**MINUTES  
SELECT BOARD  
VIRTUAL ZOOM MEETING  
Monday, June 8th, 2020  
7:00 P.M.**

**Members present:** Robert W. Bishop Jr., Chair  
 John F. Boyle, Vice Chair  
 Joseph A. Diver  
 Edward P. Holub  
 Marc E. Strout

**Also present:** Kenneth Walto, Dalton Town Manager  
 Brittany Miller, Recording Secretary  
 John Ostresh, Dalton Cable Television Cameraman  
 Daniel Filiault, Emergency Management Director  
 Jayne Smith, Health Agent  
 Michael Hagmaier, 190 Raymond Drive, Dalton  
 Richard Hall, 164 Greenridge Drive, Dalton  
 Richard Lacatell   
 John Roughley, Highway Superintendent  
 Pat Pettit, Dalton Building Grounds Manager  
 Lauren Gaherty, Berkshire Regional Planning Commission   
 Emily Kirby, Berkshire Regional Planning Commission  
 Sergeant Christopher Furlong, Dalton Police  
 Joseph Fish, 80 Daly Avenue, Dalton

**Absent/ excused members:**

**Call to Order:** Chair Bishop called the meeting to order at 7:07 p.m.

**Pledge of Allegiance**

**Intro.**  R.Bishop reads: “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.”

**Public Address to the Board:**

* Richard Hall- Expresses thanks to all for the High School seniors’ parade turnout on Sunday. As well as allowing the public to speak virtually like this.

**CBRSD Budget:**

* Selectman, J.Diver shares recent announcements from the Commissioner made June 5th for re-opening school in the fall. Class sizes of 10, plus 1 teacher and 1 assistant is decided on for a total of 12 people in a room. We do not have Personal protective equipment (PPE) budgeted out. Since things are unknown from a budget perspective, J.Diver proposes a motion to not support the full CBRSD budget but instead support 1/12th of the budget until we have a contingency plan for the fall. M.S. seconded for the purpose of discussion. Discussion:  
  J.Diver- Our budget is not consistent with the COVID-19 requirements of the Commissioner, we do not know the impact yet. Meanwhile we should utilize grants.  
  R.Lacatell- “The situation is complex. Costs will go up but the bigger concern is for State aid. There’s too much to consider. Joe’s motion seems to be putting things off. It’s better to have something concrete. Three of the towns are voting for our budget right now and it’s what I wish Dalton would do as well. There are flaws in the information Joe has, I believe it’s guidance for summer, not the fall semester. This is a pre-mature proposal.”  
  M.Strout- “If funding is cut, cost is only going to go up?”  
  R.Lacatell- “As I understand it, the school has a certain amount; the Finance Committee is recommending a smaller amount. Marc is correct, costs will go up and other revenue is only going to go down. You’ll be hurting the district if you reduce funds. There’s a variety of things we can do. I wouldn’t do anything right now.”   
  J.Diver- “The purpose of the 1/12th budget is to keep things fluid. I’d like to hear a commitment from the School Committee that money won’t sit in that budget, because that’s money going out the door.”  
  R.Lacatell- “I can’t give you a commitment but it goes without saying we always go after grants. How many dollars does your motion amount to?”  
  J.Diver- “I have no idea. It’ll be1/12th of operating gross.”  
  R.Lacatell- “What happens if State Aid goes down, do we calculate it with new State Aid then allocate the rest to you guys? If you do that, your assessment’s going up.”  
  M.Strout- “If we go with what’s proposed for the year we can move forward since the school has already planned on that money. While this is an unprecedented situation, and I understand what Joe is saying, I feel 1/12th will put us into a scramble. We should go with our baseline.”  
  Roll call vote: Roll call vote: E.Holub “no”, J.Diver “yes”, M.Strout “no”, J.Boyle “no”, R.Bishop “no”.   
  J.Diver- “This was a good conversation. I just wanted to raise awareness. Thank you for listening.”

