

APPROVED

BOARD OF SELECTMEN / SEWER COMMISSIONERS MEETING

Wednesday, August 1, 2018 – 5:00 PM – Richmond Town Hall, 1529 State Road

PRESENT: Mr. Neal Pilson, Chair; Mr. Roger Manzolini, Selectman; Mr. Mark Pruhenski, Town Administrator; Mr. Paul Lisi, Tax Collector

ABSENT: Mr. Alan Hanson, Selectman

GUESTS: Chief William Bullett, Chief of Police; Mr. Fran Malnati; Town Attorney; Ms. Beth Goodman, Town Counsel

Constable Duties – Legal Advice and Traffic Details: Mr. Pruhenski had answers to the questions that arose at the last meeting, which he detailed for the Board: There is no age restriction on flaggers. However, they must be able to stand in all weather conditions for the entire shift required for that detail. No sitting in cars or resting as that would put drivers at risk. That raised the question about using wheelchair-bound flaggers, which is not permitted.

The cost of the flagger training is \$75.00 per person, which includes the required CPR training. Both classes are held on the same day. The next class is scheduled for Friday, August 24th at 8:00 AM to 2:00 PM at Town Hall. There is room for 20 participants and 8 spots have been reserved at this time for constables and highway crew. The balance of the seats will be made available to neighboring communities and anyone in the area that would like to be trained.

Mr. Pruhenski added the information that flaggers do not receive the same compensation as Police Officers. Flaggers receive pay ranging from minimum wage to about \$20.00 per hour. Mr. Pruhenski recommended that anyone not interested in earning that kind of hourly wage not bother to take the training. Mr. Paul Lisi added that EverSource and Asplundh Tree Service both insist on having a Police detail for traffic control. That would limit the use of flaggers to work being done on town roads and other vendors doing such work as driveway repair. Mr. Lisi went on to explain what the responsibilities and uses of constables are for the town, which does not include responding to automobile accidents as that is the purview of the Police Department. Mr. Pruhenski noted that that information was included in the memo prepared by Ms. Goodman.

In response to the question of when flaggers could be used, Mr. Lisi cited a local vendor, such as the Berkshire Tree Service, working on local roads. Mr. Manzolini was attempting to understand what percentage of the work on town roads would be available to the town flaggers as opposed to the State Police. Mr. Lisi thought it would probably be something like 5% of the potential work. Chief Bullett remarked that he has been called to supply traffic control in the past every time EverSource or Asplundh was scheduled to do work in Richmond. Mr. Lisi acknowledged that such had been the case in the past but since Richmond does not have any Police officers, it was not correct. The Town only has Constables whose duties are very limited

to such things as serving warrants and traffic control on town roads. Ms. Goodman suggested that the Police Chief could advise the vendor that although he does not have any Police officers, he can offer Certified Mass. DOT flaggers who are Constables. Perhaps the vendors will be willing to do that. Constables may wear uniforms that say "Constable," but may not say "Police."

Mr. Pruhenski added that the Town would provide vests that say Constable, rather than ask the constables to purchase them privately. The vests currently read Richmond Police Department, which is not accurate. A Police Officer is a sworn public safety officer, which a Constable is not. Including the word "Police" is misleading to the public and constitutes a potential liability. The new vests would conform to requirements of the Mass. DOT and would read Richmond Constable. There was a brief discussion concerning the badges for the Constables, which Ms. Goodman summarized by saying that going forward all vests and badges will say, "Town of Richmond – Constable."

In summation, Mr. Manzolini said that when EverSource or Asplundh calls Chief Bullett to advise him of road work being scheduled, the Chief can tell him that the Town has Mass. DOT-Certified Flaggers who are Constables available to do traffic control. It may be that they will be willing to use them. There was a discussion of how precisely this would work, as well as what the compensation rate might be, which is essentially what the vendor is willing to pay above minimum wage.

