

## BOARD OF SELECTMEN / SEWER COMMISSIONERS MEETING

Wednesday, February 28, 2018 – 6:00 PM – Richmond Town Hall, 1529 State Road

**PRESENT:** Mr. Alan Hanson/Chair; Mr. Roger Manzolini/Selectman; Mr. Neal Pilson/Selectman; Mr. Mark Pruhenski/Town Administrator; Mr. Paul Lisi/Town Treasurer/Collector

**GUEST:** Elisabeth Goodman/Town Counsel, Mr. Bob Gniadek/Finance Committee Chair

**Sewer Line/Electrical/Pump Repairs-Legal Opinions and Discussion:** Mr. Hanson opened the meeting with a discussion of the issue of having Mr. Tom Grizey being paid by the Town to do work on residents' sewer lines. Mr. Manzolini noted that on legal documents the "sewer system" is defined as just the main line. Mr. Grizey, however, has been occasionally doing work on the grinder pumps and other peripheral areas as requested by residents, which is not the "town system." The solution then, according to Mr. Manzolini, is to redefine what the "system" consists of. The Town's Sewer Commissioner's purchased all the grinder pumps and other equipment when they were originally installed. So, even gravity-fed users paid for those grinder pumps and if grinder pumps were to be replaced by spares, that would be divided by the equivalent dwelling units, of which there are approximately 134 in Richmond. Mr. Manzolini continued, if we define the "system" properly, we can take advantage of Mr. Grizey doing the work on the grinder pumps, in his opinion.

Ms. Beth Goodman addressed the issues that remain: She began with the legal definition of "sewer system," as defined in the Sewer Regulations, which is the common sewer that the Town owns. The home sewer begins in the building and extends five feet from the building, including any tanks. The regulations also state that the Town can require "pre-treatment," which is a grinder pump that processes the waste before it reaches the common sewer. Pre-treatment is the responsibility of the home-owner and is not to be paid for by the Town.

One of the attendees noted that when he purchased his house, he had to pay for the connection from the house to the grinder pump and from the grinder pump to the sewer line. Mr. Lisi noted that there has been some research done with Bruce Garlow regarding this issue. It was discovered that the Town purchased all the equipment and warrantied it for one year, which is a normal manufacturer's warranty. The understanding at that time was not that the Town would own all the equipment but that it would be able to provide replacements that would be identical in all cases, thereby simplifying the maintenance and repair of the entire system. Mr. Lisi stressed the fact that the Town is not saying that Mr. Tom Grizey cannot fix a homeowner's grinder pump. It's entirely up to the homeowner who he/she chooses to have do the work, although it is to be expected that the homeowner would make sure that whoever they choose has liability insurance to cover that work.

Ms. Beth Goodman went on to explain that the Regulations read that, for any sewer or drain intended to drain more than one property and all sections of the sewer located within the

street lines of the sewer service area are deemed to be the common sewer. That's what the Town is responsible for. What the Town should be saying is, if your grinder pump is not working, you're required to fix it or have it fixed by a private entity, like any other private property repair.

There was a discussion of the purchase of grinder pumps by the town, the installation of replacement grinder pumps and the issue of who paid for them. The consensus was that, regardless of the original purchase, the grinder pumps are owned by the individual homeowners.

The second issue is whether Mr. Grizey can do the repairs on those grinder pumps. As an employee of the Town, Mr. Grizey should not be getting paid to work on private property/homes in the Town. There needs to be more separation between Mr. Grizey's position as a Town employee and the work he does on private property. There needs to be permission from the Selectboard, there needs to be a State Ethics disclosure statement filed, and he should not do any electrical work as he holds the position of Electrical Wiring Inspector and that is a conflict of interest. Some other person would be required to do the inspection of that work, and at this time we do not have an alternate wiring inspector.