**Appointments:**

* **Police Department – Temporary Full Time Officer**  
  Town Manager, K.Walto recommends ratifying the appointment of Josh Bradley who is a graduate of St. Joseph’s High School, has been a Reserve Officer in both Dalton and Hinsdale. He also has private sector employment experience as a Security Officer, and has completed the required Massachusetts basic Reserve Academy. Sergeant Furlong adds that he also lives in Dalton; is hardworking, everyone likes him, and he has a great temperament.   
  M.S. made a motion to appoint Joshua T. Bradley of 31 E. Housatonic St., Dalton as a Temporary Full Time Police Officer, effective June 8th, 2020. E.H. seconded. Discussion:   
  J.Diver- No others were interested? There’s a certified list I believe.  
  C.Furlong- “Correct. The other two on the list both have full time jobs – it would be a cut in pay for them and civil service does not require them to say yes to this because it is a temporary appointment. For a temporary position it usually goes down that certified list in order and the first person listed gets the offer first. Officer Bradley was the second name on list and he stated yes. The third person said no. This fills the vacancy created by John Marley.”   
  M.Strout- “Great person.”  
  Roll call vote: E.Holub “yes”, J.Diver “yes”, M.Strout “yes”, J.Boyle “yes”, R.Bishop “yes”.
* **Green Dalton Committee** **– Member**Town Manager, K.Walto recommends ratifying the appointment of Joseph Fish for “his energy, experience, and commitment to improving the Dalton community allow us to be confident that he will have a positive impact on our work.”   
  M.S. made a motion to appoint Joseph F. Fish of 80 Daly Avenue to the Green Dalton Committee for an initial term to expire on June 30th, 2021. J.D. seconded. Discussion:  
  E.Holub- “Did you read the conflict of interest packet?”  
  J.Fish- “Yes, back in January.”  
  Roll call vote: E.Holub “no”, J.Diver “yes”, M.Strout “yes”, J.Boyle “yes”, R.Bishop “yes”.
* **Berkshire Regional Transit Authority Advisory Board**   
  K.Walto explains that by tradition and according to MGL Ch. 161B, a Regional Transit Authority Board is comprised of the chief elected official of each member community, or your designee.   
  J.Boyle agrees to continue his membership on the BRTA Advisory Board.   
  M.S. motioned to continue John Boyle’s appointment as a Town of Dalton representative on the BRTA Advisory Board. E.H. seconded. Roll call vote: E.Holub “yes”, J.Diver “yes”, M.Strout “yes”, R.Bishop “yes”.

**Open Space Plan Update:**

* + D.Filiault provided progress of the plan; survey results, new survey results and spoke of the PARC grant this meeting. He has been working since March on the Open Space Plan required by the State that was last updated in 2006. The Committee actually met today. Information has been gathered from Town offices/ Historical Commission and outside community. A single question on North Mountain Park was included which did not exist in 2006, so we asked the community what they would like it used as. In 2018, it was voted for recreational use. Though we don’t want to change it from recreational. 73 people answered said survey. COVID-19 halted the committee members from having conversations with people; however, Joseph Fish and John Kelly were in attendance today. Emily Kirby adds that the survey is still active to take. Baseball fields had the highest vote, and hiking trails were secondary.   
    R.B. commented that it is difficult to get grants for a sports field because public transportation doesn’t run that far.  
    D.F. replied, the PARC grant is being looked into, but it is a long shot.  
    J.D. & R.B. expressed appreciation for the work being done on this.