The next discussion concerned identifying the specific roads in town that might or might not require a police detail for traffic control. Mr. Manzolini proposed that someone talk to EverSource and Asplundh to determine what the rate of compensation would be to have Mass. DOT-Certified Flaggers doing the traffic detail. It was suggested that, instead, the Highway DOT office in Lenox be contacted about prevailing rates.

The subject of how the Fire Department responds to accidents was outlined by Mr. Pruhenski as follows: Fire Chief Steve Traver has his crew direct traffic initially until he can obtain a mutual-aid police officer from a neighboring town. In some instances, when no one was available to respond to the Chief's request, his Fire Department crew continued to direct traffic. Mr. Lisi suggested that, given that eventuality, the fire department crew should all be trained for Mass. DOT flagger certification. Alternatively, the Chief could call Chief Bullett and advise him that the situation was going to require many hours of traffic control before it could be cleaned up and could ask the Chief to provide him with Constables who are DOT-trained flaggers to handle the traffic detail. That would be in the case of the accident being on a town road as opposed to a State Road, which under any circumstances is required to have a Police presence doing traffic duty.

Ms. Goodman will write up the outcome of today's meeting so that Chief Traver and the volunteer firemen can review it in a meeting with the Board of Selectmen and decide between them what the final official policy of the Town will be. Mr. Pruhenski noted that it was his hope

that the outcome of this meeting would be a memo from Ms. Goodman describing exactly what duties Constables are entitled to do under their job description and to clarify what they are not allowed to do (i.e. respond to emergencies, have blue lights on cars, and wearing any item of clothing that says "Police")

Mr. Pruhenski stated for the record that at the time Chief Bullett was put on Administrative Duty, he received a letter from Mr. Pruhenski, outlining his duties. Chief Bullett asked if he could wear his uniform for ceremonial situations such as the Memorial Day Parade. It was agreed that it would be perfectly appropriate for him to do that and the issue will be addressed in the policy to be drafted.

The action items arising from this meeting were:

1. Mr. Pruhenski will contact the DOT office in Lenox to determine the rates being paid locally for Mass. DOT-Certified flaggers.
2. Ms. Goodman will draft a Policy from the information contained in this meeting for the Selectmen to review.

A conversation concerning the continued use of blue lights on the Constables' and the Chief's cars resulted in the decision to have the Police Chief revoke the permits for the use of blue lights. They could be replaced with yellow hazard lights. At this time, the situation for Mr. Fran Malnati is that, as he is both a Constable and a volunteer fire fighter, his car has both blue and red lights. Mr. Manzolini asked how best to resolve the problem of the inappropriate blue light. The decision was to replace the blue light with a second red light.

Mr. Pilson moved that the Board instruct the Town's Legal Counsel to draft a policy to cover the issues addressed at this meeting for review by the Board. The motion was seconded by Mr. Manzolini and passed by unanimous vote.

Mr. Fran Malnati addressed the Board on the issue of the traffic at the intersection of Lenox Road and Lenox Branch Road. He said the accidents occurring there are the result of drivers going too fast. Traffic must be slowed down. Mr. Manzolini noted that the Board had discussed the issue with Mr. Peter Beckwith, Highway Superintendent, who was directed to contact the State DPW for recommendations as to how to effectively slow traffic at that intersection. Mr. Pruhenski noted that Mr. Beckwith has done that and will be bringing a report to the Board at their August 22nd meeting.

Mr. Pilson noted that he is even more concerned with the potential for serious injury from accidents occurring at the intersection of Lenox and Swamp Roads. One of the problems at that point is the overgrowth of the brush that interferes with the ability to see oncoming cars and the rate of speed that cars are driven on that stretch of road. Mr. Pilson also remarked that the signage on Lenox Road differs between those on the road coming from Lenox to Richmond and those going from Richmond to Lenox, which he felt needed to be addressed.

There being no further business before the Board, Mr. Manzolini moved that the meeting be adjourned. He was seconded by Mr. Pilson and the motion was adopted by unanimous consent.

The meeting was adjourned at 5:50 PM.

Signed:

Mr. Neal Pilson, Chair


