

APPROVED

BOARD OF SELECTMEN / SEWER COMMISSIONERS

Wednesday, April 25, 2018, 6:00 PM - Richmond Town Hall, 1529 State Road

PRESENT: Mr. Neal Pilson/Selectman; Mr. Alan Hanson/Chair; Mr. Roger Manzolini/Selectman; Mr. Mark Pruhenski/Town Administrator

GUEST: John Hamilton, (Resident); Terry Hamilton, (Resident); Sean Wilson (Resident). Other residents of View Drive were present, but not readable by the recorder.

Mr. Hanson called the meeting to order at 6:00 PM. The first item of business was for the Board to identify themselves, and for the guests in the audience to introduce themselves.

Short-Term Rental Bylaw – Discussion: Mr. Hamilton identified himself as the spokesman for the group and provided a handout for the Board, which was distributed. Mr. Hamilton noted that they were attending this evening's meeting at the recommendation of Mr. Neal Pilson and that their intent was to discuss their concern that the new bylaw would not solve their problem. He described the situation as a "Public Nuisance", which he defined in legal terms. He cited as an example the fact that, although the Hamilton's had been assessed additional taxes when they built their pagoda, they are unable to use it due to the excessive noise that occurs next door. He offered to provide recordings that he has made from his property of the noise coming from the house next door at 10:00 at night. Attempts at conversation with the owner, asking him to limit the number of people staying at that house, resulted in no satisfaction. Another attempt to ask the people staying at the house to reduce the level of the music was met with hostility and no compliance. The irony of the situation is that Mr. and Mrs. Hamilton moved to Richmond after much consideration because they expected to have peace and quiet here. Mr. Hamilton is asking the Board to find the owner in violation of 4.7 as a Public Nuisance.

Mr. Manzolini asked whether the photographs provided in the handout were generic or actual photos of the property in question. He was advised as to which were actual local photos and which were stock photos.

A resident on the other side of the house in question testified that she has two small children whose safety she is concerned about due to the inattentive and fast driving that occurs along their road while people are looking for the Air B&B. In summer they cannot leave their windows open in the evening because of the loud partying going on until 1:00 AM. The water pressure provided to the neighborhood is not sufficient to accommodate the extra 26 or so people who congregate on that property, which creates a loss of water pressure in the neighboring houses. Altogether, the situation poses a feeling of being unsafe and uncomfortable.

There was some further conversation about the situation, and Mr. Pilson asked the complainants to begin to compile as complete a record as possible of the number of cars

parked in the area, and to keep a diary of the dates, times and details of the excessive noise coming from the house to help insure a successful solution to the problem.

Mr. Pilson asked Mr. Pruhenski if the Board could ask the Zoning Enforcement Officer to go to the location on a weekend to document whether there is excessive noise emanating from that property or not. Mr. Pruhenski noted that the Zoning Enforcement Officer's cell phone number is listed on the town's website. He cautioned, however, that the ZEO lives in Great Barrington and it would be unfair to have him drive out to Richmond late at night only to arrive at an empty building, suggesting that he only be called when there was a problem.

Mr. Pilson reported on what he learned at the last Planning Board meeting. Mr. John Hanson, who is chairing the investigation into this situation, advised that there could be problems with a property that was in use prior to zoning regulations prohibiting it. Zoning regulations are future-oriented and pre-existing properties are "grandfathered in." However, there is always a remedy available within the Zoning laws that is identified as paragraph 4.7, the determination of a Public Nuisance. Grandfathering requires a pre-existing lawful use.

Mr. Manzolini raised the possibility of the property being non-compliant with code, if they did not install a large enough septic system to account for 26 beds. That question needs to be looked at.

Mr. Pilson said that he believes the Board needs to take whatever steps they can to address and resolve the situation. He offered to be a personal witness to the noise problem if one of the abutters would call him when it occurs. It was suggested that the State Police be called every time the noise level creates a nuisance and to report the license plate numbers of cars that seem to be acting in a suspicious manner. There is also the issue of the property in question illegally using the private water system to fill the pool, rather than hiring a water truck. That provides an opportunity for the neighborhood to bring action against the owner of the property for violation of the use of the water system. A complaint on that basis would generate a more extensive investigation. The group of complainants will send a letter to the Building Inspector, with as many signatures as possible. Mr. Hamilton thanked the Board for providing this opportunity for a fair hearing.

