

**APPROVED**

**BOARD OF SELECTMEN / SEWER COMMISSIONERS MEETING**

**Wednesday, May 30, 2018 – 6:00 PM – Richmond Town Hall, 1529 State Road**

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

**GUEST:** Mr. John Hanson, Planning Board Member

Mr. Pilson, acting as Temporary Chair, opened the meeting at 6:00 PM. Mr. Alan Hanson, Board Chair is not present.

Mr. Pilson acknowledged the presence of Mr. John Hanson, member of the Planning Board and turned the meeting over to the agenda item of the marijuana Zoning Bylaw. Mr. Hanson recalled that, at a Special Town Meeting, the Town voted to place a moratorium on establishing bylaws on the development of marijuana retail establishments. Subsequently, a member of the Planning Board decided that she was, after all, not in favor of a moratorium or of a complete ban. The proposed by-law has not yet been voted on at the Planning Board as they are continuing their discussion.

Mr. Manzolini asked whether the document in question is similar to one from another town that has passed their bylaw. Mr. Hanson said it was very similar to the one passed by the Town of Great Barrington. Mr. Manzolini asked that he go over the document paragraph by paragraph to see where the differences lie.

Mr. Hanson noted that the document has been reformatted to fit our system and some of the specific numbers included in the bylaws have been changed. Richmond's proposed bylaw limits the number of facilities dispensing medical marijuana to one and the number of retail marijuana to one. The Great Barrington bylaw does not specify a number. State law will not allow a complete ban on medical marijuana treatment centers, so the bylaws allow one such establishment and one retail business, both restricted to the commercial sections. There are two commercial districts in Richmond, one down at the Furnace area and one north of the railroad track (i.e. where the Post Office is located and across State Road where the upholstery shop is located). In responding to the question of cultivation, Mr. Hanson outlined the restrictions on cultivation which were: on property of at least five acres of land, the building used for it does not exceed 10,000 square feet and a special permit, issued by the Board of Selectmen, is acquired.

Mr. Hanson noted that some other towns, in particular, Great Barrington, have limited the cultivation of marijuana to those areas within the town that area zoned for light industry. Mr. Pilson then asked whether, given that Richmond does not have a light industry zoned area, would it be consistent with State law for Richmond to ban cultivation entirely. Mr. Hanson felt that it would.

Mr. Pruhenski inquired whether adoption of the bylaws would require a ballot vote. Mr. Hanson said that it would not – all that would be required would be a two-third vote at a Town Meeting, just as in any other zoning change.

Mr. Pilson asked if the Planning Board was going to be holding a public hearing on the proposed bylaws, which Mr. Hanson assured him would happen.

In response to concerns voiced by Mr. Pilson, Mr. Hanson reminded Mr. Pilson that the bylaws restrict the cumulative area for the cultivation of marijuana on any one property to 10,000 feet.

Mr. Pilson then reflected that his understanding is that although the Town cannot ban the establishment of a medical marijuana treatment facility, it could ban the establishment of a retail operation and, by changing the zoning could effectively ban cultivation. Mr. Hanson agreed that all of that was possible. He felt that the public was going to find those details difficult to understand and would require explanation.

Mr. Manzolini asked to discuss Section 4.8: He noted that there is reference to medical marijuana treatment centers and marijuana establishments and that sub-paragraphs A, C and D only apply to "establishments." Mr. Hanson interjected that there are four sub-paragraphs and their intent is to restrict all marijuana usage. Mr. Manzolini made recommendations to rearrange the sub-paragraphs to deal with medical marijuana treatment centers in A and marijuana establishments separately in B. That would leave sub-paragraph C and D as they currently read, dealing with cultivation. That way the explanation will be clearer and simpler and takes care of the medical marijuana treatment center, which is required by law to be allowed, simply and quickly. Then the discussion can move to the retail establishments and cultivation. A discussion followed concerning scheduling of a public hearing and details concerning the format of the by-laws with an eye to making the issues clear and understandable for the public.

Mr. Hanson turned the Board's attention to Item #12, which summarizes all the previous paragraphs and provides definitions. Mr. Manzolini noted that in paragraph 12 sub-paragraph 3, he would put the medical marijuana treatment center first to be consistent. Further discussion ensued of the remaining paragraphs, which resulted in some changes to the wording.

After the draft of the bylaws is finalized, there will be a public hearing and a final vote by the Planning Board. A report will be submitted to the Board of Selectmen for inclusion in a warrant for a Town Meeting. The Selectboard will react to that proposed warrant by scheduling a Town Meeting. The goal will be for unanimous support of one inclusive proposal developed by both the Planning Board and the Selectboard and any other Town Boards who are asked for input.

