TOWN OF CHESHIRE

80 CHURCH STREET | CHESHIRE, MASSACHUSETTS 01225
PHONE (413) 743-1690 | FAX (413) 743-0389

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OFFICE OF THE BOARD OF SELECTMEN

Meeting Minutes – January 5, 2022

Pursuant to a notice duly filed with the Town Clerk, a meeting of the Board of Selectmen was held in person at 191 Church St (Cheshire Elementary School) on Wednesday January 5, 2022, at 6:30 PM.

Members Present: Michelle Francesconi - Chair
Jason Levesque, Clerk (remote)
Shawn McGrath
Mark Biagini (remote)

Members Absent: Ray Killeen

Others Present: Jennifer Morse, Town Administrator; Liseann Karandisecky; Lynn Melchiori; Gene Gebarowski; John Tremblay; Craig Kahn; Peter Traub; Michael Biagini; Rebecca Herzog

Michelle Francesconi called the meeting of the Board of Selectmen to order at 6:30 p.m.

Summary of Votes Taken:

- Voted to approve the Time Clock/Town Vehicle Policy 4-0
- Voted to appoint Corey McGrath as part time temporary water operator 3-0-1
- Voted to approve the meeting minutes of December 15, 2022 4-0
- Vote to approve double time pay for the Highway Superintendent for the Christmas holiday 4-0
- Voted to adjourn at 7:39 p.m. 4-0

1. Appointment with Craig Kahn regarding 287 South State Road

Craig Kahn joined the board to discuss his plans for 287 South State Road (Bass Water Grille) which he currently has under contract. He plans to move his real estate offices to the location and hopes to have a café and other possible business ventures. Craig made it clear that none of the business ventures included a marijuana retail establishment though he understood how that may have been on people's minds. Craig shared that he hopes to create a good culture and believes his office and business plans will be a nice addition to the town.

2. Discussion/Decision Items

a. COVID 19 Testing Kit

M. Francesconi opened with that COVID 19 testing is on everyone's mind due to the recent uptick in cases. Cheshire was not one of the communities that received free test kits from the State. M. Francesconi then read the memo from the Board of Health, they do not recommend purchasing kits but rather having people test a testing site (information can be found on the town website). Discussion on staying home when ill and

accuracy of the home tests due to human error led the board to agree with the Board of Health recommendations at this time. Gene Gebarowski spoke about the test kits being a tool led to further discussion regarding how the tests would be distributed and what other communities have been through during distribution.

b. **One Stop Grant – Expression of Interest Projects**

The Town Administrator previously forwarded information to the Board to review regarding the Expression of Interest which allows the submission of up to five projects for input before the grant opens. J. Morse suggested that following projects; Route 116 Paving/Guardrails (applied for last round unsuccessfully); Lanesboro Road Culvert; Town Hall Preservation; Route 8 Water project (applied for last round unsuccessfully) and School revitalization and demolition.
The board agreed that those are the top five priority projects at this time.

c. Massachusetts Historical Commission Grant – Cheshire Cemetery Vault

The Town Administrator has been working with the Cemetery Commission and believes that the best ready to go project for the Massachusetts Historical Commission Grant (MHC) is the preservation of the vault. The estimated cost to repair is $40,000, this is a 50/50 grant, and the cemetery commission was going to request the full amount at the Annual Town Meeting.

d. Time Clock/Town Vehicle Policy

M. Francesconi started the discussion that the policy would help with payroll and insurance issues giving accountability to employees and control of the vehicle liability. J. Levesque and M. Biagini both felt that this policy was long overdue. There was discussion about implementing it town wide and purchasing time clocks for all buildings. The board asked the Town Administrator when it would go into place, and she requested a couple of weeks to notify departments and purchase the time clocks needed. There was discussion on the highway superintendent vehicle and that he takes home a vehicle based on his contract.
A motion was made by M. Francesconi and seconded by S. McGrath to approve the Time Clock and Town Vehicle Policy.
Roll Call Vote: M. Biagini – Yes; J. Levesque – Yes, S. McGrath – Yes, M. Francesconi – Yes
Motion Carries: 4-0

e. Water Department – Appointment of Temporary Water Operator

Michael Biagini joined the board to request the appointment of Corey McGrath as part time temporary water operator. Michael Biagini reported that they had received five applications for the posted position.
A motion was made by M. Francesconi and seconded by J. Levesque to appoint Corey McGrath as part time temporary water operator.
Roll Call Vote: M. Biagini – Yes; J. Levesque – Yes, S. McGrath – Abstain, M. Francesconi – Yes
Motion Carries: 3-0-1