Mr. Manzolini clarified the position of the Board, which is to follow the State laws. With respect to the issue of Mr. Grizey's doing work in the Town, that's not at issue. The issue is that, legally, the Selectboard cannot have Mr. Grizey doing work on private property. The homeowners can have Mr. Grizey do work on their behalf. All that needs to happen is to make sure that the homeowner is hiring whoever they want and making the arrangement directly with him to do that work and will be invoiced directly by Mr. Grizey for the work. Mr. Pilson added that if any portion of the work Mr. Grizey is doing requires review by a licensed Wire Inspector, the Selectboard can engage someone to be the Alternate Electrical Inspector, who can do that review.

Further discussion of the issue. Ms. ??? summarized as follows: The regulations state that the homeowners own the grinder pumps and everything between the common sewer and the home and that they are, therefore, responsible for the cost of maintenance/repair of that system. It was noted that, in the interest of maintaining a uniform system that can be repaired quickly, the Sewer Commissioners will continue to require that all grinder pumps be the same. Mr. Pruhenski wanted to clarify that because the grinder pumps were part of the sewer system that is on private property, the Town will no longer provide maintenance/service for that system. Homeowners are free to engage Mr. Tom Grizey as a private contractor for those services if they wish. The main point is that the billing for those services must remain between the homeowner and the independent contractor and must not involve the Town.

Attorney Goodman will write up a formal proposal of the above change in procedures for the Selectmen to vote on at the next meeting. In the meantime, Ms. Goodman suggested that the motion should be that for now, homeowners will make private arrangements for repairs to the

sewers on their own properties. The Selectmen preferred to wait for a written statement that is a consensus of the discussion held this evening and that everyone could read, and the Selectmen could vote on at the beginning of the next meeting.

Mr. Pruhenski noted that a notice will be sent to all homeowners that they are responsible for the maintenance/repair of the portion of the sewer system on their property and advising them that hiring a licensed and insured contractor would be in their best interest. The topic will be continued at the next meeting of the board.

**Solar at School – Letter of Intent, Power Purchase Agreement – Next Steps:** Mr. Pruhenski provided copies of the Letter of Intent from Solect Solar as well as a Cost-Share Proposal. It has been reviewed by Town Counsel and approved by her. She edited it to limit the cost sharing of the town portion for the interconnection fee to \$4,500. Mr. Pruhenski asked that the Selectmen sign the Letter of Intent and the Cost Share agreement. This will begin the process, which at some point will require a Town Meeting vote because the length of the contract exceeds 3 years.

Mr. Manzolini advised that the Selectmen and the Town Administrator had attended the School Board meeting, briefed them on this proposal and received their unanimous support for the project.

Mr. Gniadek pointed out that the value of the solar array falls within the Town's ability to tax that property, which raises the costs for the supplier. He felt that costs would, therefore, rise. Mr. Pilson thought that issue had been discussed with Select Solar and that they were aware of it. Mr. Pruhenski will check on the personal property tax question and report back.

**Hancock Accounting Services Discussion / Action:** Mr. Paul Lisi asked the Selectmen to sign the Agreement to remove the Town from the Hancock Accounting Services contract. Mr. Lisi met with the representatives of the Town of Hancock, and the Dept. of Revenue regarding the bookkeeping for that town. There is a great deal of work that Hancock needs to accomplish before Richmond could even consider taking this work on again. Hancock will need to hire an Independent Auditor to recreate the books for fiscal year 17. We will be receiving \$7,500. for the services performed to-date.

Mr. Hanson asked whether this decision would create a problem between the two towns. Mr. Lisi assured him that Mr. Sherman Derby, Chair of the Hancock Selectboard, understands what is needed, which was undertaken on the recommendation of the Department of Revenue. This would be a permanent cancelation of the contract. It is possible that, in the future, Richmond might look at bringing those accounting services back into the Town of Richmond for FY'19 once it can be determined that the Town of Hancock has fulfilled the correct steps to move forward.

Mr. Manzolini moved that the Town of Richmond discontinue the Accounting Services for the Town of Hancock and that the Town Administrator be authorized to sign the necessary paperwork. He was seconded by Mr. Pilson and the motion was carried by unanimous vote.

