

BOARD OF SELECTMEN / SEWER COMMISSIONERS MEETING

Richmond Town Hall, 1529 State Road – Wednesday June 26, 2019 – 6:00 PM

PRESENT: Mr. Roger Manzolini, Chair; Mr. Neal Pilson, Mr. Alan Hanson; Mr. Robert Markel, Interim Town Administrator;

ABSENT:

GUEST: Mr. Clarence Fanto, Berkshire Eagle; Ms. Sarah Novak; Mr. Fran Malnati; Mr. Steve Traver, Richmond Fire Chief

Mr. Manzolini opened the meeting at 6:00 PM.

Appointments: Agricultural Commission and Cultural Council: Ms. Sarah Novak approached the Board to request appointment to the Cultural Council. She has been a Richmond resident since 1992 and would like to give back more than she has been able to until recently. She is interested in the Cultural Council because of her background in lighting and music and she would like to support the creative endeavors of the school by being part of the committee that helps decide where that money goes. Her background also includes writing non-fiction for children on historical subjects and she has been involved in publishing for several years, which has afforded her some expertise in literature. She has also been a Board member of the Berkshire Music School.

Mr. Pilson noted that he is constantly amazed at the level of expertise and talent of Richmond residents who appear before the Board offering their experience and abilities to the Town. Mr. Manzolini further attested to Ms. Novak's talent and noted she would be an asset to the Council. Mr. Hanson agreed that Ms. Novak will be a tremendous asset to the Council. Mr. Manzolini moved to approve Ms. Sarah Novak's appointment to the Cultural Council. Mr. Pilson seconded the motion, which was adopted by unanimous consent.

Mr. James Shoemaker – seeking appointment to the Agricultural Commission – was expected to arrive at the meeting later. Since there were some questions for Mr. Shoemaker, approval of his appointment was deferred until he arrived, at which time they would interview him.

Appointment: Alternate Delegate to the Berkshire Regional Planning Commission: There was a discussion of whether an alternate delegate had previously been appointed. Mr. Markel left to research the issue.

Town Clerk Position – Discussion: The current Richmond Town Clerk, Ms. Marie Ryan, submitted a proposal to the Board that, since she has accepted the position of Town Administrator in West Stockbridge, she was resigning as the Richmond Town Clerk and was suggesting that the Board consider appointing Ms. Angela Garrity, the current Accountant and Assistant Town Clerk for Richmond, to the position of Town Clerk and Town Accountant. Ms.

Ryan would function as Assistant Town Clerk as a back-up for Ms. Garrity. Mr. Manzolini was in favor of the proposal, as was Mr. Pilson. Mr. Hanson agreed that it is an excellent proposal.

Mr. Manzolini discussed the budget aspects of the proposal and Mr. Markel was able to confirm that the existing budget will cover the additional compensation to Ms. Garrity for the role of Town Clerk and would also have sufficient additional funds to provide a stipend for Ms. Ryan's position as Assistant Town Clerk. As this move is a promotion, there is no need for outside posting. Ms. Garrity will be invited to interview with the Board at their next scheduled meeting. Mr. Markel will set up an Executive Session. Mr. Manzolini moved that the Board proceed with the proposal to appoint Ms. Garrity to the position of Town Clerk and have a discussion with Ms. Garrity at an Executive Session. Mr. Pilson seconded the motion, which was passed by unanimous vote: Mr. Pilson, Aye; Mr. Hanson, Aye; Mr. Manzolini, Aye.

Mr. Pilson asked to return to the issue of the appointment of an alternate delegate to the Berkshire Regional Planning commission. Mr. Markel noted that there is no one listed on the source he reviewed, but he felt that there most likely was a representative from the Planning Board who was filling that position. Mr. Manzolini suggested asking Mr. John Hanson of the Planning Board who that delegate is and requesting suggestions from him for an alternate. The issue was tabled to the next meeting.

Update on Town Administrator Search: Mr. Manzolini asked Mr. Markel to cancel the interview scheduled for this evening with Ms. Angelina Ellison as he was uncertain if the proper procedure had been followed. A discussion followed to determine whether the Board wished to reschedule an interview with Ms. Ellison, which resulted in a consensus to reschedule the interview, which was set for one of the first three days of July. Mr. Markel will advise Ms. Ellison of that and get back to the Selectmen with her response.

