

APPROVED

BOARD OF SELECTMEN MEETING

Wednesday December 12, 2018 – 6:00 PM – Richmond Town Hall, 1529 State Road

PRESENT: Mr. Neal Pilson, Chair; Mr. Roger Manzolini, Selectman; Mr. Alan Hanson, Selectman; (joined the meeting at 6:09 PM) Mr. Mark Pruhenski, Town Administrator

ABSENT:

GUEST: Mr. Tom Grizey, Wiring Inspector; Mr. Paul Lisi, Town Collector/Treasurer; Mr. Peter Beckwith, Highway Superintendent; Mr. Jeff Diamond; Ms. Mary Stoddard, Assessor; Mr. Jeff Diagle, Assessor Chair; Ms. Diane Pero; Mr. Jeff Reynolds, Regional Resource Group

Appointment to the Cable Advisory Committee: Mr. Pilson opened the meeting at 6:02 PM to discuss the appointment of Mr. Jeffrey Diamond to the Cable Advisory Committee. Mr. Diamond is an Emmy Award-winning television producer with 35 years of experience at ABC and NBC. Mr. Pilson moved that Mr. Diamond be appointed to the Cable Advisory Committee. Mr. Manzolini seconded the motion.

At Mr. Pilson's invitation, Mr. Diamond reported on his attendance at the Five Towns Meeting. The first 40 minutes of the meeting consisted of a report from their television group as to what they were doing, what their problems were and what the budget was. Most enlightening for Mr. Diamond was that Charter had three representatives at the meeting, so that the group was able to ask questions and problem-solve with them. At the meeting of the Richmond Cable Advisory Committee that he attended, Mr. Diamond found that there was no such representation from Charter. Mr. Pilson advised that the Town has been unable to have a representative from Charter/Time Warner attend their meetings, but that the hope is that there will be one at the next meeting on February 6th.

Mr. Diamond noted that the individual towns who cooperate as the Five Towns have created a situation where they have much more leverage as a group than any one of the towns would have alone.

Mr. Pilson asked for a vote on the motion to appoint Mr. Diamond to the Cable Advisory Committee, which was passed by unanimous vote.

Public Hearing – Tax Classification for FY2019: Mr. Pilson opened the public hearing on the Tax Classification for 2019. Mr. Pruhenski noted for the record that the notice of the public hearing was posted in *The Berkshire Eagle* on November 27, 2018. Mr. Jeff Reynolds, Regional Resource Group, speaking on behalf of the Board of Assessors, read the introduction. Prior to mailing the third quarter tax bills, the Select Board will hold a Public Hearing to determine the percentage of the Town's Property Tax levy that will be borne by each major property class.

On page 2, he pointed out some terminology and a rundown of the levy and levy limits for FY2019. The levy ceiling is 2.5% of the full value of the Town. The aggregate valuation as approved by the Department of Revenue for FY2019 is \$416,315,256. Therefore, the Town could not levy in excess of

\$10,407,788. There is new growth that has been approved of \$46,517 for FY2019, which is above normal but within the standard three-year average. That new growth is based on FY2018 taxes on housing and personal property.

Last year's levy limit was \$4,961,053; the 2-1/2 percent allowable increase is \$124,016; when the new growth of \$46,517 is added as well as the debt exclusion, the levy limit for FY2019 is \$5,277,996. Levy to be raised is \$5,020,762, which leaves an excess levy capacity of \$257,234.

To determine the actual possible tax rate shift; the overall valuation on residential properties is \$388,457,888 which represents slightly over 93% of the entire evaluation of all properties in the Town of Richmond. All other classes, commercial, industrial and personal property which are subject to any shift, represents 6.69%. It would take a major shift in the commercial, industrial and personal property classes to give even a modest advantage to the residential class in Town. Because of that, the Board of Assessors recommends that the Select Board adopt a single tax rate to be applied to all classes of property in Town.

In FY2018, the single rate that was approved was \$11.75 per thousand evaluation, based on the data in the Gateway, and subject to approval, the tax rate will be increased to \$12.06 per thousand in value. That is less than what had been projected.

Looking at the tax implications of that; in FY2018, the average single-family home was valued at \$407,612 with an average tax bill of \$4,789. For FY2019 there are no major changes to any classes and the value of the average single-family home has increased slightly to \$409,688. Applying the indicated FY2019 tax rate of \$12.06, the average tax bill will be \$4,941, an increase of about \$152.

