

BOARD OF SELECTMEN/SEWER COMMISSIONERS MEETING

(Continued Public Hearing)

APPROVED

Wednesday April 24, 2019 – 6:00 PM – Richmond Town Hall, 1529 State Road

PRESENT: Mr. Neal Pilson, Chair; Mr. Alan Hanson, Selectman; Mr. Roger Manzolini, Selectman (by conference call); Mr. Mark Pruhenski, Town Administrator

ABSENT:

GUESTS: Mr. Tom Grizey, Wiring Inspector; Mr. Peter Beckwith, Highway Superintendent; Ms. Beth Goodman, Town Counsel; Mr. Jeff Cook, Attorney for the Rich Family; Mr. Craig Swinson

Mr. Pilson opened the meeting at 6:00 PM and began with the continuation of the public hearing initiated on April 10th on a Special Permit application for Primadonna LLC/Balderdash Cellars. Mr. Pilson opened the meeting for public comments and observations on the application.

Mr. Pilson recalled that at the close of the last meeting, several issues remained unresolved and it was suggested at that time that the applicant and the immediate abutting landowner, Mrs. Rich and her representatives, discuss the issues relating to the area on the south side of the property, currently being used as a parking lot. Mr. Pilson noted that the Board received a letter from the counsel for the Rich family which will be attached to the record.

Mr. Cook noted that the issues have been discussed between the Rich Family and the applicant, but no final agreement has been reached at this point. Mr. Pilson felt that, for the sake of moving forward so that the applicant can begin to make his plans for the summer season, some of the remaining issues could be dealt with at this meeting. He also requested that the Rich family make every effort to reach an agreement because, were it necessary to continue the hearing into the next scheduled meeting on May 8th, that would be the final meeting on this issue and a decision would be made at that time.

Mr. Christian Hanson, the applicant, asked if a resolution outside of this meeting could be formed and submitted to the Board for approval as some of the issues involved are between two parties and not a broader audience. Ms. Goodman agreed that it would be correct to continue in that way. Mr. Hanson noted that he has prepared an amendment to the application which he has discussed with his neighbors and has achieved a general agreement on the principals.

Mr. C. Hanson proceeded to go over the issues in his revised application to indicate the changes made. Some discussion and comments by Ms. Goodman ensued on the language of specific requests. Ms. Goodman suggested that the various kinds of events not be broken out into categories. The Special Permit will outline what the winery is able to do during certain days at certain hours, regardless of what kind of event, so long as it meets the criteria in the permit.

Mr. Pilson then turned the meeting over to the people in attendance for comments. There was an objection made to the special permit process in total as being against the concept of encouraging new businesses in Richmond.

Ariel Fabiano, resident of Richmond and a winemaker at Balderdash Cellars, attempted to clarify with Town Counsel the definition of Section A as a "by-right" use vs. requiring a special permit. Her understanding was that anything taking place inside the winery is a by-right use and her question was whether the patio area was included in that by-right use. She felt that the by-right definition applies because 100% of the wine sold on the property is produced on the property, using grapes grown in California.

Mr. Pilson then turned the discussion to the hours being requested for events: Changes to Item B from the initial application included the hours, originally 6:00 AM to 11:00 PM, now being requested as 12:00 Noon to 11:00 PM. That issue was discussed, particularly in regard to noise levels. Mr. C. Hanson noted that at a recent such event the level of noise heard at the abutting property was registered low on the decibel level throughout the day. That would be the level of noise anticipated for Category B events.

Item C on the revised application included private events for about 100 – 175 people (i.e. weddings, corporate events) in a tent outside the winery off the patio, which would include amplified music. These events would most likely occur on Fridays to Sundays. They would be ended by 11:00 PM, with severe limitations to the noise levels after 10:00 PM. In response to a question from the floor, Ms. Goodman responded that in the event of a violation the Zoning Enforcement Officer could issue a Stop Order in violation of the Special Permit. As to the dollar amount of the fine included in the bylaw, Mr. Pilson offered to look it up and report back.

Mr. Ken Kelly, Richmond Pond Association President, addressed the issue in Category B and C relative to music volume, which is to be significantly restricted after 10:00 PM. Mr. Kelly advised the Board that, although the Richmond Pond Association had requested that the end time on Sunday through Thursday nights be lowered to 9:00 PM, they would be amenable to the music volume being restricted after 9:00 PM as a compromise. Mr. C. Hanson agreed that their intent was always to reduce the volume in stages throughout the evening and to direct the speakers to the West of the Pond and perhaps provide a sound curtain behind the music to moderate the noise coming over the Pond.

