

**MINUTES
SELECT BOARD
REGULAR SESSION
VIRTUAL ZOOM MEETING
Monday, June 7th, 2021
7:00 P.M.**

Members present:

Robert W. Bishop Jr., Chair
Joseph A. Diver, Vice Chair
John F. Boyle

Also present:

Thomas Hutcheson, Town Manager
Brittany Miller, Recording Secretary
John Ostretsh, Dalton Community Television
Sandra Albano, Town Accountant
Jayne Smith, Dalton Health Agent
Deanna Strout, Dalton Police Chief
Rebecca Whitaker, Dalton Police Admin. Assistant
Daniel Filiault, Emergency Management
John Roughley, Highway Superintendent
Pat Pettit, Town Building Superintendent
Joseph Fish
Denise Allard
Mark Cappadona
Stuart Ormsbee, Colonial Power
Lawrence Parnass, Berkshire Eagle
Joe Durwin, iBerkshires

Absent/ excused members:

Daniel Esko
Marc E. Strout

Call to Order: Chair Bishop called the meeting to order at 7:02 p.m.

Pledge of Allegiance – Led by J.Boyle

Intro. “Pursuant to Governor Baker’s March 12th, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20 and the Governor’s March 15th, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Select Board will be conducted via remote participation. For this meeting, members of the public who wish to watch the open session portion of the meeting may do so by viewing on Dalton Community Television on one of the three channels: 1301, 1302 or 1303. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the open session portion of the proceedings in real-time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on

the Town's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting."

Minutes:

- **5/24/2021** R.Bishop moved to approve the minutes as presented, J.Boyle seconded. Roll call vote: J.Diver "yes", J.Boyle "yes", R.Bishop "yes".

Public Address to the Board:

- R.Bishop- on behalf of Mr. Baumann on the recycling portion if he makes it to the meeting.

Appointments:

- Berkshire Regional Transit Authority Board-
R.Bishop moved to appoint J.Boyle as BRTA Board Representative for FY22 to expire June 30th, 2022, J.Diver seconded. Discussion:
J.Boyle has served in this role previously.
Roll call vote: J.Diver "yes", J.Boyle "yes", R.Bishop "yes".
- Technical Advisory Committee of BRPC-
R.Bishop moved to appoint Daniel Filiault to the Technical Advisory Committee, J.Boyle seconded. Roll call vote: J.Diver "yes", J.Boyle "yes", R.Bishop "yes".
- Metropolitan Planning Organization (MPO)-
J.Boyle- "There is a delegate to BRPC of which is the Chair of the Planning Board. I am currently the Alternate Representative, but it's an elected position and do not believe my term is up yet."
BRPC appointments deferred to next meeting.
- Dalton Housing Authority Board of Commissioners-
R.Bishop moved to appoint Dorin Middlebrook as member to the Dalton Housing Authority Board of Commissioners for an initial term to expire June 30th, 2022, J.Boyle seconded. Discussion:
R.Bishop- "Great lady."
Roll call vote: J.Diver "yes", J.Boyle "yes", R.Bishop "yes".
- Officers to Constables-
R.Bishop moved to appoint Officers Anthony Baroli, Trae Balardini, Joshua Bradley, Tyler Miller and ACO Greg Elser to the positions of Constables to assist with Town warrants and postings, J.Boyle seconded. Discussion:
Roll call vote: J.Diver "yes", J.Boyle "yes", R.Bishop "yes".
- Emergency Management Advisory Council-
R.Bishop moved to appoint Daniel Filiault- Emergency Manager, Thomas Hutcheson- Town Manager, Gerard Cahalan- Dalton Fire Chief Asst. Emergency Manager, Deanna Strout- Dalton Police Chief, Jayne Smith- Board of Health Agent, Sandra Albano- Town Accountant, John Roughley- Dalton Highway Superintendent, Robert Benlien- Dalton Water Dept., Gabby Taglieri- Dalton Communications Director, Pat Pettit- Dalton Building & Grounds, Kelly Pizzi- COA Director, Town Planner, Jason Dion- CBRSD,

and Scott Baker- Crane Currency Director of Environmental Health and Safety to the Emergency Management Advisory Council, J.Boyle seconded. Discussion: Gerard Cahalan retired; a new appointment would take his spot. Roll call vote: J.Diver “yes”, J.Boyle “yes”, R.Bishop “yes”.

