

APPROVED

**BOARD OF SELECTMEN / SEWER COMMISSIONERS MEETING**

**Wednesday June 20, 2018 – 10:00 AM – Richmond Town Hall, 1529 State Road**

**PRESENT:** Mr. Neal Pilson, Chair; Mr. Alan Hanson, Selectman; Mr. Mark Pruhenski, Town Administrator

**GUEST:**

Mr. Pilson opened the meeting at 10:00 AM

**Approval of Minutes from May 9, 2018, May 10, 2018 and May 30, 2018:** Mr. Pilson noted that in addition to the 3 sets of Minutes from May, the Minutes of June 12<sup>th</sup> have also been reviewed. All sets of minutes presented are in final form and reflect all edits and corrections submitted. Mr. Pilson moved that the Minutes of May 9<sup>th</sup>, May 10<sup>th</sup>, May 30<sup>th</sup> and June 12<sup>th</sup> be approved as read. He was seconded by Mr. Alan Hanson and the motion carried by unanimous consent. Mr. Pilson signed the four sets of minutes.

**Balderdash Cellars – 1-Day Permits/Wine and Malt:** Mr. Pruhenski read the dates of the four one-day permits being requested: June 30<sup>th</sup>, July 1<sup>st</sup>, July 7<sup>th</sup>, July 8<sup>th</sup>. Mr. Pilson moved that the request for the four one-day permits for Balderdash Cellars be approved. Mr. Hanson seconded the motion, which was passed by unanimous vote. The permits were signed as appropriate.

There was a discussion of how the State Law limiting one-day permits to 30 per year would affect Balderdash Cellars. Mr. Pruhenski noted that the owner of Balderdash Cellars was planning to come before the Board to request a seasonal wine and beer permit.

**Community Health Association – FY'19 Contract for signature:** Mr. Pruhenski reminded the Board that the renewal of the contract with the Community Health Association was now due for FY'19. The contract is for \$25,500 a year, payable quarterly at \$6,375. He requested the Board to authorize the contract, for which money has been budgeted. Mr. Pilson moved that the Board accept the contract between the Town and the Community Health Association for 2019. He was seconded by Mr. Hanson and the motion was approved by unanimous vote. Mr. Pilson signed the contract.

**Resignation – ZBA/Stevan Patterson:** Mr. Pilson reported on his meeting with Mr. Patterson about his letter of resignation. Mr. Patterson reiterated that he wished to have his resignation from the ZBA approved, but that he will give serious consideration to rejoining the Municipal Building Committee in September. He asked that the Board remind him in September to consider reapplying to the Building Committee. He remains adamant about not continuing on the Zoning Board. Mr. Pilson moved that the Board accept Mr. Patterson's letter of resignation from the Zoning Board, with thanks for his service. Mr. Hanson seconded the motion, which was passed by unanimous vote. Mr. Pruhenski will send a letter of thanks to Mr. Patterson for his service. This creates a vacancy on the Zoning Board, which Mr. Pruhenski and Mr. Pilson

thought would most likely be filled by the Zoning Board members from their alternates. Mr. Pruhenski will request that the Board meet to elect a Chair from their number now that Mr. Patterson has resigned.

**DEP Notice of Non-Compliance – Sewer:** Mr. Pruhenski advised the Board that a Certified Mail letter had been received from the DEP concerning our sewer system. The letter asks the Town to complete an analysis of the sewer system infiltration system and submit a plan to the EPA no later than December 31<sup>st</sup>. Richmond has been cited with a deficiency, because there is no plan in place. Mr. Pruhenski has contacted the organization that designed the system originally, who are putting together a proposal for the Town. As soon as Mr. Pruhenski receives the proposal and determines that it is affordable within the budget of the Sewer Enterprise Fund, he will ask the Board for approval to go forward. Mr. Pilson wondered if this was something that correctly is paid for out of the enterprise fund or a rate increase to the users. Mr. Pruhenski assured him that the work is fairly simple and should not incur any major expense nor result in a rate increase to the users.

