

APPROVED

BOARD OF SELECTMEN / SEWER COMMISSIONERS MEETING

Tuesday July 24, 2018 – 4:00 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:

GUEST: Mr. Peter Beckwith, Highway Superintendent; Mr. Ted Andrews

Lenox Road/Lenox Branch Road Intersection: Mr. Peter Beckwith, Highway Superintendent, came before the Board to discuss a proposal to improve the visibility turning right or left onto Lenox Mountain Road, coming out of Lenox Branch Road and, thereby, reduce the number of automobile accidents that occur at that site. There is currently a sign that says, "Slow-Intersection Ahead," that does not seem to have reduced the hazard.

Mr. Beckwith offered some options to improve the situation before considering redesigning the layout of the road, which would entail closing that road for an extended period and inconveniencing the people who live along it.

Option 1: LED Flashing Lights (such as the ones Pittsfield has installed at their crosswalks) cost about \$1,500. each and could be installed coming up the hill from West Stockbridge on Lenox Branch Road towards the intersection, where the signs are now. They are solar-battery operated and require a sightline to the sky to provide sunlight. That would draw peoples' attention as they come up the hill on Lenox Branch Road towards Lenox and advise them of a dangerous intersection ahead. Although most drivers appear to stop at the stop sign at that point, generally they start up again too quickly because they do not see the oncoming traffic.

There is the possibility of installing a convex mirror so that the driver can see traffic approaching the intersection. Mr. Beckwith will investigate what effect that might have on insurance questions. Mr. Pilson noted that he believes that those convex mirrors work best for people who have driveways that come out onto a main road and who are accustomed to using them. He does not believe it will work in this instance because of reflected headlights causing confusion and drivers' lack of familiarity of how to "read" the information they provide. Mr. Beckwith agreed, and that option will not be explored.

Mr. Manzolini asked whether any device exists that could identify the oncoming traffic and trigger a stoplight at the intersection. The idea would be to have a light at the intersection with Lenox Branch Road that would flash when there was traffic coming up Lenox Mountain Road. Mr. Beckwith will research whether such a device exists. Mr. Pilson noted that such a device could become a liability issue if, at some point, the light does not work, and an accident occurs. Mr. Beckwith will look into obtaining a flashing light such as exists currently at the intersection of Lenox and Swamp Roads. The light on Lenox Road would be yellow, the light at Lenox Branch

Road would be a red flashing light. That way drivers coming over the knoll will see the flashing light and know to be cautious. Mr. Hanson noted that it had been very difficult getting permission from the State to install that system. Mr. Beckwith agreed; he is familiar with the long approval process and the expense involved in installing that kind of system.

Mr. Pilson noted that the road in question is really an intersection for the towns of Stockbridge, West Stockbridge, Lenox and Richmond. For example, Stockbridge patrols the Overlook, which is only a few hundred yards away. Is this something we could ask the four towns to collaborate on to solve the problem?

Mr. Manzolini asked for the exact wording on the existing sign on Lenox Road at that intersection. It currently reads, "Slow – Intersection Ahead." A new sign might be more effective if it read, "Slow – Dangerous Intersection Ahead." Mr. Beckwith cautioned that once the word "dangerous" is added to the sign, it opens the door to liability because the Town is admitting that they are aware of the danger. Mr. Pilson countered with "Slow – 20 MPH" on a yellow cautionary sign, which is not enforceable, but might get drivers' attention and would be the least intrusive step to take. He also suggested that the next step might be to put flashing lights around the "Slow."

Mr. Beckwith offered to bring in a traffic signage engineer to discuss all available options with the Board. Mr. Manzolini stated that he would like to see a low-tech, solar-powered solution such as the ones he has seen in West Stockbridge. The Board asked that Mr. Beckwith arrange for an engineer to address the Board.

State Aid/Stone Seal: Mr. Beckwith asked the Board to sign the application to chip seal Colonial Acres and Dublin Road and shim over the top of the chip seal to get it level with the existing road. The papers were signed and dated as required.

