

BOARD OF SELECTMEN / SEWER COMMISSIONERS MEETING

Thursday May 30, 2019 – 6:00 PM – Richmond Town Hall, 1529 State Road

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

ABSENT:

GUESTS: Mr. Paul Lisi, Town Collector/Treasurer; Mr. Howard Greenhalgh, Applicant to ZBA; Mx. Mackenzie Greer/BNRC; Mr. Ron Viелlette, Chair of the Con.Com; Mr. John Keenum and Mr. John Mason, Richmond Land Trust; Ms. Kathy Wilson, MBC; Mr. Peter Cohen, MBC; Mr. Christian Hanson, Balderdash; Mr. Joseph Rich, Abutter to Balderdash

Mr. Neal Pilson called the meeting to order at 6:00 PM and advised the assembly that Mr. Alan Hanson was present by conference call.

Annual Re-Organization of the Board of Selectmen: Mr. Pilson asked for a motion to appoint Mr. Roger Manzolini as the new Chair of the Board of Selectmen. Mr. Hanson so moved and was seconded by Mr. Pilson. The motion was carried by unanimous vote as follows: Mr. Pilson, Aye, Mr. Manzolini, Aye, Mr. Hanson, Aye.

Mr. Pilson turned the meeting over to Mr. Manzolini as Chair.

Appointments and Resignations: Mr. Howard Greenhalgh approached the Board to introduce himself as a candidate for the Zoning Board of Appeals and to present his credentials for that position. (Mr. Hanson dropped out of the meeting at this point, but said he will return via phone call at 7:30 PM)

Mr. Pilson moved that the Board appoint Mr. Howard Greenhalgh as an Alternate Member of the Zoning Board. The motion was seconded by Mr. Manzolini and adopted by unanimous vote.

Ms. Linda Mitchell sent a letter to Mr. Pruhenski requesting appointment to the Council on Aging and attaching a resume for the Board's consideration. Mr. Pilson moved that the Board appoint Ms. Mitchell to the Council on Aging. The motion was seconded by Mr. Manzolini and passed by unanimous vote.

Mr. Pruhenski will send emails to both new appointees confirming their positions and setting a time for the Town Clerk to swear them in.

Berkshire Natural Resources Council / Conservation Restriction and Memorandum of Understanding: Mr. Pilson noted that there are two documents before the Board for approval. It was made clear that there is a time constraint involved based on the acquisition of the property, which will take place either the last week or the second to last week in June. There is a Conservation Commission meeting scheduled for June 11th at which this issue will be

discussed. Mr. Manzolini had two concerns: he did not find any mention in the Memorandum of Understanding relative to whether hunting would be permitted or not. Ms. Greer responded that the matters referred to are contained within the Conservation Restriction and that nearly all the land owned by the BNRC are open for all types of recreation that are non-motorized, including hunting. Given the time constraint that the BNRC is under, Mr. Manzolini agreed to move forward with the approval if Ms. Greer will show him where the right to hunt on the property was listed in the CR so that he could show it to Mr. Hanson.

Mr. Manzolini's second concern was that the area with access on Perry's Peak Road has caused several complaints from the neighborhood. He asked that the BNRC be aware of that and remind people to be aware and respectful of the abutting property owners. With Ms. Greer's assurance that they are aware and are doing all they can to relieve the situation, Mr. Manzolini asked if there was anyone at the meeting speaking against approval of the Conservation Restriction.

Mr. John Keenum and Mr. John Mason, speaking on behalf of the Richmond Land Trust, were present in support of the CR. Mr. Manzolini moved that the Board of Selectmen approve the Conservation Restriction as submitted. Mr. Pilson seconded the motion, which carried by unanimous approval. The documents were signed and notarized as required.

Mr. Pilson offered his praise to Ms. Greer and the people she worked with over the past several months to accomplish this very important acquisition.

The Memorandum of Understanding will be brought to the June 11th meeting of the Con. Com. for their approval. Once that is accomplished, the Board of Selectmen will review it at their June 12th meeting.