3. Consent Agenda

Minutes	*12/15/2021*	◯ *As Submitted x As Amended*

A motion was made by M. Francesconi and seconded by S. McGrath to approve the consent agenda with minutes from December 15, 2022, as corrected.
Roll Call Vote: M. Biagini – Yes; J. Levesque – Yes, S. McGrath – Yes, M. Francesconi – Yes

Motion Carries: 4-0

4. Town Administrator Updates

J. Morse brought a request from the Highway Superintendent to the board to receive double time pay for the Christmas holiday. In FY22 the union contract was changed to include all holidays as double pay while the highway superintendent contract was meant to mimic the union contract it currently states 1.5 time for holidays. There was discussion regarding the contract and amendment and how overtime is distributed to the workers. J. Morse will ask the highway superintendent about a written overtime policy.

A motion was made by M. Francesconi and seconded by S. McGrath to allow the double time to pay of the Christmas holiday for the Highway Superintendent.

Roll Call Vote: M. Biagini – Yes; J. Levesque – Yes, S. McGrath – Yes, M. Francesconi – Yes
Motion Carries: 4-0

5. Announcements from Board Members

M. Francesconi shared that a math teacher at the middle/high school recently told students that if they are unvaccinated, they deserve to be at the end of the line for COVID treatment. Noting that she was appalled by the behavior which seems to be pitting vaccinated students against those who are unvaccinated.

Adjournment: *A motion was made by M. Biagini and seconded by M. Francesconi to adjourn the meeting at 7:39 p.m.*

Roll Call Vote: M. Biagini – Yes; S. McGrath – Yes, J. Levesque – Yes; M. Francesconi – Yes, R. Killeen- Yes
Motion Carries: 5-0

Respectfully Submitted,
Jennifer Morse
Town Administrator
January 10, 2022

Document List

1. Agenda January 5, 2022
2. Minutes December 15, 2021
3. Letter from Board of Health regarding at Home Test Kits
4. Town Vehicle Park/Time Clock Policy

Approved: January 12, 2022

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OFFICE OF THE BOARD OF SELECTMEN

Board of Selectmen

Meeting Agenda – January 5, 2022
6:30 PM

In-person
The Green Room at 191 Church Street (former Cheshire Elementary School)
Enter Building at West Ramp Entrance

1. *Open Meeting – Introductions – Pledge of Allegiance*
2. *Appointment with Craig Kahn to discuss intent for 287 South State Road*
3. *Discussion/Decision Items*
   a. *COVID Test Kits and Testing Options*
   b. *One Stop Grant – Expression of Interest Projects*
   c. *MHC Grant – Cheshire Cemetery Vault*
   d. *Time Clock – Town Vehicle Policy*
   e. *Water Department – Appointment Temporary Water Operator*
4. *Consent Agenda*

Minutes	*12/29/21*	◯ *As Submitted* ◯ *As Amended*

5. *Town Administrator Updates*
6. *Announcements from Board members*
7. *Public Comment*
8. *Any other business not reasonably anticipated 48 hours prior to the meeting.*
9. *Next Meeting – January 12, 2022*

If technical Issues occur – DRAFT minutes and meeting documents will be posted to the website the next day.
https://global.gotomeeting.com/install/572029061

You can also dial in using your phone. United States: +1(646) 749-3335 Access Code: 572-029-061

Submitted and posted by: Jennifer Morse – Town Administrator 1/3/22 at 11:04 a.m.

POSTED IN ACCORDANCE WITH THE PROVISIONS OF MGL 30A §§18-25.