Approval of Minutes of the April 11, 2018 Meeting: The minutes reflect comments from both Mr. Pilson and Mr. Manzolini. Mr. Hanson moved that the minutes be approved as amended. He was seconded by Mr. Pilson and the motion carried by unanimous approval.

Cable Advisory Committee Appointments: Mr. Pruhenski recalled that at the last meeting it was decided to create a Cable Advisory Committee for the upcoming 2021 contract. The Committee was advertised in the weekly e-newsletter and on the Town's Facebook page. Two candidates responded, Mr. Sean Wilson and Mr. David Wyatt. Mr. Tom Grizey and Mr. Neal Pilson had also expressed interest in serving on that committee. Mr. Manzolini expressed his approval of the four candidates proposed to create the committee. Mr. Pruhenski suggested

leaving the ad up in hopes of finding a fifth person, just in case a tie-breaker vote was ever necessary.

Mr. Manzolini then moved to appoint Mr. Tom Grizey, Mr. Neal Pilson, Mr. Sean Wilson and Mr. David Wyatt to the newly-formed Cable Advisory Committee. The motion was seconded and approved by unanimous vote.

Mr. Pruhenski will follow up with appointment letters.

Rebates-Abatements for Signatures: Mr. Pruhenski distributed the documents and the Board signed them as requested.

Annual CAI – Assessors’ Contract for Signatures: Mr. Pruhenski advised that the contract for the software used by the Assessors for on-line property and tax information linked to the Town’s website was due for renewal and required the Boards’ signatures. The funds for this renewal had been budgeted in the Assessor’s Budget. Mr. Manzolini moved that the contract be approved for renewal. He was seconded by Mr. Pilson and the motion was carried by unanimous vote.

Town Administrator Updates:

Memorial Day Parade: The Parade Committee has met once and is scheduled to meet again; the wreath is on order and Mr. Pruhenski will be picking it up on Friday May 25th.

The Annual Town Meeting Warrant Explanation: Mr. Pruhenski distributed copies of the explanations packet to the Board.

Town Report: Mr. Pruhenski noted that he reviewed the final proof that morning and submitted a short list of edits. Once those are completed, it will go to the printer. He advised that he had been able to include the Annual Town Meeting Warrant and Explanations in the Report. The printed books should be arriving in the next couple of weeks – in plenty of time for the Annual Town Meeting. In response to a question from Mr. Pilson regarding the Planning Board short-term rental bylaw, Mr. Pruhenski explained that the Planning Board should have had their public meeting a long time ago. He said he had spoken to the Planning Board Chair to advise him that, given the lateness of their meeting, it would not be possible to include any changes to the bylaws in this Annual Report and if there are any changes arising from their Public Hearing/Meeting, they will have to be approved on the floor at the time of the Annual Town Meeting. He was assured that the Planning Board members were aware of the situation and would be prepared to do that.

Marketing Update: Mr. Pruhenski reported that he had spoken with Laura Brennan to see what the status of our marketing effort was. She is working from out of town. She has the flash drives that have been uploaded with the video and is now working on a single-page introduction to the school and one to the Town, which are intended to be included in the Realtors’ Information Packets. She will forward those documents to Mr. Pruhenski so that the school can review their

introduction and the Selectboard can look over the one for the town. Mr. Pruhenski also distributed a sample of the envelope for the flash drive that will be sent to Realtors.

Richmond Pond Notice of Intent: Mr. Pruhenski was notified about a month ago that the Town's five-year NOI would expire on May 14th. Mr. Pruhenski reminded the Board that at the last meeting they had signed the contract with Solitude to do the permitting application and submit it to the Conservation Commission. That has been done and the hearing for that Notice of Intent will be on May 8th at the regular Conservation Commission meeting. Legal notice has been posted and notifications have been mailed Certified Mail, Return Receipt Requested, to every abutter within 100 feet of the Pond. Assuming all goes well and is approved, the Town will be requesting another five-year permit.

The New Town Website: Mr. Pruhenski said he has one final conference call scheduled with the website company, Revize, Friday morning. He has given them the last remaining pieces to be done. Anything not done by Friday morning will be done during that phone conversation. After that, the site will be ready to go live.