Municipal Building Cte Update: Ms. Pat Callahan, Chair of the Committee, provided copies of the design selection procedures for the Board's approval. Mr. Peter Cohen also asked that the Board approve the members of the Municipal Building Cte. as appointees to the Building Committee. The Board agreed with that request and Mr. Manzolini moved that the members of the Municipal Building Committee be appointed to the new Building Committee for a period of three years. Mr. Pilson seconded the motion, which was adopted by unanimous vote.

Mr. Manzolini also moved that the Board adopt the Design Selection Procedures provided by the municipal Building Committee for the current project. Mr. Pilson second the motion, which was approved by unanimous vote.

Ms. Callahan ended the discussion for the MBC with the request that the Engineering Study would be undertaken in the next couple of months and to make certain that State regulations do not require that this job be put out to bid. Mr. Pilson noted that he has discussed this issue with the incoming interim town administrator who is familiar with this kind of process and he has been assured that there is no need to put the study out to bid and that this issue is one of the first things he plans to handle when he begins work next week.

Balderdash Cellars – Off-Street Parking Plan for Review: Mr. Christian Hanson of Balderdash Cellars came before the Board with a written Plan for off-street parking. He is requesting that, under section 6.6 of the Town’s Zoning Bylaw, Balderdash receive an extension of the parking area under the site plan that would include approximately 60 parking spaces. (See Site Plan Attached). The intent of the plan is to move the majority of the parking to the North side of the property. Mr. C. Hanson noted that, although they do not appear on the site plan drawing, there are plans to include trees and bushes to make the area along Rte. 41 look attractive.

Mr. Manzolini asked whether this Plan has gone out to the abutters, but Mr. Pruhenski advised him that, as this is not a special permit request or a variance, there is no requirement for the notification of abutters. Mr. Pilson also noted that this Plan is the subject of a Variance Petition before the Zoning Board because the proposed siting of the north lot is within 100 feet of the property line. That request will be heard by the Zoning Board on June 19th at which time the abutters will be present to discuss the variance, which is being requested only to allow usage of the area during Farming Functions – there is no additional variance or special permit to use this plan outside of their farming function activities. There was additional discussion, including Mr. C. Hanson’s assurance that the plan does not come close to the wetlands in the area.

Mr. Pilson asked what the plan was to handle overflow parking for such events as the Grand Opening, which anticipates attendance by several hundred people, and will more than fill the planned parking spaces. Mr. C. Hanson replied that a lot of cars can be parked on the grass north of the house. The traffic pattern for entry and exit was discussed, as well as a reminder that, with the property located just off the State Highway, the town cannot provide assistance with traffic flow or curb cuts. Mr. C. Hanson noted that the curb cut has already been applied for and he has been in contact with the State Police regarding traffic control on June 29th for the Grand Opening.

Mr. Ron Veillette raised an issue about the appearance of the property from Route 41 which engendered a discussion during which Mr. C. Hanson was able to assure the assembly that there are plans in the works to use trees and bushes to screen the property from Route 41.

Mr. Manzolini spoke in favor of encouraging commercial business in Richmond which, as he pointed out, requires customers who require spaces to park. He remarked that no one is complaining about the various other parking lots that are visible from the road because they are used to seeing them. He noted that he agreed with Mr. Pilson in being prepared to approve the application with full confidence in the Hansons that they will work to alleviate some of the appearance issues.

Mr. Joseph Rich, the abutting property owner asked whether, if the current site plan was approved, could changes be made later without further discussion. Mr. Pilson said that the approval would be for the existing site plan. That approval would not extend to any subsequent material changes. He also asked for clarification of access for the five different parking locations

indicated on the Plan. Mr. Manzolini noted that there is an existing driveway North of the house that comes right into that area and would be the obvious point of access.

Mr. Pilson asked for clarification of what the Board was being asked to approve – whether it was for a permanent parking arrangement for the business or just for the summer events. Mr. Pruhenski advised that the approval was for regular business parking.