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OFFICE OF THE BOARD OF SELECTMEN

Meeting Minutes – December 15, 2021

Pursuant to a notice duly filed with the Town Clerk, a meeting of the Board of Selectmen was held in person at 191 Church St (Cheshire Elementary School) on Wednesday December 15, 2021, at 6:30 PM.

Members Present: Michelle Francesconi - Chair
Jason Levesque, Clerk
Shawn McGrath
Ray Killeen
Mark Biagini

Others Present: Jennifer Morse, Town Administrator; Liseann Karandisecky; Lynn Melchiori; Brian Rhodes (IBerkshires); Gene Gebarowski; John Tremblay; Sonia Orenstein; Craig Kahn; Dick Linsday (Berkshire Eagle)

Michelle Francesconi called the meeting of the Board of Selectmen to order at 6:30 p.m.

Summary of Votes Taken:

• Voted to approve the Host Community Agreement with Mass Yield Cultivation, LLC	4-1-0
• Voted to approve the Consent Agenda	5-0
• Vote to approve and post the Emergency Management Job Description	5-0
• Vote to join the Opioid Settlements with the State of Massachusetts	5-0
• Vote to approve the CDBG – FY18 Response Letter with revisions	5-0
• Vote to adjourn the meeting at 8:11 p.m.	5-0

1. Host Community Agreement – Mass Yield Cultivation, LLC

Sonia Orenstein and Craig Kahn from Mass Yield Cultivation, LLC joined the board to finalize the Host Community Agreement. Town Counsel had reviewed and advised on the agreement; the board felt the comments were not enough to hold off the approval. R. Killeen shared his concerns that the industry with become over saturated and is concerned about what will happen 5-8 years down the road. S. McGrath shared that he is not looking at the agreement from a monetary view and felt that this is an agricultural endeavor, and the proposal fits nicely into Cheshire. R. Killeen agreed that the location off Wells Road is good and suggested that the town needs to monitor this and any other projects better moving forward. M. Francesconi noted that with the previous cultivation facility there was no open dialogue between the Board of Selectmen and Planning Board and that has been resolved. There was discussion on proposing a bylaw change at the Annual Town Meeting to lessen the amount of grow facilities. Sonia Orenstein pointed out that they are using 10 acres of the 100-acre parcel and have plans to utilize the property for other recreational uses. Craig Kahn asked the board not to group Mass Yield Cultivation with the other current

cultivation company stating that the proposal of Mass Yield Cultivation is extremely conclusive to the area and the ideal situation for the company and the town.

A motion was made by J. Levesque and seconded by S. McGrath to approve the Host Community Agreement with Mass Yield Cultivation, LLC.

Roll Call Vote: M. Biagini – Yes; S. McGrath – Yes, J. Levesque – Yes; M. Francesconi – Yes, R. Killeen- No
Motion Carries: 4-1-0

2. Department Reports

a. Highway Department Report – Robert Navin

- Final aspects of the paving project were completed (aprons, backfilling, curbing). The issue on Stonehedge at the bottom of Arnold Ct. was addressed by the contractor, repairs are complete. The blacktop was patched to get through winter, next spring if there are no more settling issues it will be finished with a coat of blacktop.
- Street signs for roads off Route 116 have been ordered, there are man signs around town not in compliance. Signs will be replaced in the in stages, new signs are 9 inches with 6-inch letters and will be retro reflective.
- SafetyNet the company used for logging and updating safety ad inspection inventoried all chemicals to update the SDS (Safety Data Sheet) book. This is done every two years.
- Employees have been out a few times already plowing, the Snow and Ice removal policy is on the town website. Most questions received by the department can be answered in the policy. Resident sand at the highway garage is located to the left as you pull in and is classified as winter coarse sand, unlike beach sand it is grittier and black in color. Sand is purchased through the county bid and a small amount of salt is mixed in to keep it from freezing. The new F550 is complete and gong through quality control testing this week and will be delivered soon. The other new truck will be delivered in late February or early March.
- R. Navin discussed the installation of the gas tank at the highway garage to be used by all town departments. The gas tank would ultimately save the town money and billing hassles by having it located at the highway garage. The estimated cost to install is $30,000. This will be discussed in further detail during budget discussions.

b. **Council on Aging** – Written report submitted. A suggestion was made to have the seniors tour town to look at the home Christmas light displays. The council on aging chair was present via remote participation and thought it was a great idea.