**Richmond OSRP – Richmond Pond Association Report:** Mr. Pruhenski reminded the Board that there had been a review of the Open Space and Recreation Plan, which was a couple of years old, at the behest of the Richmond Pond Association. The Board went over its responsibilities as outlined in that Plan and asked the other Boards and Committees to look at the Plan to determine what their responsibilities were. Mr. Pruhenski had a response from the Richmond Pond Association, which he distributed to the Board. None of the items in their response will require budget expenses and there is no need for the Board to act on any of the items.

There was a discussion of one of the items designated as an “Indian Trail.” Mr. Pilson recalled talk of such a trail that was to go around the beach and end up in private property at the Camp. Mr. Pruhenski recalled hearing some conversation about creating a walking trail around the lake at the time that the Town was contemplating the purchase of the Camp Marion White property. Mr. Hanson recalled talk of creating a trail around the lake, but it proved to be too costly an idea and was never pursued. Mr. Pilson suggested that Mr. Ken Kelly, the President of the Richmond Pond Association, be invited to attend the next meeting of the Board to discuss his response.

**Baystate Roads – Roads Scholar Certification – Peter Beckwith:** Mr. Pruhenski advised the Board that the Richmond Highway Superintendent, Mr. Peter Beckwith, has completed all the requirements for the Baystate Roads Scholar Program, which is an extensive training program. Mr. Pruhenski plans to make this achievement part of Mr. Beckwith’s employee file, as well as acknowledging his accomplishment in the e-newsletter and on Facebook. Mr. Pilson approved those steps and suggested sending Mr. Beckwith a note of congratulation.

**Constable Duties – Discussion – Set Meeting Date with Constables and Chief:** Mr. Pruhenski asked the Board to set a daytime meeting with a one-item agenda to deal with the Constable

and Police Chief issues. There was a conversation about some of the details that should be considered and made into a bylaw that would address the constables' position and duties. Mr. Pruhenski voiced his concern about some constables who mistakenly see themselves as Police officers. Mr. Pilson wanted to review the memo from the Town's Council, with printouts of the attendant statutes cited in it, in preparation for this meeting.

Further discussion of possible meeting times resulted in the consensus that the Board would meet with the Constables and the Chief on Tuesday, July 10<sup>th</sup> at 5:00 PM and then hold its regular Board Meeting at 6:00 PM that same evening. Further discussion about subsequent July meetings were held until the meeting on July 10<sup>th</sup>, at which time further meeting dates and times would be discussed.

**Solitude Contract for Summer 2018:** This is the weed-treatment contract for the Richmond Pond. The treatment has already occurred and, because we are approaching that \$10,000 threshold this year, we are required to have a formal contract. Mr. Pruhenski has sent Solitude the standard business contract. The issue of liability is being discussed between the Richmond Town Counsel and Solitude's attorneys, so the contract has not been finalized. The cost remains at the level of \$15,000 or less, so Mr. Pruhenski requested authorization from the Board to sign the contract once it has been finalized. Mr. Hanson moved to authorize Mr. Mark Pruhenski to sign the contract with Solitude, on the assumption that the fee remains under \$15,000. Mr. Pilson seconded the motion, which passed with unanimous approval.

**Mail/Sign Warrants:** The warrants were duly signed as appropriate.

**Sewer Matters:** There were no issues pending.

**Town Administrator Updates:** Mr. Pruhenski advised the Board that the new recycling and garbage calendars had been received from Republic Services, which has been noted on the website and in the weekly newsletter. Hard copies are available at Town Hall and an electronic version has been posted on the website for people to print at home.

The new format of the e-newsletter has been in use for some weeks now. It is cleaner, easier to read and contains embedded links to the website. It has increased website traffic, which is positive. Mr. Pruhenski asked the Board members to let him know if they hear any feedback from the community. So far, the feedback Mr. Pruhenski has heard has all been very positive.