**COVID-19 Update:**

* + **Outdoor Seating for Food Establishments**  
    Health Agent, Jayne Smith speaks. Outdoor seating is now available, with liquor licensing. The Alcohol Control Board cleared expedited permits for reasonable expansion outdoors, they’ve waived some requirements like notifying abutters, conducting a hearing and took themselves out of the equation wherein instead letting the local authority approve licensing (which in Dalton is the Town Manager). This is more complicated than it seems due to zoning, i.e. tables/ chairs on sidewalks, private property, tents in parking lots – applying for a tent permit with the Building Inspector, etc. J.Smith proposes putting together an application like the city of Adams is doing, that allows food establishments to explain and even draw diagrams of their outdoor seating plan to quicken the process.  
    R.B.- loves the idea of a form. No one should approve things until the Agent has.  
    M.S. agrees but believes we need to expedite quickly and liberally in order to be pro-business to get them back on their feet.   
    J.D.- Agrees with Marc. The approval authority should be our Town Manager aka one person managing the process.   
    E.H.- Agrees with Joe. Ken should be involved; he’ll be quick.  
    J.B.- Agrees to the Town Manager handling this, as he already manages liquor licenses. And the Select Board only meets every 2 weeks.  
    M.S. motioned to have the Health Agent or Building Inspector get these forms to the Town Manager who will approve them. E.H. seconded. Roll call vote: E.Holub “yes”, J.Diver “yes”, M.Strout “yes”, J.Boyle “yes”, R.Bishop “yes”.
  + **Recreational**  
    J.Smith has researched guidance proposals and fact checked. The Board of Health has appointed not only her, but Dr. Doyle as an acting authority.   
    Recent efforts are going towards getting the CRA camp up and running who have hard guideline demands.   
    There was a previous joint decision to close Dalton’s public parks including playground equipment/ fields/ bathrooms. J.Smith would like to discuss reopening them now that we’re in phase 2 of the re-opening plan and guidance has been issued.

R.B. is in favor but has concerns for restroom use.  
P.Pettit- “I handle those. I’m going to be extremely busy with COVID-19, prepping for fall if there’s another outbreak; the Town Hall, Police Station, Library, etc. I suggest a port-a-potty, as in the past there have been several incidents of vandalism, and doors left open which animals then enter.”  
J.Diver is in favor. He suggests moving to organize a plan quick and safely. Statistics say people are scared to go in public places.  
M.Hagmaier- “Our plan for Little League is to recycle baseballs at every half of an inning. Disinfect baseball bats. Each kid will have a labeled helmet. There will be no concession stand or door to door fundraisers this year. A questionnaire was sent to parents asking if they are interested. We’ll have an extra coach on every team, 4 instead of 3. Close off dugouts and use ribbon to social distance. 60 buckets were donated for kids to sit on. There are no scrimmages until phase 3. Schedules have been built out with June/July dates; we’re anticipating an end of August season. I do request that we have the water turned on at Chamberlin Park for keeping dust down.”  
J.Roughley will lock the rest rooms and will water the field this week for them.  
J.Smith suggests removing half of the swings on playgrounds for more social distancing while we figure out what’s appropriate.

**Police Department:**

* **Turnover Rate Trend Analysis-** Sergeant Furlong reached out to each officer who was hired from the past 10 years and got 14 responses. Exit interviews were done by Furlong.
  + **Reserve Officer Program-** Selectman, J.Diver had an interest in learning how long officers have been on the list and any who have selected not to go full time and/or selected full time but have been passed over for officers lower on the Civil Service list; it is believed that leveraging this program should have a reduced cost of recruiting for full time officers.   
    Furlong explained that we do have this program but also a difficulty in retaining people for they are young and/or want to move on.   
    R.Bishop inquired if the academy is expensive.  
    C.Furlong- “Yes. *Our* expense comes from filling their shift. While the officer pays for academy themselves. We have become a breeding ground for training the State Police, because it just so happens that they leave; four individuals have already. Our longest standing Reserve Officer is 12 years – he’s continually asked to be bypassed on the list.”   
    M.Strout added “Similarly, we opened the Civil Service list in Pittsfield, and some guys came for training then would leave to go out east.”   
    J.Diver- “When I saw Officer Baroli’s Civil Service appeal, I found it odd that the officer was willing to accept and then two days later decided to withdraw, literally 2 minutes after the Chief sent the hiring email inviting withdrawals. I’d like to discuss in detail.”  
    C.Furlong- “As long as I’ve been with Dalton, we’ve had one Reserve Officer that’s been on an extended period of time (12 years). Another example, Fire Chief Cahalan, 17 years part time. There’s value in having a long term officer, especially one like we have that can teach handling weapons/ has been in the military. I can see Diver’s concern; essentially with those lists, as long as someone doesn’t appeal their own bypass, they can stay in that position.”   
    J.Diver- “How many bypasses does the Civil Service allow?   
    My concern is this prevents us from having three other solid candidates to choose from. I think we’re sidestepping rules/ regulations.”  
    C.Furlong- Three total official bypasses are allowed. And after three you have to be removed from the reserve pool.