Ms. Goodman asked whether the setback minimum of 100 feet was being met. Mr. C. Hanson replied that it is. As part of the Special Permit application, the Board could specify a larger setback than the minimum 100 feet if that proved to be inadequate.

The issue of parking was discussed. Mr. Cook outlined the position of the Rich family as follows: They want the sound level of music at the property line to be at or below 60 decibels and they do not want the parking to be located in the lot on the south side of the property, which is adjacent to their property line.

Category D of the amended application deals with up to five “public” events (i.e. celebrations, large outdoor dinners, start / end point for races, Easter Egg Hunt, etc.) from 7:00 AM to 11:00 AM and 6:00 PM to 10:00 PM. Mr. Pilson asked for comments from the attendees.

Mr. Ken Kelly reiterated the stand of the Richmond Pond Association that the 6:00 AM to 9:00 AM be eliminated from the allowable parameters. He also noted that 7:00 AM to 11:00 AM are outside the times allowed within the zoning bylaws for amplified music. Mr. C. Hanson noted those hours were not intended to include amplified music but were for a road race start.

Mr. Pilson asked Mr. C. Hanson how he would react to a suggestion to leave public events to be dealt with individually with a Special Event Permit and not be included in the Farm Function application in question here. Mr. C. Hanson was amenable to that consideration and Category D was removed from discussion.

Category E of the amended application is about an Annual Event. Mr. Pilson suggested to Mr. C. Hanson that those types of events also be subject to individual Special Events Permits. Mr. C. Hanson agreed with that suggestion.

Ms. Goodman summed up the above discussion as follows: Balderdash Cellars is seeking a Special Events Permit to allow them to hold private events with less than 100 people between 12:00 Noon and 11:00 PM any day of the week with music restricted after 10:00 PM; Private events with up to 175 people limited to Friday-Saturday-Sunday between 6:00 AM and 11:00 PM (with the amendment from the Richmond Pond Association to turn the music down after 9:00 PM Sundays through Thursday). There was agreement that the speakers will be turned away from the Pond.

Mr. C. Hanson asked to consider the duration of the Permit. He would like to see a rolling three-year basis, which would provide them with adequate time to plan ahead. It was Mr. C. Hanson’s hope that at the end of the first year of the permit a review of the events that year would be made to determine if the conditions in the permit were adequate as they stood or needed amendment after which the Permit would be extended for an additional year.

Mr. Pilson countered with a suggestion to do a one-year permit at first and then look at a possible two or three-year rolling permit. There was a discussion of ways to both protect the neighborhood and allow Balderdash Cellars adequate time to plan for events. Ms. Goodman had a discussion with the Rich’s counsel about their position on the issues.

Mr. Pilson agreed to extend the Public Hearing to one more session, which would give the Board the opportunity to look at a draft of a final application. He stated that the next meeting will be final – a decision will be made and voted on by the Board. He reminded everyone that the appeal process will still be in place for anyone not satisfied with the resulting approved permit.

Mr. Alan Hanson moved to continue the Public Hearing on May 8, 2019 at 7:00 PM. The motion was seconded by Mr. Manzolini and passed by unanimous vote. Mr. Manzolini ended his call.

Gravel Road Update: Mr. Peter Beckwith, Highway Superintendent came before the Board to answer any questions and update them on the status of the repairs. Mr. Pilson noted that he has been driving the gravel roads and found himself impressed with the improvement in their condition.

Mr. Beckwith explained the processes he has been using to make the repairs. There are 20 miles of gravel roads in Richmond and in a year when everything was disturbed all at once by unusually bad weather, there is not adequate manpower to address it all. He asked whether the Town would be willing to reduce some of the gravel road mileage over time. There was a discussion of the extra cost of maintaining a gravel road as opposed to the initial expense of asphalt and the culture in Richmond that prefers its "country" ambiance. Mr. Beckwith provided some estimates on creating a newer type of gravel road that would still have the "country" appearance but is a harder surface. There was a discussion of some of the roads that were particularly impacted this winter and where this new system would most likely be acceptable. Mr. Pilson suggested posting a notice in the *Richmond Record* that would explain the options available for changing the roads to a more workable surface. Mr. Beckwith will do the research necessary to determine where the need is greatest. Mr. Pilson suggested that the town seek a consensus of the residents on changing some of the gravel roads.

Town Administrator Search Committee – Appointments and Update on Process: Mr. Pilson reconnected Mr. Manzolini to the meeting via conference call.

Mr. Pruhenski read off the list of people who have expressed an interest in serving on the Committee: Mr. Peter Cohen, Mr. Bill Martin, Mr. Dewey Wyatt, Ms. Polly Mann, Ms. Claudia Ryan, and Mr. Paul Lisi, Mr. Pilson added the name of Mr. John Mason and Mr. Manzolini added Ms. Jen Morris. Mr. Pilson reminded the group that the last time a search was done, the Committee consisted of seven people, which included two town employees.

