

APPROVED

BOARD OF SEECTMEN / SEWER COMMISSIONERS MEETING

Tuesday July 10, 2018 – 6:00 PM– Richmond Town Hall, 1529 State Road

PRESENT: Mr. Neal Pilson, Chair; Mr. Roger Manzolini, Selectman; Mr. Alan Hanson, Selectman; Mr. Mark Pruhenski, Town Administrator

ABSENT:

GUEST: Mr. Steven Mack of Foresight Services, Mr. Ken Kelly, President, Richmond Pond Assn.; , Mr. Tom Grizey,

Public Hearing/Special Permit Application: Mr. Pruhenski reported that the Public Hearing was advertised twice in *The Berkshire Record*, copies were mailed on June 21st to all abutters and copies were also mailed on June 21st to all abutting Planning Boards in the neighboring communities in accordance with Richmond Town Bylaws and State Law. For the record, Mr. Pilson noted that there were no abutters present at this meeting.

Mr. Pilson asked for a motion to open the public hearing to entertain the special permit application. Mr. Hanson made the motion, which was seconded by Mr. Pilson and was adopted by unanimous consent. The Public Hearing was officially open.

Mr. Steve Mack, representing Mr. and Mrs. Thomas Ruffing (the KHR 2018 Revocable Trust) came before the board to request a Special Permit for an accessory barn with attached apartment to be located at 26 Wood Lot Road (Assessor's Map 407, Lot 13). He reported that the Ruffings were proposing to construct a 1,440-foot barn with an attached 360 square foot caretaker apartment. Mr. Mack provided a Plan that showed the overall view of the property with the closest property line to the Northeast of approximately 350 feet. The proposed structure will be built into the side of a slope with the front of the building at the lower level. The plans for the structure show that the appearance of the completed structure will be consistent with the existing house. Mr. Mack noted that he had spoken with Mr. Shep Evans, of the Cultural Council, who requested that they submit an SPC topographic map, which they have done. The subject of the proposed septic system for the building noted that approval of the proposed septic system is within the purview of the Board of Health. Mr. Mark responded that he is in communication with the Board of Health Agent, Mr. John Olander, on that issue.

Mr. Pilson stated for the record that a site visit had been conducted at 4:00 PM of July 10th. The only comments received were from the Conservation Commission and the Board of Health as follows:

Comment from the Conservation Commission: "The Commission's preliminary review of the Ruffing's permit application, particularly the topographic map SP2 by Green River Design, has prompted us to wonder whether the location of the proposed new Barn might be jurisdictional under Richmond Scenic Mountain Regulations. If the location of the proposed new barn is between 1,300 and 1,400 feet elevation, and if the site presents slopes in excess of 15%, then

we would conclude that the site is jurisdictional, and the applicants should be filing with the Conservation Commission a Notice of Intent under Scenic Mountain Regulations, seeking approval of their project and an Order of Conditions.”

Mr. Manzolini discussed the situation at the site with Mr. Mack to determine whether this property would, in fact, come under the Scenic Mountain Regulations. However, the application for a Special Permit can go forward without reference to the Scenic Mountain Regulations, which will be dealt with by the Builder and the Conservation Commission.

Mr. Pruhenski then read out the comment from the Board of Health as follows: “It is the consensus of the Board of Health, per Mr. Cohen, that the Board has no objection to the special permit request as long as the BOH receives plans for the septic system upgrade, which would be required. (There is a bedroom in the proposed outbuilding.)”

“I would add that under Title 5, CMR 15.301(5) a Title 5 inspection may be required to assess the existing system and to determine the current number of bedrooms/living units in the existing buildings.” John Olander, Agent, Richmond Board of Health.

At this point, Mr. Manzolini proposed that the public hearing be closed and that the Board move forward with voting on the Special Permits Requirements as listed in the Town’s Bylaws. Mr. Hanson seconded the motion, which was adopted by unanimous consent.