**Junk Car Extension Request:**

* + Sergeant Furlong introduced the citation made on an unregistered vehicle at 302 North St., Dalton behind the Donut Man. Furlong believes there’s no reason not to grant this request. The letter from the owner explained, “The vehicle’s electrical system needs repair, however several repair persons have been unable to diagnose and fix the problem. The vehicle is too valuable, even in its present condition to junk. The cost to register and insure the vehicle has become too expensive based on the delays in getting it repaired. The size of the vehicle does not allow it to be stored inside one of the garage bays and towing the vehicle elsewhere would be expensive. There is potential of selling the vehicle, even in its present condition, but that would take time- especially in the current economic climate.”   
    E.H. motioned to grant the extension request, M.S. seconded. Roll call vote: E.Holub “yes”, J.Diver “yes”, M.Strout “yes”, J.Boyle “yes”, R.Bishop “yes”.  
    He will have 90 days from May 12th (date of violation).  
    Furlong will inquire this same owner of another known vehicle at his home that may be unregistered.

**Dalton Community Cable Franchise Fee:**

* + M.S. motioned to approve to transfer the franchise fee of $27,404.48 received from Charter Communication to the Dalton Community Cable Association; which covers the fee for January, February and March 2020. E.H. seconded. Roll call vote: E.Holub “yes”, J.Diver “yes”, M.Strout “yes”, J.Boyle “yes”, R.Bishop “yes”.

**ATM Motions & Capital Budget:**Summary presented by K.Walto

* + Article 1- change location of Town elections.
  + Article 2- changes to be made in the Animal Control chapter 23 bylaws regarding seeing-eye dogs for an individual with a disability.
  + Article 3- maximum that may be spent on all revolving loan funds.
  + Article 4- schedule compensation for elected officials.
  + Article 5- Town budget of $8,078,091.
  + Article 6- appropriation of grant for the CRA of $60,125.
  + Article 7- appropriation for school district operating budget of $718,789. Finance Committee recommendation underlined: assessment of $8,145,750.
  + Article 8- appropriation for school transportation budget of $300,567.
  + Article 9- capital budget $1,374,948.
  + Article 10- $65,000 free cash.
  + Article 11- $200,000 free cash, reserve account for expected tax rate increase.
  + Article 12- $11,000 landfill monitoring accounts.
  + Article 13- nothing at the moment.
  + Article 14- $400,000 free cash for various stabilization funds.
  + Article 15- $300,000 other postemployment benefits (OPEB) trust fund
  + Article 16- Highway Dept. employment agreements
  + Article 17- $1,200 authorized payment to BRPC
  + Article 18- $645,000 various items: Quarter of a million for a plow truck and equipment, $70,000 modifications to Depot St., $200,000 IT upgrade in Town Hall.   
    ($100,000 street repaving – this item is stricken.)
  + Article 19- appropriation for chapter 90, $244,605.
  + Article 20- snow & ice deficit $7,000 salaries to expenses. $20,385 from free cash to cure deficit of $35,000.
  + Article 21- capital stabilization $85,950 composed of Police Department radios $28,000, ten laptop upgrades $7,894, communication center switch $4,509, Highway Dept. SCAG mower $30,000, Senior Center storage shed replacement, $8,500 electric charging station, Town Hall entrance door replacement $7,000.
  + Article 22- solar system which pays the Town $7,500 per megawatt. Initial payment to the Town would be $48,000.
  + Article 23- Annual Town Election