Old Town Barn – Continuing Discussion: Mr. Pruhenski reminded the Board that discussions about the Town Barn had been put on hold in favor of more pressing issues. Mr. Ted Andrews had asked that he be present when the Board discussed the issue, and as Mr. Pruhenski was aware that the discussion would take place tonight, invited him to attend.

Mr. Pruhenski visited the Barn with Mr. Beckwith to see what the condition of the building was. He was now requesting that the Board provide some direction as to how to proceed; whether to renovate the existing wooden structure or proceed as planned to demolish the wooden structure and replace it with a steel building. He noted that funding is in place to demolish and replace the existing structure.

Mr. Manzolini asked for the relative costs of each option. Mr. Pruhenski noted that he has not taken any steps to obtain a quote for renovation of the building as he has been awaiting direction from the Board. Mr. Beckwith offered some objections to renovating the existing building, among which was that none of the doors are big enough to house the Highway Department and/or the Fire Department's large pieces of equipment. He felt that the original

construction would not allow for installation of larger doors without considerable and costly restructuring.

Mr. Manzolini noted that the question to the Highway Department at the start of deliberations about the future of the building was whether they wanted a building there at all or not and, if so, what would it be used for. He remarked that the Board was advised that the Highway Department would like to maintain a building on that site, but there was no definitive information provided at that time as to what use it would be put to. Mr. Manzolini thought that he was now hearing that Mr. Beckwith did have some idea as to what use he would make of a building on that site. Mr. Beckwith said that the back-hoe and the Fire Department's Western Star Tanker sit outside all year when they should be properly garaged to extend their usefulness. A new building, with the proper height doors, could be used to house that equipment as well as other trucks.

There was a discussion of the "Old Town Barn" and how to proceed with plans to either restore or replace it that included some information concerning the original design and construction and how that would impact any attempt to renovate the building to modern standards and usage. Mr. Manzolini said, given that information, he understood that renovating the existing building would result in a structure that would provide little or no use to the Town. The idea of doing something with the building was to create something that would be useful.

Mr. Ted Andrews requested permission to speak to the Board about the Town Barn. He reiterated his argument from the previous meeting of the Board at which the future of the Town Barn was discussed, where he put the question of the Town Barn into the context of improving the whole area around it. The area is the nominal town center and is presently mediocre at best. If the barn were restored to its original condition, it could be a real asset to the improvement of the town center. He noted that the problem with steel buildings is that they are just plain ugly, and he believes that there will be criticism from the town residents for having an ugly building immediately visible from the highway and right in the middle of the town center. Mr. Andrews has no quarrel with the steel building noted as the "new town barn" as it is out of sight and most people are not even aware of its existence. Mr. Andrews would like to have the Selectmen bring in an architect, perhaps someone like Jack Sobon, who could take the measurements that Mr. Beckwith has mentioned, work with his objectives and try to put that together to try to make the buildings work for the town both aesthetically and practically.

Mr. Pilson asked Mr. Andrews what "other buildings" in that area he was referring to as it is Mr. Pilson's understanding that the Town only owns the Old Town Barn. Mr. Andrews agreed that he was referring only to the Old Town Barn. Mr. Andrews brought up a similar experience in the Town of Austerlitz where, some years ago they were faced with having to replace their firehouse. Because they have such an attractive downtown area, they went to great lengths to replace it with a building that was architecturally sympathetic to the historic buildings in their downtown.

Mr. Manzolini noted that he was not opposed to bring in an architect to look at the situation and perhaps come up with a solution to the height of the doors and the roof that would work to accommodate the heavy equipment. He offered the opinion that pole barns are easy to construct from scratch but are more difficult when you have to work around the rotting remains of an old pole barn. He acknowledged his willingness to hire an architect to look at the situation but wanted to be clear that the resulting building must be usable. If we can't get the function the Town needs from that building, it would be best to just let it fall down.

Mr. Pilson agreed, saying that the cost of an architect is not budgeted. It would be necessary to find an architect willing to come and assess the situation as a favor to the Town. Mr. Andrews noted that he is acquainted with an architect who might be amenable to one of the following possible scenarios: Mr. Andrews would have to pay the him or he would have to beg him to do the job or he would have to be paid something by the Town. There was a conversation about availability of architects who might be willing to work on the project and the groundwork necessary to provide any such architect with the dimensions and intended use of the finished building. Mr. Manzolini asked Mr. Beckwith to provide the specifications for the dimensions he needs for the completed building to conform to the intended use. Mr. Manzolini mentioned that he knows of an architect, Yoshi Soto, who has experience with timber framing design. Several other architects were mentioned.

