TOWN OF CHESHIRE

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OFFICE OF THE BOARD OF SELECTMEN

Board of Selectmen

Meeting Minutes –September 17, 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 17, 2024, at 6:00 PM.

Board of Selectmen Members Present: Jason Levesque, Vice Chair
Ray Killeen, Member
Ron DeAngelis, Member
Michelle Francesconi, Member (arrived at 6:05 p.m.)

Board of Selectmen Members Absent: Shawn McGrath, Chair

Others Present: Jennifer Morse, Town Administrator; Lynn Melchiori; Peter Traub; Bob Tetlow; Ed Pezze; Hannah Pezze; Whitney Flynn, Town Clerk; Liseann Karandisecky; Jen DeGrenier McGrath, Historical Commission Chair; Corey McGrath, DPW Director; Rebecca Herzog; Sonia DiSanti, Youth Center Director; Jessica Wojick, Jill Brothers, Andre Charboneau, Sarah Fredricks, Joseph Johnson, Michael LaRoche, Ryan Belanger, Patti Francour, Heather Emerson and Nicole Pelcznski, Youth Center Board of Directors.

J. Levesque called the meeting of the Board of Selectmen to order at 6:00 p.m.

Summary of Votes:

- Vote to enter executive session MGL Chapter 30A, Section 21, Reason 6 4-0
- Vote to return to regular session at 6:30 p.m. 4-0
- Vote to support Historical Commission letter to Berkshire Museum 4-0
- Vote to approve and sign short-term borrowing 4-0
- Vote to pause enforcement of chicken violations 4-0
- Vote to approve Simken subordination request 4-0
- Vote to rent Town Hall Annex for $825 per month 4-0
- Vote to approve the 2025 Paid Holiday Schedule 4-0
- Vote to approve the Building Department and Police Chief job description 4-0
- Vote to approve the consent agenda with edits to the minutes 4-0
- Vote to approve one-day liquor licenses for Whitneys Farm Market 4-0
- Vote to approve an additional 40 hours for the executive assistant – record retention work 3-0
- Vote to adjourn the regular meeting at 8:34 p.m. 4-0

Executive Session – 6:00 p.m. Youth Center

The Vice-Chair declared that the Board of Selectmen would enter executive session according to MGL Chapter 30A, Section 21, Reason 6 to consider the lease of property.

A motion was made by J. Levesque and seconded by R. DeAngelis to enter executive as 6 p.m. according to MGL Chapter 30A, Section 21, Reason 6 to consider the lease of property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body.
Roll Call Vote: R. DeAngelis – Yes, R. Killeen – Yes, J. Levesque- Yes
Motion Carries: 3-0

M. Francesconi entered the executive session at 6:05 p.m.
Return to Regular Session at 6:30 p.m.

Historical Commission – Letter regarding glass sample
Jennifer DeGrenier McGrath, Historical Commission Chair was present to request support in obtaining a glass sample from the Berkshire Museum that was gifted before the Historical Commission was established. The piece is from 1814 and has never been on display at the Berkshire Museum and the Historcial Commission would like to highlight it in their displays.
A motion was made by M. Francesconi and seconded by R. Killeen to support the request and obtain the piece if possible.
Roll call Vote: R. DeAngelis – Yes, R. Killeen- Yes, M. Francesconi – Yes, J. Levesque - Yes
Motion Carries: 4-0

Discussion/Decision Items
Approve and Sign Short Term Borrowing – 1,200,000
The bid documents were reviewed with the lowest bidder being Bank ESB with a 4.6% interest rate. The board noted that the total interest is $13,800 and stated that changing the real estate/personal property bills to quarterly would help with the revenue stream as well as residents.
A motion was made by J. Levesque and seconded by R. DeAngelis to approve the Bank ESB rate of 4.6% for the 1,200,000 short-term borrowing
Roll call Vote: R. DeAngelis – Yes, R. Killeen- Yes, M. Francesconi – Yes, J. Levesque - Yes
Motion Carries: 4-0