**Interdepartmental Transfers:**

* + M.S. motioned to move $1,000 from Department #293 Traffic Commission to Emergency Management to purchase a laptop. E.H. seconded. Roll call vote: E.Holub “yes”, J.Diver “yes”, M.Strout “yes”, J.Boyle “yes”, R.Bishop “yes”.
  + M.S. motioned to move $5,317 from The Sewer Department #440 salaries to The Highway Department #420 salaries to comply with DEP. E.H. seconded. Roll call vote: E.Holub “yes”, J.Diver “yes”, M.Strout “yes”, J.Boyle “yes”, R.Bishop “yes”.
  + M.S. motioned to move $20,000 from Vocational Education #320 to Town Council #151 to pay for litigation involving a special permit the Planning Board is involved in. E.H. seconded. Roll call vote: E.Holub “yes”, J.Diver “yes”, M.Strout “yes”, J.Boyle “yes”, R.Bishop “yes”.

**Town Manager Updates:**

* + **Vacation carry-over requests-**  K.W. will follow personnel policy with the Select Board’s go-ahead.
  + **Highway Department Report  
    Gulf Rd.-** Highway Superintendent, John Roughley speaks. Gulf Rd is closed, it was kept closed so people could socially distance. There have been no complaints he’s aware of about it being closed. It’s a good idea to close it since people illegally dump there. And there’s no longer the mall to travel to anyway.  
    R.B. believes it’s an even amount of people that want it open or want it closed.   
    R.B. & M.S.- It would need to be graded.   
    M.S. suggests talking to residents and then re-address.   
    E.H.- It would save the Town money if it stayed closed.   
    R.B.- Keep it closed for now. Matter tabled until July.

**Johnson Rd.-** Roughley plans to have this road graded in July, after the new fiscal year starts.   
J.D. referred to a complaint from someone in April and August that went unanswered.   
R.B. - commented that the potholes are *bad.*  
J.R. stated, “We’ve done it ourselves before, we’ve filled in holes. We don’t have a grader or enough dirt roads to purchase one for $300K; we’re at the mercy of a contractor.”

**Transfer Station brush pile**- This is a man power problem. Re-routing traffic via the attendant who can check stickers was discussed and needs implementing. For the interim, we can hire/ use our summer help who will be on in the last week of June.   
R.B.- Not sooner?   
J.R.- I can try. Half the crew is on vacation until July 1st.   
J.D.- Make sure to reply to residents.   
J.R.- Usually conducted by phone; will reply again, in writing.   
K.W.- Was staffed by the Buildings and Grounds Assistant, since we lost that last employee and decided not to fill it due to next year’s unknown budget: that makes it difficult.   
J.D.- RFP was just one response from Casella?  
K.W.- Yes.

**Items for Future Agendas:**

* + R.B.- Would like to see APR land sold/ put to use.

K.W. replied “The State didn’t want to change their position; it will have to be put out to bid.”

* + E.H.- Postpone Grow Dalton, it is not the right time.
  + J.D.- Dalton’s website, will be coordinated with the Town Planner. August item.
  + Missing street signs- found, resolved.
  + Green Dalton Committee presentation- will be better in person. July item.
  + Historic District- Never appeared. Leave on the list.
  + M.S.- Many complaints of the noise from the train’s horn.  
    K.W. replied “It is under Federal law; a very involved process to try to change it.”  
    J.D. requested this status to post for our residents to know.

K.W. agrees to write something up.

**Reorganization of the Board:**

* M.S. motioned to appoint J.Diver as *Select Board Vice Chair*, E.H. seconded. J.Diver abstains. Roll call vote: E.Holub “yes”, M.Strout “yes”, J.Boyle “yes”, R.Bishop “yes”.
* M.S. motioned to appoint R.Bishop as *Select Board Chair*, E.H. seconded. R.Bishop abstains. Roll call vote: E.Holub “yes”, M.Strout “yes”, J.Boyle “yes”, J.Diver “yes”.

