TOWN OF CHESHIRE

80 CHURCH STREET | CHESHIRE, MASSACHUSETTS 01225
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OFFICE OF THE BOARD OF SELECTMEN

Board of Selectmen

Meeting Minutes – May 16, 2023

Pursuant to a notice duly filed with the Town Clerk, a meeting of the Board of Selectmen was held in person at 191 Church Street (Cheshire Elementary School) on Tuesday May 16, 2023, at 6:30 PM

Board of Selectmen Members Present: Shawn McGrath, Chair
Jason Levesque, Vice Chair
Ray Killeen, Member
Michelle Francesconi, Member
Ron DeAngelis, Member

Others Present: Jennifer Morse, Town Administrator; Corey McGrath, Facilities Manager; Michael "Mickey" Biagini; Michael Alibozek, Police Chief; Rick Gurney, Water Commissioner; Jeff Chaput; Denise Gregoire; John Tremblay; Peter Traub; Lynn Melchiori; Carol Francesconi; Patrick Pettit; Art Kaufman; I Berkshires; Aaron Dean, HVRSD Superintendent; Erika Snyder, HVRSD Business Manager; Mike Henault, School Committee Cheshire Rep.; Adam Emerson, School Committee Cheshire Rep; Bethany DeMarco, School Committee Chair; Andrew Przystanski, School Committee Adams Rep; John Duval, School Committee Adams Rep; Monica Zanin, SPED Director; Kristen Palatt, Curriculum Director; Colleen Byrd, High School Principal.

M. Francesconi opened the meeting of the Board of Selectmen at 6:30 p.m.

Summary of Votes

Vote to make S. McGrath, Chair and J. Levesque, Vice Chair	5-0
Vote to recommend the Hoosac Valley Regional School District FY24 Budget	4-1
Vote to approve consent agenda with edits	5-0
Vote to appoint Michael Biagini as Representative to the NBSWMD	3-0-2
Vote to hire Evan Rose and Lucan McGrath as Groundskeepers	4-0-1
Vote to approve HVMC Special Event Permit Applications	5-0
Vote to rescind appoint of Michelle Francesconi to the Recreation Committee	5-0
Vote to adjourn the meeting at 8:25 p.m.	5-0

Reorganization of the Board of Selectmen

M. Francesconi thanked the board for the support over the past several years, noting the changes that have happened within that time frame and opened the floor to a motion to appoint a new chair and vice chair.

A motion was made by R. DeAngelis and seconded by R. Killeen to nominate S. McGrath as Chair and J. Levesque as Vice Chair.

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

S. McGrath then took over the role and led the meeting.

Hoosac Valley Regional School District FY24 Budget & SRO Position

Aaron Dean, Superintendent started the conversation with his concerns regarding the budget process sharing that he felt as if the district was transparent as they dug deep into the budget and felt blindsided by the notification that the Board of Selectmen was not recommending the budget due to heavy administrative costs. Further he shared that the district has been upfront while adding positions and the operating budget is now reflective of what the district needs moving forward. Superintendent Dean explained that he came into a struggling district with deprived resources, MCAS scores that are behind, curriculum that is 10-20 years old, state reporting that was behind and teachers struggling with the updated curriculum. They have faced significant problems and with the current team he feels confident that changes will be noticeable in the next 3-5 years. The Superintendent spoke of each of the added administrative roles and the support they are giving the teachers and families, also noting that there are nine open paraprofessional jobs that they have been unable to fill.
Cheshire School Committee Representative Mike Henault noted that the School Committee went through the budget line by line and questioned the Superintendent through the process stating that it was not a budget that was taken lightly. He compared Hoosac Valley to other districts with similar demographics noting that comparably Hoosac Valley is administrative light especially considered the structure of the school made difficult by the licensing through DESE, he noted that HVRSD is 15% administrative compared to other districts that are 25% administrative.

R. Killeen spoke about the feedback he is getting from parents and the community that families feel they are not getting the best educational product that they can, noting the disrespect and behavior issues of students. Curriculum Director Kristen Palatt recognized those issues and shared a new program "Portrait of a Graduate" where staff visits other districts to get ideas for improvement.

Cheshire School Committee Chair Bethany DeMarco feels like there is no choice other than to move forward and to address the concerns the district has been facing which comes at a cost. The decisions being made by the administration are a steppingstone to get staff, kids and families excited about HVRSD.

R. DeAngelis asked how the district is measuring its investment. The Superintendent responded that they would look at graduation rates, MCAS scores, absentee data, retainage of students, noting that regionalization may have to be looked at down the road. Mike Henault mentioned the DESE dashboard which also shows data.

S. McGrath requested a three-year rolling budget realizing that a lot of assumptions would need to be made regarding revenues and requested a matrix for measuring improvements. There was discussion regarding the per pupil expenses and how they are calculated.
J. Levesque asked about positions that have previously been grant funded and now are in the operating costs and what that looks like in the future, noting that the district has a reputation to overcome.

Since a formal vote was not taken at the last Board of Selectmen meeting just a discussion regarding not recommending the FY24 budget.
A motion was made by M. Francesconi and seconded by S. McGrath to recommend the Hoosac Valley Regional School District Fiscal Year 2024 budget.
Roll Call Vote: R. DeAngelis – Yes; R. Killeen – Yes; M. Francesconi – Yes; S. McGrath – Yes, J. Levesque – No
Motion Carries: 4-1-0

M. Francesconi shared that she is looking forward to seeing what comes of the new opportunities and shared her own child's success story further stating that the issues she has with DESE mandates are above the level of the school district.
Cheshire School Committee Representative Adam Emerson spoke about the new pathways coming to the high school stating that the Superintendent and his team are doing great things to make HVRSD a destination and the money being spent will be recognizable.

Student Resource Officer Position

Chief Alibozek joined the discussion and spoke about the SRO position at the middle/high school and the benefits. The Superintendent can fund the position through a grant and is working on a three-year school safety grant. The priority is the middle/high school however the position would be a benefit to the elementary school as well. Chief shared if it is a middle/high school only position it would have to be taken on by the town due to jurisdictional issues. M. Francesconi shared that she knows Adams is interested in the conversation as well. R. DeAngelis spoke of a mutual agreement with the Town of Adams who has a larger department and the ability to manage such a position. The Town Administrator suggested getting through both towns' Annual Town Meeting and then setting up a meeting between the two towns, police chief and the school district.

Water Department – Staffing Plan

Rick Gurney, Chair of the Water Commission joined the board to talk about the submitted staffing plan. Rick explained that the Town had thirty days to hire and submit a new staffing plan. Ads in several publications and on the website brought no licensed operators and the Town was fortunate to find Tom Lussier, former primary operator in North Adams. Mr. Lussier is willing to stay on until a permanent solution is found and R. Gurney spoke about meeting with the DEP to better understand their requirements moving forward. Mr. Lussier is currently working nineteen hours per week and the secondary operator is handling the remainder of the hours.

Consent Agenda

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

Board of Selectmen Business

a. Final Draft Special Town Meeting Warrant and Annual Town Meeting Warrant/Non-Binding Resolution and Citizens Petition

   The Town Administrator noted that this is not the final draft of the Annual Town Meeting warrant, the Finance Committee will not be making recommendations on the warrant before posting and will create a separate document, so recommendations need to be removed. A non-binding resolution regarding the Fire Station was discussed at a prior meeting was draft and sent to board members and a discussion ensued on including the resolution, it was decided to have summer community informational meetings about the status of the Fire Department. There was discussion regarding the citizens petition and proper procedures for the passing of a Zoning Bylaw amendment. The Town Administrator shared that the warrants will need to be signed by next Tuesday for proper posting.

b. Northern Solid Waste Management District Appointment

R. Killeen noted that the Board of Selectmen is the appointing authority for this position, that Michael Biagini was interested in the position, has held it in the past and that NSWMD would love to have him be the representative. The Town Administrator noted that she had approached the Board of Health again after the topic was on a prior agenda and that Mike Kruszyna was willing to serve in the position until a clerical person could be hired to attend the meeting, she shared her concern that a while the last clerical support person had the ability to attend evening meetings the next employee may not have the band width.

A motion was made by R. Killeen and seconded by J. Levesque to appoint Michael Biagini to be the Representative to the Northern Berkshire Solid Waste Management District.

Roll Call Vote: R. DeAngelis – Abstain; R. Killeen – Yes; M. Francesconi – Abstain; S. McGrath – Yes, J. Levesque – Yes

Motion Carries: 3-0-2

c. Groundskeeper Hiring – Evan Rose & Lucan McGrath

A motion was made by J. Levesque and seconded by R. Killeen to hire Evan Rose and Lucan McGrath as Groundskeepers.

Discussion: R. DeAngelis asked who they will report to, and it was clarified that they will report to the Cemetery foreman and if they are not needed in the cemetery, they will work with the highway department.

Roll Call Vote: R. DeAngelis – Yes; R. Killeen – Yes; M. Francesconi – Yes; S. McGrath – Abstain, J. Levesque – Yes

Motion Carries: 4-0-1

The Town Administrator shared that a resignation letter was received from David "Tizzy" Lazarczyk, his last day of employment is May 18, 2023. The job has been posted to the website and applications will be forwarded as received.

d. HVMC – Special Permit Applications (August 5 & 6 and July 2)

R. DeAngelis requested that the Planning Board investigate the zoning bylaw regarding bike races which only addresses the principal use not the accessory use.

A motion was made by S. McGrath and seconded by M. Francesconi to approve the special permit application pending the certificate of insurance.

Roll Call Vote: R. DeAngelis – Yes; R. Killeen – Yes; M. Francesconi – Yes; S. McGrath – Yes, J. Levesque – Yes

Motion Carries: 5-0

e. Tag Sale Regulations/Policy

Discussion regarding the Tag Sale Policy, changes will be made to the title making it ordinance, language added for enforcement of more than four sales per year by the zoning enforcement officer and changing the total allowable tag sales from two to four. The draft will be added to the next agenda for approval.

f. Rescind Recreation Committee Appointment – Michelle Francesconi

A motion was made by S. McGrath and seconded by R. DeAngelis to rescind the recreation committee appointment of Michelle Francesconi and to make her the selectboard liaison to the committee.

Roll Call Vote: R. DeAngelis – Yes; R. Killeen – Yes; M. Francesconi – Yes; S. McGrath – Yes, J. Levesque – Yes

Motion Carries: 5-0

Town Administrator Updates

a. MBI Digital Equity Plan Grant - The Town of Administrator shared the process to date which started with a conference call with MBI. MBI suggested a regional approach with the other Berkshire County towns of Adams, Florida, Lanesboro, and North Adams. The communities then chose VHB as the vendor and met regarding the scope of work. The intent of the project is to engage in planning activities related to advancing digital equity especially for the elderly, school age children and low income to get a better understanding of demographics of the communities and the availability and accessibility of internet and broadband infrastructure, devices, and digital literacy training.

b. Budget Presentation - Presentation will be scheduled for Tuesday May 30 at 6:30 p.m. at the Board meeting and Wednesday May 31 at 12:30 p.m. at the Community Center. A power point has been created and will be distributed to board members prior to the presentation. All documents will be added to the website.

c. One Stop Grant Applications - The Town Administrator shared that she is currently working on a STRAP grant application for Ingalls Road, a Small Rural Communities grant for the continue of the Water Project on North State Road to Eastview and an Underutilized Properties grant for a feasibility study of the old section of the school. R. DeAngelis mentioned that attention will need to be given to West Mountain Road soon to which audience member Art Kaufman agreed.

Announcement by Board Members

R. Killeen shared that he met with BRTA regarding the bus stop structure and has met with Corey Swistak regarding the concrete pad. Corey will coordinate with DCR for approval. M. Francesconi mentioned that one resident approached her requesting the town request abandonment of the current route to the old route, she shared that she explained the process to the resident and has not heard back again.

Public Comment - None

A motion was made by J. Levesque and seconded by M. Francesconi to adjourn the Board of Selectmen meeting at 8:25 p.m.

Vote: Unanimous

Motion Carries: 5-0

Respectfully submitted,
Jennifer Morse
May 16, 2023

Document List

1. Agenda – May 16, 2023
2. Water Department Staffing Plan
3. Draft Minutes
4. Special Town Meeting Warrant – Draft
5. Annual Town Meeting Warrant – Draft
6. Non-binding resolution- Draft
7. HVMC Special Permit Applications
8. Tag Sale Policy – Draft

9. MBI Scope of Work
10. Highway Bi-Weekly Report

Approved: Board of Selectmen 5/23/23

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OFFICE OF THE BOARD OF SELECTMEN

Board of Selectmen

Meeting Agenda – May 16, 2023
6:30 PM

Cheshire Elementary School – Cafeteria

1. Open Regular Meeting Introductions and Pledge of Allegiance
2. Reorganization of the Board- Chair and Vice Chair
3. Hoosac Valley Regional School District FY24 Budget & SRO Position - Superintendent & School Committee
4. Water Department re: Primary Water Operator/Staffing Plan
5. Consent Agenda
   a. Minutes April 18, 2023, Minutes April 25, 2023, Minutes May 2, 2023
   b. Warrants – PR23-23, AP23-24
6. Board of Selectmen Business
   a. Final Draft Special Town Meeting and Annual Town Meeting Warrants/Non-binding resolution & citizens petition
   b. Northern Berkshire Solid Waste Management District Appointment
   c. Groundskeeper Hiring - Evan Rose, Lucan McGrath – May 26,2023 Start Date
   d. HVMC – Special Permit Application (Aug 5&6 and July 2)
   e. Tag Sale Regulations/Policy
   f. Rescind Recreation Committee Appointment – Michelle Francesconi
7. Town Administrator Updates
   a. MBI- Digital Equity Plan Grant – Scope of Work from VHB
   b. Budget Presentation Schedule (Tuesday May 30th at 6:30 p.m. & Wednesday May 31st at 12:30 p.m.)
   c. One Stop Grant Applications – Ingalls Road, Water Project, Underutilized Properties
8. Announcements from Board Members
9. Public Comment
10. Any other business not reasonably anticipated 48 hours prior to the meeting.

Submitted by: Jennifer Morse – Town Administrator Posted: 5/10/23 @ 2:15 p.m.