Mr. Pilson then proceeded to address each of the Findings Required as follows:

The proposed use is:

- A. In compliance with all provisions and requirements of this By-Law and in harmony with its general intent and purpose. Mr. Pilson, Yes, Mr. Manzolini, Yes, Mr. Hanson, Yes
- B. Is not undesirable or does not substantially derogate from the public good or convenience at the proposed location; - Mr. Pilson, Yes, Mr. Manzolini, Yes, Mr. Hanson, Yes
- C. Will not be detrimental to adjacent uses or to the established or future character of the neighborhood; Mr. Pilson, Yes, Mr. Manzolini, Yes, Mr. Hanson, Yes
- D. Will not create undue traffic congestion, or unduly impair pedestrian safety; - Mr. Pilson, Yes, Mr. Manzolini, Yes, Mr. Hanson, Yes
- E. Will not overload any public water, drainage or sewer system or any other municipal facility to such an extent that the proposed use or any existing use in the immediate area or in any other area of the Town will be unduly subjected to hazards affecting public health, safety or general welfare. - Mr. Pilson, Yes, Mr. Manzolini, Yes, Mr. Hanson, Yes

That requirement being satisfied, Mr. Pilson asked whether the Board wished to impose any conditions, safeguards and limitations on the granting of the permit. Mr. Manzolini wanted to make the applicant aware that any future expansion of the facility will require another SP (Special Permit) and, particularly in view of the height of the property, make them aware of

the Town's lighting restriction that states that any exterior lighting cannot exceed 600 lumens. Beyond that, Mr. Manzolini saw no need for further restrictions. Mr. Hanson agreed, as did Mr. Pilson.

There being no further discussion, Mr. Manzolini moved that the Special Permit be approved as discussed. The motion was seconded by Mr. Hanson and adopted by roll-call vote as follows: Mr. Manzolini, Aye, Mr. Hanson, Aye, Mr. Pilson, Aye.

Mr. Manzolini then cautioned the builder to be aware of the appeal period before beginning construction.

Richmond Open Space and Recreation Plan – Richmond Pond Assn. Report: Mr. Ken Kelly, President of the Richmond Pond Assn., provided the Board with the Association's May 22nd report on the Plan. He was present at the meeting to address any questions or concerns that report may have raised.

Mr. Kelly noted that in many ways the Richmond Pond Assn. was the catalyst for the development of the Open Space and Recreation Plan when Camp Marion White closed its doors and was attempting to sell the property and the Town was attempting to obtain a State Grant for its purchase. The Plan identifies Richmond Pond as a major Town resource and Mr. Kelly is before the Board at this time to advise what they have done in relation to the Plan.

Part of the Open Space and Recreation Plan requirements was listed as a responsibility to periodically review the Plan and monitor the progress of its various objectives. In 2017, the Richmond Pond Assn. suggested to the Town Administrator that, rather than create a new Plan and a new body to administer it, the existing bodies that are party to the Plan be required to submit an annual report on the progress of their responsibilities. Therefore, the Pond Assn. developed a report, which they are presenting to the Board for their reaction and to determine what the Board plans to do to have the other responsible bodies likewise report on their progress.

Mr. Manzolini commented on the Pond Assn.'s Goal 1 subparagraph 3 that reads, "Work with private land-owners to re-establish a hiking trail and walking path along the shoreline." Mr. Manzolini remarked that the walking path would involve multiple privately-owned properties, including the new owners of the Camp Marion White property. His concern was whether those owners would represent a barrier to accomplishing such a walking path and, indeed, whether there might be other barriers around the pond. He felt it would still be a desirable goal and that there might be walk-around options to overcome any such objections.

Mr. Pilson voiced his concern that a public walking path around the Pond, given the number of private owners who immediately abut the pond and the issues of security and public access to private land, would not be feasible. The north end houses the Lakeside Christian

Camp which has already stated their objection to a walking path and around the pond itself and there are dozens of private properties where you would have a public path literally through people's back yards.