**Future SB Meeting Schedule:**

* July 13th at the Senior Center.
* August 17th at Town Hall.

**Minutes:**

* **1/3/20** M.S. motioned to accept the minutes as presented, E.H. seconded. Roll call vote: E.Holub “yes”, J.Diver “yes”, M.Strout “yes”, J.Boyle “yes”, R.Bishop “yes”.
* **1/27/20** M.S. motioned to accept the minutes as presented, E.H. seconded. Roll call vote: E.Holub “yes”, J.Diver “yes”, M.Strout “yes”, J.Boyle “yes”, R.Bishop “yes”.
* **2/24/20** M.S. motioned to accept the minutes as presented, E.H. seconded. Roll call vote: E.Holub “yes”, J.Diver “yes”, M.Strout “yes”, J.Boyle “yes”, R.Bishop “yes”.
* **3/2/20** M.S. motioned to accept the minutes as presented, E.H. seconded. R.Bishop abstains. Roll call vote: E.Holub “yes”, J.Diver “yes”, M.Strout “yes”, J.Boyle “yes”.

**Remarks of the Select Board:**

* None

**Announcements**:

* **The Town Hall** is now open during usual hours from 8:00 a.m. – 5:00 p.m. Monday–Wednesday and 8:00 a.m. – 6:00 p.m. on Thursday. Masks must be worn and social distancing observed.
* **The Dalton Library** is now available for pickup 9:00 a.m. – 5:00 p.m. M/T/Th, 12:00 p.m. – 8:00 p.m. W, 8:00 a.m. –4:00 p.m. F. Library users may begin placing requests immediately by emailing [dalton@cwmars.org](http://www.mytowngovernment.org/dalton@cwmars.org). Telephone requests will also be accepted; call 413-684-6112.
* Due to the current COVID-19 pandemic, and the new law signed by Governor Baker, Chapter 45 of the Acts of 2020, the Town of Dalton Select Board voted to postpone the **Annual Town Meeting** from May 4th, 2020 to June 22nd, 2020 at 7:00 p.m. at Nessacus Regional Middle School in the gymnasium and the **Annual Town Election** from May 11th, 2020 to June 29th, 2020, from 10:00 a.m. – 8:00 p.m. at the Dalton Community House.
* The last day to **Register to Vote** for the Annual Town Meeting and Election is June 12th, 2020 between 2:00 p.m. – 4:00 p.m. and 7:00 p.m. – 8:00 p.m. in the office of the Town Clerk, 462 Main Street, Dalton. If you have any questions please call the Town Clerk’s Office at 413-684-6111 ext. 14 or 15.

We are urging voters, in the interest of “social distancing”, to request an application for an **Early Voting** Ballot by mail or Absentee Voting Ballot by mail, so that these ballots can be mailed to the registered voter. If you would like an application for an Early Voting Ballot or an Absentee Ballot application mailed to you, or have any questions or concerns, please contact the Town Clerk’s office at 413-684-6111 Extension 14 or 15.

* Please note that **Dalton’s Official Meeting Postings, Agendas and Minutes** can be viewed at *mytowngovernment.org/01226*.

**Executive Session**:

R.Bishop declares that an open meeting may have a detrimental effect on the negotiating position of the public body. M.S. motioned to move to Executive Session in accordance with G.L. c. 30A, §21(a)(2) to conduct strategy sessions in preparation for negotiations with nonunion personnel and discuss strategy of collective bargaining and not return to open session. E.Holub seconded. Roll call vote: E.Holub “yes”, J.Diver “yes”, M.Strout “yes”, J.Boyle “yes”, R.Bishop “yes”.

**Adjourn**: Regular Session adjourned at 9:00 p.m.

Respectfully submitted,  
Brittany Miller  
Recording Secretary