

APPROVED

**BOARD OF SELECTMEN MEETING**

**Wednesday February 13, 2019 – 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:**

**GUEST:** Mr. James Shoemaker (resident); Mr. Steve Parsons, Cemetery Superintendent.

Mr. Pilson called the meeting to order at 6:00 PM and moved directly to the Cemetery Request item on the agenda. Mr. Pruhenski said he had received an inquiry from Mr. Shoemaker regarding a plot at the Center Cemetery, for which he provided a hand-drawn map. Mr. Steven Parsons, the Cemetery Superintendent, noted that there are records of burials at that site going back to 1953, and there is one open plot remaining. The name on this eight-grave family plot is Harrington. Mr. Parsons explained the difference between the original way that graves were hand-dug and the newer process which lessens the possibility of a cave-in, by putting the caskets right next to each other.

Mr. Manzolini asked Mr. Parsons to explain what the issue is if the plot in question is for eight graves and it contains only seven and Mr. Shoemaker is requesting the use of one more. Mr. Parsons issue was with the legal ownership of the grave. It was Mr. Shoemaker's great grandmother who purchased the plot, which she believed contained twelve gravesites. Mr. Parsons said that the dimensions of the map would never have allowed for a twelve-grave plot. Discussion continued about the placement of graves.

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Mr. Pilson asked for confirmation that there remains one grave open in the original eight-grave plot, which Mr. Parsons provided. Mr. Manzolini asked, "Who is the legal heir to the one remaining plot". Mr. Shoemaker responded that everything his grandmother had she left to him. He could not speak to anything that anyone else left to their heirs. Mr. Hanson suggested that the only solution to this problem would be for the family to meet with a lawyer to help them decide what to do. There was no will naming Mr. Shoemaker as sole heir, but his name was on everything (house, car, etc.). Mr. Manzolini noted that in Massachusetts general law, if someone dies intestate, the estate passes to the children. Mr. Shoemaker's grandmother had two children, neither of which has expressed any interest in the burial plot. Mr. Parsons reiterated his position that he is not able to name Mr. Shoemaker as the legal owner of the gravesite. He had advised him previously to contact as many of his relatives as he could and ask them for letters of permission to hold the grave for his eventual use and forward that letter to Mr. Pruhenski.

Mr. Pilson agreed that the solution seemed to be for Mr. Shoemaker to attempt to reach the two children of his grandmother to ask for a letter of permission from them. If either of those

two should express an interest in retaining the right to the gravesite, they would have to receive permission from the Richmond Board of Selectmen as they are not residents of Richmond. Mr. Pilson felt that the permission would not be granted. If the issue is not settled within the family, the Board of Selectmen could draft a Letter of Direction that would be binding, stating that the rightful owner of the plot is Mr. Shoemaker.

Mr. Manzolini asked about the possibility of having the cemetery map redone and made available electronically. He was advised that the previous Town Administrator, Mr. Matt Kerwood, had the disc but he does not know where it is at present. Mr. Pruhenski will try to find where the disc currently is.

Mr. Hanson asked how much open space remained in the total of the town's cemeteries. Mr. Parsons noted that the Town only sells two or three per year and was able to point out the remaining open gravesites, of which there were several, providing that they did not encounter water in digging.

**Approval of the Minutes from the January 23, 2019 Joint Meeting with the Planning Board:**

Mr. Pilson's comments were incorporated in the minutes. Mr. Manzolini moved that the minutes be approved as revised. Mr. Pilson seconded the motion, which was passed by unanimous consent.

**Adopt MGL 32B Sections 21-23 For Proposed Changes to Employee Insurance-Paul Lisi:**

This item was tabled as Mr. Pruhenski was awaiting a response to a legal question.

**School Union Negotiations – Appoint a Representative to Negotiate for the Board of Selectmen:** Mr. Manzolini received a "Best Practices" notification from the State of Massachusetts, which states that the negotiating team shall not be comprised of authoritative decision-makers. This implies that Selectmen cannot negotiate teachers' contracts. Mr. Pruhenski noted that the school's attorney sent a statement to the effect that the Board of Selectmen could designate an agent to be a member of the negotiating team. Absent such an appointment, the statute does not guarantee that the municipal official will be at the negotiating table unless the School Committee, as a whole, is involved in the negotiations.

