2019
TOWN OF DALTON
SPECIAL TOWN MEETING
NESSACUS MIDDLE SCHOOL – JUNE 24, 2019 – 7:00 P.M.

The Moderator, Anthony P. Doyle, called the Meeting to order at 7:00 p.m. Michele T. Blake, Jean M. Gingras, and Maureen M. Mitchell were appointed checkers and tellers. There was a total of 49 Registered Voters and three non-registered voters checked in at the door. The following Precinct count does not include Non-Registered persons:

PRECINCT 1 - 26
PRECINCT 2 - 23

It was moved, seconded and voted to waive the reading of the Warrant.

CARRIED UNANIMOUSLY

ARTICLE 1. It was moved, seconded and voted to appropriate $222,689 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;

CARRIED UNANIMOUSLY

ARTICLE 2. It was moved, seconded and voted to transfer $52,698 from Free Cash in the Treasury to Account Number 423 Snow & Ice, for the purpose of funding additional costs in said account, as follows: $7,299 to Salaries and $45,399 to Expenses.

CARRIED UNANIMOUSLY

ARTICLE 3. It was moved, seconded and voted to transfer $140,652 from the Capital Stabilization Fund for the Fiscal Year 2020 Capital Improvement Program, as follows: $54,000 for a new Police Cruiser and related equipment; $86,652 for a new 1-ton plow truck and related equipment and further that the remainder of the $15,000 appropriated at the Special Town Meeting of June 26, 2017, for plans, specifications and estimates for an insulation project at the Town Hall be also expressly authorized for plans, specifications and estimates for improving handicapped accessibility at the Town Hall or any other purpose for improving the Town Hall as approved by the Select Board.

<table>
<thead>
<tr>
<th>Department</th>
<th>Item</th>
<th>Explanation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police</td>
<td>New Cruiser &amp; Related Equipment</td>
<td>Replaces 7 yr. old cruiser including equipment</td>
<td>$54,000</td>
</tr>
<tr>
<td>Highway</td>
<td>New 1-ton Plow Truck &amp; Related Equipment</td>
<td>Replaces 17 year old truck, including equipment</td>
<td>$86,652</td>
</tr>
<tr>
<td>Town Hall</td>
<td>Plans &amp; Estimates for Town Hall accessibility</td>
<td>A state grant was sufficient to pay for most of the</td>
<td>$0</td>
</tr>
<tr>
<td></td>
<td>and other projects</td>
<td>insulation project leaving approximately $14,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>unexpended</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td></td>
<td>$140,652</td>
</tr>
</tbody>
</table>

CARRIED DECLARED TWO-THIRDS
ARTICLE 4. It was moved, seconded and voted to appropriate $150,000 for a Sewer System Evaluation survey including borrowing costs associated with said program and all other costs incidental or related thereto; that to meet this appropriation the Treasurer with the approval of the Select Board is authorized to borrow said sum under G.L. c.44, §7 or any other enabling authority and that the Select Board is authorized to take any other action necessary to carry out this project; and further, that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c.44, §20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs.

<table>
<thead>
<tr>
<th>Item</th>
<th>Explanation</th>
<th>Borrowing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sewer System Evaluation Survey</td>
<td>Required by the Massachusetts Department of Environmental Protection via the Code of Massachusetts Regulations.</td>
<td>$150,000</td>
</tr>
</tbody>
</table>

CARRIED DECLARED TWO THIRDS

ARTICLE 5. It was moved, seconded and voted to authorize payment of the balance of an unpaid bill of $222 to KP Law for FY'18 pursuant to the requirements of Massachusetts General Laws Chapter 44, section 64 and further that said amount be paid from Free Cash in the Treasury.

CARRIED UNANIMOUSLY

ARTICLE 6. It was moved, seconded and voted to amend the Code of the Town of Dalton Chapter 270, Solid Waste, by striking ARTICLE II in its entirety and substituting the following language:

CODE OF THE TOWN OF DALTON
CHAPTER 270 SOLID WASTE

Article II: Recycling Requirements for Generators

§ 270-3 Purpose.
In order to protect the environment, promote recycling and be in compliance with Massachusetts Waste Ban Regulations (310 CMR 19.017); the Town of Dalton in support of its Board of Health, pursuant to Chapter 111 Sections 31, 31A, 31B, 122 and 150A of the Massachusetts General Laws, hereby adopts the following mandatory recycling By-law.

§ 270-4 Applicability.
The following By-law shall apply to all generators of refuse and recyclables in the Town of Dalton, including all owners as defined in 105 CMR 410.020, property managers acting on behalf of owners, and tenants of all residential, commercial, and institutional properties in the Town of Dalton.