Mr. Pilson reported on his conversation with Mr. Chris Ketchen, Town Manager for Lenox and Lee, who was very supportive of Ms. Danielle Fillio's candidacy and recommended her for the position of Richmond Town Administrator. Mr. Manzolini also had a recommendation for Ms. Fillio's candidacy from a previous Selectman in Stockbridge. It was recommended that Ms. Fillio be apprised of the Board's position and their strong interest in her candidacy. Mr. Markel will contact her.

Appointments; Agricultural Commission – James Shoemaker: Upon Mr. Shoemaker's arrival, the issue of his appointment to the Agricultural Commission was resumed. Mr. Hanson explained the workings of the Agricultural Commission in Richmond: As the only large farms in Richmond are apple orchards, and as most of them already belong to the Farm Bureau, there is not a lot that the Commission can accomplish and it tends to be dormant. Mr. Hanson had attempted to create a list of the people in town who have farm products for sale, which has been put on hold in favor of hiring a new Town Administrator. Mr. Hanson was glad to nominate Mr. Shoemaker to the Commission and moved that the Board approve the nomination. Mr. Manzolini seconded the motion, which was passed by unanimous vote.

UNANTICIPATED ISSUES:

The Rescue Boat Shed: Chief Traver submitted a sales contract from Old Hickory Farms to build the shed. Mr. Pilson moved that the Board execute the agreement with Old Hickory Farms in the total amount of \$7,357.81 (including tax) to build the boat shed. Mr. Manzolini seconded the motion, which was passed by unanimous vote. The Agreement was signed.

Sewer Matters: Mr. Tom Grizey had no new issues but reiterated the issue raised previously at a prior Board meeting, that had been corrected.

Hearing of a Complaint: Mr. Manzolini explained the report he received from the Sheriff's Department, which indicated that Mr. Fran Malnati was involved in an altercation with one of the members of that department. Mr. Manzolini asked Mr. Malnati to describe the incident from his perspective.

Mr. Malnati said that on Saturday afternoon, dispatch reported a motor vehicle accident with wires down on State Line Road (which was wrong) and Lenox Road. Mr. Malnati called Dispatch and said that doesn't make sense – where is the accident. Dispatch said it was on Lenox Road. Mr. Malnati went over to Lenox Road, where he saw that live wires were down. He offered to go out and shut the road down on Rte. 41, which he did for two hours. Eventually, a Sheriff's car came to the scene and asked what was going on. By that time, the Northeast Utilities' foreman had been advised that Mr. Malnati was a Certified Flagger and was available if needed. The foreman said that they would call the State Police who, being unavailable, called the Sheriff's Department. Chief Traver explained that there is a protocol for them to follow and, technically, Mr. Malnati was not supposed to be dispatched to a fire. There was further discussion of the steps taken in the situation concerning Police Chief Bill Bullet's role in dispatching flaggers to the scene of an accident.

Mr. Pilson clarified the issue to be one of protocol: that the constables/flaggers must be dispatched directly by the Chief of Police to an accident. Mr. Manzolini asked that Chief Traver, Chief Bullet and Mr. Malnati and the other Constables meet to discuss what the correct protocol will be. If there is no consensus possible from such a meeting, the Selectmen will make that decision. Mr. Pilson noted that the fact that the Town still has not hired a Deputy Police Chief makes the situation more difficult and the Sheriff's Department and the State Police must be advised of the correct protocol once that has been agreed upon. Mr. Bob Markel will contact the Police Chief to determine a time for the meeting to take place the next day at Town Hall.

Veteran's Services Contract Renewal with City of Pittsfield – FY'20: Mr. Markel contacted Mr. Matt Kerwood in Pittsfield to determine the status of the agreement. He was advised that it is currently in the Law Department and Mr. Kerwood promised to try to get them to move it forward. As of this meeting, however, Mr. Markel still does not have the agreement. The issue will be kept on the agenda.

Mail/Sign Warrants – Town Administrator Report: Town Counsel has the proposed inter-municipal agreement for the shared Excavator. Mr. Markel spoke with Counsel, asking when it would be available and was told that it would be forthcoming by the end of this day, but it has not arrived. Mr. Markel expects that it will be available within a day or two and when he receives it, he will forward it to West Stockbridge for their approval.