Considering the objection by the Christian Camp, which Mr. Manzolini had been unaware of, he agreed that the walking path would not be feasible. Mr. Kelly responded that the Pond Association thought that a short-term approach would be to have the Recreation Committee create a walking trail from Bartlett's down the public road to Town Beach Road to the Boat Launch Ramp and then to the Town Beach. He noted that people take that walk now and it is something that should not generate much opposition. It was agreed that that path would probably be a more viable goal.

Mr. Manzolini then turned to the question of what the Board has done to get the other Committees to prepare their reports. He noted that all the Committees were asked to review the Plan and prepare a report on the status of their responsibilities. Although there was discussion of the Plan at some of the responsible bodies, to date the only submitted formal report is from the Pond Assn.

Mr. Pilson spoke to the item in the Plan to create a Wetland Walking Trail east of Swamp Road at the Beaver Pond. There will be a report on the Beaver Pond at this meeting. The Board had a conversation with an expert from the Audubon Society who looked at the situation and noted that one of the issues at the site is parking and keeping the beavers in the beaver pond. He warned the Board that if the beavers should decide to abandon that pond, it would create a problem since no one, other than the beavers, is maintaining that dam. Mr. Manzolini noted that what made the area so agreeable was that generally no one really disturbed it. Beyond driving by or stopping for a moment to look or take photos but not attempting to launch a boat at that location. Although there is no existing explicit prohibition from launching a boat at the site, Mr. Manzolini said he felt it should be made an explicit prohibition to preserve the wildlife refuge nature of the area. It was noted that the property in question belongs to the Audubon Society and that any such prohibition would be up to the Society to pursue. Mr. Kelly, a member of the Audubon Society reported that there is a plan under very preliminary discussion to create a three-car parking lot on the south side of the pond (between the pond and the Petricca property) that would be deep enough for a car to turn around in and be able to exit the lot facing into traffic, rather than backing out, which would be dangerous. He also reported on bird walks that the Society is already doing in the area through registration with the Mass. Audubon Society.

Mr. Pilson asked Mr. Kelly what he would like the Board to do. Mr. Kelly asked that the Board encourage the Recreation Committee to look at an informal walking trail beginning at Bartlett's as described above and create a plan to publicize that. People could park at Bartlett's and perhaps get a donut and coffee before or after, which might enhance Bartlett's patronage of the idea. There was a discussion of the exact route such a walk would take. Mr. Pilson noted that he was not opposed to the idea of promoting such a walk

but would prefer to find a way to get the people off the road. He thought a gravel side path all the way around to the each would be necessary. If this walk is being publicly promoted as an official aspect of the Open Space and Recreation Plan, it will be necessary to provide a safe path that avoids having people on the road. In order to do this correctly and provide adequately for the public's safety, it could become an expensive proposition.

Mr. Kelly agreed and asked the Board if they would just remind the other Committees to complete their responsibility to review the Plan and submit a report on the status of their accomplishments. Mr. Pilson suggested circulating the Plan to each of those bodies once again and inviting them to meet with the Board at a public meeting sometime at the end of the summer to submit those reports.

Approval of the Minutes from the June 20, 2018 and June 21, 2018 (Executive Session)

Meetings: Mr. Pruhenski distributed copies of the minutes as amended with Mr. Pilson's comments. Mr. Pilson moved to accept the minutes of June 20, 2018 and June 21, 2018 as edited. Mr. Hanson seconded the motion, which was approved by unanimous vote. Mr. Pilson signed the minutes.

Solar Power Purchase and PILOT Agreement: Mr. Pruhenski reported that the vendor had agreed to a payment in lieu of taxes and requested authorization from the Board to sign the Power Purchase Agreement, Easement Agreement and Payment Agreement with Solare Facilities, LLC as previously approved by the Board. Mr. Pruhenski read the specific wording of the agreement. Mr. Manzolini moved that the Board authorize Mr. Pruhenski to sign the Agreement. The motion was seconded by Mr. Hanson and passed by unanimous approval.

