

**BOARD OF SELECTMEN/SEWER COMMISSIONERS MEETING**

**APPROVED**

**Wednesday November 28, 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. Tom Grizey, Wiring Inspector; Mr. Ron Veillette, Co-Chair, Conservation Commission; Mr. John Keenum, Land Trust; Mr. John Mason, Land Trust; Ms. Mackenzie Greer, BNRC; (2 abutters of the Deval Patrick property)

Mr. Pilson opened the public hearing at 6:01 PM to review the Special Permit Application from Mr. and Mrs. Deval Patrick for an accessory barn for agricultural and storage use, located at 245 Furnace Road. Mr. Pruhenski noted for the record that the public hearing was posted in *The Berkshire Eagle* on November 5<sup>th</sup> and November 12<sup>th</sup>.

Mr. Pilson noted that he and Mr. Manzolini and Mr. Hanson conducted a site visit that afternoon at the Patrick residence and they are aware of the dimensions of and location for the proposed barn. Mr. Pilson said that the Board was prepared to hear testimony from abutters, that Mr. Pruhenski has a copy of the site plan that the Board has examined, which is available for review by anyone at the meeting.

Mr. Pilson invited Ms. Sarah Novack of 199 Furnace Road, an abutter to the Patrick property, to comment. She stated that she had no objection to the proposed barn but wished to hear more details about it and expressed her appreciation for having received the letter advising of the application. Ms. Novack was invited to look at the site plan, which she and several others did, with the help of Mr. Pruhenski, who identified the location of the barn on the site plan. Mr. Manzolini also assured the abutters that the contractor will be advised of the town's restrictions on exterior lighting.

Mr. Ron Veillette, speaking for the Conservation Commission, stated that the Con Com has no issue with the proposed building.

Mr. Joe Hennessey of 2815 State Road, an abutter of the Patrick property, stated that he has no objections to the proposed building.

Mr. Manzolini noted that it was the assessment of the Board after their site visit that no one will see the barn outside of the Patrick property.

Mr. Pruhenski read into the record a letter from an abutter (Mr. and Mrs. James Baker) that stated there was no objection to the accessory barn proposed by the Patricks. There are also

comments from the Conservation Commission after review of the application contained in a letter to the Board of Selectmen, which is attached here.

Mr. Manzolini asked the abutters if there were any objections they wished to make concerning limiting the construction times. There were no objections.

Mr. Pilson moved that the Public Hearing be closed, Mr. Manzolini seconded that motion, which was passed by unanimous roll call vote: Mr. Pilson, Aye, Mr. Manzolini, Aye, Mr. Hanson, Aye.

The public hearing was closed. The Board then proceeded to make their findings:

For granting the special permit, the authority finds that

1. the proposed use complies with all provisions and requirements of the by law and is in harmony with its general intent and purpose.

Mr. Manzolini moved that the Board agrees with that statement. Mr. Pilson seconded the motion, which was adopted by unanimous roll call vote: Mr. Pilson, Aye, Mr. Manzolini, Aye, Mr. Hanson, Aye.

2. It is not undesirable, nor does it substantially derogate from the public good or convenience at the proposed location.

Mr. Pilson moved that the Board adopt that finding. Mr. Manzolini seconded the motion, which was adopted by unanimous roll call vote: Mr. Manzolini, Aye, Mr. Pilson, Aye, Mr. Hanson, Aye.

3. The proposed use will not be detrimental to adjacent users or to the established or future character of the neighborhood.

Mr. Pilson moved that the Board adopt that finding. Mr. Manzolini seconded the motion, which carried by unanimous roll call vote: Mr. Pilson, Aye, Mr. Manzolini, Aye, Mr. Hanson, Aye.

4. It will not create any undue traffic congestion or unduly impair pedestrian safety.

Mr. Pilson moved that the Board adopt that finding. Mr. Hanson seconded the motion which passed by unanimous roll call vote: Mr. Pilson, Aye, Mr. Hanson, Aye, Mr. Manzolini, Aye.