**Tax Collector – Contract for Technical Support:** Mr. Lisi explained the difficulty that arose in the last fiscal year with the Sewer Betterment tax bills because of the system previously used. Mr. Lisi attempted to move the information to an Excel spreadsheet but found so many errors in the formulas previously used, that he had to call in an expert for technical support. Mr. Lisi asked that the Selectmen sign the contract for those services so that the billing could go forward in a timely manner. In response to a question from Mr. Manzolini about bringing the old information over to the new system, Mr. Lisi noted that it would not be possible to do that, but that the information would be preserved in three places on the server and available at need. The new system will be able to generate reports for the Finance Committee, for Mr. Lisi as the Treasurer, and the Auditors.

Mr. Pilson asked what the cost for this new system would be. Mr. Lisi replied that there is a one-time charge of \$4,000 to purchase the software and a yearly \$1,200 fee for services for a three-year period. That money will be paid out of the Sewer Betterment line of the Sewer Enterprise Fund. In response to a question about receiving tax bills on line, Mr. Lisi replied that we do not have that capacity.

Mr. Manzolini requested clarification of the costs, which he received. Mr. Hanson moved to accept the contract. He was seconded by Mr. Manzolini and the motion was adopted by unanimous consent and the contract was executed.

**Tree Removal Project – Updates and Award of Contract:** Mr. Pruhenski asked the Selectmen to authorize him to sign a contract with Berkshire Tree Service for \$16,715. This is the low bidder for the tree removal project to cover a specific list of roads and flagged trees. The bid was made per-tree.

Mr. Hanson asked whether there was any way to monitor the vendor's progress. Mr. Pruhenski advised that the vendor has 90 days to complete the work outlined in the contract from the day it is signed, and the list will be reviewed by the Tree Warden before payment is made.

Mr. Pilson moved that the Selectmen accept the agreement with Berkshire Tree Service as described by the Town Administrator, and that the Town Administrator be authorized to sign the contract. He was seconded by Mr. Hanson and the motion passed by unanimous consent.

**Town Administrator Performance Evaluation-Sign Combined Originals:** Mr. Pruhenski provided a typed document that combined all the Selectmen's previously approved hand-written comments. He asked that they sign the document, which they did. The original will be stored in Mr. Pruhenski's personnel file.

**Rebates and Abatements for Board Signatures:** The Selectmen signed as appropriate.

**Zoning Board of Appeals Alternate Position – Vote to Appoint a Candidate:** Mr. Pruhenski reminded the Selectmen that they had interviewed three candidates for this position, which is an unusually large number. At the last meeting the Board had asked Mr. Pruhenski to contact those candidates to determine if any of them would be interested in serving on any other boards or committees. Two of them, Mr. John Hamilton and Mr. Edward Bechner had expressed an interest in being on the Long-Range Planning Committee and the final candidate, Ms. Ina Wilhelm, said she was not interested in the other position, which simplified the selection process. Mr. Pruhenski asked the Board to appoint Ms. Ina Wilhelm to the Zoning Board of Appeals as an alternate, and Mr. John Hamilton and Mr. Edward Bechner to the Long Range Planning Working Group. Mr. Manzolini so moved, was seconded by Mr. Hanson and the motion carried by unanimous vote.

**Town Administrator Updates:** Mr. Pruhenski advised the Board that a Grant Application was submitted this date to the Massachusetts Department of Transportation to replace the collapsing double culvert on Dublin Road. He provided copies of the application for their review. No action needed to be taken by the Board. The grant is for half a million dollars – the Town is responsible for the remainder of the design costs over that \$500,000, which will amount to approximately \$11,000. That amount has been included in the Highway Dept. Operating Budget and Mr. Peter Beckwith, Highway Superintendent, will bring that to the Finance Committee when he meets with them next week.

Mr. Pruhenski advised the Board that he has sent out four Thank-You letters to the four people who had resigned from various Boards and Committees. Those resignations were accepted at the last meeting of the board.

