

**APPROVED**

**BOARD OF SELECTMEN / SEWER COMMISSIONERS MEETING**

**Wednesday November 7, 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:**

**GUESTS:** Mr. Peter Beckwith, Highway Superintendent

Mr. Pilson called the meeting to order at 6:00 PM and moved to the approval of the minutes of the October 25, 2018 meeting. Mr. Manzolini moved that the minutes of October 25, 2018 be approved as read. The motion was seconded by Mr. Pilson and passed by unanimous consent.

**Town Barn Updates:** Mr. Beckwith reminded the Board that a decision had been made to proceed with board and batten siding for the replacement of the Town Barn instead of the original design with metal siding. He noted that the cost of board and batten siding is three times that of metal siding and we will incur the cost of maintaining the wood with periodic repainting. Mr. Beckwith asked the Board for a final decision as to how to proceed so that work on the building could proceed.

Mr. Beckwith provided the Board with quotes for each option. Cost for the metal building would be \$27,000, and \$33,000 for the board and batten-sided building materials delivered to the site. There would be an additional \$10,000 cost for the construction company to install the metal barn, which can be accomplished in one day. Construction costs for the board and batten building would be higher. The overall budget for this project is \$10,000 for initial design and engineering (a part of which is still available) and \$100,000 for the demolition of the old barn and construction of the new barn complete with all plumbing and electrical installations and a concrete floor.

Mr. Pruhenski advised the Board that no final decision needed to be made at that time. The information provided was to update the Board on the status of the project.

**Annual 2019 Farmer Winery Pouring Renewals (Hilltop Orchards and Balderdash Cellars):** Mr. Pruhenski noted that every year the annual renewals must be approved by a local licensing authority in November. Mr. Pruhenski contacted both Hilltop Orchards and Balderdash Cellars and asked them to fill out and sign their 2019 renewal, which they have done and submitted their signed applications and fees. Mr. Pruhenski asked the Board to approve the applications for Grove Street Enterprises DBA Hilltop Orchards and one for Balderdash Cellars. Mr. Hanson moved to approve the two renewals and was seconded by Mr. Manzolini. The motion was adopted by unanimous vote.

**Gardner Dog Stipulation Updates:** Mr. Pruhenski recalled that three copies of the stipulation had been signed by the Board and forwarded to Attorney Donna MacNichol in Greenfield who signed it and sent three originals to Mr. Andrew Hochberg, the Attorney for Mr. Gardner. It had been Mr. Pruhenski's hope that the fully-executed documents would have been returned to the Board by the time of this meeting. As that did not happen, Mr. Pruhenski asked the Board to approve that a final copy of the stipulation be included with the minutes of this meeting once it arrives.

Mr. Manzolini moved that the Board approve the stipulation as they signed it. He was seconded by Mr. Hanson and the motion was carried by unanimous vote.

**Building Use Policy:** Mr. Pruhenski distributed copies of the policy to the Board for their convenience in discussing several building use requests that the school has received as follows: The Cub Scouts, a Yoga Class to be held at the School, and a third group. Mr. Pruhenski noted that the school always refers the request to him for a decision as to how to handle it. That raised the issue of a need for a policy. The policy has been reviewed and approved by the Town's Legal Counsel and copies of it have been forwarded to Ms. Monica Zanin, the School Principal, and Mr. Peter Dillon, the School Superintendent for their review and for discussion by the School Committee at their meeting. The intent is to have one document that would work for all Town buildings. In response to a question from Mr. Manzolini, Mr. Pruhenski noted that the Policy would stipulate that the group requesting the use of a building would have to be a non-profit organization or a local unit of Government and by residents of Richmond. Mr. Pruhenski advised the group that his main concern in drafting the policy was to avoid requests in the future by a commercial enterprise seeking to make a profit, which he felt was an inappropriate use of Town buildings.

Any final action on the policy was deferred until the next meeting.

**ESS water Level Monitoring 2-year Contract Renewal:** Mr. Pruhenski deferred this item to the meeting scheduled for November 28<sup>th</sup> as he was unable to get the contract from the vendor in time for this meeting.

**Board of Selectmen's Automated Email Responses:** Mr. Pruhenski distributed copies of a draft protocol for review by the Board. Whatever decisions the Board reaches at this meeting will be referred to the I.T. company to set up the process. The proposed protocol received unanimous approval from the Board. However, Mr. Pilson suggested broadening the protocol to include communication by other than email, which can be achieved by substituting the word "Communication" for the word "email". Mr. Pruhenski will make that change and arrange for the necessary I.T. work to provide an automated response acknowledging communications for the Board of Selectmen received through Town Hall. The communication will then be forwarded to the person to whom it was addressed for any further response, which will be brought to the Board for agreement as to the content of the response.

