

**APPROVED**

**BOARD OF SELECTMEN / SEWER COMMISSIONERS MEETING**

**Thursday October 25, 2018 – 9:00 AM – 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. Zack Holt, Hampshire Power; Mr. Chris May, Chris May Builders; Mr. Peter Beckwith, Highway Superintendent; Mr. Jim Blair and Ms. Noreen Blair, Richmond Residents

Mr. Pilson called the meeting to order at 9:00 AM.

**Lenox Road / Swamp Road / Lenox Branch-Swamp Road Intersections:** Mr. Pilson began the discussion with the Lenox Road, Lenox Branch Road intersection. Mr. Beckwith reported that he has ordered a yellow LED light-surrounded, solar-powered sign in the "T" format, which will be installed close to the top of the hill. Underneath that sign, Mr. Beckwith will install either a sign that reads, "SLOW," or one that will indicate the distance to the intersection. The old one at the top of the hill that is hidden by the mailbox and is no longer MUTCD compliant, will be removed. There is currently a new, MUTCD compliant sign reading, "Vehicles Entering Right" with "30 MPH" underneath it at about 700 feet before the intersection, which will remain in place. Mr. Pilson asked whether the flashing lights were on permanently or if they are triggered by the approach of a vehicle. Mr. Beckwith will find out.

Mr. Pilson clarified that the signs Mr. Beckwith spoke about are on Lenox Road, coming East up the hill towards Lenox. There was a discussion of the details of the placement of the signs and how solar-powered lights function in the lack of sunlight. Mr. Beckwith was able to answer Mr. and Mrs. Blair's questions and concerns. In response to Mr. Manzolini's comment that it would be effective to have the sign read "Dangerous Intersection," Mr. Beckwith offered some other additional markings that could be used in the future and it was agreed that the addition of the word, "Slow" in combination with the flashing lights would be effective. Mr. Beckwith noted that he also plans to post some additional regulatory speed limit signs along the road that will indicate that the speed limit is 30 MPH.

Mr. Pilson asked Mr. Beckwith to lead the discussion on the Lenox Branch-Swamp Road Intersection. Mr. Beckwith noted that heading eastbound on Lenox Road there was overhanging foliage that obscured the signs. Mr. Beckwith has been unable to get a contractor to do the work, so he is going to rent the necessary equipment and have the job done by his crew where the brush is on Town property. In the case where the offending tree or bush is located on private property, a letter will be sent to the homeowner to ask permission for the Town to cut the foliage down. Mr. Manzolini asked Mr. Beckwith for the details of what needs to be done so that the Board can write that letter. Mr. Beckwith also plans to install the yellow

recommended speed warning signs North and South-bound on Swamp Road. Mr. Pilson recommended installing the same set of flashing signs on Swamp Road that are in front of the Richmond School North and South-bound. The cost of that set of signs is \$7,500, which might be funded by the Complete Streets grant. Mr. Beckwith reported that he and Mr. Mark Pruhenski have discussed getting more of those signs and making them portable. That way, the signs could be moved to whatever area was currently having an issue with speeding and eliminate spending \$7,500 just for Swamp Road.

A discussion ensued that resulted in the following plan: A speed sign to be installed where vehicles travel north or south on Swamp Road that flashes when traffic exceeds 35 MPH and reads "Your speed is \_\_\_".

**Approval of Minutes from the September 26, 2018, October 10, 2018 and October 11, 2018 (Executive Session) Meetings:** It was noted that the time listed on the October 11, 2018 minutes was given incorrectly as 1:00 AM. That was corrected to read 10:00 AM, and Mr. Pilson moved that the minutes of the meetings noted above be approved. Mr. Manzolini seconded the motion, which was carried by unanimous vote.