Special Town Meeting Warrant:

- Location: 35 Fox Rd., Dalton
Typographical change and R.Bishop title change.
1st Article- Spend/ receive from Chapter 90.
2nd Article- Town match for hydrology solution of Walker Brook.
3rd Article- Capital expenses.
4th Article- Asbestos removal in Town Hall and relocation of employees.
5th Article- Payment we missed.
6th Article- Consultant to revise job descriptions.
7th Article- Amend operating budget around recycling.
R.Bishop moved to accept the warrants as presented, J.Boyle seconded. Discussion:
J.Boyle- The sale of APR land parcels were never approved at Town meeting.
R.Bishop- We met with Dicken Crane, he wants it. It's complicated with lawyers on what we can do with it; as it needs to be kept agricultural.
Roll call vote: J.Diver “yes”, J.Boyle “yes”, R.Bishop “yes”.

Health Agent Update:

Report via Jayne Smith

- Expansion of Outdoor Liquor, Dining & Events-
Licenses extended to November for the Legion and VFW submitted new applications.
- Rescinding Mask Mandate in Public Buildings-
The vaccinated are exempt from wearing a mask at this point. It is advised that the unvaccinated continue wearing masks.
- The Board of Health met in person tonight with a Zoom option, which went well with extra microphones.
- Solid Waste- Grant provisions include bundled pricing, education, enforcement, etc. The haulers' biggest issue is an extra tipping fee of \$151 at CEP (Pittsfield). To which we would lose our haulers to Casella. Shifting to the use of the Dalton Transfer Station on Thursday; anticipated implementation for July 1st. However haulers aren't able to hire drivers with the labor shortage right now – all of this makes it entirely not feasible to them. With that, it was decided to ask DEP for another extension of 2-3 months; with the hopes to keep Recycling Coordinator, Mary Stucklen. Still committed to the use of tipping at our Transfer Station, Mary is willing to help make that happen. On the warrant is funding for these details. Discussion:
R.Bishop- “Where do our recyclables end up?”
J.Smith- In 2017, China stopped taking U.S. recyclables. It's too dirty and contaminated. Our small haulers utilize local places such as CEP which turns things into energy, sports equipment is reused at Instant Replay, home items are reused at ReStore, and cardboard recycled at Northstar. Tipping at Community EcoPower, and out of Town at the Springfield MIRF who finds markets for recyclables considered. But if haulers have to

travel outside of Berkshire County to NY and VT for example, then it's unknown what happens to materials once they do.

There are no fines for trash/ recycling generators at this time.

Rescinding State of Emergency during COVID-19:

- Issued: March 16th, 2020.

Rescind: June 15th, 2021.

The vaccinated are exempt from wearing a mask at this point. It is advised that the unvaccinated continue wearing masks.

R.Bishop- Can we stay remote?

T.Hutcheson- It is not possible; we go back to the old open meeting law and need a physical quorum after 6/15/21.

J.Smith- Legislation may be coming that allows remote continuation to September.

R.Bishop moved to rescind the State of Emergency, J.Boyle seconded. Roll call vote:

J.Diver "yes", J.Boyle "yes", R.Bishop "yes".

~Opened as a Licensing Board at 8:00 p.m.

Expansion of Liquor License:

- Expansion of outdoor liquor, dining & events licenses extended to November for the Legion and VFW submitted new applications.

J.Smith- Concern for noise complaints.

J.Boyle- "The VFW & Legion have never had outdoor seating with alcohol. A one day license was used in the past if the pavilion was used. The Town Manager can put any condition on it and be approved by other department heads."