3. Consent Agenda

A motion was made by M. Francesconi and seconded by J. Levesque to approve the consent agenda.
Roll Call Vote: M. Biagini – Yes; S. McGrath – Yes, J. Levesque – Yes; M. Francesconi – Yes, R. Killeen- Yes
Motion Carries: 5-0

Minutes	*11/30/21 & 12/7/21*	◯ *As Submitted* ◯ *As Amended*
Warrants	*12/14/2021*	◯ *Payroll* ◯*Vendor*

4. Discussion/Decision Items

a. EMD Job Description and Posting

A motion was made by M. Francesconi and seconded by J. Levesque to approve the EMD Draft Job Description and post on the website.

Roll Call Vote: M. Biagini – Yes; S. McGrath – Yes, J. Levesque – Yes; M. Francesconi – Yes, R. Killeen- Yes
Motion Carries: 5-0

b. Opioid Settlements

The Town Administrator reached out to the Police and Fire Chief and read the Police Chief response to the Opioid settlements. Discussion ensued on the uses for the money that will come to the town including Narcan does and Police "dare" training at the middle/high school.

A motion was made by M. Francesconi and seconded by S. McGrath to opt into the Opioid settlements.

Roll Call Vote: M. Biagini – Yes; S. McGrath – Yes, J. Levesque – Yes; M. Francesconi – Yes, R. Killeen- Yes
Motion Carries: 5-0

c. CDBG Response Letter

The letter was prepared by Patricia Mullins of BRPC was reviewed and M. Francesconi has some grammatical changes.

A motion was made by M. Francesconi and seconded by J. Levesque to approve the letter drafted by BRPC with grammatical changes.

Roll Call Vote: M. Biagini – Yes; S. McGrath – Yes, J. Levesque – Yes; M. Francesconi – Yes, R. Killeen- Yes
Motion Carries: 5-0

d. Financial Management Review

The Town Administrator updated the board that the Financial Management Review is set to begin after the holidays. She will be reaching out to board members to set up an appointment schedule with the Department of Revenue.

e. Retail Marijuana Establishment – Nirvana Management Massachusetts, LLC

The preliminary letter from Nirvana Management of Massachusetts, LLC was reviewed by the board. The entity is looking to establish a retail facility at the current location of Bass Water Grille (287 South State Road). Board members shared concerns over the location of the proposed establishment citing traffic/safety concerns, proximity to the rail trail, lake, and recreation areas. Members felt that the location does not fit into the established character of the neighborhood. A meeting will be set up with the attorney and Nirvana Management of Massachusetts, LLC in January.

5. Town Administrator Updates

a. MS4- Notice of Intent

J. Morse updated the board that the Notice of Intent was updated to include the educational aspects and has been sent to the state for approval. The next step is to complete the third year Annual Report with a deadline February 1, 2022, which is an extension from the Fall 2021 submission date.

b. Community Compact – IT Grant

J. Morse shared that the Town was awarded $40,561 to install firewalls and a server. She further shared that she had reached out to Northeast IT to get a quote for the project and will be sharing the proposal when it is complete.

c. Budget Memo

The draft budget memo was presented to the board in their packets. J. Morse shared that the budget worksheets are the same as previous years. She also noted that she only discussed capital projects with the Cemetery Commission, Council on Aging and Highway Departments. The Budget workbook itself will have a multiple year comparison and S. McGrath asked to have year end reports for five years. There was discussion about the mandatory increase to Library services, J. Morse said she had information from the Library Trustees that she will share.

d. **Other Updates**:

The library steps temporary fix is complete, and the Assessor's Office is being painted. Morse inquired about closing Town Hall Offices to the public from December 27-December 30 since staff will be taking time off according to the personnel manual, the library will remain open.

M. Francesconi noted that the Highway Superintendent was approached recently regarding the horse troth and town hall use of salt and grant opportunities. She spoke of the need for a flow chart showing the structure of command in town. There was discussion about inviting Mr. Tower and Mr. Tremblay to an upcoming board meeting to discuss their concerns regarding the monument and town hall.