**Complete Streets Policy:** Mr. Pruhenski distributed copies of the Policy, which is the first step in becoming a Complete Streets community. Once this policy is adopted and the training is done, the Policy is submitted to the State for approval. Upon getting that approval, the Town becomes eligible for technical assistance funding to prioritize community needs and develop a plan for increasing safety and other benefits. Richmond is eligible for up to \$50,000. worth of Technical Assistance Funding and \$400,000. for construction of approved projects, which can include improvements to roadways, walkways, etc., safety improvements, and traffic control measures (such as the solar signs discussed above for use on town roads).

Mr. Pilson moved that the Board approve the Complete Streets Policy as outlined in the document submitted for signature. Mr. Manzolini seconded the motion, which was adopted by unanimous consent. The Policy was duly signed.

**Noise Ordinance Discussion:** Mr. Pruhenski distributed copies of noise ordinances and bylaws that have been adopted by other towns. He remarked that when he was at the last Berkshire Managers meeting, he asked his colleagues if any of them had a decent noise ordinance. He was greeted with laughter from the group who explained that there is no such thing as a decent noise ordinance. Some of the larger communities have one in place, but they struggle with enforcing them. Which means that there is no perfect answer to this problem, but perhaps the Town can adopt something that will help, although enforcement is always going to be an issue.

The Board members agreed that the one from Williamstown was the simplest and most straightforward. However, the wording of the ordinance does not cover anything about noise emanating from a private property, such as a wedding venue and does not, therefore, fulfill the needs of this town. Mr. Manzolini felt that if additions were made to that ordinance, it could be made to function for Richmond.

Mr. Pilson wondered what the procedure would be to have a proper bylaw drafted. A conversation ensued concerning determination of the scope of the problem that such a bylaw would be meant to redress. Once that becomes clear, it would be Mr. Pilson's preference to ask one of the Town's Committees or Boards to work on drafting the bylaw and holding the required Public Hearings so that they can bring forward a recommendation.

There was a discussion about how best to proceed, which resulted in Mr. Pruhenski's offering to contact the Planning Board to see if they would be willing to take on the work of a general bylaw dealing with noise abatement. The Board agreed that it would make sense as a first step.

**Hampshire Power Contract Renewal:** Mr. Zack Holt came before the Board to discuss renewal of the contract with Hampshire Power to provide power for the municipal buildings, street lights and the Richmond Consolidated School for several years. Mr. Holt noted that Hampshire Power provides electric power to thirty-three towns and has been able to save those towns money, which was the original mandate for this local, non-profit organization at its inception. Their rates are consistently lower than the utility company and have saved the Town of Richmond about \$2,400 over the last two years. As a third-party electricity supplier, they can offer the Town a fixed rate for the next twelve months. Mr. Manzolini asked what the current rate was and what the rate would be for the new contract. Mr. Holt said that Richmond is currently paying 9.176 cents per kilowatt hour. Given the recent large increases in rates, the new rate would be 12.79 for a mixed rate and 12.89 for 100% green supply.

Mr. Pruhenski said that he has advised Mr. Holt that the Richmond School will be switching to solar energy within a month or so. Mr. Holt is aware that usage in the town overall will be reduced, but there are still other buildings in town such as the garage, the library, the town hall and the DPW shed and the balance of the 89 to 100% gap between the electricity generated by the solar panels and the remaining 11% that Hampshire Power will supply, would also be included in that contract. Mr. Manzolini remarked that 12.89 cents per kilowatt hour is a 40% increase in rate.

Mr. Pruhenski advised the Board that the last time the contract with Hampshire Power was renewed they offered the Town a two-year contract as the situation was more stable. This year, they are offering a one-year contract. Mr. Holt thought that in 2020 the rates are likely to go down and the company does not wish to lock its customers in to a higher rate.

Mr. Pilson asked if Mr. Pruhenski was recommending that the Town renew the contract with Hampshire Power. He made that recommendation based on his experience in the past of pricing other companies and finding that the rate being offered by Hampshire Power was the best available. Mr. Manzolini moved that the Board renew the contract with Hampshire Power for one year at 12.79 cents per kilowatt hour. Mr. Pilson seconded the motion, which was adopted by unanimous vote. The contract was signed.