Mr. Manzolini moved that the Board of Selectmen vote in accordance with Mass. General Law Ch. 40 Section 56, as amended, the percentage of local tax levy which will be borne by each class of real and personal property, relative to setting the FY2019 tax rates and set the Residential Factor of 1.0, with the corresponding CIP shift of 1.0, pending approval of the Town's annual tax recap by the Mass. General Dept. of Revenue. Mr. Pilson seconded the motion and asked for any discussion. As there was no further discussion, Mr. Pilson asked for a vote and the motion was carried by unanimous voice vote as follows: Mr. Pilson, Aye, Mr. Manzolini Aye, Mr. Hanson, Aye.

Mr. Manzolini noted that although the tax rate increases by 2.64%, the average home tax paid increases by 3.07%.

Public Hearing on a Special Permit Application by Matthew Ballinger and Lauren Yarmosky for a new 864 Sq. Ft Barn at 193 Osceola Road: Mr. Pilson then opened a public hearing at 6:20 PM on December 12, 2018 for the above-noted application (findings and conditions per section 6.3.4 and 6.3.5 of the Zoning Bylaw). Legal ads were posted in *The Berkshire Eagle* on November 19, 2018 and on November 26, 2018. All abutters were property notified as well as the Planning Board and the special permit request was posted on the meeting board.

Mr. Manzolini asked if there had been any response from the abutters. He was advised that there has been no input from the abutters, but there were comments from the Planning Board, the Conservation Commission and the Board of Health.

Planning Board comment: "At a Planning Board meeting on November 15, 2018, a vote of "No Comment" on this application for a special permit.

Board of Health comment: As submitted to date, the Board of Health has no authority in the subject permit. If subsequent plans indicate that bathrooms or a kitchen are to be proposed in the structure, the Board will want to examine those plans for a proposed septic system to support them to assure compliance with applicable laws.

Conservation Commission comment: The Richmond Conservation Commission reviewed the subject application and notes that, in accordance with Mass GIS Data Mapping as of November 8, 2018, the proposed accessory garage is not in a resource area, buffer zone or scenic mountain area within the jurisdiction of the Conservation Commission. Note that the Con Com has not visited the site. It appears that there are no areas of habitat for rare wildlife or areas of priority habitat or rare species protected under Mass. Natural Heritage Endangered Species program that would require a project review at this time.

Mr. Pilson noted that the Selectmen conducted a site visit two weeks ago and are familiar with the plans for which the applicant is requesting approval. Mr. Pilson invited Mr. Ballinger to address the Board on behalf of the application. Mr. Ballinger said they are just trying to create another facility for parking. The reason that the plans require a special permit is that it is on a non-conforming lot and there was a height issue that Mr. Manzolini was able to point out during the site visit that was in fact not an issue when the measurement is done correctly.

Mr. Pilson noted that there is no one in attendance other than the applicant, so he proposed to close the public hearing for the Board to discuss the issue and most probably grant the application.

Mr. Pilson moved to close the public hearing, which was seconded and adopted by unanimous consent. The public hearing was closed, and discussion began. Mr. Manzolini proposed that, given that the responses from the various Boards have all been in favor of the project, and that no one has spoken in opposition to it and that the Board of Selectmen looked at the site and saw no issues; he felt the Board should just go through the findings. Mr. Manzolini did add that he was concerned that the applicant be aware of the outside lighting requirements.

Mr. Pilson began the process of the required findings:

1. Is the application in compliance with all provisions and requirements of the bylaw and in harmony with its general intent and purpose?
 - a. Mr. Pilson, Yes; Mr. Manzolini, Yes; Mr. Hanson, Yes.
2. Is the application not undesirable or does not substantially derogate from the public good or convenience at the proposed location?
 - a. Mr. Manzolini, Yes; Mr. Hanson, Yes; Mr. Pilson, Yes.

3. Will the application not be detrimental to adjacent uses or to the established or future character of the neighborhood?
 - a. Mr. Manzolini, Yes; Mr. Hanson, Yes; Mr. Pilson, Yes.
4. Will the application not create undue traffic congestion or unduly impair pedestrian safety?
 - a. Mr. Manzolini, Yes; Mr. Hanson, Yes; Mr. Pilson, Yes.
5. Will the application 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?
 - a. Mr. Manzolini, Yes; Mr. Hanson, Yes; Mr. Pilson, Yes.

