TOWN OF CHESHIRE

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OFFICE OF THE BOARD OF SELECTMEN

Board of Selectmen

Meeting Minutes –March 4, 2025

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, March 4, 2025, at 6:00 p.m.

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; Rebecca Herzog, Treasurer/Collector; Denise Gregoire, Corey McGrath, DPW Director; Whitney Flynn; Robin Wadsworth; Corey Swistak; Marcus Lyons; Sabrina Damms, iBerkshires; Lynn Melchiori; Peter Traub

S. McGrath opened the meeting at 6:00 p.m.
The Town Administrator and Rebecca Herzog both announced that the meeting was being recorded.

Summary of Votes:

- Vote to accept the retirement notice from the Treasurer/Collector with regret 2-3
- Vote to sign the 2nd Lease Amendment with the Youth Center Inc. 5-0
- Vote to approve the Facilities Use Form for Adams/Cheshire Baseball 5-0
- Vote to approve the Facilities Use Form for Adams/Cheshire Softball 5-0
- Vote to sign the procurement services agreement with Woods Consulting 5-0
- Vote to approve the Consent Agenda 5-0
- Vote to adjourn the meeting at 7:21 p.m. 5-0

Executive Session - MGL Chapter 30A, Section 21, Reason 1

To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brough against, a public officer, employee, staff member or individual - Treasurer/Collector

S. McGrath opened the discussion stating that it was his understanding that the Treasurer/Collector would like to have the meeting in open session, and she received the executive session notice as required forty-eight hours prior to the meeting. R. Herzog stated this to be true.

S. McGrath referred to the executive session letter starting with a discussion regarding notification of an employee laid off on November 21, 2024, according to MGL Chapter 149, Section 148 payment of vacation time should have been paid out the pay period ending November 21, 2024. As a result, a letter of demand was sent to the Town with a claim of violations of the Massachusetts Wage Law. R. Herzog explained that when she saw the email she assumed that the employee would be called back and she never gave it a second thought. M. Francesconi referred to the email chain clarifying the layoff of the employee and R. Herzog explained that she receives a great deal of emails and it got by her.

S. McGrath referred again to the executive session letter regarding noting employee accruals not being recorded accurately, this process to correct time started a year ago. R. Herzog explained that the payroll system does not recognize the personnel policies, it calculates earned vacation time on the anniversary date not the beginning of the fiscal year. She explained that the office continues to work with the payroll company to resolve the issues and asked that Whitney Flynn, Assistant Treasurer/Collector be allowed to attest to the payroll system issues. W. Flynn spoke about the issues with synching within the system and that they have been working diligently to come to a resolution. R. Herzog noted that her office had requested a meeting with the Board of Selectmen a month ago to discuss personnel policies and to date the meeting was not scheduled. M. Francesconi stated that the town does not have many benefitted employees, concerned that the software was not functioning as it should for the town and suggested there are other companies that provide payroll services. She further expressed concern over the legal consequences of inaccurate accruals and noted that issues with accruals have been happening for many years.

S. McGrath talked about Fire Truck Borrowing; R. Herzog stated that she was unaware of any issues other than the failure to post the special election warrant. Questions regarding the timing of bond counsel letter, long-term borrowing procedures in the past, and if requirements typically change. R. Herzog shared that this was her third time handling long-term borrowing.

Mrs. Herzog announced that she would be retiring effective immediately, stating it was a shame that this is the way her career ends after a mistake and the executive session was called to humiliate her. S. McGrath disagreed with her stating that the Board of Selectmen has been advised by counsel on the course of action to hold an executive session. R. Killeen asked her if she thought she was being disciplined as a result of the meeting and if so, she was wrong, he thanked her for doing a great job.

S. McGrath read the retirement letter provided by R. Herzog.

A motion was made by M. Francesconi and seconded by R. Killeen to accept the retirement notice from Rebecca Herzog with regret.

Roll Call Vote: R. DeAngelis - No, R. Killeen - No, J. Levesque – Yes, S. McGrath - Yes, M. Francesconi – No

Board of Selectmen Discussion/Decision Items

- Youth Center Inc. Lease Amendment
  The Youth Center lease amendment was presented for signature, the lease amount will be $3,000 a month until July 1, 2025, and will increase to $3,500 through June 30, 2026.
  A motion was made by S. McGrath and seconded by J. Levesque to approve the Youth Center Lease Amendment.