Mr. Holt then went on to discuss "cow power" with the Board, which is a means by which towns can get metering credits added to the bill. Local dairy farms have projects being built on

anaerobic digestion. The cows produce waste products and the farm contracts to bring in food waste. Those combined wastes go into an anaerobic digester, the methane gas that is produced is pushed out through a pipe, spins a turbine and creates energy. That energy goes to the grid and is tracked and given a value. The Town can purchase that credit, which in this case would be a 10.6 cent credit for 9.03 cents. The Town would pay 9.03 cents to get 10.6 cents credit every kilowatt hour added to the bill, which reduces the bottom line. The second bill coming in is for purchasing metering credits, the total of which is a guaranteed saving every month.

To take advantage of the offer, the Town would have to sign a 10-year agreement, however, there is an opt-out clause that can end the agreement after 12 months if the Town writes a letter asking to discontinue. Mr. Pilson suggested that the Board defer voting on the offer until Mr. Pruhenski, the Town Administrator, Mr. Paul Lisi, the Town Treasurer and the Town's Attorney look it over and then deal with it at the next meeting of the Board. Mr. Holt agreed with that and advised the Board that action on the offer would only need to be completed before the end of the year, preferably before December.

**2019 Boating Access Permit Applications for Richmond Pond:** Mr. Pruhenski identified the applications he received as follows: Canyon Ranch: June 29<sup>th</sup>, July 21<sup>st</sup>, 27<sup>th</sup>, 28<sup>th</sup>, August 3<sup>rd</sup>, 4<sup>th</sup>, 10<sup>th</sup>, 11<sup>th</sup>, 17<sup>th</sup>, 18<sup>th</sup>, 24<sup>th</sup>, 25<sup>th</sup>, September 7<sup>th</sup>, 8<sup>th</sup>, 14<sup>th</sup>, 21<sup>st</sup>, 28<sup>th</sup>, 29<sup>th</sup>, and October 13<sup>th</sup>, 2019. The application is for a small group of kayaks and canoes. Mr. Pruhenski advised the Board that in his experience, the Canyon Ranch groups could be as small as two boats or, depending on the clientele and the weather, they might not come at all. They prefer to reserve the Pond for up to eight boats in case they need that number. As there has never been an issue with the Canyon Ranch usage of the Pond, Mr. Manzolini moved that the applications be approved as outlined above. Mr. Pilson seconded the motion, which was adopted by unanimous consent.

**Richmond Land conservation Fund Policy:** Mr. Pruhenski reminded the Board that he had distributed a copy of the Policy at the last meeting, which has since been updated at least twice since then by a group composed of members of the Land Trust, the co-chairs of the Conservation Commission, the Conservation Commission Agent, and John Mason of the Finance Committee. The final version of the Policy has been reviewed by the Town's Attorney and the next step is to put the Policy in place so that when a request comes in to use some of that funding (which is expected to occur within a month) there will be a Policy in place that has been adopted by the Conservation Commission. The Con. Com. is planning to review the policy at their next meeting in November and Mr. Pruhenski noted that he did not expect that there would be any further changes to it but if the Board had some comments they wished to make about the wording, that November meeting of the Con. Com. would be their opportunity to do so.

**Televising of Town Board Meetings:** Mr. Pilson said rather than have a discussion on the issue at this meeting, he would prefer that the Cable Advisory Committee come up with a series of suggestions or proposals that they would present to the Board of Selectmen concerning new

provisions that the Town should seek when adopting a new franchise agreement with Charter Cable TV.

**Board of Selectmen Emails:** Mr. Pilson reported that there is now a procedure in place by which emails sent to the Board members at their town address are automatically forwarded to the individual members personal email addresses. He felt that it was necessary to develop a protocol by which receipt of emails from residents to any of the town departments, boards or committees would be acknowledged.

A discussion of the issue resulted in the decision to arrange for an automated response that acknowledges receipt of the message and thanks the sender. Additionally, it is possible to have the .org town email address placed on the Board members' phones. Emails received by an individual Board member would then be brought to the following Board meeting for consensus on the wording of a response.