Proposed Changes to the Zoning Bylaws – Section 3.3 (c)
The Town Administrator shared that the Planning Board met last week and voted to postpone discussion on the proposed changes until the chair has spoken with the town attorney. The Town Administrator shared that Mr. Pezze was present in the audience and asked that he be able to speak. Mr. Pezze of 108 Dean Street shared that he had zero interest in being present at the meeting however he feels that the bylaws are not being fairly enforced and he feels targeted. He shared six locations with poultry and livestock in the R-1 area that should also be cited for violations, the special permit fees could then be split between all the properties. Mr. Pezze shared that he had issued a written complaint regarding campers as requested by the Zoning Enforcement Officer which has been ignored, he also shared that no other special permits have been granted in 2024 for animals or campers according to his public information request, in addition the Zoning Enforcement Officer did not respond to his public records request, the request was met by the Town Administrator on August 22, 2024 and was issued by Mr. Pezze on August 5, 2024. He shared that his chickens are in coop, they did get out once but it was due to the coop being vandalized which is on record with the Cheshire Police Department. Mr. Pezze also shared that the initial complaint was not against him but his neighbor and the ZEO only sent letters to three households in his neighborhood when there is so many more in the downtown R-1 in violation.

R. Killeen stated that it comes down to people being neighborly, he also lives in a neighborhood where there are camper and livestock violations.
It was stated that the special permit should not be part of the process until there is a clear set of rules that can be adhered to. The only way to do this is with a review of the current bylaw by the Planning Board.

The Town Administrator is concerned that bylaws are not being applied consistently including the bylaw regarding signs. The Town Administrator asked the ZEO about fines and there are no set fines or fine books that can be found, it would defer to the Mass General Law, she also checked with the Police Chief at the request of the ZEO and they do not carry or issues these fines.

R. DeAngelis said that until this is resolved no one should be fined, new language needs to be proposed and reviewed by the Planning Board further he stated that the Planning Board should be constantly reviewing the bylaws to make changes good for the future of the town.

A motion was made by J. Levesque and seconded by M. Francesconi to pause all enforcement until the town attorney has been consulted, a meeting with the ZEO has been had, a better solution found and selective enforcement ceases.
Roll call Vote: R. DeAngelis – Yes, R. Killeen- Yes, M. Francesconi – Yes, J. Levesque - Yes
Motion Carries: 4-0

Peter Traub questioned if the Board of Selectmen has that authority to stop enforcement. It was stated that the Planning Board is not doing their job according to Massachusetts General Law and reviewing bylaws as requested.

DPW Updates

Corey McGrath, DPW Director joined the board to discuss Summer Projects and the Transfer Station. The North State Road Water Project main line is in from Arnold Court to Eastview Drive. The project will be complete by the end of September. The water cannot go online until the water tests come back clean which will hopefully be by the end of the week. He has been on site multiple times a day to ensure that the contract requirements are being met with no additional unapproved changes.

Ingalls Road, Hutchinson Development, Curran Road and Stewart White Road are all complete, there are some small clean up issues such as aprons and topsoil curbing. The Town Administrator shared that speeding is an issue and the radar is currently on Ingalls Road, the speed limit is 30 mph and extra police patrols are around Ingalls Road, Stewart White Road and Fales Road.

The composting program at the Transfer Station has diverted 2,193 pounds of food waste from the compactor since starting the program in May. In addition, the new paper compactor is making a huge cost saving impact with 6 tons hauled in a container compared to the previous 1.34 tons. A hopper has been ordered to help divert aluminum cans from the co-mingle bin, cans will be placed in the hopper and then the metal bin saving space and hauling costs while bringing a small amount of revenue from the metal bin. C. McGrath shared that two attendants on Saturdays are necessary to help monitor the transfer station to ensure that it is properly being used by residents.

Churchill Gardens will be starting the Leland Project in the coming weeks.