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

- Adams/Cheshire Baseball Facilities Request Form (estimated time 7:00 p.m.)
  Mike Benson joined the board to discuss the Adams/Cheshire Baseball Facilities request form for use of the fields this spring/summer/fall. Mr. Benson was informed of the new permitting requirements for food establishments and of two dates that the community grounds were being used for events. DPW Director, Corey McGrath spoke about repairs needed to the concession stand. The board emphasized parking should not be behind the building due to the Youth Center pickup and Town Office meetings.
  A motion was made by S. McGrath and seconded by J. Levesque to approve the Adams/Cheshire Baseball request form.
  Roll Call Vote: R. DeAngelis – Yes; R. Killeen- Yes, J. Levesque- Yes, S. McGrath- Yes, M. Francesconi- Yes
  Motion Carries: 5-0

- Adams/Cheshire Softball Facilities Request Form
  The board reviewed the application from the Adams/Cheshire Softball league for field use during the spring/summer months. The Town Administrator shared that the insurance document will be updated prior to the start of the season and that she will communicate the use of the field during special events.
  A motion was made by S. McGrath and seconded by J. Levesque to approve the Adams/Cheshire Softball request form.
  Roll Call Vote: R. DeAngelis – Yes; R. Killeen- Yes, J. Levesque- Yes, S. McGrath- Yes, M. Francesconi- Yes
  Motion Carries: 5-0

- Berkshire Running Foundation Special Permit Applications – Postponed to next meeting

- Semi to Quarterly Tax Billing Committee Update
  S. McGrath shared that the committee met for the first time and has identified twenty-three communities to send surveys to and reviewed the timeline which includes presenting the information to voters at the Annual Town meeting.

- HVRSD Chairs Meeting and District Agreement Update
  S. McGrath shared that the initial increase with no significant changes was 9% for Cheshire, the district made cuts and the increase will be approximately 3.5% over last year. He shared that the district has eliminated positions and will be applying for additional circuit breaker funding for unanticipated special education outplacement services. An update was provided on the District Agreement language which will be brought to town meeting. The district agreement committee has voted to use a five-year rolling average for enrollment numbers for the over minimum contribution and to change language regarding at-large membership to the school committee, each town will vote for their own constituents. R. DeAngelis suggested language that for major projects such as school closure that would require a 2/3 vote of registered voters from both communities.

- Procurement Agreement – Woods Consulting
  A motion was made by S. McGrath and seconded by J. Levesque to sign the procurement agreement with Woods Consulting for OPM services.
  Roll Call Vote: R. DeAngelis – Yes; R. Killeen- Yes, J. Levesque- Yes, S. McGrath- Yes, M. Francesconi- Yes
  Motion Carries: 5-0

Consent Agenda

- Minutes – February 18, 2025

- Account Payable and Payroll Warrants

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

Town Administrator Updates

- FY26 Budget Update - Most budget requests have been received and the budget will be distributed to members as soon as Health Insurance information has been obtained.
- Cyber Resiliency Review & NEIT Annual Review - The Town Administrator shared that a Cyber Resiliency Review was conducted by TOSS through the State. The overall review was great and the vendor gave kudos to Northeast IT for the work they do for the Town. There were a few accounts with password set to never expire, inactive accounts (7), three work-stations that do not lock out when not in use, three user accounts had access to potentially dangerous sites. The total risk liability for the Town was assessed at $0 as none of the town accounts have been involved in a breach. Northeast IT will be changing user controls to fix the areas for improvement.
- Berkshire Village Update - The Town Administrator shared that she had been in contact with the Attorney General's Office on two occasions regarding the issues at Berkshire Village. It was confirmed that residents have been paying a $12 per month assessment for town tax that has not been paid to the Town since July 1, 2023. The Town Administrator is working to resolve the unpaid tax amount of $21,600.
- The Town Administrator stated that a request had come in today from Top Tier Elite asking for permission to solicit donations at the Transfer Station. Discussion ensued and concerns about traffic congestion, safety and approaching taxpayers resulted in a denial of the request. The Town Administrator will inform the organizer.

Announcements

J. Levesque shared that the Open Space and Recreation Plan has been approved by the state and creates grant opportunities.

Public Comment - None
Any other business not anticipated 48 hours prior to the meeting. - None
Adjournment

A motion was made by S. McGrath and seconded by J. Levesque to adjourn the meeting at 7:21 p.m.
Roll Call Vote: R. DeAngelis – Yes; R. Killeen- Yes, J. Levesque- Yes, S. McGrath- Yes, M. Francesconi- Yes
Motion Carries: 5-0

Respectfully submitted

Jennifer Morse
March 19, 2025
Document List

1. Agenda – March 4, 2025
2. Executive Session Letter - Herzog
3. Youth Center Lease Amendment
4. Adams/Cheshire Baseball Field Use
5. Adams/Cheshire Softball Field Use
6. Berkshire Running Foundation Special Permit Application

7. Quarterly Tax Billing Study
8. District Agreement Amendment Process
9. Woods Consulting Procurement Services Agreement
10. Draft Minutes – February 18, 2025

Approved: 4/1/25