**Refunds and Abatements:** These were signed and executed as appropriate.

**Unanticipated Topics:** Mr. Pruhenski introduced Mr. Chris May, of Chris May Builders, who asked to come before the Board to talk about the feasibility of privately developing the Town Hall/Library space. He was proposing that the town contract with his company to develop the proposed new Library on the town-owned property adjacent to the Richmond Consolidated School. He would handle the engineering and architecture through to the completed project, which he would then lease or offer for purchase to the Town.

One of the issues was the timing involved in bringing the project to completion and the impact the timeframe for the state funding grant for libraries would have on the project. The next sequence of the granting process begins in 2020. Mr. Pilson noted that the funding from the State is pretty much assured for a library-community center and may be as much as 60%. Mr. Pilson then attempted to clarify the proposal Mr. May was bringing to the Board: The Town would forget about the State grant money and the uncertainties and delays inherent in that process; selling or leasing the property to Mr. May to develop the library / community center on that site and having him turn it over to the Town under some long-term lease agreement. The first question that needs to be asked would be, "what does the Town need to develop that would be both cost-effective for the Town and feasible for Mr. May?"

Mr. Manzolini agreed that this is an option that had not been previously considered and should be given a fair hearing. Mr. Pruhenski suggested that Mr. May bring this proposal to the next meeting of the Municipal Building Committee, which is the body responsible for exploring the option of going forward with the State Grant program. Mr. Pilson suggested that Mr. May draw up a preliminary proposal for the Committee's review, which he thought should be met with interest.

In response to a concern expressed by Mr. Alan Hanson as to what unforeseen complications may arise from proceeding in this way, Mr. Pruhenski noted that he has had some experience

with a similar project during his term as Town Administrator in Whately. He also pointed out that Richmond already leases the buildings for the Fire Department and the Library, which creates a precedent. There would also be public input on the design of the building, and the Board cannot sign any lease longer than three years without Town Meeting approval.

Mr. Pilson summed up the discussion by noting that the Board was in agreement with exploring the possibility of the option Mr. May is proposing and that the appropriate place to begin would be at the Municipal Building Committee's next meeting, which is scheduled for Tuesday November 27<sup>th</sup> at 5:30 PM in the Richmond Library. He recommended that the Committee receive some prior notice from Mr. May that he will be presenting his proposal to their meeting that would contain a basic outline of the concept. Mr. May will contact the Chair of that Committee.

**Mail / Sign Warrants:** Warrants were signed and executed as required.

**Discussion of the Stipulation for the Settlement of the Dangerous Dog Situation:** A few typographical errors were corrected, and revised copies of the document were distributed for signing.

**Sewer Matters:** There were no issues needing to come before the Board.

**Administrator Updates:** Playground Project – The second round of bids went out and were due back Monday October 15<sup>th</sup>. After the last meeting of the Board, no bids were received. Although the project was scheduled later in the season in response to comments from contractors that such a project was too difficult to complete in August, and the number of contractors the request for bid was sent to was more than doubled, there was still no response. Mr. Pruhenski will work with Mr. Peter Beckwith, Highway Superintendent, to come up with another solution

Mr. Pruhenski advised Mr. Manzolini that he was registered for the MMA Conference and provided him with a printout of the confirmation email and his room reservation.

Mr. Pruhenski advised the Board that Performance Evaluations of all Department Heads have been completed. He invited the Board members to come to his office to review them if they choose. Mr. Pruhenski will place in each Personnel File a note to indicate that a review was completed and that it was a test-run. Next year's evaluations will be considered official and will be placed in the employees' files. Mr. Pilson noted that he would like to review those files and he will arrange for a time to do that with Mr. Pruhenski.

**Selectmen's Matters:** None of the Board members had any issues to discuss.

**Next Meeting Dates:** November 7<sup>th</sup> and November 28, 2018 at 6:00 PM. were accepted as the next meeting dates for the Board of Selectmen.