Update on the Website: Mr. Pruhenski has been working with Revise over the past weeks to make the changes that Mr. Pilson and Mr. Manzolini had requested. Final work is being done now and it is hoped that the new website will be “live” in March before the Marketing packages go out so that realtors will go to the new website when they receive the packages. Mr. Pruhenski will be sending the Selectmen a link to the new website, so they can see what it looks like now.

Siding Bylaws: The Board had asked the Planning Board to create these and Mr. John Vittori, the Chair of the Planning Board, sent Mr. Pruhenski an email advising that the Board had discussed the issue over the course of two meetings. Their decision was to take the issue back to the Selectmen because they felt it inappropriate to incorporate Siding bylaws into zoning.

Mr. Manzolini pointed out that our current Building Code, which comes from the State, requires that a building be water-tight. That used to mean that the house had to be sided. After the invention of Tyvek, the building is now water tight without siding. Mr. Manzolini felt that the issue was simply one of redefining what is meant by “water-tight.” Mr. Pruhenski noted that this is a state building code issue, not one in our current bylaws. Mr. Pruhenski asked that this not be made a priority at this time, during budget season. Mr. Manzolini asked for input from

the Building Inspector as to how best to write this bylaw. The issue will not disappear, it will be moved forward at a later date.

Marketing Update: Our Marketing Consultant, Laura Brennan, has signed up for three-months of brochure distribution with Berkshire Brochures. One thousand copies of the brochures were dropped off this week, which will be distributed throughout Southern Berkshire County during the months of March, April and May. The total cost of \$315.00 was approved at a Special Town Meeting, as part of a larger \$3,500 appropriation. Mr. Pruhenski has been working with Ms. Brennan to obtain 250 flash drives with the Town seal on it, which will contain the Town video. These will be included in the Promotional Packages being sent to Realtors in the next month or so. At the Long-Range Planning Committee tomorrow, Mr. Pruhenski will discuss the distribution plan and ask the members of the Committee to hand-deliver a packet to any realtor they know personally or any real estate office in Berkshire County with which they have a personal connection. That effort will, of course be coordinated to avoid duplication.

East Road: Mr. Pruhenski advised the Board that he was made aware by Ms. Holly Stover, that four of the properties on the road have culvert/run-off issues. Letters have been sent to those four houses to advise them that the Town is aware of the problem. Mr. Pilson noted that there are two issues on East Road: one is the culverts under the driveways and the second is that the driveways are configured so that they wash into the road. That puts debris in the middle of the road and erodes the road. The letter Mr. Pruhenski sent cited erosion and ice build-up. The homeowners are being asked to address the problem to avoid further involvement by the town.

A reminder to the Board that on Monday, March 5<sup>th</sup> at 11:00 AM the Emergency Siren system will be tested. Notification has been posted on FaceBook, included in this Friday's e-newsletter and has been posted on the website. A Reverse 911 call will be sent out this weekend notifying residents.

**Approval of the Minutes of the February 14, 2018 Regular Session and the February 14, 2018 Executive Session:** Both sets of Minutes provided to the Board included comments from Mr. Neal Pilson. Mr. Manzolini moved that the Board approve the Minutes of the February 14, 2018 Regular Session and the February 14, 2018 Executive Session of the Board of Selectmen as revised. Mr. Pilson seconded the motion and it was carried by unanimous consent.

**Selectmen's Matters:** Mr. Pilson asked that notices of the problems occurring at Town Hall be included in the weekly e-newsletter. He felt that the residents of Richmond need to understand the ongoing challenges that the existing building creates. He felt that if, in the future, there was a need to either replace or significantly repair this building, the residents should be aware of the difficulties faced in maintaining this building so that it will not come as a surprise. Mr. Pruhenski advised that just such a notice has been included in the e-newsletter scheduled to be distributed on Friday.