**Town Administrator Contract:** Mr. Pruhenski reminded the Board that they had met in Executive Session to finalize the contract renewal. He revised the contract according to the decisions made at that time and printed copies of the revised version for the Board's signatures.

A date and time then needed to be set for the Town Administrator's Performance Evaluation, which will be instrumental in subsequent salary negotiations. Mr. Pruhenski will send blank copies of the 2018 Performance Evaluation Form to the Board members for completion. Mr. Manzolini and Mr. Hanson will send their completed copies to Mr. Pilson as Chair, who will combine all three evaluations into one document. A time to review that Evaluation in Executive Session will be set and the subject of salary can be raised at that time. Mr. Pruhenski noted that his current salary is included in the revised 2019 contract, with the understanding that a Performance Evaluation is done every year and salary negotiations follow.

**Thanksgiving Holiday Hours:** Mr. Pruhenski asked the Board for approval to give the Town Hall employees the day after Thanksgiving off in exchange for the "floater Holiday" which is noted in the Highway Department Agreement, which is applicable to the Town Hall staff. Mr. Pruhenski suggested having the Personnel Policy, currently being drafted, include the day after Thanksgiving as a regular holiday instead of the floater holiday currently mentioned.

Mr. Pilson moved that the floater holiday be eliminated in favor of a permanent day off on the Friday after Thanksgiving for all Town employees. Mr. Manzolini seconded the motion, which passed by unanimous consent.

**Special Permits for November 28<sup>th</sup> and December 12<sup>th</sup> Meetings:** One is for the Deval Patrick property and the other for the Bollinger/Yarmosky property. Copies of the applications were distributed. Mr. Pruhenski noted that the Town Clerk's copies have larger blueprints attached if the Board wished to look at those and asked whether the Board had any interest in doing site visits for either of them.

Mr. Pilson suggested that the Board members meet at Town Hall on November 28<sup>th</sup> at 4:00 PM to go to the Deval Patrick property for a site visit and plan to be at the Bollinger/Yarmosky property at roughly 4:30 PM.

Mr. Pilson remarked that the reason these special permits come before the Board of Selectmen is that there is an archaic Zoning Bylaw provision that requires the Board of Selectmen to be the issuing authority for a special permit because of the size of the accessory building for which the permit is requested. He felt that the bylaw should be changed either to significantly increase the allowable size of any such additional building so that there are fewer of these special permits coming to the Select Board or transfer the issuing authority to the Zoning Board.

Mr. Pruhenski noted that changing the permissible size of the building would require that such a change be approved by the Planning Board, but just changing the Special Permit granting authority should not incur the need for any such approval. That change would need to be on

the Warrant for the May Town Meeting. Mr. Pruhenski will draft a proposed bylaw for inclusion on the Warrant for the May Town Meeting.

**Mail / Sign Warrants:** Warrants were duly signed. During that time, a date was set for the Executive Session in which Mr. Pruhenski's Performance Evaluation and Salary negotiations would take place. A short discussion resulted in the decision to hold that meeting on Friday, November 16<sup>th</sup> at 3:00 PM.

**Sewer Matters:** Mr. Pruhenski reported that he had signed the Tighe & Bond contract and sent it to them. He noted that they were already at work last week gathering data, so we are on schedule to have the INI report for the DOT by the deadline of December 31<sup>st</sup>.

**Town Administrator Updates:** The Library's 3-year Lease will expire in June of 2019. Mr. Pruhenski has contacted Ms. Margie Baldwin, owner of the building, to request a meeting to review the lease, a draft of which would be submitted to the Board of Selectmen for comment. Mr. Pruhenski suggested it would be best not to sign anything long-term at this point, given the work of the Municipal Building Committee. Mr. Pilson asked whether maintaining a 3-year lease would keep the rent stable over that time. Mr. Pruhenski agreed that the monthly rent did remain stable for the 3-year period of the present lease. It was decided that any such decisions would need to be deferred until more information about the status of the work of the Municipal Building Committee could be established.

The Noise Ordinance – the Town Attorney and Mr. Pruhenski are working together to revise the Williamstown Noise Ordinance, which was felt to be the most straight-forward and clearly written of those available from surrounding towns, to conform more closely to the needs of Richmond. He anticipated being able to bring a draft to the Board for review within the next couple of weeks.

Second Portion of the Town's Tree Bid. Mr. Adam Weinberg, our Tree Warden, gave Mr. Pruhenski three lists of trees needing attention. He combined those into one request for bids which he forwarded to Mr. Pete Beckwith, Highway Superintendent and Mr. Adam Weinberg to review for accuracy. Once that is completed, Mr. Pruhenski will bring the request for bids back to the Board for approval. Mr. Pilson asked for clarification as to whether a tree marked for EverSource would not be included in the contract going out for bid. Mr. Pruhenski noted that trees marked by EverSource are marked with blue and white blazes, the trees under discussion here would be marked with orange blazes. The tree Mr. Pilson expressed his concern about is located at 95 East Road. Mr. Pruhenski will call the EverSource Arborist and let Mr. Pilson know when a date is set for removal of that tree so that he can advise the homeowners.