Swamp Road Beaver Dam Report: The Board had requested that Mr. Pruhenski draft a report of the site visit conducted with a representative of the Massachusetts Audubon Society. That report was submitted to the Board and appended to these minutes (see attached).

Bike and No-Outlet Signs – Continued Discussion from June 20th Meeting: Mr. Pilson had asked that this issue be tabled to this meeting so that Mr. Manzolini could be a party to the discussion. Mr. Pruhenski reported that there has been a request to add "No-Outlet" signs on Yokun and Osceola Streets and a "Share the Road" bike sign similar to the one installed on Summit Road for Lenox Road starting at Cheever and continuing up to the Overlook. Mr. Hanson moved to accept the addition of the "No-Outlet" and "Share the Road" signs to the roads as noted above. Mr. Manzolini seconded the motion, which passed by unanimous vote. Mr. Manzolini added that as the signs are installed by the Highway Department, the Board request that Mr. Peter Beckwith, the Highway Superintendent, recommend that other signs be removed.

Resignation / ZBA Updates – Linda Morse: Mr. Manzolini moved that the resignation of Ms. Linda Morse from the Zoning Board of Appeals be accepted with regret. The motion was

seconded by Mr. Pilson and carried by unanimous approval. Mr. Pruhenski will send Ms. Morse a letter of thanks for her years of service.

One-Day Wine and Malt Permit Application – Sheriff Bowler: Mr. Manzolini moved to approve the application. The motion was seconded and approved unanimously. Mr. Pilson signed the application.

FY2019 Appointments: Mr. Pruhenski read through the names and positions and requested approval from the Board for the new three-year terms as follows: Mr. Shep Evans, Mr. Patrick Seckler, Mr. Robert Dahlen, Mr. Adam Weinberg and Ms. Freya Segal, Co-Chair, for the Conservation Commission; Ms. Gloria Morse, Mr. William Edwards, Ms. Allison Edwards and Melanie Masdea of the Historical Commission; Mr. William Martin, Zoning Board of Appeal; Mr. Stephen Murray and Ms. Kathleen McMahon, Registry of Voters; Mr. John Vittori, Mr. Alan Hanson, Ms. Mary Jane Piazza and Mr. Robert Dahlen, Agricultural Commission; Mr. Jeff Daigle, Assessors; Ms. Janice Hartford and Chief William Bullett, Council on Aging.

The following names and positions are for a new one-year term, as follows: Mr. Steven Traver, Fire Chief and Hazardous Waste Coordinator; Mr. Ryan Barzousky, Alternate Electrical Wiring Inspector; Mr. William Bullett, Police Chief, Mr. Francis Malnotti, Mr. Thomas Grizey, Mr. Ryan Malumphy, Constables; Mr. Neal Pilson, Mr. Roger Manzolini, Mr. Alan Hanson, Selectmen, Fence Viewers; Mr. John Springstube, Animal Control Officer; Ms. Elizabeth Goodman, Esq., from Cain, Hibbard as Town Counsel; Mr. Steve Traver, Emergency Management Director; Mr. Chris Porter, Assistant Emergency Management Director.

Mr. Manzolini moved that the above appointments be approved. He was seconded by Mr. Hanson and the motion was carried by unanimous consent.

Sewer I/I Evaluation from Tighe & Bond: Mr. Pruhenski reminded the Board that at their last meeting he advised them that the Town had received a Notice of Non-Compliance from the DEP on the infiltration inflow for the sewer system because there was no plan in place, which is a requirement. Mr. Pruhenski had contacted Tighe & Bond to request a proposal. He advised the Board that, although funding is not in place at this time, there is now a proposal in place and Mr. Pruhenski will be requesting approval from the Board to hire Tighe & Bond to create a plan, probably at the next meeting. The deadline to complete the plan is December 31, 2018.