Having gone through the required findings, Mr. Pilson moved that the Board of Selectmen approve the application for a special permit. Mr. Manzolini seconded the motion, which passed by unanimous roll call vote: Mr. Manzolini, Aye; Mr. Hanson, Aye, Mr. Pilson, Aye.

Mr. Pruhenski will type up the decision and file it with the Town Clerk by the end of the week. There is a 20-day appeal period that must be observed before the building permit process can go forward and construction can legally begin.

CEMP/Emergency Management Plan: Mr. Pilson noted that Mr. Peter Beckwith, the Highway Superintendent, Mr. Steve Traver, the Fire Chief/Emergency Manager and Mr. Chris Porter, Assistant EMD were in attendance to discuss this issue. Mr. Pilson asked what the status of the project is. Chief Traver advised Mr. Pilson that the Plan needed to be signed by the Select Board. Mr. Traver and Mr. Beckwith wrote the Plan and Mr. Pruhenski reviewed it.

After a short discussion of the composition of the Plan and the process of review that the Plan was put through, Mr. Pilson asked that approval by the Board be deferred to the next Board meeting to provide time for the Board members to read through the document. It was decided to make that decision.

Town Barn and Road Safety Updates: Mr. Peter Beckwith came before the Board to provide updates on the Town Barn: He is waiting on Board approval to go ahead with either the board and batten or the metal siding building. The cost of the metal sided building would be \$28,000 vs \$33,000 for a board and batten sided building; a difference of \$5,000 for purchase of the materials. There are, however, upkeep expenses with a wooden-sided building to consider, and the cost of the required additional man-hours to install board and batten as opposed to metal siding. Mr. Manzolini considered if it is worthwhile to pay more up front for the esthetics and then continue to pay for future maintenance. He did not feel that there was sufficient difference in the appearance of one versus the other. In addition, Mr. Manzolini noted that most people never notice the barn from the road. In consideration of those facts and after some further discussion, a motion was made and seconded that the Town construct the new barn with metal siding. The motion was carried by unanimous consent.

Mr. Beckwith reported that the tree canopy on Lenox Road leading up to the blinking light, headed towards Swamp Road has been cleaned so that sight lines are almost all the way up to Dublin Road. That should eliminate visibility problems occurring in the summer.

The LED intersection light has been installed for the top of Lenox and Lenox Branch Roads. It seems to be working well.

Mr. Beckwith reported that he has another 40 MPH sign that he plans to place on Swamp Road leading to the intersection, which is larger than the existing one and will be more immediately visible to drivers coming South on that road.

Resignation from the Planning Board: Mr. Pruhenski read an email from Mr. John Vittori to Mr. John Hanson, both members of the Planning Board. The email was to inform the Planning Board that, as of December 1, 2018, Mr. Vittori was resigning from the Planning Board since he now resides in New Bedford, MA. Mr. Pruhenski asked the Board to vote to accept the resignation and he will send Mr. Vittori a letter of thanks for his service on behalf of the Board.

Mr. Hanson moved to accept the resignation from the Planning Board of Mr. John Vittori, which was seconded by Mr. Pilson and approved by unanimous vote.

Mr. Pruhenski has advertised for a replacement for the now vacated seat on the Planning Board and has received two applications: Mr. Doug Bruce and Mr. Peter Lopez. The issue of replacement of the vacant seat will appear on the agenda of the January 2, 2018 meeting of the Board. In response to a question from Mr. Pilson as to the next steps, Mr. Pruhenski suggested that the Board of Selectmen could either invite the Planning Board to meet with the two candidates at their next meeting in January and make a recommendation, which is the usual process. or, the Planning Board could be invited to attend a Joint Meeting on January 2nd.

Discussion resulted in a consensus that the consideration of replacement for the vacant seat on the Planning Board would be deferred to a joint meeting with the Planning Board on January 2, 2018. Mr. Pruhenski will poll the Planning Board to determine their availability.

Approval of the Minutes of the November 28, 2018 Meeting: Mr. Pilson moved that the Minutes of the November 28, 2018 meeting be approved as revised and read. The motion was seconded and was adopted by unanimous consent.

Rebates and Abatements: Mr. Pruhenski had four sets of rebates and abatements to distribute for signing by each of the members of the Board. This was accomplished.

Mail/Sign Warrants: Mr. Pruhenski distributed the warrants needing signatures.

Town Administrator Updates: Mr. Pruhenski advised the Board that the ABCC Annual Town Report has been submitted to the State Alcohol Licensing Board on December 3rd.

