

TOWN OF DALTON
TOWN HALL
BERKSHIRE COUNTY, MASSACHUSETTS
WARRANT ANNUAL TOWN MEETING

GREETINGS:

In the name of the Commonwealth of Massachusetts you are hereby required and directed to notify and warn the inhabitants of the Town of Dalton, qualified by law to vote in the Elections and Town Affairs, to meet in the:

NESSACUS REGIONAL MIDDLE SCHOOL
MONDAY, JUNE 22, 2020 AT 7:00 P.M.

Then and there to act on the following articles:

THE FOLLOWING ARTICLE WAS SUBMITTED BY A CITIZENS' PETITION OF FORTY REGISTERED VOTERS

ARTICLE 1. To change the location for all town election voting from the Dalton Community Recreation Association at 400 Main Street to the Dalton Senior Center located at 40 Field Street Extension.

ARTICLE 2. To see if the Town will vote to amend Chapter 23 of the Town's General Bylaws relating to the exemption from dog licensing fees for service animals, as shown below, deleting the strikethroughs and adding the bold text; or to take any other action relative thereto.

§ 23-3. License requirements; fees; exceptions.

- A. Any owner or keeper of a dog six months of age or older in the Town of Dalton shall cause that dog to be licensed as required by MGL Chapter 140 commencing on January 1 of each year.
- B. Any owner or keeper of more than three dogs must acquire a multiple pet permit.
- C. Commercial kennels must be fully licensed pursuant to the provisions of Massachusetts General Laws Chapter 140 and subject to Dalton's Zoning Bylaws.
- D. Each multiple-pet household and commercial kennel shall be available to inspection by the Animal Control Officer, a Natural Resource Officer, Fish and Game Warden, police officer or the Board of Health.
- E. All **ferrets**, dogs and cats six months of age or older must be currently vaccinated against rabies as per MGL c. 140, § 145B.
- F. The annual fee for every animal license, multiple-pet permit, and commercial kennel license and all fines relevant to animal control shall be established by the Select Board.
 - (1) No fee shall be charged for a license for **any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.** ~~a dog specifically trained to lead or serve a blind or deaf person, provided that the Division of the Blind or Deaf certifies that such dog is so trained and actually in the service of a blind or deaf person.~~ **Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this section.**

The work or tasks for the benefit of an individual with a disability might include, but is not limited to: assisting individuals who are blind or have low vision with navigation and other tasks; alerting individuals who are deaf or hard of hearing to the presence of people or sounds; providing non-violent protection or rescue work; pulling a wheelchair; assisting an individual during a seizure; alerting individuals to the presence of allergens; retrieving items such as medicine or the telephone; providing physical support and assistance with balance and stability to individuals with mobility disabilities; and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. Animals that provide emotional support shall not qualify for the purposes of this section.

(2) The owner or keeper of dog(s) for the purpose of rehabilitation and adoption, upon the submission of written proof from a licensed animal rescue league or animal hospital, may be issued a single license for use with multiple animals kept consecutively within any license period; provided however, that if such owner or keeper keeps more than one animal at the same time, the owner or keeper must obtain an additional license for each additional animal, and pay the annual fee for the same established by the Select Board pursuant to Subsection G.

G. The registering, numbering, describing and licensing of animals shall be performed in the office of the Town Clerk, on a form prescribed and supplied by the Town, and shall be subject to the condition expressed therein that the dog so licensed shall be controlled and restrained from killing, chasing or harassing livestock or fowl.

H. No license fee shall be refunded in whole or in part for any reason.

I. Should any owner or keeper of an animal fail to license that animal as required under MGL Chapter 140, before February 1, the owner or keeper shall pay a late fee as established by the Select Board before obtaining said license, except for a dog brought into the Town as provided by MGL c. 140, § 138. This late fee shall be applicable from the 31st day after arrival of such dog. Any person maintaining a commercial kennel in the Town of Dalton who fails to license as prescribed by this section and the laws of the commonwealth shall pay a late fee as established by the Select Board, commencing February 1. [Amended 11-19-2007 STM by Art. 2, approved 1-3-2008; 9-22-2008 STM by Art. 3]

J. The owner or keeper of a licensed animal shall cause it to wear around its neck or body a collar or harness to which shall be securely attached a tag issued by the Town Clerk at the time of licensing.