Mr. Pilson noted that the School Committee is having a meeting on March 20<sup>th</sup> at 6:00 PM with respect to School Safety. He suggested that the Selectmen attend that meeting as private

residents so that they can understand the issues faced by the School and indicate their support for the solutions they develop.

Mr. Manzolini suggested that the Selectboard act on the issue of School Safety. He noted that “gun-free” zones accounted for the majority of terrorist-type attacks. In two of those instances, the attacks were stopped by good guys with guns, even though it was a gun-free zone. In the seventeen other attacks, in zones not designated gun-free, five of them were stopped by good guys with guns. He believes that it would be useful to un-designate the Richmond Consolidated School as a gun-free zone. He believes that removing that designation removes the invitation. Mr. Manzolini went on to say that “crazy people view gun-free zones as a target – that’s their invitation to wreak havoc”. It is the State Legislature that designates the gun-free zones throughout Massachusetts. Mr. Manzolini asked that the Board write a letter to the State Representative, asking him to consider removing the gun-free zones throughout the State. Mr. Manzolini has already done so independently, as a private citizen, but he would like to have the Board’s point of view on it. Mr. Pilson’s objections were made clear and Mr. Hanson thought it would be a futile attempt at best. The State is unlikely to overturn its previous decision on gun-free zones. Mr. Gniadek from the audience noted that he felt that having the Selectboard in support of making the school a gun zone would not encourage the kind of young families to settle in Richmond that we very much want, and which are central to the growth of the town. No action was taken by the board on this matter.

**Massachusetts Municipal Association Legislative Breakfast in Pittsfield on March 16, 2018 at 8:00 AM – 10:00 AM:** Mr. Pruhenski will make the arrangements for himself, Mr. Lisi and Mr. Hanson, if he is free that day.

**Sewer Matters:** Mr. Tom Grizey noted that someone is pumping out their cellar and the sewer system is receiving extra water flows than normal. He asked for a procedure for dealing with the issue. Mr. Pruhenski gave Mr. Grizey a copy of the sewer regulations which clearly indicates that there is a \$1,000 per day fine applicable to that illegal action. Mr. Grizey reported that the last time this happened he was able to determine, by lifting the manhole cover, that the excess water was coming into the sewer system right at the point where that property joined the sewer lines.

Mr. Pruhenski asked Mr. Grizey to be sure that the homeowner has a copy of the regulations and understands that the Board is aware of a potential violation. If the violation continues, Mr. Grizey is to advise Mr. Pruhenski of that violation and Mr. Pruhenski will follow up with the appropriate legal action.

Mr. Grizey noted that there is a house that was demolished, leaving a sewer pipe exposed. That pipe is also collecting excess water. Mr. Pruhenski has already passed this issue along to the Assessor and the Building Inspector to determine who the property owner is and to have that individual dig up the sewer line and make sure it is properly capped.

Mr. Gniadek had some questions for Mr. Lisi on the Sewer Balance Sheet that he requested be discussed after the meeting. Mr. Lisi agreed to meet with him after the meeting.

Ms. Frieri from the audience asked whether there was any kind of grant money or fund to help the people who are behind on their Sewer Users fees. Mr. Lisi said there were no such resources that he is aware of. If a group of private citizens wish to fund-raise they are free to do so. Mr. Lisi did add that many of the people in arrears are not necessarily those who cannot pay. Mr. Lisi did say that there is an aggressive collection process in place to get those overdue taxes paid.

**Mail/Sign Warrants:** All signatures were taken care of earlier.

**Next Meeting Dates: March 14<sup>th</sup> and March 28, 2018:** Mr. Pilson advised that he will be away on March 14<sup>th</sup>. Both Mr. Hanson and Mr. Manzolini will be at that meeting, which will constitute a quorum.

**Topics Not Anticipated:** No additional issues

**Move to Adjourn:** There being no further business before the Board, Mr. Pilson moved that the meeting be adjourned. He was seconded by Mr. Hanson and the motion passed by unanimous agreement.

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Alan Hanson, Chairman