Discussion/Decision Items

Shadowland Cove Complaint – DEP Visit

A complaint from Jim Wojtaszek regarding the culvert installed by the Town in the late 1990's is filling in Shadowland Cove and causing an oily substance in the water. This morning a meeting was held on location with Mark Stinson, MassDEP; Liseann Karandisecky, Prudential Committee Chair; Jennifer Morse, Town Administrator; Corey McGrath, DPW Director; Mia Francesconi, Executive Assistant; Ron DeAngelis, Board of Selectmen and Alternate Conservation Commission and Michelle Francesconi, Board of Selectmen, neighbors also joined the discussion. It was noted that the catch basin is six feet deep and that to date an outfall water sample has not been obtained due to the lack of rain. Mr. Stinson suggested that the town continue to maintain the catch basin and culvert as they have been. He did say that the swale from the culvert into the lake could be lined with

rip/rap through a notice of intent to the conservation commission. One property owner complained of losing lake front property due to the approximate five feet of marsh land that has formed on the shoreline, it was suggested that file a permit and have the area dug out. C. McGrath plans on testing the outfall and taking a sample from the lake when there is water present. Mr. Stinson felt as if the oily looking substance is iron-oxidizing bacteria. It was shared that the HLD is in the primary study phase of having the lake dredged, Shadowland Cove is one of the areas being considered. Shadowland Cove is a dead-end cove with little water movement, years of weed accumulation, residential property containments and natural run off are all factors.

Simkin Letter of Explanation and Subordination Request – CDBG Housing Rehab Program

The Town Administrator confirmed that the lien will be second in line to the refinanced mortgage company.
A motion was made by M. Francesconi and seconded by J. Levesque to allow the subordination request as presented.
Roll call Vote: R. DeAngelis – Yes, R. Killeen- Yes, M. Francesconi – Yes, J. Levesque - Yes
Motion Carries: 4-0

Hoosac Valley Regional School District Special Budget Meeting

The meeting is scheduled for Monday September 30th at 6:30 p.m. The meeting will be held in the auditorium at the Hoosac Valley Middle/High School located at 125 Savoy Road and is open to all registered voters. A news story has been posted to social media, the website and information is on the Fire Station Sign.

Annex Rental Rates/Parking

The Town Administrator reached out to a real estate agent who shared that the annex would rent for $650-$750 per month without utilities. She is recommending a square foot price of $19 which would make the lease amount $825. There have been two interested parties that she will contact with lease information prior to posting the availability. She also spoke to the police chief about parking and they foresee no issues, she was directed to contact the library to notify them that that space will be leased.
A motion was made by J. Levesque and seconded by R. DeAngelis to lease the Annex for $825 per month and give authority to the Town Administrator to negotiate the rate.

Discussion: M. Francesconi spoke displaying signs in the windows and putting tape on the doors which will not be allowed, this will be part of the lease.
Roll call Vote: R. DeAngelis – Yes, R. Killeen- Yes, M. Francesconi – Yes, J. Levesque - Yes
Motion Carries: 4-0

2025 Holiday Schedule

The 2025 Holiday Schedule was in the packet for review.
A motion was made by J. Levesque and seconded by R. Killeen to approve the Holiday Schedule as presented.
Roll call Vote: R. DeAngelis – Yes, R. Killeen- Yes, M. Francesconi – Yes, J. Levesque - Yes
Motion Carries: 4-0

Classification and Compensation Review

Review and approve job descriptions – Building Department and Police Chief
A motion was made by J. Levesque and seconded by R. DeAngelis to approve the job descriptions for the Police Chief and Building Department as edited.
Roll call Vote: R. DeAngelis – Yes, R. Killeen- Yes, M. Francesconi – Yes, J. Levesque - Yes
Motion Carries: 4-0

Consent Agenda

- Minutes – September 3, 2024
- Accounts Payable, Payroll Warrants

- Fishing Derby – Special Event Permit Application

A motion was made by M. Francesconi and seconded by R. Killeen to approve the Consent Agenda with edits to the September 3, 2024 minutes.