§ 270-5 Definitions.
ACCEPTABLE WASTES
Wastes normally generated by residential, commercial, and institutional properties. This excludes recyclables, Banned Materials hazardous waste and all other items restricted from disposal in Massachusetts, as defined by 310 CMR 19.017(3).
BANNED MATERIALS
All materials designated as banned from disposal in the Commonwealth of Massachusetts pursuant to 310 CMR 19.017: Waste Bans, including: asphalt pavement, brick & concrete, cathode ray tubes, clean gypsum wallboard, commercial food waste, ferrous and non-ferrous metals, glass & metal containers, lead acid batteries, leaves and yard waste, recyclable paper, cardboard and paperboard, single resin narrow-necked plastics, treated and untreated wood and wood waste (banned from landfills only), white goods (large appliances), and whole tires (banned from landfills only).

GENERATORS
Any owners as defined in 105 CMR 410.020, property managers acting on behalf of owners, and tenants of all residential, commercial, and institutional properties who generate refuse and/or recyclables in the Town of Dalton.

HAZARDOUS WASTES
Any waste that is defined and regulated under 310 CMR 30.000: Hazardous Waste.

NON-RECYCLABLE
Any material, which does not specifically meet the definition of "recyclables" as specified in this By-law.

OPERATOR
The vendor selected by the Town of Dalton to operate the transfer station, or the approved facility to which recyclables will be brought by the Permitted Hauler.

PERMITTED HAULER
Any person or company which has applied for and obtained the appropriate permit to collect and haul refuse or recyclables within the corporate limits of the Town of Dalton.

RECYCLABLE(S)
Discarded nonhazardous solid waste materials considered marketable by the Commonwealth and the operator. Such items shall include bimetal tin/steel cans including aerosol cans; glass jars and bottles; aluminum foil, cans and trays; plastic bottles, jars, trays and jugs; paper and multi-material cartons for juice, milk, and milk substitutes; paper products including newspaper, magazines, junk mail paperboard, corrugated cardboard, boxboard, paperback books, and telephone books. Mixed paper, cardboard, glass, metal, and plastic containers are priority materials of this By-law.

REFUSE
Solid waste material that is normally generated by residential, commercial, and institutional properties. This excludes recyclables, Banned Materials, yard waste, sewage, and hazardous waste.

TRANSFER STATION
Town-owned facility for recycling and refuse disposal located at Bridle Road off of Park Avenue in Dalton.

§ 270-6 Mandatory Separation and Recycling.
All generators in the Town of Dalton shall separate recyclables from non-recyclable refuse in one of the following manners:

1. Take recyclable materials to Town-owned transfer station.
2. Contract with a Permitted Hauler who provides recycling services.
3. Deposit recyclables in dedicated recycling receptacles provided by the owner or property manager.

Generators shall abide by instructions (as distributed by Permitted Hauler, as indicated by transfer station signage and personnel, or as indicated by property owner or manager) as to what constitutes acceptable wastes, Banned Materials, and recyclables.

The Town of Dalton will inform all generators at least once per year that recycling is mandatory.

§ 270-7 Enforcement; violations and penalties.
A. **Enforcement:** The individuals empowered to enforce the provisions of these By-laws shall be the following: agent of the Board of Health, any member of the Board of Health or any police officer of the Town of Dalton, or their designee.

B. **Penalties:** Whoever violates this bylaw shall, upon conviction thereof, be fined not more than $300 for each offense or be subject to by criminal complaint in a court of competent jurisdiction pursuant to G.L. c.111, §§31, 31B and 150A or noncriminal disposition of the offense pursuant to MGL c. 40, §21D and the Town's Noncriminal Disposition Bylaw, Chapter 1.

C. **Appeal:** Any party cited for a violation of these By-laws may appeal such citation by filing a written notice of appeal with the Town of Dalton Board of Health within seven days, exclusive of Saturdays and Sundays and legal holidays, from the date of said citation. A hearing will be held within 60 days from the date of the filing of the appeal. Written notice of the hearing date will be delivered to the applicant at least two weeks prior to the scheduled date. The hearing will be conducted in accordance with the established procedures of the Board of Health.

§ 270-8 **Effective date.**
The bylaw shall take effect on January 1, 2020.

CARRIED

**ARTICLE 7.** It was moved, seconded and voted to amend the Code of the Town of Dalton Chapter 1, Article II Noncriminal Disposition, by amending the fine schedule in Section 1-5 under "Chapter 23 Animals" by inserting new fines and the language therefor as follows:

NEW LAW REQUIRING A CHANGE IN FINE SCHEDULE according to the Acts of 2018 for all violations of Chapter 140.

NEW LANGUAGE:

Chapter 23, Animals
(Pursuant to MGL c. 140, as amended by Chapter 219 of the Acts of 2018, approved November 7, 2018)

$500 Animal Control Officer All Violations under M.G.L. Chapter 140 section 173.