In response to the question of the possibility of adding insulation to the existing building, Mr. Andrews was advised that the existing building was never designed to withstand the additional weight of insulation or new cross-members to support a higher roofline. The addition of insulation would be to provide adequate housing for the Fire Department's water pumper.

Mr. Pilson suggested that an agreement be reached on what the next step will be. Mr. Manzolini said in his opinion it comes down to the cost involved. If the Board has two options and two potential costs, they can bring those to the Town and see what the consensus of the voters would be. If, however, the costs are similar then the Board can decide, but Mr. Manzolini felt that whenever you involve architects dealing with timber framing, the cost of any project is going to triple over the cost of a typical pole barn or metal building. Mr. Manzolini offered an example from his own recent experience with wanting to build a timber frame barn. It would cost him \$240,000, as opposed to a cost of \$55,000 to erect a building of the same dimensions as a regular pole barn.

On Mr. Pilson's repeated request to determine the next step to be taken, Mr. Hanson reminded the Board that there is a person with a strong interest in having the Old Town Barn taken down, who had asked to be informed of the progress of that work. That gentleman is interested in taking the existing barn down and putting it up again somewhere else.

Mr. Pilson said it remains for the Board to determine what the cost will be to take down the existing barn and replace it with a steel building as opposed to any renovation that would create a structure that would function as needed. He added that he saw no purpose in doing a

renovation that would not provide the utility that the Highway Department requires just to have a nice-looking building. Mr. Manzolini asked Mr. Andrews if he was correct in assuming that Mr. Andrews interest is in having an aesthetically pleasing structure – not necessarily the existing barn. Mr. Andrews stated that he felt it difficult to accomplish the aesthetic objective any other way than through renovation of the existing structure. He felt that a new steel building would not be attractive and would not have wooden siding. Mr. Manzolini said that once the basic structure is raised and meets the specifications that will allow it to fulfill the required function, there are many alternative ways for such a building to be finished including the use of board and batten, wooden siding, etc. Mr. Andrews thought those options should be explored. Mr. Andrews went on to suggest many ways that a renovation of the existing building might be accomplished within the existing budget.

Mr. Pilson asked the Board if they were prepared to spend any money from the budget to have an architect study the situation. Mr. Pruhenski advised that at the last Town Meeting, \$100,000. was appropriated for the Town Barn Replacement Project. That figure was based on removing the existing structure and erecting a new metal structure with wiring, electricity, etc. Mr. Pruhenski voiced his concern that if \$10,000 of that money was used to hire an architect to look at the existing building and, if it winds up that renovation is not feasible, the project is put at risk unless the Board is willing to go back to the voters for additional funds.

Mr. Manzolini suggested to Mr. Andrews that he discuss the matter with his architect friend, Mr. Jack Sobon and have him provide the Board with an estimate of his fee to create a proposal for renovation of the existing building that will meet the required dimensions and satisfy Mr. Andrews' aesthetic. Mr. Beckwith will provide Mr. Andrews with the dimensions. Mr. Pilson agreed that it would be helpful for Mr. Andrews, acting as a private citizen on behalf of the Board, to provide the Board with whatever information he can regarding the cost of having an architect examine the existing building and propose a plan for renovation.

Approval of Minutes of the July 10, 2018 5:00 PM meeting, the July 10, 2018 6:00 PM meeting: Mr. Pilson moved that the Minutes of the July 10, 2018 5:00 PM and the Minutes of the July 10, 2018 6:00 PM meetings be approved. Mr. Manzolini seconded the motion, which was carried by unanimous vote.