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

Information for 5/16 meeting as requested by Board of Selectmen / Finance Committee

Positions Added to Operating Budget FY24

AD	$78,450
SPED Team Leader	$86,860
HS Social Studies teacher out of ESSER	$63,807
HS Science teacher out of ESSER	$65,721
Computer Teacher HVE	$54,775
VP of Teaching & Learning HS - out of ESSER	$90,000
VP of Teaching & Learning MS - out of ESSER	$82,000
Total $ for positions added to Op budget	**$521,613**

Allowable E&D Balance 6/30/2023 **$1,069,259.75**
= 5% of FY24 Budget

Projected Balances in Revolving Fund Accounts

		Uses / notes
Transportation	$197,833.00	to be used towards FY24 assessment reduction
School Choice	$720,000.00	used for 1 time curriculum / large purchases
Tuition (Savoy)	$203,000.00	will absorb cost of 1 elementary teacher when needed
Athletics / Activities	$122,825.00	used for large equipment / supplemental to amounts budgeted in op budget / contingency for contractual changes as stipends tied to teacher contract
Food Service	$150,000.00	operational costs for school lunch program

HVRSD Projected Enrollment 2023-2024

HVES Projected Enrollment				
Grade Level	Total Students	# of Sections	Class Size	Choice Slots
Pre-K	70	3	N/A	N/A
K	80	5	16	0
1	74	4	19	0
2	100	5	20	0
3	66	4	17	4
TOTAL	390	18	18	4

*denotes K-3

HVMS Projected Enrollment				
Grade Level	Total Class Size	# of Sections	Class Size	Choice Slots
4	85	4	21	0
5	65	4	16	10
6	80	4	20	0
7	66	4	16.5	10
TOTAL	296	16	19	20

HVHS Projected Enrollment				
Grade Level	Total Class Size	# of Sections	Class Size	Choice Slots
8	80			5
9	85			0
10	83			7
11	50			10
12	40			0
TOTAL	338	24	14	22

TOTAL ENROLLMENT	1024

TOTAL OPENINGS	46

Water Department Staffing Plan

System Staffing and Comprehensive Operations Plan

System Name: Cheshire Water Department City/Town: Cheshire PWS ID#: 1058000

System Classification: COM ☒ NTNC ☐ NC ☐ (Check one)

Contract Operator(s)☐ Licensed Staff ☒ No Certified Operator☐ (Check one)

Operator Name: Tom Lussier__ Phone# (413) 441-7623 Grade/Cert# D2-T1 6085/7116

Operator Name: Patrick Klammer Phone# (413) 822-4444 Grade/Cert# D1-T1 11153/8582

Give a brief description of **proposed** operating practices including the number of hours per day, week, or month that the licensed operator will be at the facility. Include the name and telephone number of the person accepted by the licensed operator who will be responsible for the system in the absence of the licensed operator. (See notes below for further information.) *Please note if any of the operators listed above are "grandfathered" due to the changes in 310CMR22.11B.*

The operator will be on-site to mix chemicals, calibrate equipment, adjust chemical dosages, and perform other critical routine functions and record daily readings, such as usage data, chemical readings, pressure readings, check and confirm the validity and accuracy of data. With the exception of any proprietary equipment that is on-site, a qualified manufacturer will provide those necessary duties. The operator expects to spend a minimum of 4 hours per day every Monday-Friday, and overseen/visited by a certified operator at least once per day on weekends and holidays to perform routine inspections in accordance with Mass DEP time outlines. The Primary Operator's Emergency response time shall be within one hour of notification.

Please note the following:

1. The primary operator must be able to respond to emergencies within one hour during those times when he or she is not present at the facility.

2. The primary operator is responsible for the operation of the system during his or her absence between scheduled visits. The person(s) affiliated with the public water system are acting under the direction of the primary operator.

3. The PWS must have the ability to detect any malfunction in the operation of the facility/system in the absence of the primary operator.

I certify under penalty of law that I am the person authorized to fill out this form and the information contained herein is true, accurate and complete to the best of my knowledge and belief.

Signature (Rick Lussier) Date 4-25-23

Minutes

TOWN OF CHESHIRE

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OFFICE OF THE BOARD OF SELECTMEN

Board of Selectmen & Finance Committee Joint Meeting

Meeting Minutes – April 18, 2023

Pursuant to a notice duly filed with the Town Clerk, a meeting of the Board of Selectmen was held in person at 191 Church Street (Cheshire Elementary School) on Tuesday April 18 ,2023, at 6:15 PM

Board of Selectmen Members Present: Michelle Francesconi, Chair
Shawn McGrath, Vice Chair
Jason Levesque
Ron DeAngelis
Ray Killeen

Finance Committee Members Present: John Tremblay, Chair
Jeff Chaput
Denise Gregoire
Patrick Pettit
Michael Biagini
Kathy Levesque

Finance Committee Members Absent: Lenwood "Woody" Vaspra

Others Present: Jennifer Morse, Town Administrator; Corey McGrath, Facilities Manager; Adams Little League Representatives; Peter Traub; Corey Swistak, Co-Interim Highway Superintendent.

M. Francesconi opened the meeting of the Board of Selectmen at 6:15 p.m.

Concession Stand/Bathrooms/Field Discussion with Adams Cheshire Little League Representatives

The Board viewed the current condition of the Concession Stand. Discussion on the use of the building, fire code and suppression, parking and bathrooms. The league will have the hood professionally cleaned and will reach out to the Board of Health regarding inspection. There was discussion about the field being used strictly for baseball during the season to avoid damage to the pitching mound, the league will send a letter to the Youth Center with this request. The facilities manager will now oversee winter weatherization and care of the building and systems.

Board of Selectmen Business

a. Northern Solid Waste Management District Appointment – Michael Biagini

The Town Administrator shared that the former Board of Health Clerks held the position however for quite some time it has been vacant, when inquired no one from the Board of Health was interested in the position. Linda Cernick, Director of NBSWMD would "love" to have Michael Biagini be the representative from Cheshire, he has held this role in the past. After discussion the board asked the Town Administrator to check with the Board of Health regarding this appointment.

b. Recreation Committee Appointment – Michelle Francesconi

A motion was made by R. DeAngelis and seconded by R. Killeen to appoint Michelle Francesconi to the Recreation Committee

Roll Call Vote: R. DeAngelis – Yes; R. Killeen – Yes; S. McGrath- Yes; J. Levesque – Yes, M. Francesconi- Abstain
Motion Carries: 4-0-1

c. Minutes – April 10, 2023

A motion was made by M. Francesconi and seconded by S. McGrath to approve the April 10, 2023, minutes with changes.

Roll Call Vote: R. DeAngelis – Yes; R. Killeen – Yes; S. McGrath- Yes; J. Levesque – Yes, M. Francesconi- Abstain
Motion Carries: 4-0-1

d. Church Street Tree Removal

An estimate was obtained to remove the large tree at 175 Church Street, the total cost to remove this tree and a tree on the town property across from the Fire Station was $4,500. M. Francesconi shared that in the past another tree on the same property was removed by the Town and the stump ground. There was discussion about obtaining the town right of way information to determine if the tree is on town property.

Joint Meeting with Finance Committee – General Budget Discussion

J. Tremblay called the meeting of the Finance Committee to order at 7:00 p.m.

Stormwater System Date Collection and Services - A proposal from CAI Technologies was reviewed, the proposal would map and manage data for stormwater and the water system throughout the Town. Corey Swistak and Corey McGrath were both present and felt that it would benefit both the Water Department and the Highway Department. After discussion it was decided not to move forward at this time.

Emergency Management – Add a $1,500 stipend for the Emergency Management Director, it was noted by M. Francesconi that there is a lot of work to complete the Comprehensive Emergency Management Plan and participate in Northern Berkshire Emergency Planning and ASHER meetings.

COA Director - R. Killeen and the Town Administrator met with the Council on Aging Director to determine the appropriate number of hours. R. Killeen shared that the Director is confident that 22 hours is sufficient at this time. Discussion on the position triggering health insurance and other benefits.

Director of Public Works Position - The Town Administrator shared that the Cemetery and Water Commissioners are not in favor of the position. M. Biagini explained that two of the Water Commissioners feel that there is no game plan and ducks are not in a row regarding how personnel will be managed, and equipment shared. M. Biagini said he is in favor of such a position in the future but not at this time. J. Tremblay shared his concern that

the position may be premature. There was discussion on the current situation of Interim Superintendents and the fact that it is not a long-term solution, and S. McGrath stated that this was a suitable time to implement the position. There was discussion about implementing the position in phases and hiring a DPW Director if approved at Town Meeting.

Capital Projects - Discussion on replacing the Police Station Windows with ARPA funds, the estimated cost is $40,000, the current windows are duct taped. It was acknowledged that the Fire Station repairs are estimated to cost 1.3 million dollars, small improvements are in the plans including painting the bathroom, rot around the garage doors and the condensation issue in the concrete floor. It was acknowledged that all the Town buildings were neglected for years and now the town is catching up on deferred maintenance.

Excavator - J. Tremblay is not comfortable with the purchase without knowing what is on the horizon. The Town Administrator shared that she has been working with Corey Swistak on a Capital List and the next large purchases will be to replace Truck #4 which is a 2012 International Dump Truck and the New Holland Tractor, which is a 2001, both replacements are on the DRAFT capital plan for replacement in 2026 or 2027. P. Pettit suggested purchasing a smaller excavator with tracks and a used backhoe. M. Biagini felt that the town needs a backhoe and there was a long discussion about the benefits of the two machines. Discussion on the extended warranty also increased the estimated price to $177,300. R. DeAngelis shared that he had gone with one of the Co-Interim Superintendents to look at various pieces of equipment in surrounding towns and at the dealerships and felt that the proposed machine would be efficient and a benefit to the town.

Free Cash - Discussion on retaining 3% or approximately $230,000 of free cash.

It was decided that the Finance Committee and Board of Selectmen would meet again next week to finish the budget discussions and decide on usage of free cash after changes are made to the budget workbook.

Finance Committee Adjourn

A motion was made by D. Gregoire and seconded by M. Biagini to adjourn the Finance Committee meeting at 9:41 p.m.

Vote: Unanimous

Motion Carries: 6-0

Unanticipated Business

The Annual Town Election Warrant was signed by board members at the request of the Town Clerk.

Board of Selectmen Adjourn

A motion was made by M. Francesconi and seconded by J. Levesque to adjourn the Board of Selectmen meeting at 9:47 p.m.

Vote: Unanimous

Motion Carries: 5-0

Respectfully submitted,
Jennifer Morse
May 3, 2023

Document List

1. Agenda – April 18, 2023
2. GPS Mapping Drainage System Proposal

3. Health Insurance Information
4. House and Means Cherry Sheets
5. Library 125th Celebration Flyer
6. Highway Department Bi-Weekly Report
7. DLTA email re: Open Space and Recreation Plan support

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OFFICE OF THE BOARD OF SELECTMEN

Board of Selectmen & Finance Committee Joint Meeting

Meeting Minutes – April 25, 2023

Pursuant to a notice duly filed with the Town Clerk, a meeting of the Board of Selectmen was held in person at 191 Church Street (Cheshire Elementary School) on Tuesday April 25 ,2023, at 6:30 PM

Board of Selectmen Members Present:	Michelle Francesconi, Chair Jason Levesque Ron DeAngelis Ray Killeen
Board of Selectmen Members Absent:	Shawn McGrath, Vice Chair
Finance Committee Members Present:	John Tremblay, Chair Jeff Chaput Denise Gregoire Patrick Pettit Kathy Levesque
Finance Committee Members Absent:	Lenwood "Woody" Vaspra Michael Biagini
Others Present:	Jennifer Morse, Town Administrator; Corey McGrath, Facilities Manager; Peter Traub.

M. Francesconi opened the meeting of the Board of Selectmen at 6:30 p.m.
J. Tremblay opened the meeting of the Finance Committee at 6:31 p.m.

General Budget Discussion
K. Levesque asked why Town Counsel if now Legal Services it was explained that there are times when specialized legal services may be necessary and this line would allow for expenditures of additional services.

School Resource Officer - M. Francesconi shared that she, the Town Administrator, and the Police Chief met with Superintendent Dean last Thursday regarding a School Resource Officer. This officer would work at the middle and high school and funded in the first year with ESSER grant funds through the district. There was discussion regarding the position and if Adams would be more suitable to take on the position. There was discussion regarding a memorandum of understanding between parties and an agreement for jurisdiction if Adams was to

be the lead town. After discussion it was decided to omit the position from the budget and M. Francesconi will reach out to all parties including the Town of Adams to have a discussion regarding the best path forward.

Excavator- J. Tremblay shared that he had contacted the Town of Adams to explain our situation and the sales dealer regarding the excavator and would like to see the highway department demo both a wheeled and rubber tracked excavator, he has obtained information from the sales dealer and it will be passed along to the highway department through the Town Administrator.

Free Cash - The goal is to retain 3% or approximately $230,000 in free cash leaving an excess of $50,000. The Town Administrator shared that there are a multitude of building projects and suggested the funds be put into the Town Building Repair account. Discussion on how a separate article versus the increase to the actual budget.

DRAFT Warrant Review

Tag Sale Bylaw - After reviewing the bylaw will be removed and a Tag Sale Regulation/Policy will be put into place.

Board of Assessors Exemptions – Information was provided by the Board of Assessors regarding adopting three real estate statutory exemption laws. The articles will allow the increase the cost-of-living adjustments for surviving spouse, minor and senior exemptions.

The next step in the budget process is for both groups to vote on the budget and warrant articles. The Town Administrator will work on the planned budget presentation.

Finance Committee Adjourn

A motion was made by D. Gregoire and seconded by K. Levesque to adjourn the Finance Committee meeting at 7:47 p.m.

Vote: Unanimous

Motion Carries: 5-0

Board of Selectmen Adjourn

A motion was made by M. Francesconi and seconded by J. Levesque to adjourn the Board of Selectmen meeting at 7:48 p.m.

Vote: Unanimous

Motion Carries: 4-0

Respectfully submitted,
Jennifer Morse
May 3, 2023

Document List

1. Agenda – April 25, 2023
2. DRAFT Special Town Meeting Warrant
3. DRAFT Annual Town Meeting Warrant
4. BOA – Exemption Information
5. Budget Workbook

TOWN OF CHESHIRE

80 CHURCH STREET | CHESHIRE, MASSACHUSETTS 01225
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OFFICE OF THE BOARD OF SELECTMEN

Board of Selectmen

Meeting Minutes – May 2, 2023

Pursuant to a notice duly filed with the Town Clerk, a meeting of the Board of Selectmen was held in person at 191 Church Street (Cheshire Elementary School) on Tuesday May 2 ,2023, at 6:30 PM

Board of Selectmen Members Present: Michelle Francesconi, Chair
Shawn McGrath, Vice Chair
Jason Levesque
Ron DeAngelis
Ray Killeen

Others Present: Jennifer Morse, Town Administrator; Corey McGrath, Facilities Manager; Peter Traub; Lynn Melchiori

M. Francesconi opened the meeting of the Board of Selectmen at 6:30 p.m.

Department Head Meeting

Wiring Inspector - George Sweet presented a situation for clarification by the board. Permits are sent to the collector for payment verification, if taxes are not paid the permit is not issued, in certain circumstances the work needs to be conducted for safety purposes. The Building Commissioner stated that in some of the towns he works in collector sign off is not needed for electrical, gas and plumbing permits. J. Levesque felt that in emergency situations the permit should be issued so the work can be completed. After discussion it was decided that a policy would be written up allowing electrical, gas and plumbing permits to be issued without collector signing off in emergency/safety situations. George also informed that board that a lot of solar is happening in town, currently there are 4-5 residential projects.