The following people were approved for appointment to the Search Committee: Mr. John Mason; Mr. Peter Cohen; Mr. Dewey Wyatt; Mr. Bill Martin; Ms. Claudia Ryan; Ms. Jen Morris; Ms. Polly Mann. Mr. Alan Hanson moved that those people be appointed to the Town Administrator Search Committee. The motion was seconded by Mr. Manzolini and adopted by unanimous consent.

Mr. Pruhenski advised that, as of the date of this meeting, there are thirteen applicants for the position of Town Administrator. Mr. Pruhenski reported that he had reached out to Mr. Bob Markel, an Interim Administrator who has served in Becket recently and is currently ending his service in the Towns of Buckland and Shelbourne Falls. He has expressed an interest in the position of Interim Administrator, which would afford the Board the option to slow down the process and remove the need to rush to a decision. The Board members agreed to contact Mr. Markel and invite him to attend a special meeting to discuss the possibilities.

Mr. Manzolini ended his phone connection to the meeting.

Approval of the Minutes of April 5, 2019 and April 10, 2019: Mr. Alan Hanson moved to accept the minutes as revised with comments from Mr. Pilson and Mr. Hanson. The motion was seconded by Mr. Pilson and passed by unanimous vote of the remaining two selectmen.

Berkshire Brochure Contract for Summer 2019: Mr. Pruhenski reminded the Selectmen that at a previous meeting they had approved up to \$1,000. for brochure distribution. He submitted a contract from Berkshire Brochure for \$720.00 to distribute the 8,000 brochures the Town has provided to them. The distribution dates would be April 29th for the month of May; June 3rd for the month of June and two distributions in July, the busiest summer month.

Mr. Hanson moved to give Mr. Pruhenski authority to sign the contract with Berkshire Brochure for \$720.00. The motion was seconded by Mr. Pilson and adopted by unanimous consent.

Veteran's Services Contract Renewal with City of Pittsfield: Mr. Pruhenski asked that the issue be tabled as he has not yet received the final version from the City of Pittsfield.

Town Administrator – Remaining Vacation/Personal Time: Mr. Pruhenski wished to discuss the remaining four weeks of accrued vacation time, a week of personal time, three and one-half weeks of compensation time and six weeks of sick time. He will not receive a payout for the unused sick time, he will as a matter of contract, receive a payout for the vacation time, but he asked the Board to approve his use of one week of the paid personal time remaining in exchange for not using the remaining two and one-half weeks. Mr. Hanson moved to allow Mr. Pruhenski to use one week of his paid personal time. Mr. Pilson seconded the motion, which was adopted by unanimous vote.

Mail / Sign Warrants: Warrants were signed as appropriate.

Sewer Matters: There were no matters to bring before the Board.

Town Administrator Updates: Mr. Pruhenski advised the Board that he conducted an Exit Interview with Mr. Tyler Kern, former Highway employee, that was quite worthwhile and provided some very good feedback.

Status of the open position in the Highway Department. Mr. Beckwith conducted four interviews and has narrowed the field to one. He will be making an offer to that person.

The Fishing Dock got put into the water, so the boating dock is all set. The kayak launch has not been put in the water yet as it is too early. Mr. Pilson asked if the Town could provide a secure location for kayaks to be stored at the Pond. Mr. Pilson was advised that, because the Town owns that property, opening the use of it to some individuals creates the necessity to open the use of that property to everyone in town.

The phone book draft is almost completed, and it should be available for review at the next meeting. Mr. Pruhenski will ask the printer if it will be possible for the phone books to be available in time for the Annual Town Meeting in May. It was decided that the phone book will be added to the Town Website.

Selectmen's Matters: No matters were discussed.

Next Meeting: May 8, 2019 at 7:00 PM and May 22, 2019: Mr. Pruhenski noted that May 22nd is the week that Mr. Pruhenski will be away and so will Mr. Manzolini. It was decided to move the second meeting to May 30th at 6:00 PM.

There was a discussion of the status of details for the Memorial Day Parade that Mr. Pruhenski is working on.

Unanticipated Items: Mr. Pruhenski advised the Board that he has received a Permit request from the Pioneer Valley Bass Assn. to use the Richmond Pond on June 2, 2019 – 18 vehicles, 18 boats from 6:30 AM to 3:00 PM. Mr. Hanson moved to approve the requested permit, conditional on there not being a conflict with another, previously issued permit. Mr. Pilson seconded the motion, which was carried by unanimous consent.

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

The meeting was adjourned at 8:10 PM.

Signed:

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

Mr. Neal Pilson

Chair