TOWN OF CHESHIRE

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

WWW.CHESHIRE-MA.GOV

OFFICE OF THE BOARD OF SELECTMEN

Board of Selectmen

Meeting Minutes – May 23, 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 23, 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, Lynn Melchiori; Peter Traub; Art Kaufman; Bob Tetlow

S. McGrath opened the meeting of the Board of Selectmen at 6:30 p.m.

Summary of Votes

- Vote to approve the Consent Agenda with edits 5-0
- Vote to sign the Special Town Meeting Warrant 5-0
- Vote to sign the Annual Town Meeting Warrant 5-0
- Vote to hire Tom Lussier as Primary Water Operator 5-0
- Vote to appoint Art Kaufman as Planning Board Alternate 5-0
- Vote to adjourn at 7:22 p.m. 5-0

Consent Agenda

a. Minutes – May 10, 2023, and May 16, 2023

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; J. Levesque – Yes; M. Francesconi- Yes; S. McGrath- Yes
Motion Carries: 5-0

Board of Selectmen Business

a. Sign FY23 Special Town Meeting Warrant - The Town Administrator shared that she had legal opinion that the FY23 Special Town Meeting should be at 6:45 p.m. and kept separate from the FY24 Annual Town Meeting which will start at 7:00 p.m.

A motion was made by J. Levesque and seconded by R. DeAngelis to approve the FY23 Special Town Meeting Warrant for June 12, 2023.
Roll Call Vote: R. DeAngelis- Yes; R. Killeen- Yes; J. Levesque – Yes; M. Francesconi- Yes; S. McGrath- Yes
Motion Carries: 5-0

b. Sign the FY24 Annual Town Meeting Warrant - There was discussion regarding the budget presentation which will be held on Tuesday May 30th at 6:30 p.m. at the Board of Selectmen meeting and on Wednesday May 31st at 12:30 p.m. at the Community Center. There was also discussion regarding the Stormwater Bylaw fact sheet which will be posted after the Conservation Commission reviews on Thursday evening. Discussion on the impacts of the citizens petition and procedure for moving forward after the town meeting.
A motion was made by M. Francesconi and seconded by J. Levesque to approve the FY24 Annual Town Meeting Warrant for June 12, 2023.
Roll Call Vote: R. DeAngelis- Yes; R. Killeen- Yes; J. Levesque – Yes; M. Francesconi- Yes; S. McGrath- Yes
Motion Carries: 5-0

c. Primary Water Operator Hiring
A motion was made by J. Levesque and seconded by S. McGrath to hire Tom Lussier as Primary Water Operator.
Roll Call Vote: R. DeAngelis- Yes; R. Killeen- Yes; J. Levesque – Yes; M. Francesconi- Yes; S. McGrath- Yes
Motion Carries: 5-0

d. Planning Board Alternate Appointment – The Town Administrator shared that the Planning Board had voted at meeting to recommend the appointment of Art Kaufman as an Alternate.
A motion was made by S. McGrath and seconded by J. Levesque to appoint Art Kaufman as an Alternate Planning Board member.
Discussion: M. Francesconi shared that as an alternate planning board member, Mr. Kaufman is not allowed to participate in active meeting dialogue, that the alternate should be present and aware in the case he is called on to participate in the absence of an elected Planning Board member.
Roll Call Vote: R. DeAngelis- Yes; R. Killeen- Yes; J. Levesque – Yes; M. Francesconi- Yes; S. McGrath- Yes
Motion Carries: 5-0

e. Cemetery Foreman Position - The Town Administrator noted that no applications have come into date. The new hires will be starting next week, and the custodian is currently working additional hours.

f. Alarm System Upgrades - The Facilities manager shared information regarding the upgrade to the alarm system at the former elementary school quoted by Alarms of Berkshire County which is the current vendor. The total cost is $29,795 and includes new fire and security access panel, cell and internet communication, card access, exterior horn/strobe, panic buttons, keypad, pull stations for exits and magnetic door holders. The Town Administrator will reach out to get procurement advice and the item will be tabled at a future meeting.

g. Stafford Hill Gate - The Facilities Manager noted that there is a lot of paraphernalia and parties at the historic location. The gate would be built and hung with two posts to make access to a walking path only, the state is adding a parking lot. C. McGrath has also been in touch with a mason regarding restoration of the monument and the historical commission will be seeking grant funding for the project. It was decided to table this item and revisit closer to the end of the fiscal year.

h. **Elementary School Fence** - M. Francesconi spoke about the gate proposal noting that this would give the antique cars at cruise night access off School Street. Currently cars cross the public during the event, it was noted that the "block party" vendors would also be using the gates. There was discussion about the old sections of the fence being used by the Adams Cheshire Softball League for the dugouts, the organization will handle the labor. It was decided to table this item and revisit it closer to the end of the fiscal year.