6. Announcements from Board Members

J. Levesque spoke with Verne Tower about the Stafford Hill Monument

M. Francesconi noted that the school district emailed Opt-Out information to all families regarding the Panorama surveys, she felt that was positive. She also noted that the district is pushing families to meet the vaccination threshold to unmask students, sharing that there is a large gap to meet the 80% needed district wide.

7. Public Comment

John Tremblay spoke with Bob last Wednesday about his meeting with Verne Tower and the need for a discussion to take place since the infrastructure is at a critical point. He suggested a "Grant Committee" to look at potential opportunities to bring to the Board of Selectmen to not overstep.

Adjournment: *A motion was made by S. McGrath and seconded by R. Killeen to adjourn the meeting at 8:11 p.m.*

Roll Call Vote: M. Biagini – Yes; S. McGrath – Yes, J. Levesque – Yes; M. Francesconi – Yes, R. Killeen- Yes
Motion Carries: 5-0

Respectfully Submitted,
Jennifer Morse
Town Administrator
December 28, 2021

Document List

1. Agenda December 15, 2021
2. Host Community Agreement – Mass Yield Cultivation LLC
3. Minutes November 30, 2021
4. Minutes December 7, 2021
5. Highway Department Report
6. Council on Aging Report
7. EMD Job Description
8. CDBG Response Letter
9. Email Nirvana Management re: 287 South State Road

Approved:

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OFFICE OF THE BOARD OF HEALTH

January 3, 2022

To whom it may concern,

As you may be aware, the state issued at-home rapid COVID-19 test to towns that fall below the poverty level. Cheshire did not receive any at that point. Most recently, these tests became available for purchase for municipalities direct from the manufacture. It is our opinion as The Board of Health that the town does not purchase these at-home tests.

We feel that the town should not purchase these tests for a few different reasons. Our main concern being result accuracy. At home tests have been proven to not have the same accuracy as the ones provided at local testing facilities. Another concern of ours is means of distribution as we do not want to be responsible distributing them to the public. Another major concern of ours is having potentially sick people coming into our town buildings to acquire testing kits.

Rather than having the town purchase at-home tests, we strongly encourage residents to schedule more accurate testing through one of the several testing facilities located in the surrounding towns. Links to these testing facilities can be found on the town's website, along with other COVID-19 testing information.

Respectfully submitted,
The Board of Health

Cj Garner
Michael Kruszyna
Brian Trudeau

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OFFICE OF THE BOARD OF SELECTMEN

Town Vehicle Parking Policy
Town Employee Time Clock Policy

The following will apply to all Highway, Council on Aging and Water Department Employees both non-exempt (hourly) and exempt employees (salaried) who use Town Vehicles.

Town owned vehicles shall be kept in the following locations:

Council on Aging Van-	Highway Garage
Highway Department-	Highway Garage
Water Department -	Highway Garage
Police Cruisers-	Police Station
Fire Apparatus/Equipment -	Fire Station

Employees are expected to clock in and out at their regularly scheduled times using the Highway Department punch time clock (the highway superintendent will give you access). Under certain conditions (such as trainings at an off-site location, etc.) when an employee can not clock in and out at their designated location, the employee should hand write hours worked on the timecard upon their return.

Employees are required to clock out any time they leave the work site for any reason other than assigned work duties. This does not include break times, restroom breaks or other work-related breaks.

Time recorded for exempt employees must equal the total hours scheduled, consisting of actual time worked, personal time/vacation time/sick time, holiday time. If the employees work week does not equal the total hours, then time accumulated, leave or payroll reductional will automatically be made by the treasurer office to account for the total hours.

Any adjustments to the recorded time must be approved by the employee's supervisor and made on the submitted time sheet. Department Heads will be accountable for any manual changes submitted.

Non-Exempt Employee - Employees who are paid hourly, and overtime is regulated by the Fair Labor Standards Act or by contract.

Exempt Employee - Employees who are not covered by the Fair Labor Standards Act and do not receive overtime pay. An exempt employee is paid to perform a job which may not necessarily be completed in a normal work week.