J.Smith- The intent is in food service with alcohol, not events. We did have a specific request. Offer by the State. VFW & Legion weren't open at the time of other businesses.

J.Diver- More detail is needed to configure if liquor only.

R.Bishop moved to table this matter to 6/21/21, J.Boyle seconded. Roll call vote: J.Diver "yes", J.Boyle "yes", R.Bishop "yes".

~Closed as a Licensing Board at 8:18 p.m.

Juneteenth Holiday Clarification:

- Juneteenth will be treated like Christmas/ any other holiday that falls on a particular day.

R.Bishop moved to accept, J.Boyle seconded. Roll call vote: J.Diver "yes", J.Boyle "yes", R.Bishop "yes".

Colonial Power Group Update:

- Municipal Aggregation program presentation via Denise Allard, Mark Cappadona, and Stuart Ormsbee of Colonial Power on low-income solar. Eligibility for a 50% discount on Eversource bills could affect 250 residents including R2, residential and low income homes. You can apply to be a low income customer, threshold is high. See residential

assistance form on the Eversource site – fill it out and send it in to get automatically qualified. The pitch is that they do all of the work. At this time they are looking for commitments to pursue funding.

R.Bishop moves to approve the Town Manager's recommendation, J.Boyle seconded. Roll call vote: J.Diver "yes", J.Boyle "yes", R.Bishop "yes".

Resolution (Donation):

- \$250 for general purposes from Robert Capal of CA.
R.Bishop moved to accept the donation of two hundred and fifty dollars, J.Boyle seconded. Roll call vote: J.Diver "yes", J.Boyle "yes", R.Bishop "yes".

5K Race on July 4th:

- Berkshire Running Center proposed a local race in Dalton from Wahconah to Old Windsor Rd. Police Chief Strout has approved this.
R.Bishop moved to approve, J.Boyle seconded. Roll call vote: J.Diver "yes", J.Boyle "yes", R.Bishop "yes".

Departmental Transfer:

- R.Bishop moved to transfer \$6,000.00 from dept. #192 Building & Grounds Asst. Salaries to dept. #157 Computer Maintenance Expenses, J.Boyle seconded. Discussion: Present balance in transferring account: \$15,107.00
Present balance in receiving account: -\$435.63 (in the negative)
Reason: Additional maintenance costs exceeded, due to new emails, computer access and additional maintenance for office change overs in the Town Manager, Assessor Contractor, and Admin. Assistant for the Town Planner's office.
Discussion of making this a future agenda item on whether a benefited position or not.
Roll call vote: J.Diver "yes", J.Boyle "yes", R.Bishop "yes".

Vacation Payout:

- Sandra Albano requests 2 weeks' vacation payout at the Town Manager rate of \$4K, and a third week at the Accountant rate of \$1,118.88 due to time constraints/ work load.
R.Bishop moves to approve the request per the Town Manager's recommendation, J.Boyle seconded. Roll call vote: J.Diver "yes", J.Boyle "yes", R.Bishop "yes".
- Rebecca Whitaker requests 4 days of vacation payout.
R.Bishop moves to approve the request per the Town Manager's recommendation, J.Boyle seconded. Roll call vote: J.Diver "yes", J.Boyle "yes", R.Bishop "yes".

Discussion of Private Roads:

- Private Roads in Dalton: Adams Rd., Rayburn Rd., Charles St., Comb Terrace, Johnson Place, Justin Way, Library Square, Alyssa Way, Mitchell Place, Mobile Terrace, Model Farm Rd., Brook Terrace, Pioneer St., Red Barn Rd., Reservoir Rd., Taunton Terrace, and the condition of River Street makes it hard for the Town to plow.

J.Diver- See what residents can do to make locations serviceable to snow plows.

J.Boyle- Some roads on the list are private entities maintained by owners like Michael Deep at trailer/ mobile-home park; or they are driveways.