5. It 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. Manzolini moved that the Board adopt that finding. Mr. Pilson seconded that motion, which was adopted by unanimous roll call vote: Mr. Pilson, Aye, Mr. Manzolini, Aye, Mr. Hanson, Aye.

Mr. Pilson noted that the Board has approved the proposed barn as noted above and has found no need to apply any conditions other than Mr. Manzolini's concern that the contractor comply with the Town's restrictions on outside lighting of the completed structure.

Mr. Pilson moved to approve the application, which was seconded by Mr. Manzolini and adopted by unanimous roll call vote: Mr. Pilson, Aye, Mr. Manzolini, Aye, Mr. Hanson, Aye. The application was approved.

Mr. Pilson noted that there is a 20-day appeal period during which construction may not begin, after which time the Building Inspector will be able to issue the Building Permit.

**Purchase of Conservation Restriction/Land Policy-Richmond Land Trust and Berkshire Natural Resources Council:** Mr. Pilson noted this was about the plan to acquire property on Perry's Peak Road. The Conservation Commission met on November 20<sup>th</sup> at which time the Land Trust presented their proposal which, with details of the parcel in question, were sent to Mr. Pruhenski (Map #401, Lot #2 on Perry's Peak Road adjacent to conserved land). Mr. John Keenum, President of the Richmond Land Trust, approached the Board to speak to the project.

Mr. Keenum stated that this 330-acre property has always been something that the Trust wanted to preserve, and it has become even more attractive over time as the adjacent property has been preserved and has become a very popular hiking trail. There are two brooks within the preserve; Scace Brook and Sleepy Hollow Brook and it adds a key parcel to several other protected lands.

The property in question was previously owned by Berkshire Farm, is not on the tax roll and does not affect taxes.

The Conservation Commission voted in favor of the purchase, which must be approved by the Board of Selectmen. Mr. Pilson asked for clarification of the funding for this purchase. Ms. Mackenzie Greer, of Berkshire Natural Resources, explained that the proposal is an equal partnership between the Town of Richmond, The Richmond Land Trust and Berkshire Natural Resources Council. The total cost to acquire the land is about \$375,000 to be split between the three entities. The project was structured so that BMRC would have the fee ownership of the land and a conservation restriction would be co-held by the Town of Richmond and the Richmond Land Trust. That would inhibit commercial or residential development on that designated parcel of land and prohibits any acts or activities that would compromise the conservation values of that land, which are outlined in the document. In response to a question concerning the allowance of logging on the property, Ms. Greer noted that logging is allowed provided that sustainable forestry practices are followed. She further noted that adding this parcel to the existing Hollowfield Reserve means that it becomes far more possible to manage the forest. The conservation restriction is a perpetual document that remains with the land, even in the event of future conveyance of the land to another party, which affords a strong protection for that land.

Ms. Greer also pointed out that the Taconic Skyline Trail, which extends into Vermont and begins at Route 295 through the Berkshire Farm properties and into Bates Memorial State Forest, affords the opportunity to manage that trail and create a trailhead at Hollowfield that the public can access.

Mr. Pilson asked for clarification of where the funding is coming from. Mr. Pruhenski explained that there is a Land Conservation Fund since 1967 that has been receiving investments of different amounts since then that has accrued a current balance of just over \$300,000 out of which \$125,000 would be spent to purchase the parcel of land. Mr. John Mason explained that the Richmond Land Trust will do fund-raising to raise the \$125,000 the Trust will be responsible for. If their fund-raising efforts fall short, they have moneys in the bank which could be used to make up the difference. The BNRC will contribute the third \$125,000, of which \$85,000 will be available from a State grant, which is currently pending.