If the School Committee designates Mr. Pilson as their representative, it is okay for him to sit in on negotiations. If they do not, Mr. Pilson can only attend the negotiations if all of them attend. Mr. Pilson suggested that the next step would be for the School Committee to move, at their next session, that Mr. Neal Pilson be designated as the Board of Selectmen representative to their Negotiating Committee. Mr. Pruhenski will arrange for that to happen. Mr. Manzolini noted for the record that he was in favor of Mr. Pilson being a member of the negotiating body and was glad to see that there seems to be a way to make that possible.

**Shared Services with West Stockbridge-Proposal for Discussion/Vote to Proceed Exploring Options and Joint Meeting of February 20<sup>th</sup> – 6:00 PM in West Stockbridge.** Mr. Pruhenski contacted Mr. Pilson a month ago to inform him that Mr. Mark Webber, the West Stockbridge Town Administrator, had contacted him and advised that he (Mr. Webber) was planning to retire in June. (Mr. Webber has subsequently agreed to stay on during the transition). Mr. Webber felt that it would, therefore, be an appropriate time to have a conversation with the Town of Richmond about going forward with the position of Town Administrator being shared between the two towns, with the possibility of having an Assistant Town Administrator hired by both towns to support the work of the Administrator. The time and salary of the Town Administrator would be shared between the two towns and the Assistant would fill out the hours of the Administrator when he was away so that each town would have coverage for the full-time position (32 hours in West Stockbridge, 40 hours in Richmond).

There were two meetings in West Stockbridge between Mr. Pruhenski and Mr. Pilson representing Richmond and Mr. Bernie Fallon, Chair of the West Stockbridge Selectmen and Mr. Mark Webber. Mr. Pilson asked the two Administrators to prepare a proposal for consideration by both Boards of Selectmen. That proposal was distributed to the Board members. West Stockbridge has reviewed that proposal and found that they would like to continue the discussion and go forward with a joint meeting, tentatively scheduled for next Wednesday (February 20<sup>th</sup> at 6:00 PM in West Stockbridge). Mr. Manzolini had a conflict with that time, so Mr. Pruhenski will ask to change the time of the meeting to 3:00 PM.

Mr. Pilson then turned the floor over to Mr. Pruhenski to explain the proposal. Mr. Pruhenski noted that the impetus for this agreement is the feeling that the two towns are stronger together looking for a candidate to fill the Administrator position than either one is alone and provided some examples from other local small towns. The two towns already work together in a number of ways and there are several additional ways they could work together to their mutual benefit. These are spelled out in the proposal.

Mr. Webber would like to retire in June/July of 2019, so an aggressive timeline would be required in order to move this forward, which is spelled out in Section 2. The process is much less complicated than originally anticipated and both Administrators have reached out to Mr. Smitty Pignatelli, the local State Representative, as the agreement would require legislative approval through a Special Act. That language is already written, and Mr. Pignatelli has assured both Administrators that he can fast-track this through the State process. After that Special Act is approved (and Mr. Pignatelli sees no reason why it would not be approved as the agreement is in the same language that won the Towns of Lee and Lenox their approval), an Inter-Municipal Agreement between Richmond and West Stockbridge will be needed. There is no Town Meeting vote required, although Lee did choose to take the question to their voters. Mr. Pilson stated for the record that it is important to note that both towns, under this proposal, will remain independent in every other aspect as has been the case in Lee and Lenox. In Section

1 there is a list of ways in which the two communities are already sharing many services, as well as a list of other potential areas that would benefit from sharing.

Hours and coverage: The intent was to keep the budget within the appropriated amount from each town and in Section 4 it shows that, collectively, the two towns will appropriate approximately \$205,600 for FY2020 under the current model of two administrators. Under the proposal, hours and salaries were back-filled to guarantee that it would not be necessary to exceed that anticipated appropriation. Mr. Pruhenski pointed out that this is not intended as a cost-saving measure but is intended to create a way for two small communities to attract and maintain qualified candidates.