Purchase of the two solar speed signs for the school zone was approved at the Town Meeting. The permit to have the sign active only during school hours was approved by DOT this week and the signs are currently on order. "School Zone" and the speed limit will appear on the top and the bottom will have a flashing notice of the passing car's speed. In response to a concern expressed by Mr. Hanson, Mr. Pruhenski noted that the sign will be programmed to be active only during the hours of 7:30 AM to 3:30 PM, which are school hours. A discussion resulted in the understanding that the electronic signs would only be on during school hours and the existing 30 MPH Yellow signs are, by law, only advisory. The official speed limit signs are white.

While the signs are active, they will flash at a driver doing over 35 MPH. The police, however, are not permitted to ticket a driver unless he is doing over 40 MPH, which is the legal limit on that stretch of road.

The beach opened Father's Day weekend, which was advertised in the e-newsletter, on Facebook and on the website. The signs that were discussed over the winter are now all installed at the beach and at the boat ramp and the town has met its obligation in that matter.

Twelve notices of appeal have been sent out to the people who testified at the Dangerous Dog Hearing, asking those people to contact the Town's attorney to let her know if they would be willing to testify in court if need be. She has indicated that she has received two or three positive responses so far.

**Selectmen's Matters:** Mr. Hanson reported on a conversation he had with Mr. Bob Navin about the town beach gate, which he had always managed for a small remuneration. He was upset about having been notified on the day he was about to resume those duties that someone else had volunteered to do it for free. Mr. Hanson thought that, since money had already been budgeted to pay Mr. Navin for those services, he did not see why that should change. Mr. Pruhenski provided a more thorough background: Mr. Navin had, on multiple occasions both public and private, declared that he was not doing anything extra for the town. Over the winter, under the assumption that Mr. Navin would no longer be manning the beach gate, one of the other Highway employees discovered that Mr. Barry Kellogg would be interested in taking over that responsibility as a volunteer. Mr. Kellogg came in to discuss the situation as everyone was still under the impression that Mr. Navin was no longer interested in closing the beach gate at night. However, when Mr. Navin discovered that someone else had volunteered to do the job, he noted his interest in continuing with that job and expressed his annoyance at the situation. Financially, the town saves \$2,600 a year of overtime pay for Mr. Navin to drive down to the beach every night. This is the first year that the stipend has been budgeted – it had always previously been taken out of Highway Overtime funds. It was specifically budgeted this year because the town anticipated having to hire someone else to do it. That turned out not to be the case as we have a volunteer willing to do it without pay. The funds are available if the Board wants to direct Mr. Pruhenski to reinstate Mr. Navin.

Mr. Hanson suggested that, in the service of keeping the peace in the Highway Department, the job be listed as a specific detail of the Highway Department and have Mr. Navin named as the person assigned to that detail. Mr. Pilson thought it not within the purview of the Board of Selectmen to determine who opens and closes the beach gate. He saw this rather as a matter for the Highway Superintendent, Mr. Peter Beckwith, to administer. He noted his lack of inclination to get involved in this issue. Any personnel issues that arise as a result of this situation are for Mr. Beckwith and perhaps Mr. Pruhenski to deal with. Mr. Pilson noted his concern over the position Mr. Navin has held since last winter, that he has no interest in doing anything extra for the town. It is certainly not the kind of attitude he would prefer to see in members of the Highway Department, but he felt disinclined to involve himself in the issue.

Mr. Hanson was still inclined to consider Mr. Navin's position for the sake of harmony. Mr. Pruhenski noted that he is bringing in a Team-Building expert from our insurance company to deal with issues that continue to exist in the Highway Department and which predate this latest additional issue.

The final consensus was that the Board of Selectmen would take no stand on the issue and will allow the situation to be resolved by the Town Administrator and the Superintendent of the Highway Department.

Mr. Pilson reported a request received from a resident on View Drive to put up signs on Yokun and Osceola that read, "No Outlet." A long-time resident complained that people drive up and down those two streets, looking for a way to get to Lenox when in fact the roads culminate in a dead end. Mr. Pruhenski added that another resident on Cheever had noted that now that Lenox Road has been re-paved, cars are doing 50 MPH on a narrow, winding road that normally gets heavy bicycle traffic. As Mr. Manzolini was not present at this meeting, Mr. Pruhenski was asked to add to the next meeting's agenda a discussion of "Share the Road" signs on Lenox Road from Cheever east and "No Outlet" signs on Yokun and Osceola.