Mail/Sign Warrants: There was no mail to distribute and warrants were duly signed.

Town Administer Updates: Mr. Pruhenski advised the Board that the Town opened a Cooling Center at Town Hall last week from 12:00 Noon to 4:00 PM, which was advertised on FaceBook and in the Town Hall E-Newsletter. A movie was shown on the large-screen TV, popcorn and bottled water were available and the air-conditioner and fans were turned on.

In the event such extreme weather occurs again, the plan is to make that same service available to our residents.

Personnel Policy: Mr. Pruhenski advised the Board that there is a draft of a Personnel Policy in place, which he is in the process of reviewing. He noted that he expects to have a draft ready for the Board's review shortly.

School Security: Phase 2 is now completed as the cameras and entry projects are in place. The project is now moving ahead with the other recommendations such as window tinting. Mr. Pruhenski met with a vendor on July 3rd and obtained a quote from him of \$9,975. Mr. Pruhenski will be meeting with another vendor on Friday, July 13th to get a second quote.

The tinting would allow one to see out of the building, but not to see in. Added bonuses to tinting the windows is that, the tinting will maintain indoor temperatures at approximately 2 degrees cooler and the tinting will keep the glass intact in any attempt to smash the window.

Siren Test: Mr. Pruhenski advised the Board that the Town will be conducting a siren test on Friday, July 13th at 10:00 AM. There is a reverse 911 call scheduled to go out on Thursday to advise residents that this is just a test

Unanticipated Topics:

Alternate Delegate to the Berkshire Regional Planning Commission: Mr. Pruhenski suggested asking the Planning Board for their recommendation before going further. He will bring that recommendation back to the Board.

One-Day Wine/Beer Permits for Balderdash Cellars: Requests have been submitted for one-day permits for July 14th and 15th, July 21st and 22nd, July 28th and 29th, August 4th and 5th. Since the Town can only issue 30 one-day permits to any individual or business in a year, these would be permits number 13 through 20 of the calendar year. Balderdash Cellars is aware of that limitation. Mr. Manzolini asked if any complaints or issues have been brought forward with any of the events that Balderdash Cellars has hosted so far. Mr. Pruhenski was able to assure Mr. Manzolini that not a single complaint has been received. Mr. Manzolini then moved that the Board approve the requested one-day permits. Mr. Pilson seconded that motion, which was carried by unanimous consent. Mr. Pilson signed each permit.

Sewer Matters: Mr. Tom Grizey reported that the tank on Pelham Road had to be pumped because there was a whole lot of debris that came in and blocked the pump. The pump was removed, cleared and replaced. Mr. Pruhenski then authorized Mr. Grizey to have the septic tank cleaned out. That process uncovered all kinds of materials that had been introduced into the system by one of 11 houses and the Boys Club at Richmond Shores. Mr. Grizey is going to draft a second warning memo to desist from introducing such solid materials into the septic system.

Mr. Grizey also noted that he has purchased, with the Town's approval, a small pump to replace the one that has been in use for thirteen years in the sprayer for cleaning as it has burned out.

Selectmen's Matters: There were no matters that needed addressing at this time.

Next Meeting Date: Mr. Pruhenski suggested that July 25th, the next regular meeting date, be changed to July 24th in view of the projected court date on July 25th. Mr. Pilson suggested that the meeting be held at 4:00 PM so that it could be concluded in time for the Board to attend the Richmond Pond Picnic that day.

The next scheduled Board of Selectmen's meeting is on Tuesday, July 17th at 2:45 and will be on the subject of the Dangerous Dog issue.

There being no further business to come before the Board, Mr. Alan Hanson moved that the meeting be adjourned. He was seconded by Mr. Pilson and the motion was adopted by unanimous vote.

The meeting was adjourned at 6:59 PM

SIGNED:

A handwritten signature in black ink, appearing to read "Neal Pilson", written over a horizontal line.

Mr. Neal Pilson,
Chair, Board of Selectmen