

BOARD OF SELECTMEN / SEWER COMMISSIONERS MEETING

Wednesday October 23, 2019 – 6:00 PM – Richmond Town Hall, 1529 State Road

PRESENT: Mr. Roger Manzolini, Chair; Mr. Neal Pilson, Selectman; Mr. Alan Hanson, Selectman; Ms. Danielle Fillio, Town Administrator;

ABSENT:

GUESTS: Mr. Dillon Jordan, Eversource; Mr. Christian and Mrs. Donna Hanson, Balderdash; Richmond Residents: Mr. & Mrs. Dick Stover, Ms. Josephine Miller; Mr. Peter Miller; Ms. Roseanne M. Frieri; Ms. Leslie Breeding; Mr. Tom Grizey, Electrical Inspector;

Mr. Manzolini called the meeting to order at 6:00 PM.

NSTAR Electric Co. d/b/a Eversource Energy & Magna 5 TRT LLC – Joint Pole Hearing: Mr. Dillon Jordan, a representative of Eversource, came before the Board to present their proposal to install a 40-foot pole at the address of 1013 Dublin Rd. The next closest pole is too far to mount their equipment and they need to reduce the length of the span. Mr. Manzolini asked if everyone affected by the addition of this new pole has seen where it will go and whether there were any objections. He was assured there were none. Mr. Manzolini moved that the Board approve the placement of the new pole by Eversource at 1013 Dublin Rd. The motion was seconded by Mr. Neal Pilson and carried by unanimous consent.

Residents Additional Concerns – Noise from Balderdash: Mr. Manzolini asked Mr. C. Hanson to explain the steps Balderdash has taken to resolve the problem. Mr. Christian Hanson said there had been no noise from Balderdash since the last meeting. Mr. Manzolini explained that the reason for this item on the agenda was to afford the residents of Richmond Pond the opportunity to express their concerns about large numbers of people moving from Balderdash unrestrained. Mr. C. Hanson noted that his concern was to comply with the requirements of the liquor licenses they hold. Two weekends ago, the foliage was beautiful, the weather was excellent, and people did leave the property with open containers to take “selfies” on the train tracks and down at the Pond. Balderdash was notified of that and they immediately put up a rope fence and signs prohibiting that action and Mr. Hanson has personally been monitoring the situation to assure that it does not happen again and reported that last weekend, while he was monitoring the situation, he did not see any open containers past that line. Mr. Manzolini said that if any of Balderdash’s customers leave their property with open containers, they are in danger of arrest and Balderdash is in danger of losing its liquor license. He suggested that the correct action to take in case anyone does pass that line with an open container would be to call the State Police and have those persons arrested. Mr. Hanson said he would prefer to move those people back on to his property himself, rather than calling the State Police.

Mr. Pilson asked what the plans are for Balderdash in the remaining weekends during the fall season. Mr. C. Hanson replied that he will be open on Fridays from 4:00 – 8:00 PM, Saturdays and Sundays from 1:00 – 5:00 PM. There will be some modified hours during the holidays and there are a few private events that come under the Farm Function Permit in the evenings on certain days. Those events will be held inside since the weather will not be conducive to being outside and all music will be inside.

Mr. Pilson indicated at the last meeting that there were no further permits, applications or permissions that the Board would deal with this year. The comments, concerns and letters that the Board received from residents will all be considered next spring, when Balderdash will approach the Board for special permit opportunities for events. Mr. Pilson noted that it is necessary that the Board be aware of and respectful of both the concerns that have been expressed and to be welcoming to a new business in Town but that there is no action before the Board at this time.

Mr. C. Hanson asked if the residents who complained about the noise two Sundays ago were present at this meeting, would like to discuss that complaint. Ms. Leslie Breeding asked what time Balderdash closed on Oct. 13th. Mr. C. Hanson responded that they closed at 5:00 PM and there was no one there after that time. Ms. Breeding presented photographs to the Board that she identified as having been taken from the Balderdash Facebook page that show people along the train tracks. Mr. Pilson noted that the background of that photo is the same area where the rope fence and the signage now exist, and Balderdash patrons will be warned not to leave the Balderdash property with an open container. Mr. Manzolini added that adults who do not have open containers with them are free to go wherever they like as long as it is not on private property. It was pointed out that the tracks are private property and going across them constitutes a trespass and the entire Richmond Shores property is private. Mr. Manzolini noted that Beach Road is a public road and the boat ramp is a public space. Mr. Pilson thought this was not an appropriate discussion for the Board whose concern is about patrons of Balderdash who violate State law by leaving the property with open containers and with people crossing the train tracks. The Board has had conversations with the railroad, which doesn't seem very concerned about the issue. But the issue of whether the owners of Balderdash are free to walk on Shore Road, is not something that needs to come before the Board. Ms. Breeding asked that Balderdash remove the photos from its Facebook page that she felt indicated that their patrons could walk down to the railroad tracks. Mr. Pilson declined to have the Board address that issue as he felt it was not within the Board's jurisdiction.