K. In addition to all other sums due and owing for any license fee hereunder, a person who applies for a license hereunder shall be obligated to pay all prior amounts of license fees determined to be due and owing by the Town Clerk pursuant to this bylaw, for past periods in which said person was obligated to obtain a license. It shall be a violation of the bylaw to fail to pay any said sum due hereunder. This remedy shall be cumulative.

ARTICLE 3. To see if the Town will vote to fix the maximum amounts that may be spent during fiscal year 2021 beginning on July 1, 2020 for the revolving funds established in town by-laws for certain departments, boards, committees, agencies or officers in accordance with Massachusetts General Laws Chapter 44, Section 53E ½, or take any other action relative thereto.

ARTICLE 4. To see if the Town will vote to adopt the "Schedule of Compensation for Elected Officials" for the fiscal year beginning July 1, 2020; or to take any other action in relation thereto.

- ARTICLE 5. To see if the Town will vote to determine what sums of money the Town will raise and appropriate, including appropriations from Sewer User Fees and, to defray charges and expenses and debt service for the fiscal year beginning July 1, 2020; or to take any other action in relation thereto.
- ARTICLE 6. To see if the Town will vote to raise and appropriate for the fiscal year beginning July 1, 2020, a sum of money for the purpose of providing recreation and leisure time activities to the people of Dalton; or to take any other action in relation thereto.
- ARTICLE 7. To see if the Town will vote to raise and appropriate a sum of money for the purpose of paying the Town's share of the Operating Budget of the Central Berkshire Regional School District for the fiscal year beginning July 1, 2020; or to take any other action in relation thereto.
- ARTICLE 8. To see if the Town will vote to raise and appropriate a sum of money for the purpose of paying the Town's share of the Transportation Budget of the Central Berkshire Regional School District for the fiscal year beginning July 1, 2020; or to take any other action in relation thereto.
- ARTICLE 9. To see if the Town will vote to raise and appropriate a sum of money for the purpose of paying the Town's share of the Capital Budget of the Central Berkshire Regional School District for the fiscal year beginning July 1, 2020; or to take any other action in relation thereto.
- ARTICLE 10. To see if the Town will vote to raise and appropriate and/or transfer from available funds, a sum of money to the Reserve Fund (Account 132) for the fiscal year 2021 beginning July 1, 2020; or to take any other action in relation thereto.
- ARTICLE 11. To see if the Town will vote to transfer or appropriate from available funds a sum of money for the purpose of reducing the expected tax rate increase in the 2021 fiscal year; or to take any other action in relation thereto.
- ARTICLE 12. To see if the Town will vote to transfer a sum of money from the Landfill Monitoring Continuing Appropriation Account # 991 to the Landfill Closure Account #434; or take any other action in relation thereto.
- ARTICLE 13. To see if the Town will vote to raise and appropriate and/or transfer from available funds, a sum of money to the Reserve Fund (Account 132) for the remainder of fiscal year 2020; or to take any other action in relation thereto.
- ARTICLE 14. To see if the Town will vote to transfer and/or appropriate from available funds, a sum of money to each of the following Stabilization Funds: General Stabilization Fund, Capital Stabilization Fund, Litigation Stabilization Fund and Sewer Stabilization Fund; or to take any other action in relation thereto.
- ARTICLE 15. To see if the Town will vote to transfer and/or appropriate from available funds a sum of money to the Other Post-Employment Benefits Liability Trust Fund to reduce the unfunded actuarial liability of health care and other post-employment benefits; or to take any other action in relation thereto.

ARTICLE 16. To see if the Town will vote to re-authorize employment agreements between the Town and the Highway/Cemetery Superintendent, the Highway/Cemetery Foreman, and the Police Sergeant, or take any other action in relation thereto.

ARTICLE 17. To see if the Town will vote to authorize payment of unpaid bills of previous fiscal years pursuant to the requirements of Massachusetts General Laws Chapter 44, section 64; or to take any other action in relation thereto.