Mr. Manzolini expressed his support of the project, particularly as the project has a zero-tax impact to the Town and is consistent with the values espoused by the townspeople in general. Mr. Hanson felt that all the questions that needed to be asked had been satisfied and he was in favor of the proposal. Mr. Pilson noted that he is fully in favor of the project. Mr. Pruhenski provided Mr. Pilson with a resolution drafted by the Town's Attorney, which he read into the minutes:

"Whereas, the Town of Richmond Board of Selectmen and Conservation Commission approve the policy to expend the Town Land Conservation Fund, whereby the Conservation Commission and the Board of Selectmen both would need to approve an expenditure from the Town Land Conservation Fund and, whereas, in a meeting of the Town Conservation Commission on November 20, 2018, the members of the Commission voted unanimously to approve expenditure of \$125,000 from the Town of Richmond Land Conservation Fund. The funds will be used for the joint purchase of an interest in the property of Berkshire Farm, Assessors Map 401, Lot #2. Berkshire Natural Resources Council (BNRC), the Town of Richmond and the Richmond Land Trust will be in partnership to conserve the Berkshire Farm land in Massachusetts. BNRC will be the fee owner and the Richmond Land Trust and the Town of Richmond will co-hold the Conservation Restrictions. Now, therefore, it is voted that the expenditure of funds from the Town Lands Conservation Fund as noted above, is approved by the Board of Selectmen."

Mr. Manzolini moved to adopt the provision, seconded by Mr. Neal Pilson and adopted by unanimous consent by roll call vote: Mr. Manzolini, Aye, Mr. Pilson, Aye, Mr. Hanson, Aye.

The timing of this acquisition would be from early to mid-June or as late as September 30<sup>th</sup> unless an extension of time is sought. This would be driven by the funding source from the Commonwealth. If it is granted, the project would have to be completed by June 30<sup>th</sup>.

**Annual 2019 Farmer Winery Pouring Renewals – Hilltop Orchards and Balderdash Cellars:** As the Board had previously approved the license renewals at an earlier meeting, Mr. Pruhenski

provided the documents for signature by the Board. Mr. Pruhenski noted that the State ABCC is looking for an estimated seasonal population of Richmond in order to determine the number of licenses they will grant. The consensus was that the estimated summer population of Richmond is 2,000.

**Approval of the Minutes of the Meetings of November 7, 2018 and November 16, 2018 (Executive Session):** Mr. Pruhenski distributed the minutes as revised with Mr. Pilson's comments.

Mr. Manzolini moved that the minutes of Friday November 16<sup>th</sup> and Wednesday November 7<sup>th</sup> be approved. Mr. Hanson seconded the motion, which was carried by unanimous vote.

**Building Use Policy and Applications:** Mr. Pruhenski distributed copies of the Policy which had been reviewed by the Board. He also provided some applications for use. One is a general application and one is a release form. Mr. Pruhenski noted that the School Committee has received the Policy but has taken no action on it. Mr. Pruhenski described a proposed single Buildings and Grounds Policy for the entire Town. However, under Section 2 Authority, the Board of Selectmen would be the responsible party for all Town-owned buildings with the exception of the School, where the School Committee would be responsible for scheduling and permitting the use of that building.

Having been assured that the Town's Legal Council has reviewed and approved the policy, Mr. Manzolini moved that the Board approve the Buildings and Grounds policy as presented and the forms that will accompany the use of the Policy. Mr. Pilson seconded the motion, which was approved by unanimous consent. Mr. Pruhenski will await approval from the School Committee before asking the Board to sign the Policy.

**ESS Water Level Monitoring Contract Renewal – Final 2-Year Contract:** A one-year contract was signed with ESS last year for water level monitoring services at Richmond Pond and Nordeen Swamp. This data is required in order to apply for deeper draw-downs for dredging and other projects that the Richmond Pond Association would want to do in the future. The Richmond Pond Association funded year one in full and have voted to fund years two and three. They would like to have the Town sign the contract, although the Pond Association would pay the bill. They would provide the \$6,400 for the Town's Revenue Account and when the ESS bills come in they would be paid out of that money.

Mr. Pilson moved that, subject to the understanding that the funds will be paid to the Town by the Richmond Pond Association, the Board approves the two-year renewal contract with ESS. Mr. Manzolini seconded the motion, which was carried by unanimous vote.

