

TOWN OF DALTON
 SPECIAL TOWN MEETING
NESSACUS MIDDLE SCHOOL – JUNE 27, 2011 – 7:00 P.M.

The Moderator, Ronald J. Marcella, Sr., called the Meeting to order at 7:00 p.m. Elizabeth A. Erb, Deborah Deane Smith, Maureen M. Mitchell and Michelle PH White were appointed tellers and sworn by Town Clerk, Barbara L. Suriner. There was a total of 54 Registered Voters checked at the door as follows:

PRECINCT 1 - 31
 PRECINCT 2 - 23

THE FOLLOWING ARTICLE WAS SUBMITTED VIA A CITIZENS PETITION SIGNED BY FORTY-NINE REGISTERED VOTERS

ARTICLE 1. It was moved, seconded that the Town will amend the Code of the Town of Dalton Chapter 350 Zoning by amending Attachment 1 thereto, Table of use Regulations F. Permitted Accessory Uses number 13 by striking the words “banks, financial institutions, and car washes all other uses are specifically excluded”, by rewording number 13 to read as follows: “Drive Through Facility” and by amending the table to prohibit the use in all residential districts (adding “NP” in the Table) and to allow any business doing business in a B-1, B-2, I-1 and I-2 to petition the Zoning Board of Appeals for a special permit (leaving “PA” in the Table) for such “Drive through Facility”.

EXISTING	R-1	R-2	R-3	R-4	B-1	B-2	I-1	I-2	PIDD
13. Drive-Through Facility for banks, financial institutions and car washes only. All other uses are specifically excluded	P	P	P	P	PA	PA	PA	PA	PB

TWO-THIRDS VOTE REQUIRED

A Motion was made and seconded to amend the Code of the Town of Dalton Chapter 350 Zoning by amending Attachment 1 thereto, Table of Use Regulations – Section F (Permitted Accessory Uses) – Number 13 by amending the table to prohibit the use in any residential district (adding “NP” in the table). All other permitted uses and associated language of Section F – Number 13 shall remain unchanged.

PROPOSED	R-1	R-2	R-3	R-4	B-1	B-2	I-1	I-2	PIDD
13. Drive-Through Facility for banks, financial institutions and car washes only. All other uses are specifically excluded	NP	NP	NP	NP	PA	PA	PA	PA	PB

DEFEATED. YES – 20 NO - 28.

The Main Motion for Article 1 was then voted.

DEFEATED. YES – 30 NO – 17.

ARTICLE 2. It was moved, seconded and voted that the Town amend the vote taken under Article 1, “Tax Increment Financing Agreement between Kelly's Package Store Inc. and the Town of Dalton”, of the October 18, 2010 Special Town Meeting to amend clause (d) as follows: "approve that the project be designated as a certified expansion project for five years".

CARRIED. UNANIMOUSLY.

ARTICLE 3. It was moved, seconded and voted that the vote under Article 3 be divided into two parts, Motions 3A and 3B.

CARRIED UNANIMOUSLY.

3A It was moved, seconded and voted that the Town vote to transfer the sum of \$13,800.00 from the Overlay Surplus Account for the costs related to the Fiscal Year 2012 annual element of the Capital Improvement Program as follows: \$7,000.00 to replace the engine, shock absorbers, struts and related parts, in a Police Department Cruiser; \$4,000.00 to plant Shade Trees; and \$2,800.00 to replace computers in the Assessors Department.

MAJORITY VOTE REQUIRED

CARRIED. DECLARED MAJORITY.

3B It was moved, seconded and voted that the Town vote to appropriate the sum of \$157,600.00 including borrowing costs associated with said program, and authorize the Town Treasurer, with the approval of the Select Board, to borrow said sum in accordance with MGL Chapter 44, Section 7. Said appropriations to be used as follows: \$32,000.00 for a police cruiser and related equipment, \$103,000.00 for a highway truck, including a plow and equipment related thereto; and \$22,600 to replace overhead doors and rain gutters on the highway garage.

TWO-THIRDS VOTE REQUIRED

CARRIED. UNANIMOUSLY.

ARTICLE 4. It was moved, seconded and voted that the Town rescind the unutilized balance of a prior borrowing authorization for a completed capital improvement project as follows: from the Special Town Meeting of June 27, 2005 - \$25,000 for the demolition of a house on High Street.

CARRIED. UNANIMOUSLY.

ARTICLE 5. It was moved, seconded and voted that the Town appropriate \$227,587 from available funds to be reimbursed by a Grant from the Commonwealth of Massachusetts in accordance with Chapter 90 Section 34 of the Massachusetts General Laws and further, that the Town vote to authorize the Town Manager to apply for assistance under the Small Town Road Assistance Program for up to the maximum amount of \$500,000.00 to be used for all eligible costs including allowable construction activities under Chapter 90, Section 34.

CARRIED. UNANIMOUSLY.

ARTICLE 6. It was moved, seconded and voted that the Town transfer \$38,000 from Overlay Surplus to the Capital Projects Stabilization Fund.

TWO-THIRDS VOTE REQUIRED

CARRIED. UNANIMOUSLY.

ARTICLE 7. It was moved, seconded and voted that the Town transfer \$23,000 from Overlay Surplus to the General Stabilization Fund.

TWO-THIRDS VOTE REQUIRED

CARRIED. UNANIMOUSLY.

ARTICLE 8. (NO ARTICLE 8)

ARTICLE 9. It was moved, seconded and voted that the Town hereby approve the \$330,000.00 borrowing authorized by the Central Berkshire Regional School District for the purpose of paying costs of the renovation of Kittredge School located at 80 Maple Street, Hinsdale, MA, consisting of repair and/or replacement of the roof and several windows including the payment of all costs incidental or related thereto, which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"), said sum to be expended at the direction of the District School Committee; that the Town acknowledges that the Massachusetts School Building Authority's MSBA grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District; provided further that any grant that District may receive from the MSBA for the project shall not exceed the lesser of (1) 56.26 percent (%) of eligible,

approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; provided that any appropriation hereunder shall be subject to and contingent upon the approval of a grant from the Massachusetts School Building Authority for a percentage of the eligible costs of the project; and that the amount of borrowing authorized by the District shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the District and the MSBA.

CARRIED. UNANIMOUSLY.

ARTICLE 10. It was moved, seconded and voted that the Town have all fees, charges and costs collected by the Tax Collector paid into the Town's General Fund and further to adjust the Collector's salary by \$12,301 by placing said Collector in the Town's Classification and Compensation Plan at Grade 9, consistent with other positions of similar responsibility, and at Step 6 of said grade, consistent with fourteen years of service to the Town.

DEFEATED. YES – 17 NO - 21.

Meeting adjourned at 8:25 p.m.

A true copy. ATTEST:

Barbara L. Suriner, TOWN CLERK