Announcements from Board Members

M. Francesconi gave an update on the Memorial Day Parade update

Public Comment – None

Adjourn

A motion was made by S. McGrath and seconded by J. Levesque to adjourn the meeting at 7:22 p.m.
Roll Call Vote: R. DeAngelis- Yes; R. Killeen- Yes; J. Levesque – Yes; M. Francesconi- Yes; S. McGrath- Yes
Motion Carries: 5-0

Document List

1. Agenda – May 23, 2023
2. Draft Minutes – May 10, 2023
3. Draft Minutes – May 16, 2023
4. STM Warrant – 06.12.23
5. ATM Warrant- 06.12.23
6. Alarm of Berkshire County Quote
7. Berkshire Fence Company Quote

Approved: May 30, 2023

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OFFICE OF THE BOARD OF SELECTMEN

Board of Selectmen

Meeting Agenda – May 23, 2023
6:30 PM

Cheshire Elementary School – Cafeteria

1. Open Regular Meeting Introductions and Pledge of Allegiance
2. Consent Agenda
   a. Minutes May 10, 2023, Minutes May 16, 2023
3. Board of Selectmen Business
   a. Sign FY23 Special Town Meeting Warrant
   b. Sign FY24 Annual Town Meeting Warrant
   c. Primary Water Operator Formal Hiring – Tom Lussier
   d. Planning Board Alternate Appointment – Art Kaufman
   e. Cemetery Foreman Position
   f. ARPA Fund request – Alarm System Upgrades Former Elementary School $29,795
   g. ARPA Fund request – Stafford Hill gate $1,800
   h. Elementary School Fence
4. Town Administrator Updates
5. Announcements from Board Members
6. Public Comment
7. Any other business not reasonably anticipated 48 hours prior to the meeting.

Submitted by: Jennifer Morse – Town Administrator Posted: 5/1/23 @ 11:45 a.m.

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

TOWN OF CHESHIRE

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OFFICE OF THE BOARD OF SELECTMEN

Board of Selectmen

Meeting Minutes – May 10, 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 Wednesday May 10, 2023, at 7:00 PM

Board of Selectmen Members Present: Michelle Francesconi, Chair
Ron DeAngelis
Ray Killeen (arrived at 7:22 p.m.)

Board of Selectmen Members Absent: Shawn McGrath, Vice-Chair
Jason Levesque

Zoning Board of Appeals: Steve Marko, Chair
Tom Zappula
Jared Martin (Alternate)
Jeff Reynolds (Alternate)
Bob Balawender (Alternate)

Others Present: Jennifer Morse, Town Administrator; Corey McGrath, Facilities Manager.

No quorum was present at the beginning of the Zoning Board of Appeal Hearing regarding the Town of Cheshire application for a Special Permit to change the use from School to Municipal Offices at the former Cheshire Elementary School. Members M. Francesconi and R. DeAngelis participated and answered questions regarding the application.

M. Francesconi opened the meeting of the Board of Selectmen at 7:22 p.m. with the arrival of Ray Killeen.

The Zoning Board of Appeals was discussing the motion to approve the Special Permit Application when R. Killeen arrived (see ZBA minutes). The motion was approved and Steve Marko, Chair of the ZBA shared the closing procedures and filing of the special permit application.

A motion was made by R. DeAngelis and seconded by R. Killeen to adjourn the Board of Selectmen meeting at 7:30 p.m.
Vote: Unanimous
Motion Carries: 3-0

Respectfully submitted,
Jennifer Morse
May 15, 2023

Document List

1. Agenda May 10, 2023
2. Special Permit Application - Change of Use

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 Rep and Chair Bethany DeMarco feels like there is not choice other than to move forward to address the concerns the district has been facing comes at a cost and the decisions being made 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

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

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 **23rd** day of **May** in the year **Two Thousand and Twenty-Three**.