[Photographs are available on file at Town Hall]

Ms. Breeding said she remembered at the last meeting the Selectmen did not realize that 35 was the number of events that were planned by Balderdash. She provided a copy of the Planning Board minutes where the number 35 was noted as allowed for events. Mr. Manzolini noted that the number of events actually held was more like 12. She then brought up the subject of the speakers being turned away from the pond – she provided some photographs

from September 13th and 14th – one a Harvest Special Event and the other a Wedding. The photo is of the stages set up with the speakers close to the pond and the construction of the amphitheater in a concave shape that acts as another speaker of the sound toward the pond. She also had photos of the speakers that were put outside so the people on the lawn could hear.

Mr. Pilson said the Town Administrator will keep those photos on file and they will be a subject of discussion next spring when the applications for the summer season at Balderdash will be on the agenda. He reiterated that the Board is not prepared to make any decisions at this time. The Board has heard everyone on both sides of the issue, Mr. Pilson has himself been to several events and seen the operation this summer and that experience will likely shape how the applications next year are dealt with. Mr. Manzolini added that he believed the information provided here will shape how the Hansons deal with the issues as they have already begun to do.

A speaker from the audience noted that she and a friend walk their dogs down by the pond and they have seen people bring their wineglasses across the tracks so she expressed her pleasure with the signs that have been posted as she had been concerned about the safety of people walking across the tracks.

Mr. Peter Miller suggested that perhaps signage inside the establishment at the bar would be helpful in keeping people away from the railroad tracks before they get to them. Mr. C. Hanson replied that if it is their responsibility to stop people from going down to the tracks, they will do so.

Mr. C. Hanson asked that the record show that the noise complaint on October 13th had nothing to do with Balderdash Cellars. Mr. Manzolini asked if anyone knew what the source of the noise had been. No one was able to identify that source and Mr. Manzolini said that once a source of noise cannot be identified, that noise will be assumed to have come from Balderdash Cellars, whether it actually did or not. Mr. Dick Stover commented that the last time he was at the winery, he thought he noticed a mowed path down to the railroad tracks. If that were to be eliminated, it would probably eliminate people walking down there. Mr. Hanson noted that the path is for the use of machinery that tends to the three fields he has planted.

Mr. Pilson summed up by noting that he believes the owners have taken reasonable steps to address the issue of people leaving the property and going across the tracks to the extent that it is their responsibility to do so. It is not a Town issue although the Town is concerned about the safety of anyone crossing the tracks, but that has been happening as long as those tracks and the Pond have been there.

Mr. John Steele said that he felt that there is a difference between the people who live in town and have been crossing the railroad tracks for year and non-locals crossing the tracks who are not familiar with them.

Set Hours for Trick or Treat: Mr. Pilson noted that the Town of Richmond always sets its trick or treat date and time to coincide with the Town of Pittsfield's. The hours will be 5:00 – 7:00 PM on October 31st, unless Pittsfield changes the date, at which point Richmond will follow suit.

Mr. Alan Hanson addressed the private road issue that had been raised at the earlier discussion. In order to remain a private road, the road must be closed for 24 hours every year. That has not taken place in twenty years, which changes the status of the road from private to public. Mr. Tom Grizey and Mr. Alan Hanson will research the last time the road was blocked to the public and the consequence of that not happening.

Ms. Holly Stover – just to remind the Board that a condition of sale from the railroad to the Town of Richmond was that a permanent barrier be put in place to avoid access to the tracks. Ms. Fillio, however, reported that in a recent conversation with the railroad company's representative, the Town was enjoined from erecting any kind of barrier closer than 12 feet from the track. A discussion ensued that noted that InterPrint and the railroad itself have both cut through natural barriers that had been erected many years prior to provide access for their trucks.

Ms. Josephine Miller asked about the status of the minutes of the meeting on October 10, 2019. Ms. Fillio advised her that approval of those minutes is on the agenda for this meeting and that as soon as they are approved and signed, they will be posted on the website.

Church Driveway and Water Rates: Mr. Dick Stover approached the Board representing the Richmond Congregational Church to reiterate a request the Church has made in previous years to have the Town take over the maintenance of the road behind the church. He noted that the Town has always plowed that road, but that it needs more than just plowing – it needs to be completely resurfaced. Given the amount of traffic that uses that road that is not church traffic, the church does not feel that the whole responsibility for maintenance of that road is theirs. Mr. Stover recalled that in a meeting with the previous Highway Superintendent, there was an agreement that the funds could not come out of Chapter 91 but that there should be enough other money to take care of it. Mr. Stover felt that once the road was resurfaced completely, it should be good for ten or twenty years, which he felt makes it a one-shot deal as far as the cost is concerned.