In response to Mr. Pilson's concern about timing, Mr. Hanson said that the latest they would consider having a Town Meeting would be in October of 2018 and preferably by September.

Mr. Manzolini said that he would support the bylaws as revised at this meeting. Mr. Pilson noted that he continued to have concerns about the language in the paragraphs dealing with cultivation. Discussion concluded that, since Richmond does not have a light industry area, and the State does not require that the Town permit cultivation in a residential/agricultural zone, the Town will prohibit cultivation in its residential/agricultural areas but would consider it in its commercial district. Mr. Hanson will take these considerations back to the Planning Board and rework the bylaws so that they

will restrict what the Town really wants restricted, without taking the chance of producing a bylaw so restrictive as to effectively totally ban marijuana cultivation, which would be overturned by the State.

Mr. Hanson then turned the Board's attention to the issue of allowing events at farms. The issue is that Mr. Christian Hanson is seeking permission to have events at his winery. At the present time, the bylaws do not list events as a permitted use. What the Planning Board has done is to look at what would be permitted under the category of events, concerts, etc. on farms. They are trying to assure that there will not be any unintended consequences from making that change. It would not be possible to write a bylaw that would specifically allow events only at the winery and nowhere else. Mr. Manzolini noted that it was never the intention for the bylaws to restrict businesses from holding reasonable events on their properties and he would be in favor of having that added to the list of permitted uses.

Mr. Hanson then addressed the wording of the revised listing that would require a special event permit from the Board of Selectmen for multiple farm events to be held within an agricultural area. The Board of Selectmen would hold a public hearing prior to the issuance of the first permit, which, having been approved, would be viable for a period of years (3?). This addition to the existing bylaws is being worked on by the Planning Board and it is their expectation that both it and the marijuana bylaws will be addressed at the same town meeting.

The Board thanked Mr. Hanson for his work and for his report to the Board.

**Permission for a Burial:** Ms. Patricia Eddy then came before the Board and asked for permission to bury the cremated remains of her nephew on her mother's grave in Richmond Cemetery. Mr. Manzolini moved that the request be approved. Mr. Pilson seconded the motion, which was carried by unanimous vote. Mr. Pruhenski advised Ms. Eddy that the fee schedule for this permit was to be found at the bottom of the permit on the website.

#### **One-Day Permits:**

**Balderdash Cellars-six applications for various dates – wine and malt only:** All six events requesting permits are for Balderdash Cellars located at 81 State Road – all events are scheduled from 1:00 – 5:00 PM and are wine-tasting events. Dates are as follows: June 2<sup>nd</sup>, June 9<sup>th</sup>, June 16<sup>th</sup>, June 17<sup>th</sup>, June 23<sup>rd</sup>, and June 24<sup>th</sup>. There was a discussion concerning the need for permit fees, but the consensus was that any such decision be tabled. Mr. Pilson moved that the permits for the six dates requested be granted. He was seconded by Mr. Manzolini and the motion was adopted by unanimous consent.

**Boys and Girls Club of the Berkshires – all alcohol:** A one-day permit on July 13<sup>th</sup> from ? AM to 6:00 PM for the Annual Chili and Chowder Festival at the Boys and Girls Club at 341 Boys Club Road. Mr. Manzolini moved that the request for the permit be approved. He was seconded by Mr. Pilson and the motion was adopted by unanimous consent.

**Approval of Minutes of the May 9, 2018 meeting:** Mr. Pilson had no comments, nor did Mr. Manzolini. There being no discussion, Mr. Pilson moved that the minutes be approved as read. He was seconded by Mr. Manzolini and the motion was adopted by unanimous vote.

**Reorganization of the Board / Post-Elections:** Mr. Manzolini moved that Mr. Neal Pilson be appointed Chairman of the Board of Selectmen for the coming year. There being no discussion, the motion was seconded by Mr. Pilson out of necessity in the absence of the current Chair, Mr. Alan Hanson; and the motion was adopted by unanimous approval.

**Cultural Council Appointment – Susan Sacher:** Mr. Pruhenski reported on the contents of the letter he received from Ms. Sacher that indicated her interest in joining the Cultural Council and her conversation with Sandra Flannery to determine if there was an opening. Ms. Flannery advised Mr. Sacher that there were several openings on the Cultural Council and is on record as approving Ms. Sacher's request to fill one of those positions. Mr. Manzolini moved that the Board appoint Ms. Susan Sacher to the Cultural Council. He was seconded by Mr. Pilson and the motion carried by unanimous vote.

