Present:** Joseph Diver, John Boyle, Chairman Robert Bishop, Edward Holub, Mark Strout.

**Also Present:** Michael Forgea; Whiting Oil Corporation Representative; John Ostresh, Dalton Community Cable Association President; Kenneth Walto, Town Manager; Nancy Rosenbaum, Recording Secretary.

Chairman Bishop convened the Regular Session at 7:00 p.m. in the Callahan Room.

**2. Pledge of Allegiance:** Mr. Boyle led the Pledge of Allegiance.

**3. Roll Call:** Members of the Board welcomed the new member, Mr. Diver.

**4. Approval of Minutes:** Minutes from the Regular Session on May 13, 2019, were presented.Mr. Boyle made a motion to approve the minutes of the May 13, 2019, regular session, as presented. Seconded by Mr. Holub. No further discussion. Vote: Ayes: 4, Nays: 0, Abstentions: 1 (Mr. Diver, who was not a member of the Board at that time). Motion passed. Minutes of the May 13, 2019, session were approved.

**5. Public Address to the Board:** Chair Bishop read the instructions to the public and invited members of the audience to address the Board. Mr. Forgea requested to address the Board on the matter of Whiting Oil’s request for a fee waiver for fuel storage tank permits. Chair Bishop adjusted the sequence of the agenda to accommodate Mr. Forgea’s request.

**8. Fuel Storage Permits:** Chair Bishop invited Mr. Forgea to address the Board regarding the matter of the fuel storage tanks at Whiting Oil Corporation on Cleveland Road. Mr. Forgea said the four tanks on the site had been empty since 2016, and Whiting Oil has been trying to get the tanks removed. In the interim, the plan is to fill the tanks with dry ice. In response to Chair Bishop’s question about future plans for the tanks, Mr. Forgea said there are no plans to use the tanks in the future. Motion made by Mr. Boyle to waive the $100 fee for this year for the four tanks not being used. Mr. Holub asked whether the $100 permit fee was per tank or per site. Chair Bishop said the permit was for all the tanks at the site. Mr. Holub recommended the Board not waive the fee next year as an incentive for Whiting Oil to remove the tanks, although having the dry ice in the tanks might suffice next year. Mr. Boyle said he thought the fee was $100 per tank. Mr. Walto said he believed the fee was per site, but acknowledged he was not certain. Chair Bishop pointed to the spreadsheet and remarked that all other sites listed were assessed a $100 permit fee, so he believed the $100 fee is applied per site and not per tank. Chair Bishop remarked that a motion had been made and asked if anyone wanted to second the motion. Seconded by Mr. Holub. No further discussion. Vote: Ayes: 5, Nays: 0, Abstentions: 0. Motion passed. Chair Bishop thanked Mr. Forgea for attending the meeting.

**6. Appointment:**

***BRTA Representative:***Chair Bishop asked Mr. Walto to explain about appointments to the Berkshire Regional Transit Authority (BRTA). Mr. Walto said that, by law, the Select Board Chair serves as the representative to the BRTA, but can appoint someone else from the Board to serve. Chair Bishop asked if anyone on the Board wanted to serve. Mr. Boyle said he might have misinterpreted the memo from Mr. Walto and acknowledged that he is, in fact, the representative for the Board to the BRTA. Chair Bishop said he thought Mr. Boyle was the representative. Mr. Boyle said he thought he would automatically continue in that capacity. Chair Bishop said he thought the same thing. Mr. Walto pointed to the letter and said the Chair needs to add Mr. Boyle’s name to the letter, sign the letter, and send it back to the BRTA. Chair Bishop thanked Mr. Walto for the explanation and thanked Mr. Boyle for his continued service. Chair Bishop asked Mr. Walto if there was a need for a vote on the matter. Mr. Walto said he did not believe there was such a need.

***CBRSD 7-Town Advisory Committee Representative:*** Chair Bishop explained there is a need to fill the seat previously held by former Chair Bartels as Central Berkshire Regional School District (CBRSD) 7-Town Advisory Committee Representative from the Board. Chair Bishop said Mr. Diver has been quite active in the schools and had volunteered to serve.

Mr. Walto said there was a third appointment that was not on the agenda. Chair Bishop asked Mr. Walto whether the appointment could be made if the item were not on the agenda. Mr. Walto said that as long as the appointment was presented before the Board, it would be fine.