Mr. Manzolini wondered whether Mr. Peter Beckwith, the current Highway Superintendent had ever been involved in any discussion of the issue. A decision was made to discuss the issue with Mr. Beckwith and Ms. Fillio.

Mr. Stover then raised a second issue from the Church Trustees: Richmond is currently paying one-third of the monthly water bill that the Church receives from Housatonic Basic Sampling. Mr. Stover requested that the Selectmen consider increasing that to fifty percent. The original distribution was for three entities: the church, the Town and the house behind the church. As that house has recently been sold and had a well installed, there are now only two entities remaining and Mr. Manzolini agreed that it is a reasonable request.

Mr. Manzolini moved that the Town accept a 50-50 split of the monthly bill from Housatonic Basic Sampling. Mr. Pilson seconded the motion, which was carried by unanimous vote. When the budget comes up for renewal, that issue will be incorporated into the discussion. If the Town can accommodate that change before the next budget cycle, they will do so.

Mail/Sign Warrants: Warrants were duly executed.

Sewer Matters: Mr. Tom Grizey had two issues to advise the Board of: Last week they pumped 35,000 gallons of water in one day after a major storm– the norm is 4,000 per day. There must be some leakage coming from the right-of-way going up to the Boys' Club that needs to be looked at.

The Boys Club pump has been running continuously and needs to be addressed as well.

Approve Minutes of the October 10, 2019 Meeting: Mr. Pilson reviewed the minutes and made some comments, which were reflected in the version before the Board. Mr. Pilson moved that the Board approve the minutes of the October 10, 2019 meeting of the Selectboard. The motion was seconded by Mr. Alan Hanson and approved by unanimous consent.

Town Administrator's Report: Ms. Fillio presented her report. **See Attached**

Discussions:

Library/Possible Town Hall Project: Mr. Manzolini asked whether when the Building Committee meets (tomorrow) will P-Three explain about the three bidders. Ms. Fillio responded that the Building Committee would be receiving copies of the bids at that meeting, along with a review of the various qualifications. She also noted that interviews would most likely be done with each designer.

EDM – Conceptual Design for Existing Town Hall: There are no cost proposals available until after the engineer can provide a report on what needs to be done structurally with the foundation. That information will be presented at the meeting on November 20th. At that point, the Board will have to decide how it wishes to move forward: The RFQ for the Library/Potential Town Hall includes coming up with two schematic designs from which the Building Committee would choose. That decision may or may not be left to the Building Cte. or it may be made by the Board itself or the choice may be brought to the Town. In the next couple of months, the Board will have to have that discussion.

Mr. Pilson asked whether the septic issue would be included in the information being presented on November 20th. Ms. Fillio said that the holding tanks that are in use currently could potentially last another 15 years and adding another bathroom will not substantially increase the use. If the Board decides that it wants to move forward with renovating this building, the next step would be to see if the Perc test is valid and a septic system can be installed. The engineers believe that one can be fitted on the existing site if the Perc test agrees. The cost of that would be around \$50,000.

Mr. Pilson asked whether if the test is run and failed, there is a mandate to repair the system and bring it up to code within two years. The Perc test has nothing to do with the existing tight-tank system. It has to do with whether or not the soil will accept a septic system.

Meeting with the Highway Superintendent and the School Reps and Mr. Matt Pitoniak of CTC – Resolve Heat and Sprinkler Head Leak: A plan was in place to do something about the problems over the summer, but that never happened. The meeting was to explore what can be done with the existing system. CTC will do a study of the system for \$3,000, which will allow them to advise us about what needs to be done to resolve the issues. A rough estimate of the cost of correcting the system is \$140,000. Mr. Pilson wondered whether there is any responsibility for the company that installed the system. Mr. Hanson felt that time would be against us and Ms. Fillio added that it will probably not be possible to make any corrections for this winter. There was a conversation with Mr. Peter Dillion, the School Superintendent, to ask if the School could supply some portion of that \$140,000.

Berkshire Regional Planning – Green Communities Monies: Another possibility for funding the correction of the school's heating and sprinkler system is the \$43,000 that remains from the Green Communities Grant. If the project is approved, that money could be used for either an upgrade of a portion of the system or for putting in temperature controls. But the first step is to have the study determine exactly where the problem lies. The study is waiting on receipt of an agreement with CTC.