**Resignation(s) – Steven Patterson:** Mr. Pruhenski noted that he was surprised to receive notice from Mr. Patterson that he had resigned from the Municipal Building Committee. He read portions of Mr. Patterson's letter, explaining that he was resigning because he felt that the committee had achieved its initial goals and he no longer wished to participate in the next phase of planning.

Mr. Pilson said that the Board should thank Mr. Patterson for his participation and moved that the Board accept his resignation with regret. Mr. Manzolini seconded the motion and it passed by unanimous vote.

Mr. Pruhenski then read a second letter from Mr. Patterson in which he offered his resignation as the Chair of the Zoning Board of Appeals. Mr. Patterson noted in his letter that, in his opinion, the Short-Term Rental Bylaw that the town adopted recently was punitive and aimed at one specific resident of the town. Mr. Pruhenski expressed his regret over the loss of Mr. Patterson's leadership of the Zoning Board and asked whether the Board would like to try to approach him on the subject. There was a discussion of the fact that, at the Town Meeting, at which the bylaw was presented, the language in which it was addressed was unfortunate in that it emphasized a particular location rather than the larger picture of preventing a general problem from occurring.

Mr. Pilson suggested that the Board decline to accept the resignation at this time and that he be given a copy of Mr. Patterson's letter so that he can talk to him in the next few days and see what can be done.

**BRTA Advisory Board Appointment:** Mr. Pruhenski noted that Mr. Alan Hanson is currently the Town's representative to the BRTA Advisory Board and a new annual appointment needs to be submitted. Mr. Manzolini moved that the Board reappoint Mr. Hanson who has been serving in that capacity for many years. Mr. Pilson seconded that motion and it was adopted by unanimous consent.

**Rebates / Abatements for Review-Signatures:** Mr. Pruhenski distributed the documents needing signatures, which were duly signed by Mr. Pilson and Mr. Manzolini.

**200 View Drive Complaint – Update:** Mr. Pruhenski noted that the Board need take no action on this item, he just wanted to update them on the issue: The Zoning Enforcement Officer, Mr. Paul Greene,

investigated the site, spoke to neighbors and to the owner's children – the owners were currently out of the country and were unaware of the complaint. Mr. Greene noted in his letter that he did not feel there was any action that could be taken at this time, but he is comfortable with the fact that the owners are now aware of the problem and are going to resolve it. Mr. Greene is also asking the abutters going forward to submit to him proof of any further violations so that he can act. Copies of Mr. Greene's letter have been sent to the complainants and to the property owner.

**Sewer and Cable Advisory Meeting Dates:** Sewer Advisory Meeting date has been set for Thursday, June 7<sup>th</sup> at 5:00 PM, if a representative from the Selectboard will be available. Mr. Roger Manzolini will be available as will Mr. Pilson. Mr. Tom Grizey also noted that he will be at the meeting.

Cable Advisory Committee – No date has been set for that meeting. Mr. Pruhenski reported that he had sent out a notice to all interested parties, offering several alternative dates and times, but was told that none of them was workable. Given the lack of available meeting space, Mr. Pruhenski will have to research further for dates and times for this meeting and send out a new notice.

Mr. Pilson noted that on Tuesday, the 5<sup>th</sup> of June a Budget Advisory Committee meeting is scheduled at 2:00 PM to deal with the Solar project. Mr. Pruhenski said that there is a Special Town Meeting scheduled for June 21, 2018 and a Finance Committee meeting to review the three articles scheduled for June 5<sup>th</sup> at 2:00 PM. Mr. Pilson will ask the Finance Committee and the Budget Advisory Committee collectively to make recommendations on the three articles and, assuming the support of the Board, Mr. Pruhenski will ask the Board to sign the Warrant at that time as it must be posted by June 7<sup>th</sup>. He added that approval for connection from EverSource did not come in time to deal with the issue at the Annual Town Meeting, so it will have to be done in a Special Town Meeting format. The Company would like to install the solar panels this summer while the children are out of school, which is why there is a need to rush the process. The Special Town Meeting will be at Town Hall on June 21<sup>st</sup> at ???? PM.

**Town Administrator Updates:** Mr. Pruhenski noted that there continues to be some personnel issues in the Highway Department, which he plans to address pro-actively before it escalates.