Mr. Boyle asked whether the Board needed to vote on appointing Mr. Diver to the CBRSD Town Advisory Committee. Chair Bishop asked for a motion. Motion by Mr. Boyle to appoint Mr. Diver to serve as CBRSD 7-Town Finance Committee Representative for the Town of Dalton. Chair Bishop corrected Mr. Boyle, noting the appointment was for the Advisory Committee. Mr. Boyle amended his motion accordingly. Seconded by Mr. Holub. No further discussion. Vote: Ayes: 4, Nays: 0, Abstentions: 1 (Mr. Diver). Motion passed. Chair Bishop thanked Mr. Diver for serving, and invited him to tell the Board when he wanted to present matters to the Board so that the item could be added to the agenda.

***Dalton Cable Advisory Commission:*** Chair Bishop read a memo from Mr. Walto recommending the appointment of Mr. John Bartels to the Cable Advisory Commission to fill a seat until June 30, 2020. The seat was vacated earlier on this day by Mr. John Bates. Mr. Walto noted that ratification of Mr. Bartels would bring the Commission to a full 7 members. Mr. Holub asked if the Board had a resume for Mr. Bartels. Chair Bishop said the Board did not, but believed he was qualified. Motion by Mr. Boyle to appoint Mr. Bartels to Dalton Cable Advisory Commission. Seconded by Mr. Holub.Mr. Walto said that matter of making this appointment and naming this particular person was not on the agenda because Mr. Walto had only received the resignation earlier that day and there is a meeting of the Commission scheduled for next week. No further discussion. Vote: Ayes: 5, Nays: 0, Abstentions: 0. Motion passed.

**7. Draft Special Town Meeting Warrant:** Chair Bishop invited Mr. Walto to explain the draft warrant. Mr. Walto acknowledged a typo in the date on the draft. There are no numbers on the articles, so the sequence can be easily altered.

The first article addresses the need to appropriate the approximately $250,000 for the Town’s Chapter 90 grant from the Commonwealth because the Town cannot spend that money until the item is appropriated at Town Meeting.

The second article addresses curing the deficit for snow and ice removal, which is the only budget item that the Town can overrun without going before Town Meeting. Those overruns are always cured by the end of the fiscal year. If the deficit is not cured by the end of the fiscal year, the deficit automatically triggers a tax re-cap next year and increases the tax rate.

The third article is to appropriate cash for the Cash Appropriation Fund or Capital Improvement Program; this item requires a two-thirds vote approval. Mr. Walto said the Capital Improvement Program would be “quite skinny” this year for obvious reasons, and because he has had no formal requests for any items from department heads.

The fourth article addresses permission to borrow funds for the Capital Improvement Program, if funds are needed. Mr. Walto reiterated that, at this time, he has had no requests for purchases for which borrowing would be necessary but the item is on the warrant “just in case.” A two-thirds vote approval is required.

The fifth article is for extraordinary sewer system expenses. This article may be superfluous because any work on sewers can be rolled up into the capital improvement article. A two-thirds vote approval is required.

The sixth article is for the transfer of available funds between departments. The Finance Committee and Select Board can transfer funds between departments during the last 2 months of the fiscal year under the Municipal Modernization Act. This article might be superfluous and Mr. Walto acknowledged he knew of no specific need at that time.

The seventh article is for amendments to the Town budget. Details related to this item are usually presented and addressed at the last meeting of the Select Board during the fiscal year. Mr. Walto said he knew of no amendments at that time.

The eighth article is related to extraordinary expenses for sewerage treatment and operations that can be transferred or appropriated from the Sewer Stabilization Fund. Mr. Walto ssaid he knew of no extraordinary expenses at that time. A two-thirds vote approval is required.

The ninth article is related to payment of unpaid bills from the previous fiscal year. There is one small outstanding bill resulting from an error in the amount of the outstanding bill on the Annual Town Meeting warrant.

The tenth article is related to amendments to recycling requirements. These requirements strengthen existing standards.

The eleventh article addresses collective bargaining agreements between the Town and the Dalton Patrol Officers Union. If those agreements can be reached before the Town Meeting, the specific funds can be requested at the Special Town Meeting.