**Appointment to the Cable Advisory Committee – Mr. Jeff Diamond:** Tabled to the next meeting, when Mr. Diamond will be present. Mr. Pilson provided some background on Mr. Diamond. He is an Emmy-Award winning 35-year news producer at ABC, well known and well regarded within the industry and is also a novelist. Mr. Pilson asked Mr. Diamond to join the

Cable Advisory Committee because of his interest in developing a mini-broadcast operation at the Richmond Consolidated School.

**Appointment to Berkshire Regional Planning Commission as Alternate Delegate – Mr. Fred Schubert:** Mr. Pruhenski noted that this is a position the Town has been trying to fill for some time. Mr. Schubert emailed Mr. Pruhenski to express his connection to the BRPC through his position on the Board and Health and his interest in the position of alternate delegate to the BRPC.

Mr. Pilson noted the Board's pleasure in Mr. Schubert's interest in the position and moved that he be named the alternate delegate to the BRPC. Mr. Manzolini seconded that motion, which was adopted by unanimous consent. Mr. Pruhenski will submit the necessary forms to the BRPC, send Mr. Schubert an appointment letter and get him sworn in.

**Addendum to Town Administrator's Contract – Salary Adjustments for FY20, FY21, FYY22:** Mr. Pruhenski provided an addendum to the Administrator's contract for signature. The Board members each expressed their great satisfaction with the way the work of the Town has been going under Mr. Pruhenski's leadership.

**Mail/Sign Warrants:** All documents were dealt with appropriately.

**Sewer Matters:** Mr. Tom Grizey reported that every time there is 2-3 inches of rain, we gain 9,000 gallons of extra water, which he believes is coming from the manhole between the Richmond Shores and the Boys' Club. The right-of-way is flooded all the time and this manhole cover is on the low side so the water flows over the manhole cover, which is not sealed. The last time this was dealt with was about 5 years ago when the Town had someone dig around the area so that the water would run away from the cover and put a little berm above it so that the water would come over the cover and that's what he's waiting to see happen again. Mr. Pruhenski noted that he had discussed the situation with Mr. Peter Beckwith, the Highway Superintendent, who has looked at the situation and is planning to make the necessary repairs. Mr. Pruhenski will ask Mr. Beckwith to make those repairs as soon as possible.

**Town Administrator's Updates:** Mr. Pruhenski noted that an EverSource Power Outage Map has been included on the Town's website under Information for Residents. The link provides residents with real-time power outage location information, the estimated time of restoration, how many customers are impacted by the outage, when it began, and the cause. It also allows residents to see weather overlays and sign up for outage alerts.

Mr. Grizey noted that EverSource has installed so many switches that if the power were to go out due to a tree falling on Summit Road, EverSource can block it from both sides and, instead of losing power to half the town, they would only lose power to three or four people. No matter where the problem is, they can isolate it to the two or three immediate locations.

Mr. Pruhenski had provided copies of the last tree bid at the last meeting. That has now been revised after conversations with Mr. Beckwith and the Town's Tree Warden. Forty-Eight trees

have been removed from the original bid as they are small enough and not near power lines so that our own DPW staff can take care of them, which will reduce the costs to the Town and increases the available funds in the tree budget. A new survey of trees needing to be done by a professional company will be made and new bids sent out.

A Comprehensive Emergency Management Plan is in draft form. Mr. Pruhenski is meeting with Mr. Steve Traver, the Fire Chief and Emergency Management Director, to finalize the Plan. Mr. Chris Porter, the Deputy Emergency Manager is taking the lead on adjusting the MEMA template to Richmond's needs. When it is finalized, Mr. Pruhenski will bring it to the Board for approval. Mr. Traver and Mr. Porter will be at that meeting to answer any questions the Board may have.

The new zoning maps have arrived and copies of them are in Mr. Pruhenski's office.

**Selectmen's Matters:** Mr. Manzolini asked whether it is specified in any bylaw that Richmond topsoil shall not leave the Town of Richmond. Mr. Hanson thought he saw that written, perhaps in a zoning bylaw. Mr. Manzolini would like to know more about that rule so that it can be made available to contractors who build houses or put in parking lots or do any kind of excavation work. He would like to make sure that whatever the ruling is, it is known by anyone in a position to remove topsoil in the course of their business and that it is enforced. Mr. Pruhenski will research the bylaw to determine where it exists, send a copy to the members of the Board and to the Building Inspector to make sure he is aware of it.