Town Barn Issue. Mr. Pruhenski distributed copies of a letter he sent to Mr. Ted Andrews in which he indicates that he does not intend to delve into the topic before July 1<sup>st</sup> as there are greater priorities that need attention. He requested that the Board support him on that. Mr. Pilson suggested that Mr. Andrews be advised that the Board will make no decisions on the treatment of the Barn without providing him an opportunity to make his position clear. Mr. Pruhenski was advised to tell Mr. Andrews that the issue will be on the July agenda and the Board has agreed not to make a final decision without first hearing him out.

Gardner Dog Hearing – The findings have been filed with the Town Clerk as of May 24<sup>th</sup>, which puts the deadline for appeal to Monday, June 4<sup>th</sup>. There has been no response to date from his attorney or Mr. Gardner. Mr. Pruhenski did receive a signed, certified letter back from Mr. Gardner. Mr. Pruhenski will advise the Board if any appeal is filed.

Richmond Pond Chemical Weed Treatment – scheduled for Monday, June 4<sup>th</sup>. Notices have been posted on our website on the pop-up notice board, it has also been posted on FaceBook and will appear in the e-newsletter and posters will be put up in various places around town.

Mini-Site Collections – Went well. Mr. Pilson asked that Mr. Pruhenski relay to Mr. Peter Beckwith his delight with the general cheerful demeanor of the Highway Department – he found them helpful and created a nice representation for the town.

Mr. Pruhenski reminded the Board that the Town Beach will be opening on Father's Day Weekend – Porta Potties have been ordered and will be in place after that date and all other arrangements will be made by then.

Mr. Pruhenski noted that he has sent the Fire Chief, Mr. Steve Traver, a letter about testing the alarms for the summer. Mr. Traver assured Mr. Pruhenski that he has that scheduled for early July and will provide a firm date very soon. When he has that information, Mr. Pruhenski will use the reverse 911 system to advise residents of the planned tests.

**Selectmen's Matters:**

Mr. Roger Manzolini was concerned about a possible delay in the Boat Ramp Monitors being in place. Mr. Pruhenski assured him that they will begin the first week in June this year, just as they did last year.

Package to the Realtors – Mr. Pruhenski advised the Board that the packages just came in today and he will be reaching out to the people who have volunteered to distribute them.

Mr. Manzolini said he felt that the Memorial Day Celebration went very well and provided a very nice recognition for Mr. Dave Reynolds. All the speeches were short and right on point. Mr. Pilson requested that a letter of thanks be sent to Ms. Roseanne Frieri on behalf of the Board, thanking her for her work on making that happen.

**Sewer Matters:** Mr. Tom Grizey advised that tomorrow morning they are going to replace the flow meter down at the beach station. The vendor will bring a new meter with him in case he finds that he cannot repair the existing one.

There is a brand-new bathroom facility at ??????. Mr. Grizey inspected the installation and found it was done correctly.

Mr. Grizey said that, after the fence people come in and correct the fence, there will be one more floodlight installed nearest the road.

**Mail/Sign Warrants:** All documents were signed as needed.

**Next Meeting Date: June 13, 2018 – Alternate Dates for June 27<sup>th</sup>:** To be discussed at the June 13<sup>th</sup> meeting.

**Unanticipated Items:** Mr. Pruhenski announced a Mailbox Damage Claim from Mr. Peter Kraus at 851 Lenox Road. The winter before last, a post at that address was damaged by the Town's plow. Highway Department staff repaired the post, but it was knocked down again this year either by our plow or by the weight of the heavy snow. The mailbox itself is fine, it just needs a new post. Mr. Pruhenski asked the Board for permission to have the Highway Department replace the post and reinstall the mailbox. The Board not only approved the request, but advised Mr. Pruhenski that, in future, if the claim is deemed by the Highway Department to be legitimate, the issue need not come before the Board for approval.

Mr. Pruhenski received an email from Brian Schultz, the Ambulance Director, advising him that two of his current staff members are willing to take the course to become Certified EMTs. He is requesting payment up front for the class, but also expressed his concern that if the course is not completed, that would be a lot of money to pay out for nothing. He asked for input from the Board as to their willingness to pay for EMT training. The Board was very much in favor of this training, for which funds are available in the Ambulance Budget. Mr. Schultz was considering asking the two candidates to sign a commitment that states that they will complete the course and will then commit to two years of service to the Town of Richmond as EMTs. The Board would prefer that in lieu of a formal signed document of commitment, the candidates be advised that the Town will expect that they will serve for a minimum of two years at the completion of their certification.

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

The meeting was adjourned at 7:58 PM.

A handwritten signature in black ink, appearing to read "Neal Pilson". The signature is written in a cursive, flowing style with a long horizontal line extending to the right.