Mr. Pilson advised the Board that the Cable Advisory Committee has had its first, organizational meeting on Monday. Another meeting later in the summer will be scheduled, at which time a Chair and Secretary will be elected. In the interim, the members of the Committee will familiarize themselves with the existing Richmond Franchise Agreement and look at copies of similar agreements that Mr. Pruhenski has provided from the Towns of West Stockbridge and Egremont. A request was made to ask TimeWarner Cable (Spectrum?) for a copy of their proposed franchise agreement for the Town of Richmond so that the additional items that are anticipated to be part of a new agreement could be reviewed. Mr. Pruhenski will ask Spectrum if they have a template agreement that they would be willing to provide to the Committee. At the same time, he will attempt to schedule the meeting Spectrum had requested with the Committee for October or November. That schedule would give the Committee time to review the material.

Mr. Pilson asked about the Sewer Advisory Committee meeting that Mr. Pruhenski attended yesterday. Mr. Pruhenski has a copy of the PowerPoint presentation given at that meeting, but he advised the Board that there was no new information in that presentation. Pittsfield's understanding of Richmond's situation is that Richmond is rate-based (each town has a different agreement with Pittsfield, which they are hoping to unify in future). Our contribution to the Capital Expense will come out in rates, which is stated as one and one-half times the local Pittsfield Sewer Rate. Therefore, Richmond has no obligation in any other way to fund Capital Improvements. Pittsfield is in the process now of having their Engineers do a rate analysis so that they can provide each Town with an idea of what the rate increase will look like. That information is still about three months away from being available.

Mr. Pilson reported that Mr. Peter Beckwith, Richmond Highway Department Superintendent, Mr. Pruhenski and he met at the Beaver Pond with a licensed Beaver Control Officer. He asked Mr. Pruhenski to prepare a brief report on that encounter for the next Board of Selectmen's meeting.

**Unanticipated Items:** Ms. Eileen Martin has resigned from the Finance Committee. Mr. Pruhenski asked that the Board accept Ms. Martin's resignation and he will send the usual letter of thanks and advertise the position.

Mr. Alan Hanson moved to accept Ms. Eileen Martin's resignation from the Finance Committee. Mr. Pilson seconded the motion, which passed by unanimous consent.

**Next Meeting Dates:** Mr. Pruhenski noted that a Special Permit request is in front of the Board for an Accessory Dwelling, which requires a public hearing. Discussion of the best date resulted in the consensus that July 10<sup>th</sup> will work. On July 10<sup>th</sup>, A Board of Selectmen's meeting at 5:00 is already scheduled to deal with the Constables and Chief of Police issues. A second meeting at 6:00 PM on the 10<sup>th</sup> of July would be the public hearing required for the Special Permit.

The Public Hearing on the continuing Dangerous Dog issue was noted as scheduled for Tuesday, July 17<sup>th</sup> at 2:45. Also mentioned was the possibility of either a Selectmen's meeting or court date on the Dangerous Dog issue on Wednesday, July 25<sup>th</sup>.

Mr. Pruhenski noted that he had received a letter from the Recreation Committee, requesting a permit for their 5<sup>th</sup> Annual Bike 'N Fly event on Route 41 on August 18<sup>th</sup>. The Committee has also notified the Police Chief and the Fire Chief. Mr. Pilson moved to approve the request from the Recreation Committee to hold their Annual Bike 'N Fly event on August 18<sup>th</sup>. The motion was seconded by Mr. Alan Hanson and carried by unanimous vote.

There being no further business before the Board, Mr. Pilson moved to adjourn. He was seconded by Mr. Hanson and the motion was approved by unanimous consent.

The meeting was adjourned at 11:05 AM.

Neal Pilson Chair