The Tree Bid for the South Section of Town went out for bid to 11 local tree companies on November 30th and was posted on Comb Buys and the Town Board and the website as required. Results of the bid process will be provided to the Board at the December or January meeting.

Mr. Pruhenski reminded the Board that at their last meeting they had approved a Pond permit for June and had discussed the problem of noise levels in connection with those permits. He spoke to the State

Office that organizes those permits and sent the permits to them for approval. The State has since changed the conditions on every permit going forward, including that last one. Instead of just one condition concerning a Clean Boat Certification, two more conditions have been added: No groups can start earlier than 6:00 AM and because the facility is in a residential neighborhood, participants are asked to be aware of the noise levels at the parking lot and on the water early in the day. The applicants' actions at this event will impact future permit approvals.

The East Road driveway issues at 851, 831 and 897, where the owners have not addressed the runoff issues. Mr. Pruhenski spoke to Mr. Peter Beckwith, Highway Superintendent, met with Town Counsel by phone and provided her with copies of the notices that had gone out to those homeowners. She is now drafting a legal notice on her letterhead since there has been no response to the earlier notices. Mr. Pruhenski will report to the Board as to what the Town's legal options are at a later date.

Mr. Pruhenski mentioned that today was the deadline for making reservations to attend the combined Town Hall and COA Holiday Party on Wed., December 19th at 12:00 Noon.

The Complete Streets Update. Mr. Pruhenski went on line to begin a community profile for Richmond and has received an approval, including a login and password so that he can go online, complete the community profile and upload the Complete Streets Policy. He is waiting for the State to respond with their approval so that the process can move on to the next phase.

The Solar Project is wrapping up within the next week or so. Once the work is completed, the application will be filed with the State for approval. Approval will take about 3 to 4 weeks to arrive at which point the Town can flip the switch. Mr. Manzolini had a question about what happens when the School must switch over to the Emergency Generator. He was advised that the solar system shuts down and the school receives its power only from the emergency generator. There was a discussion of the schedule of inspections and testing that the generator undergoes on a regular basis.

Sewer Matters: No issues

Selectmen's Matters: Mr. Pilson announced that he and Mr. Pruhenski have discussed at length an equipment and supplies ordering scam that has been discovered in Stockbridge. Mr. Pruhenski was able to assure Mr. Pilson that any such issue would be addressed immediately within our checks and balances system. The Town has a system of checks and balances in place to militate against such a scam and Richmond does not use either of the companies involved in the Stockbridge scheme. Richmond has two Certified Procurement Officers on staff and once any invoices reaches the \$10,000 level, it automatically goes to review by a Procurement Officer; it would also be flagged by our Accountant and our Treasurer.

Mr. Pilson noted that he has read in the newspaper that the Town of Lenox has received a grant of \$323,000 for their Complete Streets Plan. Richmond is also looking at receiving similar assistance.

Next Meeting Dates: December 26, 2018 and January 2, 2018: Mr. Pruhenski recommended that the December 26th meeting date be left on the table in case something comes up that would require a meeting. As all the members of the Board and Mr. Pruhenski will be available for December 26th and

January 2nd, that will work. The Special Permits are scheduled for the January 2nd meeting date. Mr. Pruhenski will advise the Board if the December 26th meeting will be needed, otherwise it will remain a potential meeting date.

Mr. Manzolini advised that he is planning to take a lengthy trip beginning sometime in January for a couple of weeks and again in February that will last from 4 to 6 weeks. Final plans have not yet been made. Mr. Manzolini will advise further as to the exact dates in January that he will be away as soon as plans are finalized.

Unanticipated Topics: Mr. Pruhenski distributed copies of a noise bylaw that has been drafted by the Town's Council that includes a reference to decibel levels. It is likely that the final draft will not include a reference to decibel levels. This would be a General Bylaw, which would not have to go through the Planning Board process but would need approval at the May Annual Town Meeting. Mr. Pilson noted a semantic problem with one of the paragraphs and Mr. Pruhenski asked for any additional feedback from all the Board members.

Mr. Pruhenski mentioned that he was notified by our Assessors that they have found another house that has not been on the tax rolls for about 7 years. It has now been added to the tax rolls.

There being no further business before the Board, Mr. Pilson moved that the meeting be adjourned, which was seconded by Mr. Hanson and passed by unanimous vote.

The meeting was adjourned at 7:29 PM.

Signed:

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

Mr. Neal Pilson, Chair

Richmond Board of Selectmen