Mr. Pilson moved to approve the off-street parking area in accordance with the Site Plan submitted which will become part of the Board's approval record. Mr. Manzolini seconded the motion, which was adopted by unanimous vote.

Swamp/Lenox Road Intersection Update: Mr. Pruhenski noted that he had spoken to Mr. Peter Beckwith, Highway Superintendent, who suggested that he, Mr. Steve Traver, Fire Chief and a member of the Selectboard meet privately with the new owner of the property on which the trees that need to be cut down exist in order to discuss the safety concerns at that intersection.

Mr. Pilson reiterated his suggestion that similar flashing speed signs be installed north and south on Swamp Road as those that are in place on State Road, which he believes would materially slow down traffic and reduce the hazard at the intersection of Swamp and Lenox Roads. There was a discussion of other possible signage solutions.

Mr. Pruhenski asked for a volunteer from the Board to attend the meeting with the property owner. Mr. Pruhenski will provide a date for that meeting and one of the Board members will arrange to be there.

Road Advisory Committee – Discussion to Reform a Committee to Advise the Board of Selectmen and the Highway Superintendent: Mr. Pilson reported that the dramatically difficult road conditions on our gravel roads that arose from this winter's unusual weather resulted in Mr. Beckwith's developing a number of ideas on how to address the problem going forward. There was a Road Advisory Committee that used to meet to discuss the repair work that will be required. The Committee was made up of a member of the Selectboard, a member of the Conservation Commission, the Planning Board, the Finance Committee, the DPW Superintendent and the Tree Warden. It has been inactive for some time and this conversation was about whether to re-establish this Committee and to determine who will serve. Mr. Pilson suggested that Mr. Robert Markel, Interim Town Administrator, be asked to schedule a meeting of the Road Advisory Committee within the next thirty to sixty days.

Mr. Pruhenski asked for a motion to appoint the members of the Committee. Mr. Pilson moved that the Board appoint the members identified on page 5 of the Annual Town Report and the new Chair of the Board of Selectmen, Mr. Roger Manzolini, to the re-established Road Advisory Committee for one year. Mr. Manzolini seconded the motion, which passed by unanimous consent. Mr. Pruhenski will advise those people of their appointment to the Committee via email.

Recommendation to Zoning Board on a Special Permit Petition from Edward L. Hoe, Jr. and Lisa QA. Bouchard: The petition is for a short-term rental business located at 590 Canaan Road. A short discussion resulted in the Board's not having any comment on the issue.

Veteran's Services Contract Renewal with City of Pittsfield for FY'20: Mr. Pruhenski reported that he has had to send the contract back to Pittsfield several times to address an issue with one of the clauses that was brought up by the Town's Counsel during her review. There is still no final revised copy available. Mr. Pruhenski contacted the Veterans' Agent who advised that the new contract should be available by the June 12th meeting of the Board of Selectmen. Mr. Pruhenski has, therefore, put this item on the agenda for that meeting.

BRTA Appointment to Advisory Board: Someone must be appointed to the BRTA Advisory Board by June 14th. This past year, Mr. Alan Hanson was that person, and in the past it has always been a member of the Selectboard though there is no requirement that it be.

Mr. Pilson moved that the Board reappoint Mr. Alan Hanson to the BRTA Advisory Board. Mr. Manzolini seconded the motion, which was passed by unanimous approval.

Interim Town Administrator Update and Contract for Signatures: Mr. Pruhenski reported that he and Mr. Pilson spoke with Mr. Bob Markel that day and ascertained that he intends, pending the Board's approval of the contract, to begin work here on June 6th. He is proposing to work Tuesday, Wednesday, Thursday at a compensation rate of \$60/hour – for no more than twenty hours per week. The contract was distributed to the Board members with the change in the termination clause that indicates that Mr. Markel serves at the discretion of the Board, which works better for a short-term contract. The term is June 6 through July 31st unless there is a permanent Town Administrator in place before that or if the term needs to be extended by mutual agreement.