J.Roughley- We should reach out to the developer at River St. They were under impression that the Town still owned the private road, so they weren't going to maintain it. And they paved all around besides one strip. We should research River St./ who owns what. Clarification that Johnson Rd.= Town road, Johnson Place= private. Could look into adding utilities to paved roads.

J.Boyle- MPO funding as it connects two major thoroughfares.

J.Roughley- No one has tried; any road with a school is eligible.

R.Bishop- Believe residents need to petition to be a Town road.

Town Manger Updates:

Report via Thomas Hutcheson

- Asbestos- Relocating employees to the neighboring old bank building seems very suitable.
- Highway Department- High priority: Orchard St. Sixteen roads at next level priority: Hemlock Hill Rd., Anthony Rd., East St., Kirchner Rd., portion of Prospect St., Gulf Rd., John St., Fox Rd., Chalet Rd., Washington Mt. Rd., Pine Crest Drive, Westview Drive, Fredrick Drive, Whipoorwill Lane, Sleep Hollow Drive, and Dalton Division Rd. which is on the State Transportation Improvement Program; construction in 2026; will use the request for quotes process.
- 450/475 Housatonic St. sewer system- Working with the Highway Superintendent to determine where the break in sewer line may be.
- Sale of View St. has begun. Terms to be discussed next in open session.
- Town Planner position is being interviewed for this week with Andy Perenick and John Boyle.
- Town Manager's Assistant position is being interviewed for next week.
- Citizen's Energy proposal- meeting on 6/22/21. Following will be negotiations.
- Town Park Bathrooms- Key use procedures tightened.

Items for Future Agendas:

- J.Diver- Johnson Rd. strategy

Items Not Anticipated 48 Hours Before the Meeting:

- T.Hutcheson- BRPC applying for money related to Green Community status. Select Board to sign memorandum of understanding towards grant preparation applications for projects under Green Community status for an amount not to exceed \$1,500; and annual report preparation in an amount not to exceed \$1,500.

R.Bishop moved to accept the recommendation per our Town Manager, J.Boyle seconded. Roll call vote: J.Diver "yes", J.Boyle "yes", R.Bishop "yes".

Remarks:

- J.Diver- Inform residents of link to MassDOT round-a-bout which includes a public record comment section.
- J.Diver- Congratulations to graduates and teachers.

Announcements:

- **Open Meeting Law Ruling**
The Division of Open Government (DOG) recently issued a determination that it is a violation of the Open Meeting Law (OML) for the Chair of a public body to fail at the start of a meeting to identify by name the members of a board who are attending remotely (see the decision at OML 2020-138.) The OML regulations state “at the start of the meeting, the Chair shall announce the name of any member who will be participating remotely. This information shall also be recorded in the meeting minutes.” 940 CMR 29.10(7) (b). Failure to announce the name of any member participating remotely is a violation of the law.
- **New hours for compost and brush area:**
Tuesday/ Wednesday: 2:00 p.m. – 5:00 p.m.
Friday/ Saturday: 8:00 a.m. – 3:00 p.m.
- **The Dalton Police Department is now open to the public.**
The Dalton Police Department lobby is now open to the public. Please feel free to stop in and see an officer. Social distancing and masks are required and only two (2) people area allowed in the lobby at a time.
Processing of Firearm Permit:
Firearm permits are processed between the hours of 10:00 a.m. – 3:00 p.m. by appointment only, please call 1-413-684-0300 to schedule your appointment. No walk-ins are being accepted at this time. A check or money order for \$100 made payable to the Town of Dalton. Renewals over the age of 70 are free.
- Please note that **Dalton’s Official Meeting Postings, Agendas and Minutes** can be viewed at mytowngovernment.org/01226.

Adjourn: R.Bishop motioned to adjourn at 9:18 p.m., J.Boyle seconded. Roll call vote: J.Diver “yes”, J.Boyle “yes”, R.Bishop “yes”.

Respectfully submitted,
Brittany Miller
Recording Secretary

The next regularly scheduled meeting will be held on June 21st, 2021 at 7:00 p.m. at the Dalton Senior Center.