Mr. Pilson added that he felt it would provide both towns the opportunity to look at other possible shared functions. Mr. Pruhenski cited the example of the recent situation for both towns of going through Marijuana zoning. Both towns paid an attorney for help with drafting and review of new bylaws. In the future, when both towns are being impacted by a new State law, they could take the opportunity to use one attorney and save quite a lot of money. Money could be saved through purchasing and sharing of employees, which would save on benefit packages as people leave. The Town could then create full-time employment for someone by utilizing the position part time in Richmond and part-time in West Stockbridge and split the benefits between the two towns.

Mr. Pilson suggested that Mr. Pruhenski discuss the budget after the transitional period, during which Mr. Webber would continue in place for up to six months. There is a separate budget for that. The long-range budget includes the Town Administrator potential salary and Assistant Town Administrator potential salary, the cost of two health-care packages and expenses including trainings, cell phones, mileage, etc. That total is \$202,000, which is just slightly under the \$205,000 anticipated to be spent between the two towns for Administration.

Mr. Pilson pointed out that the proposed shared Town Administrator salary would be \$115,000, which would make the two towns very competitive within Berkshire County in terms of being able to offer a higher salary to a well-qualified Town Administrator. This makes the package considerably more attractive for our Town Administrator. Mr. Bernie Fallon, Mr. Mark Webber, Mr. Mark Pruhenski and Mr. Pilson all agreed that they are not required to post or put this position out for competitive interviews. They agreed that they can make the decision to ask Mr. Pruhenski to stay on in Richmond and are aware that the Town of West Stockbridge would welcome Mr. Pruhenski in this role.

A discussion ensued that carefully looked at all the ramifications of the proposal, including expenses and how the sharing of hours would work out. Mr. Hanson suggested that it would be wise to advertise for the position of an Assistant Town Administrator as soon as the proposal is

accepted. He was advised that, since Mr. Webber plans to stay on until June or July of this year, it would be too premature to advertise the position now.

Mr. Pilson pointed out that, under this agreement, Richmond would have more hours of Mr. Pruhenski's time than West Stockbridge would. Richmond would have 25 hours of Mr. Pruhenski's time and West Stockbridge would have 15. The Assistant would be dividing a 25-hour week at the rate of 10 hours in Richmond and 15 hours in West Stockbridge. Mr. Pruhenski added that it is his belief that the success or failure of this venture rests on the quality of the Assistant Town Administrator that will be hired. Mr. Manzolini expressed his only concern about the proposal; how the responsibility for budget preparation would be divided between the two towns. His suggestion was that the Administrator take the lead for one of the towns and the Assistant take the lead for the other. He did not believe one person would be able to take the lead for both towns.

Mr. Hanson suggested that both Town Administrators do the interviews of potential candidates and then make a combined recommendation to the two Town Boards. He felt they were better able to judge the qualities of the applicants. Mr. Manzolini assured Mr. Hanson that it was exactly that plan in place for interviews, but that those interviews would not occur before June or July of 2019.

Mr. Pruhenski expanded on the additional benefits of the Assistant Administrator position; having an Assistant provides coverage for sick time or vacation time for each of them and it creates a prime candidate for the future in case Mr. Pruhenski should retire, creating a built-in succession plan.

Mr. Pilson noted that the only decision remaining for the Board is whether they are sufficiently supportive of the plan to set a date for the joint meeting with the West Stockbridge Board. All members of the Board agreed that they wished to move forward. Mr. Pilson suggested presenting this plan to the Finance Committee to determine what the financial impact may be for Richmond so that the townspeople could be assured that this plan works for the Town and will not create a financial burden.

Both Mr. Pruhenski and Mr. Pilson emphasized that the real benefit to both towns is no longer being in competition for the very few qualified candidates for Administrative positions. That competition has resulted in small towns having to substantially increase the salaries being offered in order to attract appropriate candidates for these positions. This shared role allows West Stockbridge and Richmond to make their salary offering competitive with the larger towns who are also seeking qualified candidates.

**Police Dept – Discussion: Appointing a Deputy Police Chief for Winter Coverage:** Mr. Pruhenski reported that he has contacted his fellow Administrators in Berkshire County,

requesting a Deputy Police Chief Job Description. He received no responses to that request, so he asked for a Job Description for a small-town Police Chief as a starting point. He did receive one from Clarksburg, which is comparable in size to Richmond, one from Blandford and one from Otis, both of which are also comparable in size. Those provide something to work with and in preparing the FY'20 budget with Mr. Paul Lisi, the Town Collector, the Police Chief's salary was reduced slightly and a salary for a Deputy Police Chief was included. That prepares the way for that position to be filled.