Police Department - Chief Alibozek stated that call volume is up, body cameras are in place, one officer is currently testing for the Bridge Academy and an additional officer will be testing prior to the end of June. Officer Alvarez is currently taking a Less Lethal Instructor Course; this will allow Officer Alvarez to do in-house less lethal firearms training.

Building Commissioner - Brian Duval shared that permits have been slow right now and explained the increase to his expenses line (new code books) within the FY24 budget.

Fire Department - Chief Francesconi shared that the radios have been installed and will be distributed internally to members, the project time frame for switching to the 800 system is still December and the Cheshire Fire

Department is the only department in full compliance. The Chief has been working with the State Fire Marshall office and Dollar General and he is happy to report that the blocked aisles are better with support from the new manager. The Fire Station bathrooms have been painted by the Community Service Group facilitated by our Facilities Manager. There have been some minor repairs to apparatus, pump testing is completed, and ladder testing will be completed soon. The Chief mentioned that the concrete floor is getting holes and the Facilities manager is looking into options for repair.

Facilities - The School generator is back in service and maintained by Andrus Power Solutions, the generator needs to be staffed during power outages, the company is looking for automated solutions. Estimates have been obtained for generators at the Police Station and Highway Garage. The Police Station weatherization project is complete and heat pumps will be installed this spring. The Police Station window estimate is expected this week and will be replaced with ARPA funds. The school used 12,000 gallons of oil this winter and the school district has been removing all files from the old section. The Cheese Press had some winter damage to the concrete which will be repaired in the coming weeks. The Fire Station boiler project is complete, and the old boiler is being removed this week. The ADA study is on-going with a report due by the end of June with recommendations for the next round of grant funding to complete projects. The Concession stand septic tank is pumped, water is on, all pipes were repaired by Biros Plumbing at no cost, hood vent has been cleaned and fire suppression will be completed shortly. The Town Hall elevator is still out of order, waiting on the state inspectors. George Sweet asked about the generators and the Town Administrator will forward the estimates.

Water Department - Quotes are being obtained from four companies for the apron work on the North State Road project. Gelleher has a plan in place to loam and reseed the project, waiting for two days of good weather. Mill Hill needs loam and seed on the water leak project from last fall. The new water operator is working out great, the DEP has approved the staffing plan.

Highway Department - Grading will start weather dependent next Monday. Roads are being prepped for a paving project expected to start in late June/early July. LB Corp is going to give an estimate on 200 feet of Sandmill Road, Sandri is providing an updated quote for the fuel tank. Road sweeping is expected to begin in the next couple of weeks. Catch basin work is needed on Main Street and Furnace Hill Road. There are a few roads left to chip after the late winter snowstorm. Culvert replacement will be done near 690 Outlook Avenue. Ditch work and boom mowing will commence in June. The Cemetery Commission is looking to have 300 feet of the cemetery paved, currently gravel. There was a discussion regarding mowing. utilizing the fourth groundkeeper to do weekly mowing starting in July, quotes will be obtained from vendors.

Police Department – Detail Policy

The detail policy was reviewed and discussed. R. DeAngelis inquired if the town was charging enough at $50 per hour. J. Levesque would like to see something a little fairer for town projects needing police details, Chief Alibozek said he will not be able to fill the details at a lesser rate. M. Francesconi would like to revisit the policy with updated information from surrounding towns on detail rates and once information is obtained on the loaded cost of employees.

Consent Agenda

A motion was made by M. Francesconi and seconded by S. McGrath to approve the Consent Agenda with tables Minutes of April 18, 2023, and the Youth Center Facilities request form.

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

Board of Selectmen Business

a. Cheshire Rod and Gun Club One Day Liquor Licenses – 5/6/23 & 5/27/23
A motion was made by S. McGrath and seconded by R. Killeen to approve the one-day liquor licenses as presented.
Roll Call Vote: R. DeAngelis – Yes; R. Killeen – Yes; S. McGrath – Yes; J. Levesque – Yes; M. Francesconi – Yes
Motion Carries: 5-0

b. Cemetery Foreman and Groundskeeper Hiring/Process - The Town Administrator informed the board that Cemetery Commission hired Dave "Tizzy" Lazarczyk as Forman and Stephen Hawkes as groundskeeper. They will also be requesting the hiring of Lucan McGrath and Evan Rose in late May. The Cemetery Commission Chair Informed S. McGrath and the Town Administrator that they would only need three workers this year, a fourth will be hired and if needed will work cemeteries or they can be deployed to work in the highway department according to the job description.
A motion was made by S. McGrath and seconded by J. Levesque to hire Dave "Tizzy" Lazarczyk as Cemetery Foreman and Stephen Hawkes as groundskeeper.
Roll Call Vote: R. DeAngelis – Yes; R. Killeen – Yes; S. McGrath – Yes; J. Levesque – Yes; M. Francesconi – Yes
Motion Carries: 5-0

There was discussion about having the Cemetery Commissioners attend the meetings moving forward with the potential employees.

c. Dynegy Energy Services - The Town Administrator shared that the current Municipal Aggregation Contract ends in November 2023. The consortium went out to bid and chose to contract with Dynegy Energy Services as the third-party supplier, the term is 24 months with a rate of .15051 for the standard product. The Town Administrator shared that customers could opt-out if they are not happy with the rate, however it is expected to be much lower than the National Grid rate in the winter months.

d. Zoning Board of Appeals Hearing – May 10, 2023, at 7:00 p.m. – The Town Administrator informed the board that the ZBA Hearing to discuss the requested change of use for the former elementary school will be on Wednesday May 10, 2023, at 7:00 p.m.

e. Church Street Tree - Following up from April 18, 2023, the tree in question is on private property and town funds will not be used to remove the tree.

f. Review & Vote Budget/Warrants - The warrant was reviewed, and a request was made to input the FY23 voted on numbers into each monetary article. All warrant articles are being recommended by the Board except for the Hoosac Valley Regional School District FY24 budget; the board is concerned that the budget is top heavy in administration. There was discussion about not knowing what positions were funded with grants in the past and are now in the operating budget.

Unanticipated Business
McCann Technical School Lacrosse Team – Special Permit Application – Road Race
A motion was made by M. Francesconi and seconded by S. McGrath to approve the Special Permit Application for the McCann Technical School Road race.
Roll Call Vote: R. DeAngelis – Yes; R. Killeen – Yes; S. McGrath – Yes; J. Levesque – Yes; M. Francesconi – Yes
Motion Carries: 5-0

Board of Selectmen Adjourn

A motion was made by M. Francesconi and seconded by J. Levesque to adjourn the Board of Selectmen meeting at 8:57 p.m.

Vote: Unanimous

Motion Carries: 4-0

Respectfully submitted,
Jennifer Morse
May 10, 2023

Document List

1. Agenda May 2, 2023
2. Cheshire Police Detail Overview
3. Dynegy Contract
4. Church Street map
5. Council on Aging Director Report
6. Highway Department Report
7. McCann Tech School Lacrosse Team- Special Permit Application

Special Town Meeting

The Commonwealth of Massachusetts

BERKSHIRE, SS.

To either of the Constables of the Town of Cheshire in County of Berkshire, GREETING.
In the name of **The Commonwealth of Massachusetts**, you are hereby directed to notify and warn the inhabitants of said Town, qualified to vote in elections and in Town affairs, to meet at said Cheshire.

Place: Former Cheshire Elementary School, Cafeteria
191 Church Street, Cheshire MA 01225
Date: Monday June 12, 2023
Time: 6:45 P.M.

Voter check-in to begin at 6:30 PM

CHESHIRE SPECIAL TOWN MEETING – FISCAL YEAR 2023

ARTICLE 1 : Transfer Funds to OPEB Trust Account

To see if the Town will vote to **TRANSFER** a sum of **$20,000** from the Fiscal Year 2023 **HEALTH INSURANCE ACTIVE EMPLOYEES ACCOUNT** (01-914-5710-000) to the **OPEB (Other Post Employment Benefits) TRUST ACCOUNT**, or take any action relative thereto.

Recommended by the Board of Selectmen

Recommended by the Finance Committee

Majority Vote Required

ARTICLE 2: To do and transact any other business that may property come before this meeting, or take any other action in relation thereto.

And you are directed to serve this Warrant, by posting up attested copies thereof at the CHESHIRE TOWN HALL and the CHESHIRE POST OFFICE in said Town, ten (10) days at least before the time of holding said meeting.

Hereof Fail Not, and make due return of this Warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting, as aforesaid.

Given this day under our hands this _____ day of _____ in the year **Two Thousand and Twenty-Three**.

_____
Chair

_____ Cheshire Board of Selectmen
Vice Chair

_____
Member

_____
Member

_____
Member

A true copy. Attest: _____ Constable

Berkshire, SS

Pursuant to the within warrant, I have notified and warned the inhabitants of the Town of Ashfield by posting up attested copies of the same at the Cheshire Town Hall and the Cheshire Post Office

____ days before the date of the meeting as within directed.

_____ _____

Constable of Cheshire Date

Annual Town Meeting Warrant

The Commonwealth of Massachusetts

BERKSHIRE, SS.

To either of the Constables of the Town of Cheshire in County of Berkshire, GREETING.
In the name of **The Commonwealth of Massachusetts**, you are hereby directed to notify and warn the inhabitants of said Town, qualified to vote in elections and in Town affairs, to meet at said Cheshire.

Place: Former Cheshire Elementary School, Cafeteria
191 Church Street, Cheshire MA 01225
Date: Monday June 12, 2023
Time: 7:00 P.M.

Voter check-in to begin at 6:30 PM

CHESHIRE ANNUAL TOWN MEETING

ARTICLE 1: Reports of Officers

To act on the reports of the Town Officers.

Majority Vote Required

ARTICLE 2: Elected Officials Compensation

To see if the Town will vote to set the stipends and compensation for all elected officials of the Town as contained in the budget articles and provided by the M.G.L., c.41, §108, to be made effective as of July 1, 2023, as contained in the budget, or take any action in relation thereto.

Majority Vote Required

ARTICLE 3: Disposal of Surplus Property

To see if the town will vote to authorize the Board of Selectmen to dispose of any unused town-owned equipment and/or property or take any action in relation thereto.

Majority Vote Required

ARTICLE 4: Authorization for Compensating Balance Agreements

To see if the Town will vote to authorize the Town Treasurer to enter into compensating balance agreements for the Fiscal Year beginning July 1, 2023, in accordance with M.G.L. c.44, §53F, or take any action in relation thereto.

Majority Vote Required

ARTICLE 5: State Aid Highway Programs

To see if the Town will vote to borrow and appropriate any additional sum or sums of money which will be reimbursed by the Commonwealth under any applicable State Aid Highway Programs for construction or improvements to Town roads and bridges as requested by the Board of Selectmen, or take any action in relation thereto.

Majority Vote Required

ARTICLE 6: Authorization to Accept/Expend Grants/Gifts to Town

To see if the Town will vote to authorize the Board of Selectmen to apply for, execute contracts and expend grants or monies, or any Federal or State grants or monies, received as set forth in the appropriate application, or take any action in relation thereto.

Majority Vote Required

ARTICLE 7: RESERVE FUND

To see if the Town will vote to **RAISE AND APPROPRIATE** the sums of **$20,000** to be used as a **RESERVE FUND**, pursuant to M.G.L. c 40, section 6 for the extraordinary or unforeseen expenditures for Fiscal Year 2024, or take any action in relation thereto.

Board of Selectmen Recommends

Finance Committee Recommends

Majority Vote Required

ARTICLE 8: GENERAL GOVERNMENT

To see if the Town will vote to **RAISE AND APPROPRIATE** the following sums (**$1,454,105)** for the conduct of **GENERAL GOVERNMENT**, including all charges and expenses of the various town offices, for Fiscal Year 2024, or take any action in relation thereto:

	FY 23 Voted	FY 24 Proposed
Legal Services	12,500.00	12,500.00
Moderator Salary	50.00	50.00
Moderator Expenses	25.00	25.00
Board of Selectmen Stipends (5@$3,787)	18,565.00	18,935.00
Board of Selectmen Expenses	8,269.00	10,400.00
Clean Lake Program	27,850.00	26,206.00
Group Purchasing (Procurement)	800.00	800.00
Town Audit	10,000.00	10,000.00
Municipal Clerk – Asst. Treasurer/Collector	16,700.00	45,936.00
Information Technology	45,000.00	45,000.00
Town Website	5,150.00	5,250.00
Town Administrator Salary	81,592.00	85,000.00
Town Administrator Expenses	3,000.00	3,000.00
Accounting Services	31,500.00	31,500.00
Accounting Software (VADAR)	4,348.00	4,348.00
Assessors Stipend (Chairperson)	3,807.00	3,883.00
Assessors Stipends (Members 2 @$3,328)	6,526.00	6,656.00
Assessors Administrator Salary	30,978.00	31,905.00
Assessors Expenses	5,410.00	3,910.00
Assessors Contracted Services	32,640.00	34,140.00
Treasurer Salary	29,775.00	33,408.00
Treasurer Expenses	4,800.00	4,800.00
Treasurer Payroll Processing	2,000.00	2,000.00
Treasurer Tax Title Expenses	2,000.00	2,000.00
Tax Collector Salary	26,809.00	30,080.00
Tax Collector Expenses	7,700.00	7,700.00
Tax Collector Contracted Services	1,000.00	1,000.00
Tax Collector Tax Title	2,000.00	2,000.00
Tax Collector Software	3,150.00	3,245.00
Finance Committee Expenses	1,500.00	1,500.00
Town Clerk Salary	26,916.00	27,722.00
Town Clerk Expenses	3,150.00	3,150.00
Town Clerk Dog License Expense	400.00	400.00
Town Clerk Book Repair	4,500.00	2,500.00
Town Clerk Copy Machine Contract	1,700.00	1,500.00
Town Clerk Census/Lists	3,200.00	3,200.00
Board of Registrars/Elections	8,000.00	10,000.00
Town Report Printing	2,500.00	2,700.00

	FY23 Voted	FY24 Proposed
Conservation Commission Stipends (3@$510)	1,500.00	1,530.00
Conservation Commission Consult	500.00	500.00
Conservation Commission Expenses	1,500.00	1,500.00
Planning Board Expenses	2,515.00	2,515.00
Planning Board BRPC Assessment	2,706.00	2,774.00
Planning Board Stipends (5@$320)	1,570.00	1,600.00
Planning Board Scribe	750.00	750.00
Agricultural Commission Expenses	500.00	500.00
Historical Commission Expenses	500.00	500.00
Zoning Board of Appeals Expenses	800.00	800.00
Berkshire County Retirement	147,476.00	152,452.00
OPEB Funding	20,000.00	20,000.00
OPEB Actual Services Study	2,200.00	2,200.00
Health Insurance – Active	163,563.00	230,063.00
Health Insurance – Retiree	20,295.00	42,295.00
Heath Insurance – Dental	7,000.00	8,500.00
Unemployment	10,000.00	10,000.00
MEDC Employer Share	16,200.00	16,000.00
Town Hall/Police Utilities	32,100.00	32,100.00
Fire Station Utilities	18,500.00	18,500.00
Town Garage Utilities	15,000.00	15,000.00
Community Center Utilities	6,000.00	7,000.00
Town Phone Systems	15,000.00	15,000.00
Custodian	19,168.00	19,648.00
Facilities Maintenance Manager	42,021.00	49,466.00
Cheshire Elementary School Utilities	60,000.00	60,000.00
Town Building Repairs	170,000.00	125,000.00
Town Insurance & Bonds	94,000.00	99,563.00
TOTAL GENERAL GOVERNMENT	**1,347,174.00**	**1,454,105.00**

Board of Selectmen Recommends
Finance Committee Recommends

Majority Vote Required

ARTICLE 9: PUBLIC SCHOOLS

To see if the Town will vote to **RAISE AND APPROPRIATE** the following sums **($3,512,908)** for **PUBLIC SCHOOLS** for Fiscal Year 2024,or take any action in relation thereto.