The twelfth article addresses collective bargaining agreements between the Town and the Dalton Highway and Cemetary Association. If those agreements can be reached before the Town Meeting, the specific funds can be requested at the Special Town Meeting.

The thirteenth article addresses collective bargaining agreements between the Town and the Dalton Dispatchers Association. If those agreements can be reached before the Town Meeting, the specific funds can be requested at the Special Town Meeting.

The fourteenth article addresses amending the schedule of compensation for elected officials. A two-thirds vote approval is required.

Mr. Boyle commented that the article on recycling would have been better presented at the Annual Town Meeting rather than the Special Town Meeting. Motion by Mr. Boyle to recommend the warrant. Seconded by Mr. Holub. No further discussion. Vote: Ayes: 5, Nays: 0, Abstentions: 0. Motion passed.

**9. Update on Daehling Bridge Memorial:** Mr. Boyle said the scheduling and coordinating of the memorial event was essentially completed. The sign was installed. He had spoken with the Daehling family and anticipates approximately 30 family members planning to attend the event. Mr. Boyle said parking will be along Old Windsor Road across from Wahconah Regional High School. The bridge being dedicated to Daehling will be closed during the event.

**10. Select Board Meeting Schedule for June/July:** Special meetings of the Select Board will be held on June 3 and June 24 in the Callahan Room. The regular meeting of the Select Board will be held at the Senior Center on July 8. The July 22 meeting is pending an agenda.

**11. Town Manager Updates:** Mr. Walto spoke briefly about Green Communities. Only one bid was received for the White House—from Habitat for Humanity. Chair Bishop asked Mr. Walto whether he might ask a representative of Habitat for Humanity to attend the June 3 Select Board meeting to answer questions about their plans for the property. Mr. Boyle asked Mr. Walto how long it might take to complete the legal paperwork to transfer the property to Habitat once Habitat’s plans are approved. Mr. Walto said he did not know for certain, but probably a matter of months. Mr. Strout asked whether the property included reducing the size of the allot to maintain the Town’s access to its property. Mr. Walto said the size of the lot had already been reduced several years ago; those plans were recently discovered.

**12. Items for Future Agendas:** Chair Bishop added an update from Mr. Walto and Habitat for Humanity related to the White House, an update from Mr. Boyle regarding the Metro Planning Organization and BRTA. Chair Bishop requested Mr. Walto or Mr. Roughley to provide an update on the list of streets proposed for paving.

**13. Remarks from the Select Board:** Chair Bishop mentioned an event scheduled for the Council on Aging on Saturday, June 22 to celebrate completion of the completed Habitat for Humanity house in Dalton. Mr. Diver thanked the Board for welcoming him as a new member.

**14. Announcements:**

* **State Representative Paul Mark** holds office hours at the Dalton Town Hall, 462 Main Street, in the Callahan Room on Tuesdays from 9 a.m. to 4 p.m. with the exception of the third Tuesday of each month. On the third Tuesday, office hours are 9 a.m. to 1 p.m. at the Town Hall and from 1 p.m. to 4 p.m. at the Dalton Senior Center. You can reach his office at his district number which is 413-464-5635.
* **Select Board Chair Bob Bishop –** will hold office hours at the Dalton Senior Center every first Thursday of the month from 3:00 to 4:30 PM, beginning June 6th. To reserve time at the Dalton Senior Center, please call 413-684-2000.  For further information, or to schedule other appointments, please call 413-684-6111 Ext. 11.
* **The Green Dalton Committee** is looking for new members. If interested, contact the Town Manager’s Office. 684-6111 X11.
* **The Conservation Commission** is looking for new members. If interested, contact the Town Manager’s Office. 684-6111 X11

**Executive Session Meeting:** Declaration by Chair Bishop that holding an open meeting may have a detrimental effect on negotiating position of the public body relative. Motion by Mr. Boyle to go into Executive Session and to conduct a strategy session in preparation for negotiations with union and non-union personnel and with respect to litigation and not return to open session. Seconded by Mr. Holub. Roll call vote: Ayes: 5; Nays: 0; Abstentions: 0. Motion passed.

Next scheduled meeting of the Select Board is June 3, 2019, at 7:00 p.m. in the Callahan Room.

**Regular Session concluded at 7:40 p.m. Recess before Executive Session**