Request for a Non-Resident Burial: Mr. Pruhenski explained that a Mr. Chad Scoville, from Wellington Funeral Home, although unable to be present at this meeting, had sent an email that discussed the burial of Valerie Janssen with her parents in the Center Cemetery. He included Ms. Janssen's parents' names as reference to the plots they are currently buried in. Until a few years ago she and her brother owned a home in Richmond which they were forced to sell due to health issues. The plot is in the name of Dorothy Janssen, date of death 8-10-98 with burial on 8-14-98 and Albert F. Janssen, date of death 6-26-1980, date of burial 6-28-1980. Ms. Janssen is requesting non-resident cremation remains burial in the plot where her parents are.

Mr. Manzolini moved that the request be approved, with the understanding that the burial is for cremation remains. Mr. Pilson seconded the motion, which was passed by unanimous consent. The family will pay the non-resident fee.

School Projects – Updates: Mr. Pruhenski provided some updates for the Board as follows:

Solar rooftop project: All the documents have been signed, notarized and countersigned by Select Solar, so that project is moving ahead. Select Solar has advised Mr. Pruhenski that they will begin work in early August. Mr. Manzolini asked if the alleged roof leak had been addressed. Mr. Pruhenski said he believed it had been dealt with, but he will obtain specific information about it.

Window Tinting Project: Mr. Pruhenski advised the Board that he had received a second quote on that job today. Both quotes, which he commented were fairly far apart, had been passed on to the School whose responsibility it is to decide how to proceed.

School Playground: The IFQ for the school playground has gone out. Now that Mr. Peter Beckwith has returned from vacation, hopefully that project can go ahead, although Mr. Pruhenski voiced some concern that the project may have to continue over into the first weeks of school.

Sewer I/I Evaluation Proposal – Tighe & Bond: Mr. Pruhenski noted that the proposal from Tighe & Bond was for \$11,000 to deal with the DEP Notice of Non-Compliance received by the Town. The proposal has been forwarded to the Sewer Advisory Committee, who will meet and discuss it tomorrow night. Mr. Pruhenski advised the Board that there is only \$4,000 in the Emergency Reserve Fund for the fiscal year, which creates a shortfall of funding. Mr. Pruhenski spoke with Mr. Andy Kay about ways to cover that shortfall.

Mr. Manzolini asked for an explanation of the situation and was advised by Mr. Pruhenski that the notice of non-compliance was issued because the Town has no Plan in place to inspect the sewer system. The Town has until December 31, 2018 to have a Plan put in place, but as the funding is not available, work on that Plan cannot begin until at least October 30, 2018, when the additional funds can be appropriated in a Town Meeting. Mr. Manzolini suggested that the Town ask the DEP for an extension on the deadline for compliance as notification of the non-compliance was delayed from the non-compliant date of December 31st to June. That's a loss of six months of time to accomplish the requirements for compliance. There was a discussion of the advisability of making that request. Mr. Pruhenski has already asked Tighe and Bond if they will have adequate time to complete the Plan if they cannot begin until the Town can get funding in October. He will also ask their opinion of the advisability of requesting an extension from the DEP. Mr. Manzolini would rather ask the DEP directly.

Berkshire Regional Planning Commission Alternate Delegate Appointment: Mr. Pruhenski had asked the Planning Board for a recommendation for this position but has not heard back from them in time for this meeting. He suggested tabling this issue for the next meeting.

Mail/Sign Warrants: Mr. Pruhenski distributed the mail, including a packet of three letters from the Town's Attorney concerning the meeting with Mr. Tom Gardner and his attorney. There is a copy of a letter sent to the Magistrate's office letting him know both parties would like to reschedule the Court Hearing, a copy of the motion to continue the hearing and a copy of the letter sent to the witnesses. These are for the Boards information.

Mr. Pilson asked for confirmation of a site visit for a fence inspection at the Gardner property on Tuesday, July 31st at 9:30 AM. That date and time were confirmed by the other Board members. He suggested that the Board meet at Town Hall at 9:15 and proceed in a body to the property.

Sewer Matters: No matters were pending.

Town Administrator Updates: Mr. Pruhenski had no updates for the Board.