	FY23 Voted	FY24 Proposed
HVRSD Minimum Local Contribution	2,154,516.00	2,219,724.00
HVRSD Over Minimum Foundation	427,852.00	405,970.00
HVRSD Transportation	145,263.00	133,032.00
HVRSD Capital Expenditure	215,735.00	189,736.00
HVRSD SUBTOTAL	**2,943,366.00**	**2,948,462.00**
NBVRSD Budget	438,574.00	564,446.00
OTHER EDUCATION SUBTOTAL	**438,574.00**	**564,446.00**
TOTAL PUBLIC EDUCATION	**3,411,940.00**	**3,512,908.00**

Board of Selectmen Recommends the Northern Berkshire Vocational Regional School District Proposed Budget
Board of Selectmen Does Not Recommend the Hoosac Valley School District Proposed Budget
Finance Committee Recommends

Majority Vote Required

ARTICLE 10: BUILDING DEPARTMENT

To see if the Town will vote to **RAISE AND APPROPRIATE** the following sums **($39,760)** for the **BUILDING DEPARTMENT** for Fiscal Year 2024, or take any action in relation thereto:

	FY23 Voted	FY24 Proposed
Building Commissioner Salary	13,647.00	18,000.00
Alternate Building Commissioner Salary	2,000.00	500.00
Building Commissioner Expenses	1,000.00	1,100.00
Online Permitting System	4,625.00	5,075.00
Gas/Plumbing Inspector Salary	5,727.00	5,900.00
Gas/Plumbing Inspector Assistant Salary	538.00	549.00
Gas/Plumbing Expenses	500.00	500.00
Wiring Inspector Salary	6,657.00	6,857.00
Wiring Inspector Assistant Salary	567.00	579.00
Wiring Inspector Expenses	1,300.00	700.00
TOTAL BUILDING DEPARTMENT	**36,561.00**	**39,760.00**

Board of Selectmen Recommends
Finance Committee Recommends

Majority Vote Required

ARTICLE 11: PUBLIC SAFETY

To see if the Town will vote to **RAISE AND APPROPRIATE** the following sums **($408,957)** for **PUBLIC SAFETY** for Fiscal Year 2024, or take any action in relation thereto:

	FY23 Voted	FY24 Proposed
Police Chief Salary	80,000.00	82,392.00
Police Full Time Officer Salary – 1	58,143.00	53,551.00
Police Department Full Time Office Salary – 2	N/A	55,000.00
Police Department Part Time Officers	33,000.00	26,664.00
Police Department Expenses	4,000.00	5,000.00
Police Department Equipment	5,000.00	10,500.00
Police Department Auto Expenses	14,000.00	15,000.00
Police Department Officer Over Time	N/A	5,000.00
Police Department Holiday Pay	N/A	3,000.00
Animal Control Contracted Services	3,000.00	3,000.00
Animal Control Expenses	1,200.00	1,000.00
Fire Chief Salary	8,160.00	12,000.00
Asst. Fire Chief Stipends (2@1,615)	3,136.00	3,230.00
Fire Department Expenses	62,000.00	62,000.00
Fire Department Volunteer Stipends (25)	N/A	25,000.00
Fire Department EMS Supplies	4,500.00	4,500.00
Police Fire Accident/Disability Insurance	14,800.00	15,620.00
Communications Center (Dispatch)	22,865.00	24,000.00
Emergency Management Stipend	N/A	1,500.00
Emergency Management Expenses	1,000.00	1,000.00
Fire Department Rescue Vehicle Loan	9,817.00	N/A
PUBLIC SAFETY TOTAL	**324,621.00**	**408,957.00**

Board of Selectmen Recommends
Finance Committee Recommends

Majority Vote Required

ARTICLE 12: HIGHWAY OPERATIONS AND TREE WARDEN

To see if the Town will vote to **RAISE AND APPROPRIATE** the following sums **($924,411)** for **HIGHWAY OPERATIONS AND TREE WARDEN** for Fiscal Year 2024, or take any action in relation thereto:

	FY23 Voted	FY24 Proposed
Highway Workers Salary (3 Laborers, 1 Foreman)	204,544.00	209,911.00
Highway Department Longevity	1,500.00	1,500.00
Department of Public Works Director	78,985.00	90,000.00
Highway Department Non-Winter Overtime	5,000.00	5,000.00
Highway Department Expenses	339,000.00	339,000.00
Streetlights	53,000.00	53,000.00
Snow and Ice	170,000.00	170,000.00
Highway Department Engineering	35,000.00	35,000.00
Tree Warden Tree Removal	20,000.00	20,000.00
Tree Warden Tree Replacement	1,000.00	1,000.00
TOTAL HIGHWAY OPERATIONS AND TREE WARDEN	**908,029.00**	**924,411.00**

Board of Selectmen Recommends
Finance Committee Recommends

Majority Vote Required

ARTICLE 13: RECREATION AND CULTURE

To see if the Town will vote to **RAISE AND APPROPRIATE** the following sums **($132,839)** for **RECREATION AND CULTURE** for Fiscal Year 2024, or take any action in relation thereto.

	FY23 Voted	FY24 Proposed
Recreation General Expenses/Memorial Day	11,000.00	12,000.00
Library Assessment	38,480.00	39,442.00
Veteran Agent Services (Shared)	1,750.00	2,000.00
Veteran Benefits	30,000.00	30,000.00
Cemetery Flags	800.00	800.00
Cemetery Commissioners Stipends (3 @ $887)	2,610.00	2,661.00
Cemetery Department Wages	37,822.00	37,822.00
Cemetery Department Expenses	8,114.00	8,114.00
TOTAL RECREATION & CULTURE	**130,576.00**	**132,839.00**

Board of Selectmen Recommends
Finance Committee Recommends

Majority Vote Required

ARTICLE 14: HEALTH AND HUMAN SERVICES

To see if the Town will vote to **RAISE AND APPROPRIATE** the following sums **($264,028)** for **HEALTH AND HUMAN SERVICES** for Fiscal Year 2024, or take any action in relation thereto.

	FY23 Voted	FY24 Proposed
Board of Health Stipends (3 @ $3,883)	11,421.00	11,649.00
Board of Health Expenses	5,500.00	5,500.00
Board of Health MAVEN Reporting	4,525.00	4,525.00
Council on Aging Expenses	8,470.00	8,470.00
Council on Aging Van Operating Expenses	5,900.00	5,900.00
Council on Aging Van Operator Salary	18,580.00	19,138.00
Council on Aging Medical Car Ride Share	1,500.00	1,500.00
Council on Aging Director Salary	23,460.00	26,771.00
Council on Aging Meals Coordinator Salary	10,033.00	13,311.00
Animal Inspector Stipend	544.00	544.00
Animal Inspector Expenses	150.00	150.00
Town Compactor Operation Expenses	92,000.00	100,000.00
Town Compactor Site Maintenance	2,600.00	2,600.00
Transfer Station Permits/Stickers	4,500.00	4,500.00
Town Compactor Education/Training	500.00	500.00
Transfers Station Attendants Salaries	22,566.00	23,970.00
Recycling Account	35,000.00	35,000.00
TOTAL HEALTH AND HUMAN SERVICES	**247,249.00**	**264,028.00**

Board of Selectmen Recommends
Finance Committee Recommends

Majority Vote Required

ARTICLE 15: DEBT SERVICE EXPENSES

To see if the Town will vote to **RAISE AND APPROPRIATE** the following sums **($277,948)** to fund **DEBT SERVICE EXPENSES** for the Fiscal Year 2024, or take any action in relation thereto.

	FY23 Voted	FY24 Proposed
Well Land Bond Payment (2024)	109,500.00	104,750.00
Fire Truck (2030)	36,391.00	45,463.00
Highway Grader (2026)	35,528.00	37,567.00
Highway Truck (Voted 2022)	47,870.00	54,708.00
Highway Truck (Voted 2021)	26,649.00	30,460.00
Short-term Debt Interest	5,000.00	5,000.00
Total	**260,938.00**	**277,948.00**

Board of Selectmen Recommends
Finance Committee Recommends

Majority Vote Required

ARTICLE 16: Revolving Fund – Council on Aging

To see if the Town will vote to authorize the Board of Selectmen pursuant to MGL Chapter 44, Section 53E ½, to establish and use a **REVOLVING FUND** with a limit of **$10,000** for Fiscal Year 2024 to accept receipts related to the fees and programs for the Council on Aging, in which any remaining funds may be rolled over into a similar revolving fund for Fiscal Year 2025, or take any action in relation thereto.

Board of Selectmen Recommends
Finance Committee Recommends

Majority Vote Required

ARTICLE 17: Revolving Fund - Recreation

To see if the Town will vote to authorize the Board of Selectmen pursuant to MGL Chapter 44, Section 53E ½, to establish and use a **REVOLVING FUND** with a limit of **$10,000** for Fiscal Year 2024 to accept receipts related to the fees and programs for the Recreation Committee, in which any remaining funds may be rolled over into a similar revolving fund for Fiscal Year 2025, or take any action in relation thereto.

Board of Selectmen Recommends
Finance Committee Recommends

Majority Vote Required

ARTICLE 18: Revolving Fund – Police Department

To see if the Town will vote to authorize the Board of Selectmen pursuant to MGL Chapter 44, Section 53E ½ to establish and use a **REVOLVING FUND** with a limit of **$10,000** for Fiscal Year 2024 to accept receipts related to the fees and programs (citation, detail and permitting administrative fees) for the Police Department, in which any remaining funds may be rolled over into a similar revolving fund for Fiscal Year 2025, or take any action in relation thereto.

Board of Selectmen Recommends
Finance Committee Recommends

Majority Vote Required

ARTICLE 19: Free Cash

To see if the Town will vote to **TRANSFER** from **FREE CASH** the sum of **$ 27,500.00** to fund the following for Fiscal Year 2024, or take any action in relation thereto.

Capital Stabilization Account	10,000.00
Stabilization Account	10,000.00
MS4 Compliance	7,500.00
Total	**27,500.00**

Board of Selectmen Recommends
Finance Committee Recommends

Majority Vote Required

ARTICLE 20: Capital Projects

To see if the Town will vote to **TRANSFER** from **FREE CASH** the sum of **$177,300** to fund the following **CAPITAL EXPENDITURES** for the Fiscal Year 2024, or take any action in relation thereto.

Highway Department Excavator	177,300.00
Total	**177,300.00**

Board of Selectmen Recommends
Finance Committee Recommends

Majority Vote Required

ARTICLE 21: Water Enterprise Fund

To see if the Town will vote to appropriate, transfer from retained earnings, or otherwise provide the following sums of money $ to operate the **Water Enterprise Fund** for the Fiscal Year 2024, or take an action in relation thereto.

Revenues		
Department Receipts		332,964.00
Retained Earnings		0
	TOTAL	**332,964.00**
Expenses		
Salaries & Benefit Costs		93,555.00
Fixed Operating Costs		197,439.00
Capital Costs (Debt Service)		41,700.00
TOTAL		**332,964.00**

Board of Selectmen Recommends
Finance Committee Recommends
Water Commission Recommends

Majority Vote Required

ARTICLE 22: Free Cash to reduce the tax rate

To see if the Town will vote to **TRANSFER** from **FREE CASH** the sum of **$321,916.77** to reduce the FY24 Tax Rate, or take any action relative thereto.

*If federal or state programs, or other alternative funding sources are available to supplant Town funding for the same purpose, the Board of Selectmen may reduce the Town's portion of said funding in a manner commensurate with the additional federal or state revenue received for said purpose.

Note: The use of Free Cash to balance the operating budget to stay within the limits of Proposition 2 1/2, this is not a reduction to the tax rate.

Board of Selectmen Recommends
Finance Committee Recommends

Majority Vote Required

ARTICLE 23 : Capital Equipment Stabilization Account to Capital Stabilization

To see if the Town will vote to terminate the Capital Equipment Stabilization Fund and dedicate a Capital Stabilization Fund under the provisions of MGL Chapter 40, Section 5B and to transfer any funds fin the Capital Equipment Stabilization Fun to the Capital Stabilization Fund, or take any other action relative thereto.

Board of Selectmen Recommends
Finance Committee Recommends

2/3 Vote Required

ARTICLE 24: Radio Communications Stabilization Account

To see if the Town will vote to establish under the provisions of MGL Chapter 40, Section 5B, a Radio Communications Stabilization Account, or take any other action relative thereto.

Board of Selectmen Recommends
Finance Committee Recommends

2/3 Vote Required

ARTICLE 25: Radio Communications

To see if the Town will vote to **TRANSFER** from **FREE CASH** to the **RADIO STABILIZATION ACCOUNT t**he sum of **$37,452.00**, or take any action in relation thereto.