Mr. Beckwith noted that there are an additional 39 trees on Swamp Road that are marked, that are not on the current bid, but that the Highway Dept. can deal with in order to save the expense of hiring an outside company. They will close that section of Swamp with notice to residents of the area a week in advance. The trees will be chipped and blown into the woods, any good wood will be left on the side of the road for people to pick up for about a week or so.

In response to a question from Mr. Hanson concerning the policy of leaving good wood from felled trees to the owner of the property, Mr. Beckwith noted that in the area in question there are no houses, so he does not know who the owners might be. Mr. Hanson advised Mr. Beckwith that there are two property owners in that area: Mr. Jeff Grant and the Iwanowicz family. It was decided to send notices to those property owners.

**Selectmen's Matters:** Mr. Manzolini had a question about how Election Day went. Mr. Pruhenski advised that there were no issues, although the electronic voting machine went down for about an hour and the old wooden one had to be pressed into use. A tech came and repaired the electronic one during the election and it was then possible to open the wooden box and feed them back in. Mr. Pruhenski noted that the staff did a great job, the constables did a great job as did the Town Clerk staff in the face of 74% of eligible voters coming out. Mr. Pilson asked that Mr. Pruhenski send a thank you letter to the people involved.

**Next Meeting Dates: November 28, 2018 and December 12, 2018:** Mr. Pilson had a conflict with the December 12<sup>th</sup> date, but as the agenda will include a hearing on a special permit, it was decided that the date would not be changed, and Mr. Manzolini and Mr. Hanson would hold the meeting without Mr. Pilson.

Mr. Pruhenski noted that the fourth Wednesday in December (Dec. 26<sup>th</sup>) which would normally be the second December Board of Selectmen meeting date, comes immediately after Christmas. None of the Board members felt there was a problem with their holding the meeting on December 26<sup>th</sup>.

Mr. Pilson then looked ahead to January when the normal schedule for meetings would be January 9<sup>th</sup> and January 23<sup>rd</sup>. Mr. Pilson will be unavailable on January 9<sup>th</sup>, but Mr. Manzolini thought the meeting should go ahead as scheduled, especially considering the usually light agenda at that time. A final decision about the January 23<sup>rd</sup> meeting was put off until closer to that time.

**Unanticipated Items:** Mr. Pruhenski brought up the Zoning Board of Appeals issue. There is an appeal before this board and they are trying to organize a meeting to deal with it. In the meantime, two of their permanent members have resigned, which means that Ms. Ina Killeen and Mr. Peter Killeen should be moved into positions as permanent voting members. The Chair of the ZBA has asked that the Board vote to approve those memberships. Mr. Manzolini moved that the move from alternate to permanent voting member status for Ms. Ina Killeen and Mr. Peter Killeen be approved. Mr. Hanson seconded the motion, which was adopted by unanimous consent.

Mr. Pruhenski then reminded the Board that there have been four driveways in Richmond that have had constant run-off problems. Only one of those property owners has complied with the order to have the situation repaired, and there has been no word from the remaining owners. Two letters have been sent from Town Hall, one in February and one in September. With winter approaching, Mr. Pruhenski asked for approval from the Board to have a letter from the Town's

Attorney sent to the three property owners. A discussion about the driveway permits issued at the time of installation was resolved with Mr. Pruhenski advising the Board that the Town's Attorney suggested telling the owners that the driveway permits will be revoked unless the appropriate repairs are made. Mr. Manzolini was in favor of those three property owners receiving a letter from the Town's Attorney. He also asked whether there was anything the Town could do on its property to eliminate the water running off the driveway onto the road.

Mr. Beckwith noted that last winter, when the run-off on one of the driveways in question was so severe the driveway was washed out, he dug out a swale at the bottom of the driveway within the Town's right-of-way to divert the water from going onto the road. The owner went in and filled it back up the next day. There was a discussion of what other action the Town might take to eliminate this hazard. Mr. Beckwith explained that having the Town make those repairs would result in setting a precedent for every homeowner with a driveway problem to expect the Town to pay for the cost of repairs, when culverts are the owners' responsibility. What needs to be done is driveway culverts, drainage and crowns on all three of those driveways.

Mr. Pilson noted for the record that he had reviewed Mr. Pruhenski's Performance Evaluations of the Town's Employees and found them to be complete, thorough and well done. He commended Mr. Pruhenski for the procedure he has initiated.

There being no further business before the Board, Mr. Pilson moved to adjourn the meeting. Mr. Manzolini seconded the motion, which was adopted by unanimous vote.

The meeting was adjourned at 7:24 PM

Signed:

Mr. Neal Pilson, Chair



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