_____

Shawn McGrath - Chair

_____ Cheshire Board of Selectmen

Jason Levesque - Vice Chair

_____

Ray Killeen - Member

_____

Michelle Francesconi - Member

_____

Ron DeAngelis - Member

A true copy. Attest: _____ Constable
Berkshire, SS
Pursuant to the within warrant, I have notified and warned the inhabitants of the Town of Cheshire 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

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

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	10,269.00	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	40,000.00	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	27,411.00	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	18,000.00	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	**1,343,085.00**	**1,454,105.00**

Board of Selectmen 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
Out of District Placement	30,000.00	0.00
OTHER EDUCATION SUBTOTAL	**468,574.00**	**564,446.00**
TOTAL PUBLIC EDUCATION	**3,411,940.00**	**3,512,908.00**

Board of Selectmen 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

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

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

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

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

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

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

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

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

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

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

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
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

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

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

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

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."

Note: Passage of the citizens petition does not amend the bylaw according to MGL Chapter 40A, Section 5.

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."

Note: Passage of the citizens petition does not amend the bylaw according to MGL Chapter 40A, Section 5.

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"

Board of Selectmen Recommends

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.

Planning Board Recommends

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.

Board of Selectmen Recommends

Board of Assessors Recommends

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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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 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 **23rd** day of **May** in the year **Two Thousand and Twenty-Three**.

_____

Shawn McGrath - Chair

_____ Cheshire Board of Selectmen

Jason Levesque- Vice-Chair

_____

Ray Killeen - Member

_____

Michelle Francesconi - Member

_____

Ron DeAngelis – Member

A true copy. Attest: _____ Constable
Berkshire, SS
Pursuant to the within warrant, I have notified and warned the inhabitants of the Town of Cheshire 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:	Buildings
To:	Jennifer Morse
Subject:	FW: New Fire System
Date:	Monday, May 8, 2023 1:55:14 PM

From: Chris Ferro <cferro@isgsecurity.com>
Sent: Monday, May 8, 2023 1:50 PM
To: Buildings <buildings@cheshire-ma.gov>
Subject: New Fire System

Corey,

I have the quote for the new system:

The system is $29,795.00 plus any tax, permit fees, and electrical work that may need to be done (connecting the new panel).

We will add the equipment we discussed (plus a few things not listed - example; repeaters for the wireless panics)

New fire, security, access panel
Cell and internet communication
Connect the 4 doors with card access
Exterior horn/strobe
Annunciator
4 - panic buttons
3 - Keypads
5 - Pull Stations
2 - Magnetic door holders

Monitoring is more now than when you originally signed up:
$75/month cellular monitoring
$15/fee and $3/door access times 4 doors = $27/month
$40/month Annual Inspection

$130/month

You are currently paying $62/month
There is no cellular, App, door access control remotely currently

Please let me know if you have any questions,

Berkshire Fence Company

1625 West Housatonic Street
Pittsfield, MA 01201
Phone (413) 443-4515 / Fax 447-9984

www.berkshirefence.com / pbrown@berkshirefence.com

Town of Cheshire
Attn: Cory McGrath
Re: New Gate at Field
Email: buildings@cheshire-mass.gov

PROPOSAL

April 12, 2023

We hereby submit specifications and estimates for:
Labor and materials to install:

- **Approximately a 15' double drive gate to be fabricated and installed in existing fence line. Included are new 3" gate posts set in concrete footings.**

Total: $3450.00

*MA sales tax of 6.25% on materials only added at billing.
*NY Sales Tax of 8% on materials & Labor added at billing on all repair work.

**Customer shall be responsible for establishing boundary lines and obtaining all necessary permits and or variances and local zoning codes.*
**Any jobs that are cancelled after receipt of the deposit may be subject to a 20% restocking fee.*
**Customer is responsible for marking all private underground lines, septic fields, pool lines, satellites, etc.*
*Quotation given by: Paul Brown

Payment to be made as follows:

- 50% deposit required/ Full payment due upon completion. All past due balances are subject to a service charge of 1 ½ % per month.

ACCEPTANCE OF PROPOSAL

- The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified.

X_____
Customer Signature
Note: This proposal may be withdrawn by us if not accepted within 7 days.