A discussion followed of Mr. Pruhenski's experience dealing with Revize and whether there was a record of the number of requests for change and the response rate. Mr. Pruhenski noted that each request he submitted created a "ticket" that shows the date it was opened and when it was successfully completed. He can access that record.

Green Communities: Mr. Pruhenski has had a company come to Town Hall to measure the windows for blinds and provide a proposal. That proposal was included in an application to Green Communities. The application was not approved; but was returned with the suggestion that we not use the remaining money for blinds, but for an energy audit for the school. There had previously been an energy audit done at the school, which Mr. Pruhenski will locate.

Mr. Pruhenski said that he plans to file for an extension of the grant so that the town does not lose the funding in May, which would otherwise be the case. After the Town Meeting, he will meet with the Board to re-assess what better use those funds could be put to.

Selectmen's Matters: Mr. Neal Pilson talked about a trip he booked to Scotland eight months ago from May 14th through May 24th. He was unaware at that time that he would miss the Annual Town Meeting on May 16th and the preparations for the Memorial Day Parade, for which he apologized. He asked whether the second May Board meeting could be moved from May 23rd to May 30th so that he could attend. That change was made.

Mr. Pilson also noted that he will be unable to attend the Annual Town Meeting. In addition, while he will be here for the next two meetings of the Parade Committee, he would suggest that the Committee meet again during the days he will be away. He asked that one of the other members of the Board attend that meeting, which they both agreed to do.

On the subject of the Planning Board, Mr. Pilson reiterated a suggestion he has made to devise an approved Zoning Code Plan for Marijuana distribution through retail stores, dispensaries or

the growing of marijuana. It was Mr. Pilson's understanding that the Town needs to have something in place by the end of the year. Mr. Pruhenski replied that he has reminded the Planning Board and Mr. John Vittori, the Chair of that Board, about a month ago of the need to have this in place by the end of the year. He will remind him again.

Mr. Manzolini said he would like to get the language used by another town who created a complete ban on marijuana in their town. Although Richmond is on record as having voted in favor of legalizing marijuana, Mr. Manzolini would like to have the Chair of the Planning Board aware of how a complete ban was accomplished. Mr. Pilson wondered whether the Town can regulate the growing of marijuana as a commercial venture in light-industry zones.

There was a discussion of several potential problems arising from the new laws. Mr. Pilson also noted that in his reading of the news lately he sees the possibility that sports gambling may also become legal. That might result in some of the same conversations that the legalization of marijuana has provoked.

Mr. Pilson asked whether he had heard correctly that Mr. Gardner will not be present next week at the dangerous dog hearing. Mr. Pruhenski said he had heard that only as a rumor and has no confirmation either way. Mr. Gardner had requested a date change (in April) from Mr. Pruhenski, who, working within the availability of the Board and the room, changed the date of the hearing to May. Notices of that change have been sent out. Despite the rumor, plans are to proceed with the hearing on May 9th.

Mr. Manzolini showed the Board that he had the photo of Ms. Jackie Rawson framed. A decision was made as to an appropriate spot to hang the photo. Mr. Pilson suggested that a brass plaque be made with Ms. Rawson's name and title as Selectman and the dates of her service.

Mr. Manzolini said that when they went to the Berkshire County Selectmen's Association Dinner he received a gift from the Town of Peru. The Peru Selectmen had included their business cards which contained the seal of the Town of Peru. Mr. Manzolini wondered if the Richmond Selectmen should have similar business cards made. Mr. Pruhenski asked that he be advised if they decide to go ahead with that and he will arrange for them to be printed.

Mr. Manzolini asked if the Board was prepared for the Dangerous Dog Hearing. He was assured that they were and that the change of date was successfully completed, and everyone advised. Mr. Hanson asked for clarification of his role in the hearing and Mr. Pruhenski suggested that he open the meeting as Chair of the Selectboard and then ask Mr. Pruhenski to read his report as the appointed investigator. There was a discussion as to whether the Board would decide the solution to the situation at that meeting or just hear the case and continue the Public Hearing on another day.

There are several options available. Mr. Pilson asked whether it was necessary to get a court stenographer for this Hearing. Mr. Pruhenski has been trying to get an opinion from the town's

counsel; but has had no response from her. Mr. Pruhenski will call her again. Mr. Pruhenski will send a copy of his report and the documentation to the Board in advance so that they are not reading it for the first time at the hearing.