First Offense: $50
Second Offense: $100
Third Offense: $300
Fourth and Subsequent: $500

CARRIED

**ARTICLE 8.** It was moved, seconded and voted to fund a collective bargaining agreement between the Town and the Dalton Patrol Officers Union, MCOP, Local 906, in the amount of $18,933 and as set forth in Article 11 below, for fiscal year 2020.

CARRIED

**ARTICLE 9.** It was moved, seconded and voted to fund a collective bargaining agreement between the Town and the Dalton Highway/Cemetery Association in the amount of $3,393 and as set forth in Article 11 below, for fiscal year 2020.
CARRIED UNANIMOUSLY

ARTICLE 10. It was moved, seconded and voted to fund a collective bargaining agreement between the Town and the Dalton Dispatchers Association in the amount of $5,941, and as set forth in Article 11 below, for fiscal year 2020.

CARRIED UNANIMOUSLY

Motion made, seconded and voted to allow David Eisenhal to speak regarding Article 11.

CARRIED UNANIMOUSLY

ARTICLE 11. It was moved, seconded and voted to transfer the sum of $40,050 from Free Cash in the Treasury and raise $1,145 from Offset Receipts for revised appropriations in several departments for the fiscal year beginning July 1, 2019, thereby amending those budgets as follows: Department 510, Board of Health, $5,000 for Expenses; Department 210, Police, $20,723 for Salaries; Department 222, Communications, $6,079 for Salaries and $138 for Expenses; Department 420, Highway, a reduction of $1,167 for Salaries and an increase of $250 for Expenses; Department 423, Snow & Ice, $545 for Salaries; Department 440, Sewer, $1,145 for Salaries; Department 491, Cemeteries, $2,138 for Salaries; Department 650, Parks, $482 for Salaries; Department 123, Town Manager, $1,000 for Salaries and transfer $1,000 from expenses to Salaries; and further that $23,101 be raised and appropriated in Department 145, Treasurer; $644,485 be raised and appropriated in Department 710-EXCL and $18,188 be transferred from account number 710-C to 710-EXCL for additional Maturing Debt and Interest.

<table>
<thead>
<tr>
<th>Department</th>
<th>Increase</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>510 Board of Health</td>
<td>$5,000</td>
<td>Matching appropriation for $20,000 DEP grant for Enforcement Consultant to assist implementation of Article 6 above.</td>
</tr>
<tr>
<td>210 Police Dept.</td>
<td>$20,723</td>
<td>Contract Settlements for Patrol Officers Union and Sergeant</td>
</tr>
<tr>
<td>222 Communications</td>
<td>$6,079</td>
<td>Contract settlement with Dispatchers Association ($5,941) and radio maintenance contract increase ($138)</td>
</tr>
<tr>
<td>Highway Depts. 420, 423, 440, 491, 650</td>
<td>$2,248</td>
<td>Contract settlement with the Dalton Highway/Cemetery Association ($3,143 salaries, including $1,145 from Offset Receipts, $250 Expenses)</td>
</tr>
<tr>
<td>123 Town Manager</td>
<td>$1,000</td>
<td>Renewal of contract with Town Manager, also transfer $1,000 from expenses to salaries.</td>
</tr>
<tr>
<td>196 Town Hall</td>
<td>$5,000</td>
<td>Approved intermittent additional hours worked on Friday when necessary</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$40,050</td>
<td>Total from Free Cash</td>
</tr>
<tr>
<td>145 Treasurer</td>
<td>$23,101</td>
<td>Interest on Short Term Debt, Legal &amp; Advisory Fees</td>
</tr>
<tr>
<td>710 Maturing Debt – EXCL Excluded from Levy Limit</td>
<td>$644,485</td>
<td>Early payoff of debt in anticipation of new WRHS Debt service beginning in FY 2021, also transfer $18,188 from Acct. #710-C</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$667,586</td>
<td>Total to be raised by Taxation</td>
</tr>
</tbody>
</table>
CARRIED

ARTICLE 12. It was moved, seconded and voted to rescind the unutilized balances of several prior years' borrowing authorizations for completed capital improvement projects, as follows:

<table>
<thead>
<tr>
<th>Item</th>
<th>Approved Fiscal Year</th>
<th>Rescinded Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Highway Dump Truck</td>
<td>2016</td>
<td>$5,091.00</td>
</tr>
<tr>
<td>Police Cruiser</td>
<td>2018</td>
<td>$1,211.65</td>
</tr>
<tr>
<td>Highway Lawn Maintenance Equipment</td>
<td>2016</td>
<td>$817.88</td>
</tr>
<tr>
<td>Animal Control Vehicle</td>
<td>2018</td>
<td>$137.00</td>
</tr>
<tr>
<td>LED Streetlights</td>
<td>2019</td>
<td>$100,000.00</td>
</tr>
</tbody>
</table>

CARRIED UNANIMOUSLY

Meeting adjourned at 7:46 p.m.

ATTEST:

Deborah J. Merry, Town Clerk