Board of Selectmen Recommends
Finance Committee Recommends

Majority Vote Required

ARTICLE 26: Citizen's Petition

"To see if the Town of Cheshire will vote to:

Update/Adjust Marijuana Zoning By-Laws to include additional license type Product Manufacturer in the Protective and Planning Zoning By- Law June 2015 – Per MGL 94G (Recreational Marijuana Legislature.) and state oversight Cannabis Control Commission

Current language - Section 8.7 Marijuana Establishments

(c) Designated Locations for ME's and Medical Marijuana Treatment Centers

(1) **Marijuana Cultivation Facilities** may be sited within the Agricultural Residential (A-R) zone district on parcels at least 5 acres in size, upon the approval of a Special Permit and Site Plan, as per Section 10 of the Zoning Bylaw and the Town of Cheshire Special Permit Rules & Regulations.

(2) Medical Marijuana Treatment Centers and all types of ME's, except for **Cultivation Facilities**, may be sited in the Marijuana Overlay District (Figures 1a & 1b, below), upon Town of Cheshire, Massachusetts June 2015 Protective and Planning Zoning Bylaw 49 the approval of a Special Permit and Site Plan, as per Section 10 of the Zoning Bylaw and the Town of Cheshire Special Permit Rules & Regulations

Article Proposed language- Section 8.7 Marijuana Establishments

(c) Designated Locations for ME's and Medical Marijuana Treatment Centers

(1) **Marijuana Cultivation Facilities and Product Manufacturer license** may be sited within the Agricultural Residential (A-R) zone district on parcels at least 5 acres in size, upon the approval of a Special Permit and Site Plan, as per Section 10 of the Zoning Bylaw and the Town of Cheshire Special Permit Rules & Regulations.

(2) Medical Marijuana Treatment Centers and all types of ME's, except for **Marijuana Cultivation Facilities and Product Manufacturer license** may be sited in the Marijuana Overlay District (Figures 1a & 1b, below), upon Town of Cheshire, Massachusetts June 2015 Protective and Planning Zoning Bylaw 49 the approval of a Special Permit and Site Plan, as per Section 10 of the Zoning Bylaw and the Town of Cheshire Special Permit Rules & Regulations

, or act on anything relating thereto."

ARTICLE 27: Citizen's Petition

"To see if the Town of Cheshire will vote to:

Update/Adjust Marijuana Zoning By-Laws to include additional license type Micro-business in the Protective and Planning Zoning By- Law June 2015 – Per MGL 94G (Recreational Marijuana Legislature.) and State oversight Cannabis Control Commission (CCC) -Microbusiness is a small business type of cultivation license which Cultivation is currently permitted by law in A-R Zone

Current language - Section 8.7 Marijuana Establishments

(c) Designated Locations for ME's and Medical Marijuana Treatment Centers

(3) **Marijuana Cultivation Facilities** may be sited within the Agricultural Residential (A-R) zone district on parcels at least 5 acres in size, upon the approval of a Special Permit and Site Plan, as per Section 10 of the Zoning Bylaw and the Town of Cheshire Special Permit Rules & Regulations.

(4) Medical Marijuana Treatment Centers and all types of ME's, except for **Cultivation Facilities**, may be sited in the Marijuana Overlay District (Figures 1a & 1b, below), upon Town of Cheshire, Massachusetts June 2015 Protective and Planning Zoning Bylaw 49 the approval of a Special Permit and Site Plan, as per Section 10 of the Zoning Bylaw and the Town of Cheshire Special Permit Rules & Regulations

Article Proposed language- Section 8.7 Marijuana Establishments

(c) Designated Locations for ME's and Medical Marijuana Treatment Centers

(3) **Marijuana Cultivation Facilities and Micro-business Facilities (a small business-limited) license** may be sited within the Agricultural Residential (A-R) zone district on parcels at least 5 acres in size, upon the approval of a Special Permit and Site Plan, as per Section 10 of the Zoning Bylaw and the Town of Cheshire Special Permit Rules & Regulations.

(4) Medical Marijuana Treatment Centers and all types of ME's, except for **Marijuana Cultivation Facilities and Micro-business (a small business-limited) Facilities license** may be sited in the Marijuana Overlay District (Figures 1a & 1b, below), upon Town of Cheshire, Massachusetts June 2015 Protective and Planning Zoning Bylaw 49 the approval of a Special Permit and Site Plan, as per Section 10 of the Zoning Bylaw and the Town of Cheshire Special Permit Rules & Regulations

, or act on anything relating thereto."

ARTICLE 28: Adoption of Massachusetts General Law Chapter 90, Section 17C Town-Wide Speed Limits

To see if the Town will vote to adopt the provisions of Massachusetts General Law (MGL) Chapter 90, Section 17C to allow the Board of Selectmen to set speed limits of 25 miles per hour (mph) in all areas in Town as needed and defined by state law as "thickly settled or business districts" which are not on a state highway, or take any other action relative thereto.

Board of Selectmen Recommends

Majority Vote Required

ARTICLE 29 – Adoption of Renumbering and Revision to Various General Bylaws

To see if the Town shall accept the renumbering and revision of the various bylaws of the Town from their original numbering or their numbering in the General Bylaws to the numbering or codification, arrangement, sequence and captions and the comprehensive revisions to the text of the General Bylaws as set forth in the Final Draft of the Code of the Town of Cheshire, dated March 23, 2022, said codification having been done under the direction of the Board of Selectmen and Town Counsel, and said Code being a compilation and comprehensive revision of the present bylaws of the Town. All bylaws of a general and permanent nature, as amended, heretofore in force and not included in the Code shall be repealed, except that such repeal shall not affect any suit or proceeding pending as the result of an existing law, and such repeal shall not apply to or affect any bylaw, order or article heretofore adopted accepting or adopting the provisions of any statute of the Commonwealth. These bylaws shall be referred to as the "Code of Bylaws and Regulations of the Town of Cheshire, Massachusetts"

Recommended by the Board of Selectmen

2/3 Majority Vote Required

ARTICLE 30 – Adoption of Renumbering and Revision to Zoning Bylaws

To see if the Town shall accept the renumbering and revision of the Zoning Bylaw of the Town from its original numbering to the numbering or codification, arrangement, sequence and captions and revisions to the text of the Zoning Bylaw as set forth in the Final Draft of the Code of the Town of Cheshire, dated March 22, 2022, said codification of the Zoning Bylaw having been done under the direction of the Planning Board, and being a compilation and revision of the present Zoning Bylaw, including amendments thereto. All Zoning Bylaws, as amended, heretofore in force, shall be repealed, except that such repeal shall not affect any suit or proceeding pending as a result of the existing law. The Zoning Bylaw shall be codified as Chapter 225 of the Code of Bylaws and Regulations of the Town of Cheshire, Massachusetts.

Recommended by the Planning Board

2/3 Majority Vote Required

ARTICLE 31: Board of Assessors Elected to Appointed

To see if the Town will vote, as authorized under MGL Chapter 41, Section 1B, to change the position of Board of Assessors to appointed positions from elected positions, or take any other action relative thereto.

Note: Majority approval of a subsequent Annual Town Election ballot question is required to adopt the provisions of this warrant article. If approved, this action would take effect in May 2025, each elected member of the Board of Assessors would serve their full elected term.

Proposed by the Board of Selectmen

Recommended by the Board of Assessors

2/3 Majority Vote Required

ARTICLE 32: Personnel Bylaw

To see if the Town will vote to accept the Personnel Bylaw into the Town of Cheshire General Bylaws, or take any other action relative thereto.

Personnel Bylaw

Section 1. Purpose and Authorization

The purpose of the personnel bylaw is to establish fair and equitable personnel policies and to promote a system of personnel administration that ensures a uniform, fair and efficient application of personnel policies.

Section 2. Application

All Town departments, employees and positions shall be subject to the provision of this bylaw, except employees with personal contracts. To the extent that any Town employee is subject to a collective bargaining agreement or personal employment agreement in the event of a conflict and/or an inconsistency between said agreement and this Bylaw, then said agreement shall prevail.

Powers and Duties

The Board of Selectmen shall be responsible for formulating recommendations, reviewing plans, which shall be subject to such approval as required by this bylaw. The personnel policies shall be reviewed bi-yearly, but may be reviewed by the Board of Selectmen at any time the need arises.

Section 3. Personnel Policy and Procedure Manual

A personnel policy shall be established by promulgation of policies pursuant to section 4. The personnel policy shall make use of current concepts of personnel management and may include, but not limited to the following elements.

Method of Administration

A policy of administration which assigns specific responsibility for all elements of the personnel policy including; maintaining personnel records, implementing effective recruitment and

selection processes, maintaining a classification and compensation plan, monitoring the application for personnel policies and periodic reviews, and evaluation of the personnel policy.

Personnel Policies

A series of Personnel Policies which establishes the rights, employment practices (including hiring and performance expectations) and benefits to which employees are entitled and the obligations of said employees to the Town.

Other Elements

Other elements of a personnel policy as deemed appropriate or required by law.

Section 4. Adoption and Amendment of Personnel Policies

The Board of Selectmen shall adopt personnel policies defining the rights, benefits and obligations of employees subject to this bylaw. Policies shall be adopted or amended as follows.

Preparation of Policies

Any member of the Board of Selectmen, Town Administrator, or Elected Board may suggest policies for consideration. The Town Administrator shall refer such suggested policies to the Board of Selectmen, which the board need not consider any proposal already considered in the preceding twelve months. Any member of the Board of Selectmen, Town Administrator or Elected Board proposing a new or amended policy shall provide the substance and the reason for the proposed policy in writing. The Board of Selectmen shall hold a public meeting on any proposed policies or amendments. Policies shall become effective upon the approval of the Board of Selectmen, unless some other date is specified.

Section 5. Severability

The provisions of this bylaw and any policies adopted pursuant to this bylaw are severable. If any bylaw provision or policy is held invalid, the remaining provisions of the bylaw or regulation shall not be affected thereby.

Proposed by the Board of Selectmen

2/3 Majority Vote Required

ARTICLE 33: Adoption of MGL Chapter 59, Section 5, Clause 17F – Senior Citizen, Surviving Spouse, Surviving Minor Statutory Real Estate Exemption

To see if the Town will vote to adopt MGL Chapter 59, Section 5, Clause 17F, which authorizes an annual increase in the amount of the exemption granted to senior citizens, surviving spouses, and surviving minors under MGL Chapter 59, Section 5, Clause 17D, by up to 100% of the percentage increase in the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index (CPI) for the previous year as determined by the Commissioner of Revenue, and to fix that annual increase at 100% of CPI to be effective for exemptions granted for any fiscal year beginning on or after July 1, 2023, or take any other action relative thereto.

Proposed by the Board of Assessors

Majority Vote Required

ARTICLE 34: Adoption of MGL Chapter 59, Section 5, Clause 17E -Senior Citizen, Surviving Spouse, Surviving Minor Statutory Real Estate Exemption

To see if the Town will vote to adopt MGL Chapter 59, Section 5, Clause 17E, which authorizes an annual increase in the asset (whole estate) limit for exemptions granted to senior citizens, surviving spouses, and surviving minors under MGL Chapter 59, Section 5, Clause 17D, by the percentage increase in the US Department of Labor, Bureau of Labor Statistics, Consumer Price Index (CPI)for the previous year as determined by the Commissioner of Revenue, to be effective for exemptions granted for any fiscal year beginning on or after July 1, 2023, or take any other action relative thereto.

Proposed by the Board of Assessors

Majority Vote Required

ARTICLE 35: Adoption of MGL Chapter 59, Section 5, Clause 41D – Senior Statutory Real Estate Exemption

To see if the Town will vote to adopt MGL Chapter 59, Section 5, Clause 41D, which authorizes and annual increase in the income (gross receipts) and asset (whole estate) limits for exemptions granted to senior citizens under MGL Chapter 59, Section 5, Clause 41C, by the percentage increase in the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index (CPI) for the previous year as determined by the Commissioner of Revenue, to be effective for exemptions granted for any fiscal year beginning on or after July 1, 2023, or take any other action relative thereto.

Proposed by the Board of Assessors

Majority Vote Required

ARTICLE 36: Stormwater Management Bylaw
To amend the Town of Cheshire By-laws to include the following "STORMWATER MANAGEMENT" Section as follows:

Town of Cheshire
Stormwater Management Bylaw
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A. Applicability
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SECTION 1 – GENERAL PROVISIONS

A. Purpose and Objective

The purpose of this bylaw is to protect public health, safety, general welfare, and environment by regulating illicit connections and discharges to the storm drain system or, directly or indirectly, to a watercourse or into the waters of the Commonwealth, as well as to control the adverse effects of construction site stormwater runoff and post-construction runoff. Stormwater runoff can be a major cause of:

(1) Impairment of water quality and flow in lakes, ponds, streams, rivers, coastal waters, wetlands, groundwater and drinking water supplies.

(2) Contamination of drinking water supplies.

(3) Contamination of downstream coastal areas.

(4) Alteration or destruction of aquatic and wildlife habitat.

(5) Overloading or clogging of municipal stormwater management systems.

(6) Flooding.

The objectives of this bylaw are to:

(1) Protect water resources.

(2) Comply with state and federal statutes and regulations relating to stormwater discharges including total maximum daily load requirements and with the General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems in Massachusetts, issued by the U.S. Environmental Protection Agency and the Massachusetts Department of Environmental Protection ("MS4 Permit").

(3) Prevent and reduce pollutants from entering the Town of Cheshire's municipal storm drain system.

(4) Prohibit illicit connections and unauthorized discharges to the Cheshire municipal storm drain system and require their removal.

(5) Establish minimum construction and post construction stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality with the Town of Cheshire MS4 area.

(6) Establish provisions for the long-term responsibility for, and maintenance of, structural stormwater control facilities and nonstructural stormwater best management practices to ensure that they continue to function as designed are maintained, and pose no threat to public safety; and

(7) Recognize the Town of Cheshire's legal authority to ensure compliance with the provisions of this bylaw through inspection, monitoring, and enforcement.

B. Definitions

Unless a different definition is indicated in other sections of this bylaw, the following definitions and provisions shall apply throughout this bylaw:

ALTERATION OF DRAINAGE CHARACTERISTICS: Any activity on an area of land that changes the water quality, force, direction, timing or location of runoff flowing from the area. Such changes include change from distributed runoff to confined or discrete discharge; change in the volume of runoff from the area; change in the peak rate of runoff from the area; and change in the recharge to groundwater on the area.

APPLICANT: Any person, individual, partnership, association, firm, company, corporation, trust, authority, agency, department, or political subdivision, of the Commonwealth or the Federal government, to the extent permitted by law, requesting a Land Disturbance Permit.