Mr. Pilson summarized the discussion: Members of the Board agree that a Job Description should be created for a Deputy Police Chief and a short list of potential candidates for that position be created from residents of Richmond or nearby. Since this will be an Administrative Deputy Police Chief, it will not require police training or previous service or any sworn officer duties.

Mr. Pruhenski will create an Administrative Police Chief Job Description and an Administrative Deputy Police Chief Job Description for the Board's approval at the next meeting.

**Appointment to the Cable Advisory Cte. – Jill Pompei, RCS Principal:** Mr. Pruhenski met with Ms. Pompei to ask if she would consider serving on this Committee as the representative for the Richmond School. Ms. Pompei was willing to serve.

Mr. Manzolini moved that Ms. Jill Pompei be appointed to the Cable Advisory Committee. The motion was seconded by Mr. Pilson and passed by unanimous vote.

**Town Clerk Request to Approve Change to Voting Machines:** Mr. Pruhenski explained that the statute requires that the Selectmen vote to discontinue using the old Accu-Vote machines and officially adopt the use of the new Image-Cast machines. The reason new machines were purchased was the inability to obtain parts for the Accu-Vote, which has been discontinued, and that the ones we have are ten years old. Having two units gives us a back-up unit in the event of a break-down. A second unit could be used exclusively for early voting, which is a requirement that did not exist ten years ago.

Mr. Hanson read into the minutes the motion prepared by the Town Clerk: "I make a motion to discontinue the use of the Accu-Vote voting machines in Richmond and to begin the use of the Image-Cast voting machines beginning at the next election and for all future elections." Mr. Pilson seconded that motion, which was carried by unanimous consent.

**Noise Bylaw Proposal – Continued Discussion:** Mr. Pruhenski updated the Board that the changes that were made at the last meeting were reviewed by Town Counsel and approved by her. The bylaw is now ready to be presented at the Town Meeting.

**Mail/Sign Warrants:** While the Board members were signing the warrants, Mr. Pruhenski went through the Town Administrator's Updates:

**Town Administrator Updates:**

Mr. Pruhenski noted that among the mail in front of the Selectmen is a photocopy of the new Richmond Town brochure, which has been revised to incorporate all the comments and concerns raised at the last meeting. Mr. Pruhenski consulted with Ms. Laura Brennan, who offered some additional suggestions that were also incorporated. Mr. Pruhenski asked for any additional feedback from the Board before they are printed, hopefully in time for the spring round of distribution with Berkshire Brochure.

School Playground – The job has been put out to bid for the third time (there was no response to the first two requests for bids). The bid request went out to 19 contractors, it was posted on the website and on the Town Hall Boards – the due date is March 1<sup>st</sup> and the deadline for completion listed as the end of April. The ideal week for work to be done would be during School Vacation Week (April 15<sup>th</sup>). Mr. Pruhenski still has four additional contractors to send the bid to, which he will do this week.

Photo Contest – As of this meeting there are thirty-three entries, which Mr. Pruhenski will place on the TV screen with no attribution so that the Board can choose the cover for this year's Annual Report from among those entries.

Phone Book – The Board has been asking about having the phone company produce a Richmond Phone Book. Mr. Pruhenski has had no luck with Magna Five, so he contacted our representative at Richmond Telephone and asked for his help. He was able to reach someone in their Marketing Department and the good news is that they are in the process of putting the data together and printing a phone book for us. They did not give us a timeline but assured us that it is in the works.

Local Option Tax regarding Air B&B short-term rentals. The State has passed a law that permits the Town to collect a 6% room tax, but since the Town already collects both a food and room tax under general bylaws, there is no need to do anything further. The Town will receive some additional lodging revenues once the B&B's are registered with the State.

Department Head Staff Meetings: Mr. Pruhenski reported that he met earlier that day with both Department Heads and Staff and intends to continue to use that opportunity to improve communication and iron out any administrative issues that arise.

Ambulance Update: Mr. Pruhenski noted that there are now seven new EMT's on board and another one waiting to take the second test. So far this month, there have been nine calls and seven have been responded to and transported. This represents a huge turnaround, which Mr.