Unanticipated Matters: Mr. Pruhenski had several one-day special permits for Balderdash Cellars: August 11, 12, 18, 19, 25, and 26. September 1, 2, 8, and 9 all for the hours of 1:00 – 5:00 or 6:00 PM and all at the State Road address. Mr. Pruhenski reminded the Board that the Town is only able to issue 30 permits within a calendar year and this will fulfill that number. Balderdash Cellars is aware that they have reached that limit. Mr. Pilson suggested that Board members attend one of those wine-tastings and Mr. Manzolini agreed that he had intended to do that. Mr. Pruhenski asked for a motion to approve the permit. Mr. Manzolini moved that the permits, as noted above, be approved. Mr. Hanson seconded the motion, which was carried by unanimous vote and Mr. Pilson signed the permits as required.

Tuesday, October 30th is the date currently set for the Special Town Meeting which works for all parties concerned. Mr. Pruhenski asked if that date will work for the Board of Selectmen and was advised that it was. Mr. Pruhenski noted that there are one or two financial articles and the other three will be proposed zoning amendments from the Planning Board. There will be a Budget Advisory Committee meeting at some point prior to that date,

Mr. Hanson interjected a question concerning arranging for a shed to house the new Rescue Boat that the Fire Department has acquired. Mr. Pruhenski pointed out several reasons why it would be best to hold that issue until the next fiscal year. In the meantime, Mr. Pruhenski offered to have the boat stored near the pump station and boat ramp, where there are surveillance cameras operating.

Election Officers need to be appointed. Mr. Pruhenski read the memo from the Town Clerk asking that Joyce Phelps, Gloria Morse, Susanne Frieri, Patricia Malnati, Deborah Evans, Joanne Lahey, Margaret McMahon, Paul Lisi, Jr. and Betsy Bemis all be appointed. Mr. Hanson moved that all the above-named people be appointed as Election Officers. He was seconded by Mr. Manzolini and the motion was carried by unanimous vote. Mr. Pilson signed the appointments.

The Constable Issue: Mr. Pruhenski reported that he is still researching the age-limitation question and the availability of training classes to be held locally. Mr. Beckwith has advised Mr.

Pruhenski that training classes can be held right here in Richmond and, if the Town will host the class, two of the registrations will be free. The intent would be to fill as many of the seats in that class as possible, within the limits of our budget, with our own Fire Department personnel and Constables.

The Audubon Property – Mr. Pilson had proposed posting a sign at the site that prohibits boating or kayaking on that lake. As the property belongs to the Audubon Society, they would have to be the ones to approve any such signage. Mr. Pilson agreed that the Board should suggest to the Society that a “No Boating Access” sign be posted.

Mr. Pilson asked whether the “No Outlet” signs that had been decided upon at the last meeting were being posted. Mr. Pruhenski advised the Board that he had passed on that information to Mr. Peter Beckwith, the Richmond Highway Superintendent. Mr. Pruhenski will advise the Board when the signs have been posted.

Selectmen’s Matters: Mr. Manzolini raised the issue that the Conservation Commission is currently involved in a situation with Rose Pond on Lenox Mountain Road. He noted that the situation has resulted in unacceptable behavior by some of the parties involved. He wanted the Board to be aware of the pressure that the Con Com is being put under. He suggested that Mr. Pruhenski meet with the Con Com to review all applicable rules and regulations to avoid any process errors which could result in litigation. Mr. Pruhenski responded that he has been in communication with Mr. Ron Veillette and Ms. Freya Segal. Mr. Pruhenski said he is aware of what’s happening and that there is a feeling that the Con Com is under pressure from one of the attorneys. Mr. Pruhenski advised Ms. Segal that if she feels the need of instruction on legal issues, he will put her in touch with the Town’s Attorney who could attend future meetings. Ms. Segal has advised Mr. Pruhenski that she will discuss that with the other Board members to determine if they feel it necessary to consult with the Attorney.

Next Meeting Dates: Some discussion of existing agenda items and the availability of the parties reached a consensus that there would only be a need for one meeting in the month of August and Wednesday, August 22nd at 6:00 PM was set as the best date and time.

There being no further business before the Board, Mr. Manzolini moved that the meeting be adjourned. He was seconded by Mr. Hanson and the motion passed by unanimous consent. The meeting was adjourned at 5:20 PM.

SIGNED:



Mr. Neal Pilson,
Chair, Board of Selectmen