There was a discussion of how to fund the Interim Town Administrator's compensation, given the likelihood of a deficit in the account for the month of June. The discussion resulted in the consensus that Mr. Markel's hours in the month of June be reduced to 10. Mr. Pilson said that they should speak to Mr. Markel about reducing his working hours in June from 20 to 10 and give him the opportunity to agree or not. Mr. Pruhenski suggested that the language of Section 1 of the contract be changed to read, "The interim town administrator will work up to 20 hours per week with the approval of the Board of Selectmen."

Mr. Pilson moved to adopt the contract as revised above. The motion was seconded by Mr. Manzolini and approved by unanimous vote.

Mail/Sign Warrants: Selectmen's mail was distributed and warrants duly signed.

Sewer Matters: Mr. Lisi advised the Board that the attorney for the Boys and Girls Club has advised him that the Club is selling a piece of their property on 36 East Beach Road and that said property will not have a Sewer Betterment payment associated with it. There will be no

change in the revenue to the Town. Mr. Lisi will contact Ms. Beth Goodman, the Town's Counsel for a legal opinion.

Town Administrator Updates: Mr. Pruhenski met with Mr. Robert Markel today by phone and discussed administrative issues going forward. He was given information of where things are kept in the Administrator's office that he will need to know as he comes on board and Mr. Pruhenski's cell phone number in case he has questions.

Selectmen's Matters: Mr. Manzolini raised the issue of the Rossiter Road entrance onto State Highway 41. Visibility to the south has been blocked with a fence, and he is unsure whether the fence is on the Town's right-of-way or not. Mr. Pruhenski cautioned that the only action the Town could take would be to point out to the Mass. DOT that the fence is on the road's right-of-way. Mr. Pruhenski will ask Mr. Peter Beckwith to reach out to the DOT and ask the question.

Mr. Manzolini asked whether the issue about tax payments that he received an email about has been resolved. He was assured that the issue was handled and in future a notice will be sent out 15 days prior to each quarter coming due.

At this point, Mr. Pilson contacted Mr. Alan Hanson via telephone to advise him that the Board would be going into Executive Session very shortly and he would call again.

Approval of the Minutes from Aril 24, 2019 (Revised) and May 8, 2019: Mr. Pruhenski distributed copies of the minutes from May 8, 2019 for approval and signature and copies of the April 24, 2019 minutes that he asked the Board to approve the revision as it needs to be submitted with Payroll and this revised version is clearer than the original wording.

Unanticipated Items: Mr. Pruhenski submitted four rebates and abatements that required signatures.

Mr. Pruhenski was asked by the Berkshire Bass Organization for a Special Use Permit for the Pond on June 8, 2019 for 17 vehicles, 17 boats from 6:00 AM to 2:00 PM.

Mr. Pilson moved to approve the minutes of April 24, 2019 as revised and May 8, 2019 as revised. Mr. Manzolini seconded, and the motion was passed by unanimous vote.

Mr. Manzolini moved that the Special Use Permit for the Berkshire Bass Org. be approved. He was seconded by Mr. Pilson and the motion carried by unanimous vote.

Mr. Lisi noted that there will be a need for a combined meeting of the Selectboard and the Finance Committee in either late June or early July to approve end-of-year transfers. The next scheduled meeting after June 12th would be June 26th. Mr. Pruhenski will arrange with Mr. Bob Markel for the joint meeting to take place at 5:00 PM on that date.

Next Board of Selectmen's Meeting – June 12, 2019: There was no discussion.

At this point, Mr. Pilson contacted Mr. Alan Hanson to ask him to join the public session of the Selectboard meeting. Mr. Manzolini moved that Mr. Hanson's wife may be present at the Executive Session. He was seconded and the motion carried by unanimous consent.

Mr. Pilson moved to close the public session of this meeting to go into Executive Session and not return to the Public Session. Mr. Manzolini seconded the motion which was carried by unanimous roll-call vote as follows: Mr. Manzolini, Aye; Mr. Pilson, Aye; Mr. Hanson, Aye.

The Public Session of the Meeting was closed at 8:00 PM.

Signed:

Mr. Roger Manzolini

Chair – Board of Selectmen