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 –September 3, 2024

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 Community House) on Tuesday September 3, 2024, at 6:00 PM.

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

Others Present: Jennifer Morse, Town Administrator; Lynn Melchiori; Peter Traub; Bob Tetlow; Art Kaufman; William Nylic; Aaron Singer; Unidentified participant.

S. McGrath called the meeting of the Board of Selectmen to order at 6:00 p.m.

Summary of Votes:

- Vote to exempt Town properties and buildings from Chapter 135, Section 124 of the Acts of 2024 as granted by section 124 (2)(i) 5-0
- Vote to appoint Ron DeAngelis as Conservation Commission Alternate 5-0
- Vote to approve the consent agenda 5-0
- Vote to adjourn the meeting at 7:16 p.m. 5-0

Executive Session – 6:00 p.m. Youth Center
Postponed to September 17, 2024

Discussion/Decision Items
HVRSD Budget Meeting – September 30
S. McGrath shared that he and M. Francesconi attended the Audit and Evaluation (A&E) subcommittee meeting on August 26, 2024. At that meeting the public record request from the Town of Cheshire pertaining to grant and aid information was reviewed. The meeting will be held at the Hoosac Valley Middle/High School on Monday September 30th at 6:30 p.m. and is open to all registered voters in the towns of Adams and Cheshire. The School Committee is moving forward with the same budget numbers presented and rejected previously. R. Killeen expressed that the School District has made no attempt to adjust the numbers and M. Francesconi stated that the Town did share with the School District the financial restraints of the Town, she also noted that the School District has stated that they will have to cut sports programs, members disagreed with this logic and it is a scare tactic, if sports are not kept in place even more families will leave the district.
R. DeAngelis then said that Cheshire does not have an equal seat at the table and that there is a process for Cheshire to leave the district suggesting that the Town have a non-binding question at a town meeting to get a

sense from the community regarding of the desire to join another district. There was further discussion about the outstanding debt on the middle/high school, the charter school impact on the school budget and comments from the audience including one member stating that she would home school her children before sending them to the Hoosac Valley.

Vote to exempt Town Properties and Buildings from Chapter 135, Section 124 of the Acts of 2024 as granted by Section 124 (2) (i).

A motion was made by J. Levesque and seconded by M. Francesconi to exempt Town Properties and Buildings from Chapter 135, Section 124 of the Acts of 2024 as granted in Section 124 (2)(i)

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

Written Complaint – Assign Town Administrator to investigate and report back to the board

A motion was made by S. McGrath and seconded by J. Levesque to have the Town Administrator investigate a written complaint against a town employee and report back to the board with the findings.

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

Annex Rental

Postponed to the next meeting until parking can be considered and comparable rates

Proposed Language Changes to Zoning Bylaw

J. Levesque read the proposed language to send to the Planning Board for review which was created after speaking with special counsel and reviewing language from other municipalities. *"The keeping of livestock or poultry in the R-1 District shall be limited to no more than one (1) livestock and six (6) poultry animals, no roosters or crowing chickens shall be allowed, chickens shall be kept within a coop or an enclosure at all times. Coops and enclosures must be located in a minimum of twenty (20) feet from any habitable building on an adjoining lot, and ten (10) feet from a property line, coop and enclosures must conform to all regulations pertaining to accessory buildings. Coops and enclosures shall be constructed and maintaining in a safe and sanitary condition. For person raising chickens still capable of flight, all such chickens shall be in a totally enclosed area (meaning all side and top of the coop) so that the chickens cannot escape, feed shall be stored indoors and secured in containers to prevent intrusion of rodents and non-household animals."*

It was made clear during the discussion that this is proposed language only for the Planning Board to take through the process of public hearings and that only town meeting can change the Zoning Bylaws. There are two current issues with poultry at this time the first is the ongoing complaint and the second is the need to review the current bylaw to have it clear and so it can be applied consistently. The Town Administrator read the current bylaw into the record *"Keeping of livestock or poultry in the R-1 District, provided, however, that the keeping of pets shall be permitted".*

There were several comments from the audience both in support of a bylaw change and against. Aaron Singer, Chair of the Planning Board was in attendance and stated that a change to the bylaw would impact the work of the Zoning Enforcement Officer adding expenses, he further stated that it is unethical to look at a Zoning Bylaw during an open complaint and refuses to address this request, he used other examples of other bylaws changes. S. McGrath stated that if the bylaw can't be consistently applied then it needs to be looked at. A. Singer then stated that he was resigning from the Planning Board effective immediately.

S. McGrath turned the discussion to the new accessory dwelling law signed into law by the Governor. This law will allow for accessory dwelling by right and currently the Town has no zoning bylaw in place that pertains to accessory dwelling. The Town Administrator shared that the Planning Board did start the process for this bylaw through a grant a couple of years ago, but that project was abandoned. Peter Traub said that Berkshire Regional Planning has a plan to help communities work through this process.

Conservation Commission Alternate Appointment

A motion was made by S. McGrath and seconded by R. Killeen to appoint Ron DeAngelis to the Conservation Commission.

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

Consent Agenda

- Minutes August 20, 2024
- Accounts Payable and Payroll Warrant

A motion was made by M. Francesconi and seconded by J. Levesque to approve the consent agenda.

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

Town Administrator Updates

Short Term Borrowing Note – Resurfacing Projects (meeting to sign on 9/10)
The meeting will be scheduled for Tuesday September 10, 2024, to sign the borrowing note to pay for invoices related to the resurfacing projects which a large portion will be paid with reimbursable grant funds. S. McGrath shared that he had talked with the Town Administrator about moving to a quarterly billing system to avoid short-term borrowing in the future. The Town Administrator shared that she previously worked in quarterly towns and is familiar with the process, there will be a meeting with the Financial Team to start discussions and she will reach out to the Department of Revenue regarding a transition. It was noted that this would also help residents struggling as they would have four payments spread out over the year instead of two.

The summer paving projects on Ingalls Road, Hutchinson Development Road, Curran Road and Stewart White Road are now complete. The Water project on North State Road is moving quickly, R. DeAngelis inquired about the oversight of the project by the project manager to ensure that change orders are not causing an overage on the project. The Town Administrator shared that the DPW Director is on site multiple times a day and the JH Maxymillian Project Manager is very consistent bringing change orders to the table.

Public Comment

William Nylic shared that he had received a notice from Hutchinson Water Co. that the water tested with high levels of radium. The Town Administrator shared that Housatonic Water is one of the operators of the system and she will reach out for additional information and will speak to the Town Water Operator for guidance as well.

Adjournment:

A motion was made by S.McGrath and seconded by J. Levesque to adjourn the meeting at 7:16 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 – September 3, 2024
2. Email Aaron Dean re: Info Regarding the District Wide Budget Meeting
3. Town Hall Rental Spaces

4. Zoning Bylaw Proposed Language Change
5. Job Descriptions (Building Department/Police Chief)
6. Draft Minutes – August 20, 2024
7. Highway Bi-Weekly Report

Approved: September 17, 2024