Mr. Pilson recalled that this issue is not the first time the Board has been made aware of the problem with the heat at the school. He expressed surprise that nothing has been done. Ms. Fillio noted that the heat problem is connected to the problem with the sprinkler system and a company was called in to look at what could be done to seal that room and make sure that the heat does not continue to escape, causing the sprinkler system to freeze. It will cost approximately \$54,000 to accomplish that on top of the \$140,000 to replace the entire heating system.

In the meantime, if none of that can be done the thought is to try installing more insulation or thermostat-read heating.

Significant Rainstorm – Water Issues: Mr. Pilson asked whether Ms. Fillio involved Mr. Manzolini in the process since, under the Town's Emergency Plan, the Chair of the Selectboard is the Chair of the Emergency Management Team. Mr. Manzolini said he had been involved.

Chief Bullett – Leaving November 15th – How will Issues Be Handled: Mr. Manzolini reported that in the past, all gun permit issues were handled by Ms. Tracy Dunn of West Stockbridge, who would be happy to continue doing that. Chief Bullett noted that while he is in Florida, he handles anything that comes up by telephone. Mr. Pilson said the question then is whether the Town should hire someone or designate someone as a Deputy Police Chief Administrator. Ms. Fillio remarked that there is a budget item for hiring a Deputy Chief. Mr. Manzolini said that

such a Deputy could be someone Chief Bullett could be grooming for the future to avoid an abrupt change. That would create a smooth transition whenever that happens in the future.

Mr. Pilson suggested that the Town prepare for a job search for a Deputy Police Chief, the job description for which would be the same as Chief Bullett's job description. Mr. Pilson asked that the project be worked on in the next few months. Chief Bullett will think about making a recommendation for the position.

Chief Bullett asked whether payment for Ms. Dunn, which was coming out of his budget, could instead be taken out of the Deputy Chief budget so that he could continue to get paid while he is taking care of the detail work from Florida. Ms. Fillio said if the Board agrees, she could make that happen. Mr. Pilson said he would approve that for this winter season but not going forward. The other Board members agreed.

Paving Operations of Swamp Road: See Administrator's Report, Attached

The Town Barn Project to Begin Soon: See Administrator's Report, Attached

Mr. Peter Beckwith and Ms. Claudia Ryan – Training Class in Excel: See Administrator's Report, Attached

Permission to Apply for a Community Compact Grant for Clear Gov. Software: Mr. Manzolini asked how many of the municipalities in Mass. use this software. Ms. Fillio will check on that. She explained that one of the reasons she wants to use this software is that in a conversation with Ms. Laura Brennan about Marketing, plans for the Long-Range Planning Committee were discussed about how to keep people informed with the correct information and that is one of the big things Clear Gov. can do. Ms. Brennan is familiar with this software and she was the one who recommended it as Lanesborough has just begun to use it for their Police Dept.

Obtaining this software is completely contingent on Ms. Fillio successfully obtaining the grant she wishes to apply for, given that it entails an annual fee of about \$8,700. Mr. Manzolini asked whether Mr. Paul Lisi, the Town Treasurer, had expressed an opinion. Ms. Fillio remarked that Mr. Lisi was in favor of the project with the understanding that the Community Compact Grant was obtained to pay for it.

Mr. Manzolini was in favor of pursuing the grant and the other Board members agreed.

Mr. Manzolini asked Ms. Fillio to think about scheduling her six-month performance review that was part of the Board's agreement with her. She will take care of that.

Selectmen's Matters: Mr. Alan Hanson asked whether the Town has ever considered acquiring the property adjacent to Town Hall that is for sale. There has been no thought of that, and Mr. Pilson pointed out that it would be premature at this point to consider that before finding out whether it will be worthwhile bringing Town Hall up to code. Mr. Manzolini said that if bringing this building up to code proves to be fiscally advisable, which he doubts, perhaps it would be wise to have that additional land available for a septic system and/or parking lot. Ms. Fillio said

she felt that the cost of renovation of this building and creating a new building as part of the Library project will prove to be very similar.

Mr. Pilson felt that purchase of the adjacent property would be a rather expensive way to improve a septic system.

Ms. Fillio noted that she has asked the EDM to add to their estimate an additional cost for relocation of the business of Town Hall to temporary housing during renovation.

Mr. Hanson said that the property the Town owns adjacent to the school is probably the primary location for the proposed Library/Potential Town Hall. There is, however, a well on that land and he wondered what the distance was between the septic system and the school's water supply – has anyone ever looked at that? Mr. Manzolini assured Mr. Hanson that part of the project to develop the new Library is specifically to consider sewer and water issues and Ms. Fillio added that where buildings can be sited, where the septic system will go, etc. are all questions that are automatically part of the design process.

Next Meeting Dates: - November 6 and November 20, 2019 were approved as the next dates.

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

The meeting was adjourned at 7:37 PM.

Signed:

Mr. Roger Manzolini, Chair