Pruhenski acknowledged in correspondence with Mr. Steve Traver, the Fire Chief and Mr. Brian Andrews. Mr. Pruhenski also updated Mark Webber, Town Administrator in West Stockbridge, to advise him of the progress being made.

Mr. Pilson reminded the Board of a request made years ago to consider the purchase of a new ambulance. That request was deferred because of the concerns about the response rate of our EMT's at the time. A line item for the ambulance has been included in the FY'20 budget.

Mr. Pruhenski reminded the Board that the Town had applied through Mass. DOT for a grant to deal with the double culvert on Dublin Road and advised that the grant has been approved. Mr. Manzolini asked that Mr. Jerry Coppola's efforts to make this happen prior to his retirement be acknowledge with a letter of thanks. Mr. Peter Beckwith will follow up with the project.

Updated Annual Operating Calendar – Mr. Pruhenski distributed copies to each of the Board members. The only change is the addition of the landfill inspection. Mr. Manzolini was very glad to see an operating calendar created and being used. Mr. Hanson noted that the report of the Fence Viewers was not submitted for inclusion in the Annual Report. Mr. Manzolini will create that report and submit it.

Solar Bylaw – Mr. Pruhenski distributed copies of the Solar Bylaw that is being composed concerning the installation of solar technology for individual homeowners. It covers such items as screening to keep property lines clear from a neighbor's view.

Public Hearing for the Planning Board – with two issues: the solar array bylaw and the change of the permit-granting authority for barns, etc.

Mr. Pruhenski passed around a Permit Application for the Levy property (Camp Marion White). The application, prepared by S. K. Design, is for three docks and a bridge. Mr. Pruhenski has acknowledged receipt of the application and the Building Inspector has signed it, acknowledging that there are no zoning issues, but there is a public process required. Abutters will be notified, etc.

**Sewer Matters:** There were no issues to be brought before the Board.

**Selectmen's Matters:** There was agreement among the Board members and Mr. Pruhenski that the Highway Department has done an excellent job of snow removal this year and that Mr. Beckwith's leadership has created a newly cohesive team.

The excessive salting issue was explained to Mr. Pruhenski by Mr. Beckwith – the machine that does the salting does not have the capacity to increase or decrease the amount of salt laid down. It is not a machine error or an operator error.



Mr. Manzolini reported that he has finalized his travel plans and he will be in Richmond all winter. He plans to be away from April 22<sup>nd</sup> through mid-May. Mr. Pilson had no travel plans during that time period nor does Mr. Hanson, so there should be no problem with having quorums available for meetings.

Mr. Manzolini asked about the Library/Town Hall building project. He noted that it may involve private development on Town land and suggested the need for a process. How does the Town go from a notional concept to an RFP that's structured to do what the Town needs to be done? There will be a need for some legal guidance to put the concept into an RFP. Fortunately, the 2020 budget for Legal Assistance has been increased by about \$12,000 as it was anticipated that there would be an increased need. The Building Committee is also going to want the land and the spaces within the buildings specifically allocated. Mr. Pruhenski noted that he intends to attend the next meeting of the Municipal Building Committee (next Tuesday at 5:30 PM) and he will bring up that issue at that time.

Mr. Pruhenski spoke to the specifications that will be built into the RFP when it goes out to bid including the existence of a vault within the Town Hall. Mr. Pruhenski has had some experience with this issue in his position as Town Administrator for the Town of Whately and he will look into it.

**Next Meeting Dates: March 13, 2019:** Mr. Pilson noted Mr. Pruhenski's note asking if a meeting on March 6<sup>th</sup> was necessary. Mr. Pruhenski said he had nothing urgent that could not wait until the 13<sup>th</sup> of March. Mr. Pilson noted that a Budget Advisory Committee meeting was scheduled at 10:30 AM and a 3:30 PM School Negotiating Committee meeting on March 6<sup>th</sup>. The March 13<sup>th</sup> date for the next Selectmen's meeting was approved by the members.

The next regularly scheduled Board of Selectmen meeting would be March 27<sup>th</sup> and all members were available at that time as well.

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 was adopted by unanimous vote.

The meeting was adjourned at 8:06 PM.

Signed:

Mr. Neal Pilson, Chair  