**Unanticipated Items:** Mr. Pruhenski distributed 5 copies of the Election Warrants that need to be signed by the Board.

Mr. Pruhenski reported that he has had a request from the Richmond School PTA to use the two vans that the Town owns to shuttle parents and visitors back and forth from the parking lot to the school for the Craft Fair on Saturday November 3<sup>rd</sup> from 9:00 AM to 3:00 PM. Mr. Patrick Roney and Mr. Justin Winters, both of whom are Richmond residents, will be driving the vans. The insurance carrier said that as long as they are school volunteers, there is no liability issue as they are covered under our policy. Mr. Pruhenski did ask that the Board agree to this before he gave the school the approval. The Board had no objection.

Resignation of Julia Sabourin from the Long-Range Planning Committee. Mr. Pruhenski asked for the Board's acceptance of her resignation so that he could send her a thank-you letter. He did mention, however, that he was aware of a movement underway to convince her not to resign so he will delay sending the letter until the issue is resolved. Mr. Manzolini moved that the Board accept Ms. Julia Sabourin's resignation from the Long-Range Planning Committee with thanks for her service, which was seconded by Mr. Pilson and carried by unanimous vote.

Winter Parking Ban – Mr. Pruhenski asked the Board to vote to approve the Winter Parking Ban, which would go into effect November 1<sup>st</sup> and expire on April 1<sup>st</sup>. Mr. Manzolini so moved, Mr. Hanson seconded the motion and it was passed with unanimous approval.

Request from the Long-Range Planning Committee for funding of updates to the Town Brochure in the amount of \$1,000. and the Town Video in the amount of \$2,400. so that all marketing materials for the Town share the same design elements. In response to Mr. Hanson's question as to whether there was money available for this in the budget, Mr. Pruhenski noted that there was money set aside for this purpose. Mr. Manzolini moved that the request for funding be approved. The motion was seconded by Mr. Hanson and adopted by unanimous consent.

Mr. Manzolini moved that the Board close the Public Session and move to Executive Session to conduct contract negotiations with the Town Administrator. Mr. Pilson seconded the motion, which was adopted by unanimous roll-call vote as follows: Mr. Manzolini, Aye, Mr. Pilson, Aye, Mr. Hanson, Aye.

**EXECUTIVE SESSION:** Mr. Pruhenski distributed red-lined copies of the current contract that clearly indicated the edits proposed by him, most of which will be updating dates and not substantial changes. He also noted that he felt that a discussion of salary was not necessary at this time and was not the reason he had brought the issue to the Board. His purpose in raising the issue at this time was in recognition of being within six months of the expiration of his contract and he would prefer not to have to set aside time for negotiation during Budget season. The original contract indicated that salary considerations for each subsequent contract would be contingent on Mr. Pruhenski's Performance Evaluation, which the Board usually conducts in January. Mr. Pruhenski did request that the following phrase be included in the text of the contract, "The parties agree that the salary for the above employment year shall not be

less than the prior contract year” to provide a sense of security for him. The Board members agreed to include that statement.

Some additional edits concerned items the Board had agreed to for all Town employees, but which had not appeared in the original contract for Town Administrator. The Board was agreeable to those edits and saw no issues with anything they read in the revised contract.

Mr. Pilson moved to approve the 2019 – 2021 Town Administrator contract as written with the current salary rate, with the stipulation that salary negotiations will be held after the Performance Evaluation in January. The motion was seconded by Mr. Manzolini and passed by unanimous roll-call vote as follows: Mr. Hanson, Aye, Mr. Manzolini, Aye, Mr. Pilson, Aye.

There being no further business before the Board in Executive Session, Mr. Manzolini moved that the session be closed. Mr. Pilson seconded the motion, which was approved by unanimous roll-call vote as follows: Mr. Pilson, Aye, Mr. Manzolini, Aye, Mr. Hanson, Aye.

Signed:

Mr. Neal Pilson, Chair  
Board of Selectmen



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