Mr. Manzolini briefed the Board on the Municipal Building Committee meeting, where Mr. Chris May, a Richmond contractor, proposed some notational concepts for the Library building, which were illustrated with drawings and plans currently at the Library that Mr. Manzolini would like to see kept at Town Hall. He believed that people should have access to them to consider whether they would work for the Town. Part of Mr. May's proposal was to have a private developer build the Library on town property, which the Town would lease from that individual with an option to buy at a future date. Mr. Manzolini was interested in knowing what the legal ramifications would be in such an arrangement. Mr. Pruhenski is awaiting receipt of a written proposal before consulting the Town's Council.

Mr. Pilson brought forward his concern over the recently announced increases in the sewer rates to Pittsfield residents, which will affect Richmond's residents. He noted that the Town Administrator and Town Hall staff are already in discussion about its impact on the Richmond Shore usage and more information will be developed over the coming months. The Pittsfield increase is going to go into effect in January and our residents will be impacted some time thereafter, and everyone needs to be informed. Mr. Pruhenski advised that our contract with Pittsfield calls for Richmond to be charged 1-1/2 times the residential rate for Pittsfield. In discussion with Mr. Paul Lisi, the Richmond Tax Collector and Mr. Matt Kerwood, the Administrator of Pittsfield, the following became clear: Richmond bills its sewer users retroactively in May. The increase in Pittsfield will impact Richmond residents in two phases;

the first phase being applied a year from now and calculated for only six months. The full impact of the project will not be felt by Richmond users for two more years. Mr. Pruhenski plans to have continuing discussions with Mr. Lisi and Mr. Kerwood. In the meantime, Mr. Pruhenski is in the process of creating a summary sheet for Richmond users which will indicate the current annual rate (\$397.50) and then show what the rate will be when the first 50% of the increase occurs and then what the estimated rate will be in two years when the full 100% of the increase becomes due. Mr. Pruhenski suggested having a Sewer Users meeting to distribute those summary sheets and explain it to them; pass that information along to the Sewer Advisory Committee, and to the Richmond Pond Association so that everyone is getting and providing the same information.

Mr. Pilson raised the issue of the existing bylaw that requires certain applications for Special Permits to be addressed to the Board of Selectmen. Of the four applications currently before the Board, three are required because of the size of the accessory building for which a permit is being requested. Mr. Pilson has asked that Mr. Pruhenski discuss with the Planning Board creation of a bylaw amendment for the next Annual Town Meeting that would move the authority for these types of application from the Select board to the Zoning Board. Mr. Pilson felt that would be a much more efficient way to handle those applications, particularly as he felt that the Zoning Board is under-utilized. Mr. Manzolini agreed with the suggestion.

Mr. Pruhenski noted that he had spoken to Mr. John Hanson, Chair of the Planning Board, about this and he advised that the Selectmen would have to go through a review process to effect a change in the granting authority. It would be necessary that the Board adopt a motion to request that the Planning Board review the Special Permit Granting Authority for these types of permits. With that official request from the Select board, they can begin the process to move that authority to the Planning Board.

Mr. Pilson moved that the Select board request that the Planning Board review the Special Permit Granting Authority for the types of permits in question. Mr. Manzolini seconded the motion, which was carried by unanimous vote. Mr. Pruhenski will put that motion in writing and pass it on to the Planning Board.

Mr. Manzolini brought up the Lakes meeting that Mr. Pilson attended and asked if there was anything at that meeting that might be of interest to Richmond Pond. Mr. Pilson reported that the meeting turned out to be devoted almost exclusively to the Zebra Mussel issue on Laurel Pond and the various options available to deal with that problem. There was no discussion of the bloom that occurred on Stockbridge Bowl this summer or any steps that could or should be taken to address that issue. When Mr. Pilson expressed his disappointment to Mr. Ken Kelly, he was assured that the principal threat faced by Richmond Pond is Zebra Mussels and that it was the appropriate topic for this meeting.