AS-BUILT DRAWING: Drawings that completely record and document applicable aspects and features of conditions of a project following construction using Stormwater Management Plans derived from a Land Disturbance Permit.

BEST MANAGEMENT PRACTICE (BMP): An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.

CERTIFIED PROFESSIONAL IN EROSION AND SEDIMENT CONTROL (CPESC): A certified specialist in soil erosion and sediment control. This certification program, sponsored by the Soil and Water Conservation Society in cooperation with the American Society of Agronomy, provides the public with evidence of professional qualifications.

CLEAN WATER ACT: The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) as hereafter amended.

CLEARING: Any activity that removes the vegetative surface cover.

COMMON PLAN OF DEVELOPMENT: - A "larger common plan of development or sale" is a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan.

DEVELOPMENT: The modification of land to accommodate a new use or expansion of use, usually involving construction.

DISCHARGE OF POLLUTANTS: The addition from any source of any pollutant or combination of pollutants into the municipal storm drain system or into the waters of the United States or Commonwealth from any source.

EROSION: The wearing away of the land surface by natural or artificial forces such as wind, water, ice, gravity, or vehicle traffic and the subsequent detachment and transportation of soil particles.

EROSION AND SEDIMENTATION CONTROL PLAN: A document containing narrative, drawings and details developed by a qualified professional engineer (PE) or a Certified Professional in Erosion and Sedimentation Control (CPESC), which includes best management practices, or equivalent measures designed to control surface runoff, erosion and sedimentation during pre-construction and construction related land disturbing activities.

GRADING: Changing the level or shape of the ground surface.

GROUNDWATER: Water beneath the surface of the ground.

GRUBBING: The act of clearing land surface by digging up roots and stumps.

HAZARDOUS MATERIAL: Any material which, because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as "toxic" or "hazardous" under MGL c. 21C and c. 21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

ILLICIT CONNECTION: A surface or subsurface drain or conveyance which allows an illicit discharge into the municipal storm drain system, including without limitation sewage, process wastewater, or wash water, and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this bylaw.

ILLICIT DISCHARGE: Direct or indirect discharge to the municipal storm drain system or into a watercourse or the waters of the Commonwealth that is not composed entirely of stormwater, except as exempted in Article II, §2. The term does not include a discharge in compliance with an NPDES stormwater discharge permit or resulting from fire-fighting activities exempted pursuant to Article II, §2D (1) of this bylaw.

IMPERVIOUS SURFACE: Any material or structure on or above the ground that prevents water infiltrating the underlying soil. Impervious Surface includes without limitation roads, paved parking lots, sidewalks, and rooftops.

IMPOUNDMENT: A stormwater pond created by either constructing an embankment or excavating a pit which retains a permanent pool of water.

INFILTRATION: The act of conveying surface water into the ground to permit groundwater recharge and the reduction of stormwater runoff from a project site.

LAND DISTURBANCE PERMIT: A permit issued by the Stormwater Authority pursuant to this bylaw prior to commencement of Land Disturbing Activity or Redevelopment.

LAND-DISTURBING ACTIVITY: Any activity that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material*;* results in an increased amount of runoff or pollutants; measurably changes the ability of a ground surface to absorb waters; involves clearing and grading; or results in an alteration of drainage characteristics.

LOAD ALLOCATION: The maximum concentration or mass of a pollutant which can be discharged to a waterway by non-point sources without causing a violation of surface water quality standards as established in an applicable TMDL.

LOT: An individual tract of land as shown on the current Assessor's Map for which an individual tax assessment is made. For the purposes of these regulations, a lot also refers to an area of a leasehold on a larger parcel of land, as defined in the lease agreement and shown by approximation on the Assessor's Map.

MUNICIPAL STORM DRAIN SYSTEM: The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or

altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Cheshire.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) AREA: The geographic area covered by the EPA NPDES Phase II MS4 General Permit including all municipally owned storm drain system infrastructure within that geographic area.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT: A permit issued by United States Environmental Protection Agency or jointly with the Commonwealth of Massachusetts that authorizes the discharge of pollutants to waters of the United States.

NONPOINT SOURCE POLLUTION: Pollution from many diffuse sources caused by rainfall or snowmelt moving over and through the ground. As the runoff moves, it picks up and carries away natural and man-made pollutants finally depositing them into a water resource area.

NON-STORMWATER DISCHARGE: Discharge to the municipal storm drain system not composed entirely of stormwater.

OPERATION AND MAINTENANCE PLAN: A plan setting up the functional, financial and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to ensure that it continues to function as designed.

OWNER: A person with a legal or equitable interest in property.

PERSON: An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

POINT SOURCE: Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or may be discharged.

PRE-CONSTRUCTION: All activity in preparation for construction.

POLLUTANT: Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter that is or may be introduced into any sewage treatment works, watercourse, or Waters of the Commonwealth. Pollutants include, but are not limited to:

(1) Soaps, detergents and other surfactants
(2) Paints, varnishes, and solvents
(3) Oil and other automotive fluids
(4) Nonhazardous liquid and solid wastes and yard wastes
(5) Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnance, accumulations and floatables
(6) Pesticides, herbicides, and fertilizers
(7) Hazardous materials and wastes
(8) Sewage, fecal coliform and pathogens
(9) Dissolved and particulate metals
(10) Animal wastes
(11) Rock, sand, salt, soils

(12) Construction wastes and residues

RECHARGE: The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

REDEVELOPMENT: Development, rehabilitation, expansion, demolition, construction, land alteration, or phased projects that disturb the ground surface, including impervious surfaces, on previously developed sites. The creation of new areas of impervious surface or new areas of land disturbance on a site constitutes development, not redevelopment, even where such activities are part of a common plan which also involves redevelopment.

RUNOFF: Rainfall, snowmelt, or irrigation water flowing over the ground surface.

SEDIMENT: Mineral or organic soil material that is transported by wind or water, from its origin to another location; the product of erosion processes.

SEDIMENTATION: The process or act of deposition of Sediment.

SITE: Any lot or parcel of land or area of property where Land-Disturbing Activities are, were, or will be performed.

SOIL: Any earth, sand, rock, gravel, or similar material.

STORMWATER AUTHORITY: The Town of Cheshire Conservation Commission or its authorized agent(s).

STORMWATER: Runoff from precipitation or snow melt and surface water runoff and drainage.

STORMWATER MANAGEMENT PLAN: A plan required as part of the application for a Land Disturbance Permit containing narrative, drawings, details and reporting requirements developed by a qualified professional engineer (PE), which describes structural and non-structural best management practices designed to control the discharge of pollutants from impervious surfaces and onsite activities as well as the volume and peak rate of surface runoff from a site on an ongoing basis after construction has been completed.

TOTAL MAXIMIM DAILY LOAD or TMDL: the greatest amount of a pollutant that a water body can accept and still meet water quality standards for protecting public health and maintaining the designated beneficial uses of those waters for drinking, swimming, recreation, and fishing. A TMDL is also a plan, adopted under the Clean Water Act, specifying how much of a specific pollutant can come from various sources, including stormwater discharges, and identifies strategies for reducing the pollutant discharges from these sources so as not to violate Massachusetts surface water quality standards. (314 CMR 4.00, et seq.)

TOTAL SUSPENDED SOLIDS OR TSS: Undissolved organic or inorganic particles in water**.**

VERNAL POOLS: Temporary bodies of freshwater which provide critical habitat for a number of vertebrate and invertebrate wildlife species.

WASTE LOAD ALLOCATION: The maximum concentration or mass of a pollutant which can be discharged to a waterway from point sources without causing a violation of surface water quality standards as established in an applicable TMDL.

WATERCOURSE: A natural or man-made channel through which water flows or a stream of water, including a river, brook or underground stream.

WATERS OF THE COMMONWEALTH: All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, groundwater, and Waters of the United States as defined under the Federal Clean Water Act as hereafter amended.

WETLANDS: Tidal and non-tidal areas characterized by saturated or nearly saturated soils most of the year that are located between terrestrial (land-based) and aquatic (water-based) environments, including freshwater marshes around ponds and channels (rivers and streams), brackish and salt marshes; common names include marshes, swamps and bogs.

C. Authority

This bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Massachusetts home rule statutes, the regulations of the Federal Clean Water Act, 40 CFR 122.34.

D. Responsibility for administration

The Stormwater Authority shall administer, implement, and enforce this bylaw. Any powers granted to, or duties imposed upon Stormwater Authority may be delegated in writing by Stormwater Authority members or agents.

E. Waivers

The Stormwater Authority, or its authorized agent, may waive strict compliance with any requirement of this bylaw or the rules and regulations promulgated hereunder, where such action is:

(1) allowed by federal, state and local statutes and/or regulations; and

(2) in the public interest; and

(3) not inconsistent with the purpose and intent of this bylaw.

Any person seeking a waiver must submit a written waiver request. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of the bylaw does not further the purposes or objectives of this bylaw.

In the event the applicant fails to provide requested information, the waiver request shall be denied.

F. Regulations

The Stormwater Authority shall adopt and may periodically amend, regulations, rules, and/or written guidance that outline the terms, conditions, definitions, enforcement, fees, procedures and administration of this Stormwater Management bylaw. Adoption and amendments will be made by majority vote during an open meeting of the Stormwater Authority. Failure of the Stormwater Authority to issue such rules, or regulations, or a legal declaration of their invalidity by a court, shall not act to suspend or invalidate the effect of this bylaw.

Stormwater Management regulations or guidance shall identify thresholds and requirements for Land Disturbance Permits required by this bylaw and consistent with or more stringent than the most recent MS4 General Permit.

G. Enforcement

The Stormwater Authority or its authorized agent shall enforce this bylaw, and any associated regulations, orders, violation notices, and enforcement orders and may pursue all civil and criminal remedies for such violations.

Criminal and Civil relief.

(1) Any person who violates the provisions of this bylaw, or any associated regulations, permit, notice, or order issued thereunder, may be subject to criminal penalties and prosecution in a court of competent jurisdiction and shall result in a criminal fine of not more than $300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

(2) The Stormwater Authority may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

Orders.

(1) The Stormwater Authority or its authorized agent may issue a written order to enforce the provisions of this bylaw or any regulations thereunder, which may include:

(a) Elimination of illicit connections or discharges to the Municipal Storm Drain System

(b) Elimination of discharges to the Municipal Storm Drain System or, directly or indirectly, into a watercourse or into the Waters of the Commonwealth

(c) Performance of monitoring, analyses, and reporting

(d) Cessation of unlawful discharges, practices, or operations

(e) Implementation of measures to minimize the discharge of pollutants until such time as the illicit connection or discharge shall be eliminated

(f) Remediation of contamination in connection therewith.

(2) If the Stormwater Authority determines that a person's failure to follow the requirements of a Land Disturbance Permit and the related Erosion and Sedimentation Control Plan, or Operations and Maintenance Plan or any other authorization issued pursuant to this bylaw or regulations issued hereunder, then the Authority may issue a written order to the person to remediate the non-compliance and/or any adverse impact caused by it, which may include:

(a) A requirement to cease and desist from the land-disturbing activity until there is compliance with the bylaw and provisions of the Land Disturbance Permit or other authorization.

(b) Maintenance, installation or performance of additional erosion and sediment control measures.

(c) Monitoring, analyses, and reporting.

(d) Remediation of erosion and sedimentation resulting directly or indirectly from the land-disturbing activity; and/or

(e) A requirement to eliminate discharges, directly or indirectly, into a watercourse or into the waters of the Commonwealth.

(3) If the Stormwater Authority or its authorized agent determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further provide that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of Cheshire may, at its option, undertake such work, and expenses thereof shall be charged to the violator.

(4) Within 30 days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town of Cheshire, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Stormwater Authority within 30 days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within 30 days following a decision of the Stormwater Authority affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs, pursuant to M.G.L. c.40, §58. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in M.G.L. c. 59, § 57 after the 31st day at which the costs first become due.

Noncriminal disposition: As an alternative to criminal prosecution or civil action, the Town of Cheshire may elect to utilize the noncriminal disposition procedure set forth in M.G.L. c. 40, § 21D, in which case the agent of the Stormwater Authority shall be the enforcing person. The penalty for the first violation shall be a warning. The penalty for the second violation shall be $100. The penalty for the third and subsequent violations shall be $300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

Entry to perform duties under this bylaw: To the extent permitted by local, state or federal law, or if authorized by the owner or other party in control of the property, the Stormwater Authority and/or its agents may enter upon privately owned property for the purpose of performing their duties under this bylaw and regulations and may make or cause to be made such examinations, surveys or sampling as the Stormwater Authority deems reasonably necessary.

Appeals: The decisions or orders of the Stormwater Authority shall be final. Further relief shall be appealed to a court of competent jurisdiction.

Remedies not exclusive: The remedies listed in this section are not exclusive of any other remedies available under any applicable federal, state or local law.

H. Severability

The provisions of this bylaw are hereby declared to be severable. If any provision, paragraph, sentence, or clause of this bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this bylaw.

SECTION 2 – DISCHARGES TO THE MUNICIPAL STORM DRAIN SYSTEM IN THE MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) AREA AND TO WATERCOURSES OR WATERS OF THE COMMONWEALTH

A. Applicability

Article II of this bylaw shall apply to all direct or indirect discharges to the municipal storm drain system and to any activities that might obstruct the municipal storm drain system except as explicitly exempted in this bylaw or where the Stormwater Authority has issued a waiver in accordance with Section 1 § E.

B. Prohibited activities and exemptions.

Illicit discharges: No person shall dump, discharge, spill, cause or allow to be discharged any pollutant or non-stormwater discharge into the municipal storm drain system or onto an impervious surface directly connected to the municipal storm drain system, or, directly or indirectly, into a watercourse or waters of the Commonwealth.

Illicit connections: No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm drain system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.

Obstruction of municipal storm drain system: No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drain system without prior consent from the Stormwater Authority.

Exemptions: The following non-stormwater discharges or flows are allowed unless the Stormwater Authority, EPA, or MassDEP identifies them as a significant contributor of a pollutant to the MS4 Area or to waters of the Commonwealth:

(1) Discharge from fire-fighting activities

(2) Water line flushing

(3) Landscape irrigation

(4) Diverted stream flows

(5) Rising groundwater

(6) Uncontaminated groundwater infiltration (as defined at 40 CFR § 35.2005(20)).