Mr. Markel also asked Town Counsel if the Conservation Agent has the authority to use the non-criminal ticketing enforcement program to enforce the Wetlands Protection Act. She responded in writing, which Mr. Markel will distribute to the Board. The basic answer was “no,” but that could become a yes if certain steps were taken by the Town, which would require a Special Town Meeting Warrant Article. Mr. Markel will undertake the drafting of the Article.

Weed Management at Richmond Pond has been a problem. Mr. Markel attended their meeting last night and discussed the situation with Mr. Mark Pruhenski, the former Town Administrator. Solitude provided the service in 2018 and let Mr. Pruhenski know last year that they could not continue to perform the service at the existing price and that it would go above \$10,000. Mr. Pruhenski said that he would then have to send the contract out to bid. However, Solitude came in at \$8,600 as the low bidder, under \$10,000. Solitude has done some preliminary work already – although there is no contract. Mr. Markel has called Solitude several times to determine if they have a contract. He was advised that someone would return his call, which has not happened. Mr. Markel reached out to our contact at Solitude and has received no response. Mr. Markel then called The Lake and Pond Connection in Connecticut. He provided them with a Scope of Services and was told that he would hear back shortly and provide an estimate, which Mr. Markel is waiting to receive.

The Planning Board has requested that they be involved with the Board of Selectmen in reviewing the Master Plan, which is now 25 years old. Mr. Pilson suggested that it also be put on the agenda for general discussion by the Long-Range Sustainability Working Group, as one of their assignments is to look ahead to what the Town’s needs will be long-range and a broader citizen involvement in any future planning is advisable.

The Community Health Assn. contract was delivered.

The Town’s share of the cost of Perry’s Peak has been contributed.

Mr. Markel included in this evening’s meeting packet a response to the Balderdash issue from Mr. Martin that indicates that the parking issue is up to the Board of Selectmen and that parking is not part of Farm bylaw. Mr. Manzolini noted that the Zoning Board of Appeals correctly determined that the responsibility for a parking lot belongs to the Board of Selectmen and there is not a mandatory set-back under the Selectboard’s authority. Mr. Manzolini asked how the process can move forward – the Board will have to review the Site Plan and make a decision. There is a note from Mr. Ron Veillette, President of the Richmond Pond Association, noting his unhappiness with the location of the parking lot.

Mr. Pilson asked whether the abutters need to be informed. Mr. Markel said that there is no legal requirement to do so, but it would probably be a good idea. Mr. Manzolini said that despite Mr. Veillette's objection to the view of the parking lot from Rte. 41, you cannot see the parking lot from the road until you crest the hill and in any case a parking lot attached to a commercial venture is not unreasonable.

Mr. Markel has consulted with Mr. Manzolini about convening a joint session of the Board of Selectmen and the Finance Committee on Monday, July 15th at 6:00 PM to deal with end-of-year transfers of funds. Mr. Markel will distribute the list of transfers to the Board before the meeting. The regular Board of Selectmen's meeting will be moved to the 15th as well – there will not be a meeting on the 10th.

Cemetery Notice Complaint: Mr. James Shoemaker came before the Board to show them a notice he found on his family's headstone, weighed down by a brick. It was in response to his placing a cross and some fake flowers as a temporary marker in the spot where his grandmother's stone is going to be. Mr. Manzolini expressed his agreement that this is not the appropriate way to send a message. The Board will discuss this issue with Mr. Steve Parsons, the Cemetery Superintendent.

Approval of the Minutes of the Meetings of May 30th and June 12th, 2019: Mr. Manzolini moved that the minutes of the Meetings of May 30 and June 12, 2019 be approved. Mr. Hanson seconded the motion, which was carried by unanimous consent.

Selectmen's Matters: Mr. Hanson reported on a message he received on May 31st from Jill Rawlings of 15 Reservoir Road with a complaint about noise associated with construction of a building nearby. There was a question of whether the Board had responded to Ms. Rawlings. Mr. Manzolini will ask the contractor for the details of the construction to see what the timeline actually was and to see if they can get him to be more sensitive to the neighbors.

There being no further business before the Board, Mr. Manzolini moved that the meeting be adjourned. Mr. Pilson seconded the motion, which was passed by unanimous vote.

Signed:

Mr. Roger Manzolini

Chair