Mr. Pilson suggested that an additional hearing date be set for the following evening – May 10th. Mr. Pruhenski will post the additional meeting on May 10th.

Mr. Hanson noted that the Pittsfield City Council is deliberating on the \$74 million mandatory upgrade to their sewer system. He asked whether any evidence has been found to prove that Richmond originally bought into the infrastructure. Mr. Pruhenski reported that Mr. Matt Kerwood, former Richmond Town Administrator, had requested a meeting with all the towns involved in the use of the sewer system. However, in their previous meeting, the City Council did not approve the funding for the sewer system and Mr. Kerwood will wait until such approval is forthcoming before setting a date for the various towns involved to meet. Mr. Pruhenski had distributed copies of the agreement with Pittsfield in which Richmond paid them \$450,000 as a connection fee. Mr. Manzolini remembered that the \$450,000 fee was to cover future upgrades. Mr. Pruhenski will re-distribute the agreement by email.

Mr. Hanson raised the issue of the local Richmond phone book. Now that the company has moved out of town, he wondered if it would ever be done. Mr. Pruhenski had been asked to suggest a printer by the phone company for a local Richmond phone book, which he did. That was some time ago and Mr. Pruhenski will contact them again to ascertain the status of the project.

Sewer Matters: Mr. Tom Grizey asked about the possibility of the Town purchasing replacements for the main pumps in the event that the current ones wear out. It was suggested that a quote be obtained, and the lead-time required to take delivery. Mr. Grizey will do that research.

Mr. Grizey also advised the Board that the fence at the boat ramp is going to need some repair work again. Mr. Pruhenski asked that Mr. Grizey let him know and he will have the DPW look into it.

Next Board of Selectmen's Meeting: Wednesday, May 9, 2018 in regular session at 5:00 PM – Dangerous Dog Hearing at 7:00 PM.

Unanticipated Items: Mr. Pruhenski advised the Board that he received the Solitude Lake Management contract from the Town's attorney two hours ago. Theirs was the winning bid for weed treatment at the Pond. The contract in total is for \$7,560, as well as a \$1,200 fee for filing of permits, etc. This is below last year's cost. Mr. Pruhenski requested that the Board vote to authorize him to sign the contract on behalf of the Town. Mr. Manzolini so moved, Mr. Hanson seconded, and the motion was adopted by unanimous consent.

Mr. Pruhenski advised the Board that Mr. Peter Beckwith, the Highway Superintendent, made him aware that the Pittsfield Airfield will be closing for repaving of their runways. Maxymillian,

their contractor, will be hauling out 1500 to 1800 tons of materials per day from the West Stockbridge quarry Monday through Friday for two months. There will be 60 to 75 trucks per day on Swamp Road. Mr. Pruhenski and Mr. Beckwith's concern is that Swamp Road was just repaved this fall and that kind of traffic will destroy it. West Stockbridge is also concerned about their roads that will be similarly impacted. They will reach out to Representative Pignatelli and Senator Hines, which Mr. Pruhenski would also like to do, given the Board's permission. Mr. Beckwith had suggested that they use State Road, rather than the Town's road. However, once they arrive at Summit, they will likely take that road and destroy it. There was a discussion of the possible ways to proceed, including asking Maxymilian to post a bond against any damage done to Swamp Road. Mr. Manzolini noted that, in his experience, Maxymilian is a very responsible company, most likely they will repair any damage they create themselves. Mr. Pruhenski thought it prudent to also reach out to the Mayor of Pittsfield to express our concerns if needed. Mr. Beckwith had also mentioned his concern for the safety of his crew, who will be beginning their mowing and brush cutting details at the same time that this unusually heavy industrial truck traffic will be going on.

Mr. Pilson asked that the residents of Richmond be alerted to the situation via our e-newsletter. Mr. Manzolini suggested that Mr. Pruhenski contact Maxymilian to ask that Richmond be advised of the ongoing process as it changes and to raise the possibility with them of their posting a bond against damage to the roads from their trucks.

There being no further business before the Board, Mr. Hanson moved that the meeting be adjourned. He was seconded by Mr. Pilson and the motion was carried unanimously.

A handwritten signature in cursive script that reads "Alan B. Hanson". The signature is written in black ink and is positioned above a horizontal line.

Mr. Alan Hanson, Chairman