(7) Uncontaminated pumped groundwater

(8) Discharge from potable water sources

(9) Foundation drains

(10) Air conditioning condensation

(11) Irrigation water, springs

(12) Water from crawl space pumps

(13) Footing drains

(14) Lawn watering

(15) Individual resident car washing

(16) Flows from riparian habitats and wetlands

(17) De-chlorinated swimming pool discharges (less than one ppm chlorine) provided the pool is drained in such a way as not to cause a nuisance

(18) Street wash waters

(19) Residential building wash waters without detergents

(20) Dye testing, provided verbal notification is given to the Stormwater Authority prior to the time of the test

(21) Non-stormwater discharge permitted under a NPDES permit, waiver, or waste discharge order held by the owner and administered under the authority of the United States Environmental Protection Agency, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations

(22) Discharge for which advanced written approval is received from the Stormwater Authority as necessary to protect public health, safety, welfare or the environment.

D. Emergency suspension of storm drainage system access

The Stormwater Authority or its authorized agent may suspend municipal storm drain system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened discharge of pollutants that presents imminent risk of harm to the public health, safety, welfare, or the environment. In the event any person fails to comply with an emergency suspension order, the Stormwater Authority may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare, or the environment.

E. Notification of spills

Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of or suspects a release of materials at that facility or operation resulting in or which may result in discharge of pollutants to the municipal drainage system, watercourse, or Waters of the Commonwealth, the person shall take all necessary steps to ensure containment and cleanup of the release. In the event of a release of oil or hazardous

materials, the person shall immediately notify the municipal fire and police departments. In the event of a release of nonhazardous material, the reporting person shall notify the authorized enforcement agency no later than the next business day. The reporting person shall provide to the Stormwater Authority written confirmation of all telephone, facsimile or in-person notifications within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on site a written record of the discharge and the actions taken to address it and prevent its recurrence. Such records shall be retained for at least three years.

SECTION 3 – STORMWATER MANAGEMENT AND LAND DISTURBANCE

A. Applicability

(1) These regulations shall apply to all construction activity or land disturbance within the MS4 Area that individually or as part of a Common Plan of Development result in land disturbance in excess of the thresholds below.

A Land Disturbance Permit is required for disturbance of one (1) acre (43,560 square feet) or more of land if located within the MS4 Area. Stormwater Authority may review any projects over one half (1/2) acre (21,780 square feet) within the MS4 Area and require a Land Disturbance Permit if the proposed land use has higher potential pollutant loads in accordance with the Massachusetts Stormwater Management Standards.

(2) The following activities are exempt from the provisions of Section 3 § A:

a) Maintenance of existing landscaping, gardens or lawn areas associated with a single-family dwelling conducted in such a way as not to cause a nuisance
b) Construction of fencing that will not substantially alter existing terrain or drainage patterns
c) Construction of utilities other than drainage (gas, water, electric, telephone, etc.) which will not alter terrain or drainage patterns or result in discharge of sediment or other pollutants to the MS4 area.
d) Normal maintenance and improvement of land in agricultural or aquacultural use, as defined by the Massachusetts Wetlands Protection Act regulation 310 CMR 10.04

B. Review of Permit

A Land Disturbance Permit must be obtained prior to the commencement of any construction activity or land disturbance for which such a review or permit is required. An applicant seeking approval and/or permit shall file an appropriate application with the Stormwater Authority in a form and containing information as specified in this bylaw and the Stormwater Regulations adopted by the Stormwater Authority.

Each application must be accompanied by the appropriate application fee as established by the Stormwater Authority. Applicants shall pay the application fee before the review process commences. The Stormwater Authority is authorized to retain a Registered Professional Engineer (PE) or other professional consultant to advise the Stormwater Authority on any or all aspects of the application and/or the project's compliance with conditions of a Review or Permit. The Stormwater Authority may require the applicant to pay reasonable costs to be

incurred by the Stormwater Authority for the employment of outside consultants pursuant to Stormwater Authority regulations as authorized by G.L. c. 44, § 53G.

Required submittals to obtain a Land Disturbance Permit shall include (without limitation) an Erosion and Sedimentation Control Plan, a Stormwater Management Plan, and an Operation and Maintenance Plan. To obtain a Land Disturbance Permit, the applicant must show that site design, construction site stormwater runoff control and post-construction stormwater management will meet the standards set by the Stormwater Authority in its regulations, rules and/or guidance, which shall be at least as stringent as the relevant requirements of the MS4 Permit and may also address relevant environmental considerations including (without limitation) protection of aquifers and sensitive water bodies and prevention of flooding.

The Land Disturbance Permit shall include measures to ensure adequate long-term operation and maintenance of stormwater management design features and BMPs. The Stormwater Authority may impose requirements including (without limitation) the following:

(1) A requirement that funds for future operation and maintenance be set aside in a dedicated fund or escrow account.
(2) A permanent permit condition requiring compliance with an Operation and Maintenance Plan.
(3) A permanent permit condition requiring that the property owner submit an annual report or certification regarding operation and maintenance.
(4) A requirement to record the Operation and Maintenance Plan (or notice thereof).
(5) A requirement that a legal instrument be put in place establishing responsibility for operation and maintenance of a stormwater BMP serving more than one lot: and
(6) A requirement that an easement be recorded allowing the Town to access a stormwater BMP to remedy any operational failure or maintenance problem.

C. Consent to Entry onto Property

An applicant consents to entry of Stormwater Authority or its authorized agents in or on the site to verify the information in the application and to inspect for compliance with Review or Permit conditions.

D. Inspection and Site Supervision

The Stormwater Authority or its designated agent shall make inspections to verify and document compliance with Land Disturbance Permit.

E. Compliance with the provisions of EPAs General Permit for MS4s in Massachusetts

This bylaw and its related Stormwater Management Regulations shall be implemented in accordance with the requirements of United States Environmental Protection Agency's most recent Massachusetts Small Municipal Separate Storm Sewer System (MS4s) General Permit relating to illicit connections and discharges, construction site runoff, and post-construction stormwater management, as well as the Massachusetts Wetlands Management Act. The Stormwater Authority may establish additional requirements by regulation to further the purposes and objectives of this bylaw so long as they are not less stringent than those in the MS4 General Permit for Massachusetts.

F. Surety

The Stormwater Authority may require the applicant to post before the start of construction or land disturbance activity, a surety bond, irrevocable letter of credit, cash, or other acceptable security. The form of the bond shall be approved by the Stormwater Authority and be in an amount deemed sufficient by the Stormwater Authority to ensure that the work will be completed in accordance with the permit. If the project is phased, the Stormwater Authority may release part of the bond as each phase is completed in compliance with the permit. If the permittee defaults on any obligations imposed by the Land Disturbance Permit, the Stormwater Authority may (after notification of the permittee) inform the holder of the security (and the municipal treasurer if the treasurer is not holding the funds) of the default, in which event the Town shall be entitled to the security funds.

G. Final Reports

Upon completion of the work, the applicant shall submit a report (including certified as-built construction plans) from a Professional Engineer (P.E.), surveyor, or Certified Professional in Erosion and Sedimentation Control (CPESC), certifying that the project has been completed in accordance with the conditions of the Land Disturbance Permit. The as-built drawings must depict all on site controls, both structural and non-structural, designed to manage the stormwater associated with the completed site (post construction stormwater management). The Stormwater Authority may, by regulation, require ongoing reporting to ensure long-term compliance, including, but not limited to, appropriate operation and maintenance of stormwater BMPs. Any discrepancies shall be noted in the cover letter.

Proposed by the Board of Selectmen & Conservation Commission

2/3 Majority Vote Required

And you are directed to serve this Warrant, by posting up attested copies thereof at the CHESHIRE TOWN HALL and the CHESHIRE POST OFFICE in said Town, seven (7) days at least before the time of holding said meeting.

Hereof Fail Not, and make due return of this Warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting, as aforesaid.

Given this day under our hands this _____ day of _____ in the year **Two Thousand and Twenty-Three**.

_____
Chair

_____ Cheshire Board of Selectmen
Vice Chair

_____
Member

_____
Member

_____
Member

A true copy. Attest: _____ Constable

Berkshire, SS

Pursuant to the within warrant, I have notified and warned the inhabitants of the Town of Ashfield by posting up attested copies of the same at the Cheshire Town Hall and the Cheshire Post Office

____ days before the date of the meeting as within directed.

_____ _____

Constable of Cheshire Date

From: Jennifer Morse
To: BOS
Subject: Non-binding resolution
Date: Thursday, May 4, 2023 2:06:26 PM

Below is a DRAFT non-binding resolution for discussion at the end of Annual Town Meeting regarding the Fire Station…

Please let me know if you have any edits by replying to me only.

Non-Binding Referendum – Public Safety Building

Note: This is a non-binding referendum for the purpose of voter feedback. This vote does not appropriate money from any existing funds, raise additional funds, or authorize the borrowing of any funds. No board, committee, officer or town meeting is bound by the results of this non-binding referendum. This question does not authorize any action to be taken and is purely informational.

Summary: The Cheshire Volunteer Fire Department buildings was purchased in 1982 previously owned by the Lamb family and served as a auto repair garage. The Board of Selectmen contracted with EDM who produced a building condition assessment report dated August 15, 2022. The assessment construction cost summary to repair the current station is $1,330,561, this estimate is does not include any renovations, enhancements or OSHA recommendations. The cost of a new Public Safety facility is expected to be a multi-million dollar project, a project manager and committee will need to facilitate any possible construction of a new Public Safety facility including the search for a feasible location.

Would you support the investigation of a new Public Safety Facility?

Jennifer Morse
Town Administrator
413-743-1690 x. 18

Town of Cheshire
80 Church Street
PO Box 647
Cheshire, MA 01225
www.cheshire-ma.gov

Please be advised, the Secretary of the Commonwealth has determined that all email messages and attached content sent from and to this email address are public records, unless qualified as an exemption under the Massachusetts Public Records Law (MGL c.4 § 7(26)).

HVMC Special Permit Applications

TOWN OF CHESHIRE SPECIAL EVENT PERMIT APPLICATION

APPLICANT INFORMATION

Organization: HVMC Date: 5/9/23

Name: John Malloy Phone #: 413 770 2100

Address: 259 Wood Rd Clarksburg, MA 01247

Email: jmalloy@Amentek.com

Name of Event: Jdayoffroad

Type of Event: Dirt bike

Event Location: Whitney's Farm. Ingalls Rd. Backfield

Event Date: July 2nd Start Time: 8:00 AM End Time: 5:00 pm

Proposed Rain Date: N/A Number of People: 500

Please answer the following:

1. Clearly describe your event (Please attach letter if more space is required)

July 2nd. 6 - 30 minute Moto's x 2
Toilets, ambulance on site. All parking off road in fields
Food by others

2. Please attached an event map and site plan with the following indicated:
   - Detailed event layout/route with directional arrows and street names
   - Identify and road or sidewalks that will be blocked or closed.
   - Placement of collection of signage, traffic control devices, barricades
   - Location of event staff, volunteers along the proposed locations where police details are required, emergency medical stations, food service, port-a potties, etc.
   - Trash generated by the event must be removed immediately after the event. Event signage, port-a potties, and all other equipment should be removed within 48 hours.

3. Insurance Information: Idgy offroad will provide before event

   Issuing Company: _____

   Public Liability Coverage: _____

APPLICATION CERTIFICATION

The applicant certifies that he/she has read and examined this application and agrees to comply with the terms and conditions contained herein.

Signature of Applicant: John Malloy

Date: 5/9/23

***PUBLIC SAFETY SIGNATURES ***

Signature of Police Chief or Deputy Police Chief **(Mandatory)**
Conditions:

Signature of Fire Chief or Deputy Fire Chief **(Mandatory)**
Conditions:

Signature from Highway/DPW Department **(Mandatory)**
Conditions:

Signature from Board of Health **(Mandatory)**
Conditions:

FINAL APPROVAL

BOARD OF SELECTMEN/TOWN ADMINISTRATOR

Complete Application ◯ **Yes** ◯ **No** **Date Available** ◯ **Yes** ◯ **No**

Indemnification (if required) ◯ **Yes** ◯ **No** **Intended Route** ◯ **Yes** ◯ **No**

Comments/Conditions: _____

_____

Select Board Approval: _____ Date: _____
(Board of Selectmen Chair)

TOWN OF CHESHIRE SPECIAL EVENT PERMIT APPLICATION

APPLICANT INFORMATION

Organization: HVMC Date: 5/9/23

Name: John Malloy Phone #: 413 770-2100

Address: 259 Wood Rd Clarksburg, MA 01247

Email: jmalloy@Amentek.com

Name of Event: Netra

Type of Event: Dirt Bike

Event Location: Whitney's farm. Ingalls Rd. Back field

Event Date: Aug 5th, 6th Start Time: 9:00 Am End Time: 4:00 pm

Proposed Rain Date: N/A Number of People: 300

Please answer the following:

1. Clearly describe your event (Please attach letter if more space is required)

August 5th, Junior Race and Vintage race
August 6th, Novice, Amateur, and Expert race
Toilets, Ambulance on site on site both days, all parking off road in fields, food by others

2. Please attached an event map and site plan with the following indicated:
   - Detailed event layout/route with directional arrows and street names
   - Identify and road or sidewalks that will be blocked or closed.
   - Placement of collection of signage, traffic control devices, barricades
   - Location of event staff, volunteers along the proposed locations where police details are required, emergency medical stations, food service, port-a potties, etc.
   - Trash generated by the event must be removed immediately after the event. Event signage, port-a potties, and all other equipment should be removed within 48 hours.

3. Insurance Information: Provided by Metra before Event

   Issuing Company: _____

   Public Liability Coverage: _____

APPLICATION CERTIFICATION

The applicant certifies that he/she has read and examined this application and agrees to comply with the terms and conditions contained herein.

Signature of Applicant: John Malloy

Date: 5/9/23

***PUBLIC SAFETY SIGNATURES ***

Signature of Police Chief or Deputy Police Chief **(Mandatory)**
Conditions:

Signature of Fire Chief or Deputy Fire Chief **(Mandatory)**
Conditions:

Signature from Highway/DPW Department **(Mandatory)**
Conditions:

Signature from Board of Health **(Mandatory)**
Conditions:

FINAL APPROVAL

BOARD OF SELECTMEN/TOWN ADMINISTRATOR

Complete Application ◯ **Yes** ◯ **No** **Date Available** ◯ **Yes** ◯ **No**

Indemnification (if required) ◯ **Yes** ◯ **No** **Intended Route** ◯ **Yes** ◯ **No**

Comments/Conditions: _____

_____

Select Board Approval: _____ Date: _____
(Board of Selectmen Chair)

Tag Sale Policy

No person shall conduct a tag sale, attic sale, garage sale, lawn sale, rummage sale, yard sale, or their equivalent in the Town of Cheshire except in accordance with the following rules and regulations:

1. The Tag Sale shall be restricted to the sale of personal property belonging to the resident family, which is being sold on their premises; or in the case of a neighborhood tag sale, shall be restricted to personal property belonging to the participating families, which is being sold from premises located in the neighborhood.
2. The Tag Sale shall be limited to not more than two (2) consecutive days and the hours of operation shall not begin before 8:00 AM and shall not extend beyond sunset.
3. Tag Sales by a resident family on more than two (2) occasions in any given calendar year and sales of property belonging to other persons shall not be permitted without issuance of a June License from the Board of Selectmen. In such instances, Zoning Bylaw requirements must be complied with.
4. Temporary signs advertising the Tag Sale may be erected on the day(s) of the sale in accordance with the Zoning Bylaw requirements, and shall be promptly removed at the conclusion of the sale. Signs that create a nuisance or threat to public safety are prohibited and shall be removed at the request of the zoning enforcement officer or police officer.
5. The Tag Sale holder shall be responsible for orderly parking and traffic flow. If parking or traffic flow conditions create a threat to the safety of the public, the Tag Sale event shall be terminated at the request of the police officer.
6. No Tag Sale event shall be held at a time or place so that it negatively impacts or interferes with any other public event in the community.