Roll call Vote: R. DeAngelis – Yes, R. Killeen- Yes, M. Francesconi – Yes, J. Levesque - Yes
Motion Carries: 4-0

Town Administrator Updates

Whitney's Farm Stand One Day Liquor Licenses

A request was received today for eight one day liquor licenses beginning this upcoming weekend for a pumpkin festival.

A motion was made by J. Levesque and seconded by M. Francesconi to approve the one-day liquor licenses for Whitney Farm Market

Roll call Vote: R. DeAngelis – Yes, R. Killeen- Yes, M. Francesconi – Yes, J. Levesque - Yes
Motion Carries: 4-0

Harpers Payroll – Time and Attendance Upgrade

The Town Administrator shared that the system went live on Friday with a few kinks to be worked out, department heads are happy with the system. There was discussion on start times and meal breaks.

Special Town Meeting and Special Legislation Request

The Town Administrator informed the board that she was working on the draft warrant for a fall special town meeting. One of the articles will be local approval of special legislation to ratify the votes at the Special Election on August 12, 2024, as the warrant was not posted. Once the article passes town meeting it is send to the legislators to be approved.

Charter Communication PEG agreement

The Town is working with the City of North Adams and Towns of Adams and Clarksburg on the ten-year PEG (Public, Education, Government) agreement. The intent is to gain additional capital money for the Northern Berkshire Television and to retain the percentage direct to the towns.

Board of Health – BRPC Health Agent Meeting

The Town Administrator shared that she met with the Board of Health and the Berkshire Health Alliance to discuss food and housing inspections. The program allows each town twelve hours of time at no cost, additional funds have been allocated to address housing concerns and food inspections. Also discussed was the need to have BRPC take over septic inspections next year as inspector certifications have changed not allowing members untrained to witness percolation test and title v inspections.

Financial Team Meeting

A meeting has been scheduled for Monday September 30th at 9 a.m. The Financial Team is made up of the Accountant, Treasurer/Collector, Assessors Administrator, One Board of Selectmen Member, One Finance Committee member and the Town Administrator

Executive Assistant Extra Hours

M. Francesconi left the meeting due to her relationship with the Executive Assistant

The Town Administrator asked the Executive Assistant to be allowed an additional forty hours of work to help organize the records storage room. Discussion ensued on record retention, the space, the former town hall safe and conditions of the current storage room. The Town Administrator shared that the only documents that would be touched by her and the Executive Assistant pertain to the various boards and committees, no finance, town clerk or assessors records will be touched. M. Francesconi returned to the meeting.

Announcement from Board Members

R. Killeen shared that Rep. Barrett's offices has been given the authority to speak with DOR regarding the meal excise that Dunkin Donuts has been collecting for another municipality.

Public Comment

Peter Traub inquired if a decision was made regarding the Executive Assistant additional hours. The Town Administrator thanked Peter for the reminder and M. Francesconi left the room again to continue the discussion.

A motion was made by J. Levesque and seconded by R. DeAngelis to allow up to 40 extra hours for the Executive Assistant to work with the Town Administrator on records of the boards and committees.

Roll call Vote: R. DeAngelis – Yes, R. Killeen- Yes, , J. Levesque - Yes

Motion Carries: 3-0

M. Francesconi returned to the meeting.

Adjournment:

A motion was made by M. Francesconi and seconded by R. DeAngelis to adjourn the meeting at 8:34 p.m.

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

Motion Carries – 4-0

Document List

- Agenda September 17, 2024
- Letter to Berkshire Museum regarding Glass Sample
- Simkin Subordination Request
- HVRSD Warrant
- Shadowland Cove RDA
- 2025 Holiday Schedule
- Proposed Zoning Bylaw Changes
- Job Descriptions – Wiring Inspector, Plumbing/Gas Inspector, Building Inspector, Police Chief
- Draft Minutes - September 3, 2024
- Fales Road Speed Data Analysis

Approved: October 16, 2024