Mr. Hanson noted that in his experience fishing for many years on Saratoga Lake, which has always had a major Zebra mussel problem, the water has always been clear, and the fishing has



always been excellent, and he has not encountered any problems at all associated with the Zebra mussels. Absent the existence of intake and exhaust water systems in the lake, he has not been aware of problems caused by Zebra Mussels and that the mussels actually have a cleansing effect on the water. There is a concern, however, in all the municipalities of Western Massachusetts, about the threat of Zebra Mussels getting out of Laurel Lake and into other lakes and ponds. The system in place and the money spent at Richmond Pond that closely monitors the situation to avoid that occurrence, is money well spent.

There was a discussion of what systems exist in Richmond's lakes and ponds that might be impacted by a Zebra Mussel infestation, the result of which was that no one was able to identify any immediate threat beyond the possible loss of real estate values.

Mr. Hanson raised the issue of a building of some sort to be erected near the pumping station to house the rescue boat. Mr. Pruhenski noted that he has discussed this issue with Mr. Steve Traver, the Fire Chief and he has suggested to Chief Traver that the best location for the building would be inside the fenced-in area behind the pumping station. Mr. Pruhenski will be sending budget requests out after the first of the year for Capital and Operating budgets, which will be Chief Traver's opportunity to request funds for that building and Mr. Pruhenski will remind the Chief that he should include that in his budget request.

**Next Meeting Dates: December 12, 2018 and December 26, 2018:** Mr. Manzolini and Mr. Hanson would be available for both of those dates. Mr. Pilson said he might not be available for December 12<sup>th</sup> as he had a conflict on that date. He would, however, be available for December 26<sup>th</sup>. It was decided to maintain the schedule as noted.

**Unanticipated Items:** Mr. Pruhenski presented two new Special Permits that needed to have dates booked. He was hoping to schedule them for January 9, 2019 providing that there will be a quorum available. Mr. Pilson will be in Florida on the 9<sup>th</sup> but suggested that he could be available on January 2<sup>nd</sup>. Neither Mr. Manzolini nor Mr. Hanson had any objection to moving the meeting to January 2<sup>nd</sup> at 6:00 PM instead of January 9<sup>th</sup>. The second meeting in January will be scheduled for January 23<sup>rd</sup>.

Mr. Pruhenski reported that he had an application from the Office of Fish and Boating Access for a ramp permit use for the New England Bass Mass West Fishing Group for June 22, 2019 for 18 boats to begin at 5:00 AM, which raises the issue of a noise problem that early in the morning.

There was a discussion of whether to approve both this request and an anticipated one from another bass fishing organization that resulted in the consensus that the arrival time would be set for 6:00 AM instead of 5:00 AM and that a warning would accompany the permit that negative feedback to the Town from the residents of the lake concerning noise would result in the permit being denied the following year.

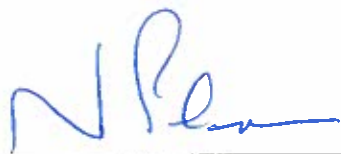
Mr. Pruhenski asked the Board members if they would be interested in doing site visits for the two new special permits coming before them in January. The Board members responded that they would find a site visit very helpful in understanding what the issues are. Mr. Pruhenski suggested 4:00 and 4:30 PM on the date of the meeting (January 2, 2019) in which the permit request will be on the agenda.

Mr. Pruhenski reported on a letter he received from MIIA, the Town's municipal insurance company, which proposed a zero percent increase for the renewal of the contract for fiscal year 2020 and 2021 for both property and liability. Mr. Manzolini moved that the Board approve the renewal as proposed in the letter. He was seconded by Mr. Pilson and the motion was carried by unanimous approval.

Mr. Pilson moved that the meeting be adjourned. He was seconded by Mr. Manzolini and the motion was approved by unanimous consent. The meeting adjourned at 7:41 PM.

Signed:

Mr. Neal Pilson, Chair



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Signature