Occasional sales by churches and other charitable organizations shall be exempted from these regulations.

DRAFT

MBI Digital Equity Plan

617.924.1770
617.924.2286
www.vhb.com
Engineers | Scientists | Planners | Designers

101 Walnut Street
PO Box 9151
Watertown, MA 02472-4026

Client Authorization

☐ **New Contract** **Date** April 25, 2023

☒ Task Order #4 **Project No.** 15912.04

Project Name Northern Berkshire County Sub-Region Digital Equity Plan

To: Josh Eichen
Program Manager
Mass Tech Collaborative
75 North Drive
Westborough, MA 01581

E-mail: eichen@masstech.org

Phone No: 508-870-0312 x239

	Cost Estimate	
	Amendment	**Contract Total**
Labor		$122,900
Expenses		$0
TOTAL		**$122,900**

☐ Lump Sum ☒ Time & Expenses

☐ Cost + Fixed Fee ☐ Labor Multiplier

Estimated Date of Completion: *tbd*

BACKGROUND

Mass Broadband Institute ("the Client") and the Towns of Adams, Cheshire, Florida, Lanesborough, and North Adams, ("the Towns") has requested VHB's services to engage in planning activities related to advancing digital equity ("the Project").

The intent of the Project is to guide the Towns' decision-making and investments related to services and infrastructure that will increase access, adoption, and usage of the internet throughout these communities. Through this process, VHB will help prepare the Towns to apply for funding from existing or forthcoming state and federal programs to support investment in digital equity. The Project is anticipated to include an existing conditions assessment, public engagement and stakeholder outreach, and preparation of strategic recommendations and implementation strategies.

The following scope outlines the VHB team's approach for undertaking this work.

SCOPE OF WORK

1.0: Existing Conditions Assessment (0-2 months from NTP)

VHB will leverage existing data gathered by MBI, and data available from other publicly available sources, to prepare an assessment of existing conditions. This assessment will comprehend demographic conditions within the five communities. It will also comprehend the availability and accessibility of internet and broadband infrastructure, devices, and

digital literacy training. For example, it will include an assessment of existing broadband internet service providers and residential service offering price points, and an assessment of ACP adoption using available data from USAC.

Lastly, the assessment will include a detailed review of the Towns' relevant previous studies and plans.

Based on this research, VHB will prepare a baseline conditions profile.

Task 1.0 Deliverables

- *Baseline Conditions Profile (slide deck w/ narrative, photographs, infographics, and maps) (PDF format)*

2.0: Public Engagement and Stakeholder Outreach (0-6 months from NTP)

2.1 Steering Committee Kickoff and Check-in Calls

VHB will collaborate with the Towns to establish a Digital Equity Steering Committee. This committee will serve as the advisory committee for the development of the Digital Equity Plan. Ideally, the Steering Committee will have no more than fifteen members (three from each Town). Ideally, members will represent various agencies and departments throughout the five towns, including schools, councils on aging, housing authorities, and public health departments.

Once the Steering Committee is established, up to three (3) VHB staff will prepare for and facilitate the project kickoff meeting, to present the overall approach, schedule, milestones, and metrics for verification by the Steering Committee.

Further, VHB will attend up to four (4) steering committee check-in calls throughout the course of the Project.

Task 2.1 Deliverables

- *Kickoff Meeting Summary Notes (PDF format)*

2.2 Public Involvement Plan Preparation

VHB will prepare a Public Involvement Plan (PIP) to identify goals for community outreach and stakeholder engagement. The PIP will be a "living document" that can be updated throughout the project as needed. The Public Involvement Plan will outline key outcomes and goals for each of the following:

- Public workshops
- Stakeholder engagement meetings
- Focus group roundtable meetings
- Online Surveys

For each activity, the PIP will define the timing, list of attendees, agenda, and logistical needs.

Task 2.2 Deliverables

- *Public Involvement Plan (PDF format)*

2.3 Stakeholder Sessions (x3)

VHB will conduct a series of group interviews with Town staff to gather input on key issues and opporrunities related to digital equity. Up to two (2) VHB staff will conduct up to three (3) interviews, including groups of no more than five (5) different stakeholders in each session (ideally, one from each town). Groups will be determined based on common concerns and objectives. The list of attendees for each session will be identified during the preparation of the PIP.

Task 2.3 Deliverables
- *Summary Notes from each stakeholder session (PDF format)*

2.4 Public Workshops (x2)

VHB will prepare for and facilitate two (2) public workshops to build awareness of the Digital Equity Plan project and gather community feedback. VHB will prepare all meeting presentation materials, agendas, interactive exercises, and meeting documentation. VHB will work collaboratively with the appropriate parties to promote the workshops on social media and/or email blasts.

VHB will also develop a public and private stakeholder distribution list that would include, at a minimum, the business community, institutional/academic partners, civic/neighborhood associations, special interest groups, and industry partners.
VHB will meet with the Steering Committee prior to each public workshop to confirm presentation materials, objectives, and engagement strategies. Following each workshop, VHB will prepare a summary to document the meeting results.

Key outcomes of the two public workshops are as follows:

- Workshop #1. The purpose of the first public workshop is to provide an overview of digital equity, outline VHB's process and schedule, and provide a summary of best practices that may be implemented to advance digital equity. The goal is to gather initial feedback from community members on needs and opportunities.

- Workshop #2. The second public workshop will focus on a refined list of best practices. This will include key performance indicators (KPIs), preliminary costs, potential partners, funding sources, and common barriers to success. The purpose of this workshop is to solicit stakeholder feedback on which best practices and projects should be prioritized.

Presentations from each public workshop will be recorded and made available online through YouTube, Vimeo, and/or other social media platforms as defined by the Town and listed in the PIP.

Task 2.4 Deliverables
- *Meeting Presentation Materials (PPT and PDF format)*
- *Summary Notes (including community feedback) (PDF format)*

2.5 Pop-Up Community Events (x2)

VHB will facilitate two (2) pop-up community touchpoints, to further identify pressing issues or barriers within the community, and explore potential solutions. The timing and location of these pop-ups is to be determined, but will be programmed by VHB and the Towns based on popular events.

Task 2.5 Deliverables
- *Summary Notes (PDF format)*

2.6 Online Engagement

VHB will facilitate the use of an online survey as a complement to face-to-face stakeholder engagement, using Esri's Survey123, Hub, or Metroquest. The survey will present simply stated questions that will enable VHB to gather quantifiable feedback on concerns and ideas.

VHB will share the link to the survey in the public meetings. The Towns can further publicize the survey by sharing the link online.

Task 2.6 Deliverables
- *Memo summarizing findings (PDF format)*

3.0: Development of Recommendations (4-8 months from NTP)

Based on the existing conditions assessment and input gathered from the community, VHB will prepare a "long list" of actionable recommendations that are reflective of the Towns' unique needs and opportunities. For each of the strategies on the long list, VHB will develop a brief description, list of potential risks and benefits, and estimated cost range. The long list of strategies will be documented and submitted to the Town for review.

VHB will prepare criteria to evaluate each of the candidate strategies, and will present the evaluation criteria to the Towns. Upon approval, VHB will conduct an evaluation of the long list and prepare a brief document identifying the strategies that should be advanced for consideration.

The evaluation criteria will be developed with the Steering Committee using, at minimum, the following overarching categories, or guiding principles:
- Target population
- Security and privacy
- Financial viability
- Replicability and longevity
- Equity and inclusiveness

Task 3.0 Deliverables
- *Memo of Recommendations (PDF format)*

4.0: Final Documentation (6-8 months from NTP)

4.1: Digital Equity Plan document

The Digital Equity Plan will be developed and will include a graphically-illustrated summary of the process and findings:

- Existing conditions analysis
- Digital equity best practices
- Stakeholder engagement summary
- Barriers and issues
- Recommendations

A draft version of the Digital Equity Plan will be provided to the Towns for review and comments.

Following this VHB will prepare a final version of the Digital Equity Plan.

Task 4.1 Deliverables
Digital Equity Plan (draft and final versions) (PDF format)

4.2: Future-Funding Investigation

Based on findings and recommendations, VHB will identify which recommendations will require future funding, an estimation of the amount of funding required, and the potential sources of funding that could be used.

This will include researching federal and state programs, such as programs under the American Rescue Plan Act (ARPA) and Infrastructure Investment and Jobs Act, as well as potentially looking at other opportunities that might apply from other private sources and special interest groups. As an appendix to the Digital Equity Plan, each funding source will be identified along with the source, estimated effort to complete the application, and key dates for submission.

Task 4.2 Deliverables
Future funding investigation (PDF format)

COST

VHB will perform this scope of services for a **$122,900** on a Time and Materials basis.

If additional services not described in the agreement are required, VHB will prepare an amendment to this agreement and perform said services upon notice to proceed by the Client.

ASSUMPTIONS

This agreement includes the following project-specific assumptions:

- VHB will rely on the accuracy of information provided by the Towns, in addition to publicly available data sources, in completing the tasks described herein.
- No engineering services are proposed herein.

Prepared By: **Luke Mitchell** **Department Approval:** **MSJ**

Please execute this Client Authorization for VHB to proceed with the above scope of services at the stated estimated costs. No services will be provided until it is signed and returned to VHB.

☐ Subject to attached terms & conditions.

☒ Subject to terms & conditions in our original agreement dated 12/15/2022

Vanasse Hangen Brustlin, Inc. Authorization

By _____

Print **Mark Junghans**

Title Principal

Date _____

Client Authorization ***(Please sign original and return)***

By _____

Print _____

Title _____

Date _____

The Massachusetts House of Representatives
State House
Boston, Massachusetts 02133

John Barrett III
State Representative
Chair, House Ethics Committee
First Berkshire District

State House – Room 185
Phone (617)722-2960

May 11, 2023

Dear Town Administrator and Board of Selectmen,

This is a reminder about the Massachusetts Broadband Institute's Municipal Digital Equity Program. The goal of this initiative is to close the 'digital divide' that exists across the state. The 'digital divide' refers to rural communities, low-income households, and minority populations that have significantly less access to Internet service than those living in urban communities. In December 2021, the Legislature created this program and allocated $50 million to address these issues.

Although some have already applied for funding, it is recommended that each community establishes a Broadband Committee to ensure that they fully capitalize on the availability of this money. Smaller communities may want to consider partnering with another community to simplify the application process. Broadband Committees can apply for the Municipal Digital Equity Planning Program using this link: https://broadband.masstech.org/municipal. Participating communities will be paired with an MBI-contracted consultant to draft a plan to address their digital divide issues. Once the consultant has made their recommendations, communities may apply for funding to implement the recommended course of action. These funds will become available in late 2024.

Additional federal funding through the Bipartisan Infrastructure Bill will be distributed over the next three years for additional broadband programs. This may be a lengthy process, but these programs will bring universal Internet access and hopefully competition to communities. However, this is dependent on your community creating a plan to take advantage of this opportunity. Even communities with their own broadband networks should at least apply for funding to hire a consultant to see if improvements can be made. This is an opportunity to upgrade broadband service in your community that may not be available again.

If you have any questions, please feel free to contact our Boston office at (617) 722-2960, or email Christine Sullivan directly at christine.sullivan@mahouse.gov.

Sincerely,

Kali Puppolo
District Director
Representative John Barrett III
First Berkshire District

Weekly Activity Report

Friday – 3 tons of patch on Sandmill Rd, cleaned out bins at transfer station, mowed islands/boat launch/town hall/rail trail/cheese press/father Tom, unblocked pipe on Nobodys RD

Sat/Sun – Had to unblock pipe on Nobodys RD (Heavy rains) debris build up

Monday – Road check from previous rains, fixed lawn on Stewart White RD, removed old pipe on Stewart White, Made new grate for pipe on NObodys, picked up tree on Jenks Rd, filled potholes on Willow LN, put 6" stone on side of Windsor RD, started making under the guardrail pusher.

Tuesday – Dug out waterways on Sandmill Hill/Windsor, chipping on Sandmill/Windsor Rds, tightened mounts/exhaust on chipper.

Wednesday – Cut tree's down at fire station, removed noiler from fire station, fixed trailer lighting on T3, Grease grader.

Thursday – 6 tons of patch on Farnum/Lanesboro RD, changed out batteries on grader, moved material at school, mowed school.

Friday – graded Stewart White Rd, picked up roller at PLT. Raked/rolled/sprayed Stewart White. Graded school

SAT/Sun – Nothing

Monday – Graded/raked/rolled/sprayed Stafford Hill and short section of Windsor RD, Mowed Stafford Hill monument/island on Wells/116.

Tuesday – graded/raked/rolled/sprayed Sandmill Hill/Upper Windsor Rd, chipped brush at compactor, Truck to Hutchinson for sweeper to dump into/tanker brought water when needed.

Wednesday – graded/raked/rolled/sprayed Richmond Hill, opened West Mtn road for season, picked up old blacktop on side of West Mtn Rd (by farm)

Thursday – Graded/raked/rolled/sprayed Jenks Rd, mowed boat launch/across from FD/town Hall/rail trail/senior center/Father Tom campground.

Office:

1. Met with Berkshire Gas about doing the tie in to police station for new generator. Will be done before paving begins.
2. Generator project is go for fuel pumps, spoke with Bob Barry from MEMA and everything is good paperwork wise (no amendments needed due to different type of generator than originally specked out)
3. Spoke with Sandri and gave updated quote for fuel pump at old shed also, that project is a go and should be completed by mid June according to Sandri.
4. East side of town grading is completed, starting south and working north in next week.
5. T10 (new truck) is in Westfield as it wouldn't start and there is a leaking valve. ATG in Westfield is looking to see what the issues are.