ARTICLE 18. To see if the Town will vote to appropriate a sum of money for the Fiscal Year 2021 Capital Improvement Program; 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(3A) or any other enabling authority and that the Select Board is authorized to take any other action necessary to carry out this project; or to take any other action in relation thereto.

TWO-THIRDS VOTE REQUIRED

ARTICLE 19. To see if the Town will vote to appropriate a sum of money 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; or to take any other action in relation thereto.

ARTICLE 20. To see if the Town will vote to raise and appropriate and or transfer from available funds, a sum of money to fund additional expenses in Fiscal Year 2020 in department # 423 Snow and Ice incurred under the provisions of Massachusetts General Laws Chapter 44 Section 31D; or take any other action in relation thereto.

ARTICLE 21. To see if the Town will vote to appropriate and or transfer a sum or sums of money from the Capital, Sewer, or General Stabilization Funds, as may be appropriate, for the costs related to the Fiscal Year 2021 annual element of the Capital Improvement Program; or to take any other action in relation thereto.

TWO-THIRDS VOTE REQUIRED

ARTICLE 22. To see if the Town will vote to authorize the Select Board to (i) negotiate and enter into an agreement for payments-in-lieu-of-taxes ("PILOT") pursuant to M.G.L. Chapter 59, Section 38H(b), and Chapter 164, Section 1, or any other enabling authority, for both real property and personal property associated with a privately owned and operated solar photovoltaic facility to be located on the property owned by Berkshire Concrete and commonly known as the Dalton Gravel Pit (Assessor's Map 217, Parcel 3, Assessor's Map105, Parcel 12 and Assessor's Map 105, Parcel 16), for a term of up to thirty (30) years on such terms and conditions as the Select Board deems to be in the best interest of the Town; and (ii) take all actions necessary to implement and administer such agreement; or take any other action relative thereto.

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ARTICLE 23. To see if the Town will vote to recess until MONDAY JUNE 29, 2020 at 10:00 O'CLOCK A.M. to 8:00 P.M. to meet in the DALTON COMMUNITY HOUSE, to choose and elect the following Town Officers and the determination of such other matters as are by law required to be determined by ballot.

- (2) MEMBER(S) SELECT BOARD FOR 3 YEARS
- (1) MODERATOR FOR 1 YEAR
- (2) MEMBER(S) PLANNING BOARD FOR 3 YEARS
- (1) CEMETERY TRUSTEE FOR 3 YEARS
- (3) LIBRARY TRUSTEES FOR 3 YEARS
- (3) MEMBERS FINANCE COMMITTEE FOR 3 YEARS

And you are directed to serve this Warrant by posting five attested copies thereof as required by the Bylaws of said Town, seven days at least before the time of holding said meetings.

And you are further required and directed to notify and warn the inhabitants of said Town of Dalton, qualified by law to vote in the Elections to meet in the DALTON COMMUNITY HOUSE, MONDAY, JUNE 29, 2020 at 10:00 O'CLOCK A.M. to 8:00 P.M. to bring in their votes for Town Officers per Article 23 and the determination of such other matters as are by law required to be determined by ballot.

Hereof, fail not, and make due returns of this Warrant with your doings thereon to the Town Clerk at the time and place of holding meetings as aforesaid.

Given under our hands and seal this 12th day of June 2020.

A true copy. ATTEST:

Deborah J. Merry
Deborah J. Merry, TOWN CLERK

SIGNED:

Robert W. Bishop, Jr.
Robert W. Bishop, Jr., Chairman

John F. Boyle
John F. Boyle, Vice Chairman

M. E. Strout
Marc E. Strout

Joseph A. Diver
Joseph A. Diver

Edward P. Holub
Edward P. Holub
SELECT BOARD

By virtue of the within Warrant, I have served the same by posting in at least five public places attested copies thereof as the Bylaws of the Town direct, seven days at least before the time of holding said meeting.

Bustin Buzzella #4
CONSTABLE

DATE: 12 June 2020

POSTED: ~~Dewey's Public House~~, Dalton Restaurant, Greenridge Variety Convenience, Dalton General Store, U.S. Post Office, ~~Berkshire Organics~~, Town Hall Bulletin Board, Kelly's Package Store, and Country Corner Package & Variety.

