

BOARD OF SELECTMEN / SEWER COMMISSIONERS MEETING

Wednesday June 12, 2019 – 5:30 PM – Richmond Town Hall, 1529 State Road

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

ABSENT:

GUESTS: Mr. Tom Grizey, Electrical Wiring Inspector; Mr. Ron Veillette, Chair of the Conservation Commission; Mr. Peter Beckwith, Superintendent of Highways; Mr. John Mason, Berkshire Natural Resources Council; Dan Higgins, Republic Services Rep.; Mr. Christian Hanson, Primadonna LLC

At 6:10 PM Mr. Manzolini called the meeting to order.

5:30 PM Site Visit -Richmond Pond Beach/Boat Launch: Mr. Manzolini reported that the site visit had been accomplished and it was determined that the best location for the boat shed would be on the lakeside of the pump house. The Conservation Commission would have an opinion about that location and Mr. Ron Veillette, Chair of the Conservation Commission asked for the reasoning behind that choice of location. Mr. Manzolini advised Mr. Veillette that in the winter any other location for the boat shed would incur additional plowing. Mr. Peter Beckwith offered additional issues having to do with easier construction issues and easy access to the rescue boat when it's needed. Mr. Veillette advised the Board that they would have to bring this location to the Conservation Commission to obtain a permit and he noted that there could be some push-back from the Committee.

Berkshire Natural Resources Council/Memorandum of Understanding: Mr. John Mason appeared before the Board to request approval of the MOU. The Land Trust and the Conservation Commission have signed off on the MOU, which had undergone some changes. Mr. Pilson moved that the Town approve and sign the MOU dated June 11, 2019. Mr. Manzolini seconded the motion, which was passed with unanimous consent. Mr. Manzolini signed the MOU as Chair of the Selectboard. Mr. Mason reported that the Conservation Restriction has come back approved from the State.

Mr. Al Hanson suggested that signage be posted to warn hunters that they must not venture on to Berkshire Farm property carrying firearms while hunting.

Agricultural Commission Appointment: Mr. James Shoemaker – Cultural Council

Appointment: Ms. Sarah Novak: In the absence of both candidates, Mr. Pilson asked to have the item tabled for the next meeting and to have Mr. Merkel invite them to the June 26, 2019 meeting.

Republic Services Contract Extension/Revisions: Mr. Pilson noted that the contract had been automatically extended for an additional 2-year term, commencing July 1, 2019. What Republic Services was asking for was some incremental charges in excess of the renewed agreement, due to circumstances having to do with recyclables and prevailing wages. There was an increase that represents the prevailing wage change and an additional cost for handling the Town's recyclables which was being passed along. The total amount above the current contract amount was \$13,734.00. Mr. Pilson asked if the Town were budgeted for that increase, which would be about \$1,000 per month. There was a discussion concerning the Board's ability to approve the new contract and whether there would be sufficient funds budgeted to cover the increases.

Mr. Merkel suggested that it would be best to authorize the contract extension to the limit of the Town's budget. In the fall the Town could call a Special Town Meeting in order to increase the amount in the budget unless funds can be identified elsewhere.

Mr. Pilson moved to authorize payments to Republic Services on a monthly pro-rata basis up to a maximum of an additional \$7,318.00 at this time. Mr. Manzolini seconded the motion, which was adopted by unanimous vote.

Recommendation to ZBA on Variance Petition for Primadonna LLC/81 State Road: Mr. Manzolini noted that the Board has reviewed the Variance Petition and has offered no comment to the ZBA.

Mr. Pilson noted that he has received an inquiry from an abutter of the Balderdash property asking how long Mr. Hanson intends to continue to use the south parking lot. Mr. Pilson remembered that in a previous discussion of the issue, Mr. Hanson had offered a date of August 1, 2019, after which time continued use of the south parking lot would be in violation of zoning. Mr. Hanson replied that he was aware of the abutter's sensitivity to the use of the south parking lot and that he was not expecting the Board to offer a permit for its use after the August 1, 2019 date.

Rescue Boat Shed Discussion: Mr. Steve Traver, Richmond Fire Chief: Chief Traver reported that he has received four estimates for the construction of the rescue boat shed that varied from \$8,576 to \$6,920 with most bidders anticipating a six-week time frame for construction. Among the estimates was one for \$6,925 (just \$5.00 higher than the next closest bid) with a one-week, on-site building estimate. Mr. Pilson asked Mr. Markel if the Town is required to accept the low bid. Mr. Markel noted that the low bidder must be deemed qualified and that in this case that could mean getting it done quickly since the season is upon us.

There was a discussion of the steps required to be completed before construction can begin, including site approval by the Conservation Commission, estimates from the fence supplier to make the necessary changes to the fence and work by the Highway Department to make the land level. These additional considerations will impact the cost of the build.

Mr. Pilson asked how the project was budgeted – Mr. Manzolini noted that the Town budgeted \$25,000 for the project. Since the Chair of the Conservation Commission was present, Mr. Pilson asked him what was needed to move forward. Mr. Veillette reported that Mr. Shep Evans has agreed to prepare the permit application with Chief Traver and at the meeting scheduled for June 25th, if everything is satisfactory to the Commission, after the ten-day appeal period, the project could move forward.

The Board of Selectmen has a meeting scheduled on June 26th and could approve the project at that time, assuming approval of the Con. Com.

Richmond Pond Association – Location of a Kayak Rack: To allow residents to leave their kayaks unattended. Other towns have done it with signage making it clear that the use of the rack is at the owner's risk and that the town has no responsibility or liability.

Mr. Pilson asked if the Board would consider the installation of such a rack, limited to residents wishing to use the racks at their own risk at the next meeting of the Selectboard.

Police Chief/Deputy Police Chief Discussion: Mr. Pilson reported that this issue arose because our Police Chief spends roughly half the year in Florida and this past winter there were several discussions about whether it would make sense, therefore, to appoint a Deputy Police Chief to be present and available for various administrative duties during the time that Chief Bullett is absent from the Town.

There was a discussion of how this could move forward, including asking Chief Bullett for recommendations and posting the opening publicly for an Administrative Deputy Police Chief. There is a required training program for issuing gun permits, but no requirement for regular police training.

Community Health Association FY'20 Contract: Mr. Manzolini asked if there were any changes to the contract from prior years. Mr. Manzolini noted the amount of \$25,750, payable in four installments, for which funds were appropriated and budgeted. Mr. Manzolini moved that the Board approve the fy'20 contract with Community Health Assoc. The motion was seconded by Mr. Alan Hanson and adopted by unanimous vote.

Veteran's Services Contract Renewal with the City of Pittsfield for FY'20: Mr. Merkel advised the Board that the Veteran's Contract is still not ready, City of Pittsfield counsel is reviewing it. It was tabled to the next meeting.

Interim Town Administrator Updates: Mr. Beckwith asked about an update on the Mutual Aid Agreement with West Stockbridge. Mr. Bob Markel noted that the shared excavator Inter-Municipal Agreement draft was sent to Town Counsel for review. Mr. Markel spoke with the Town Administrator in West Stockbridge and determined that they are in agreement and that the insurance, obtained by Richmond, the cost of which would be shared 50/50 with West Stockbridge. The cost of the excavator is \$51,600, funding for which is already established in both Towns on a 50/50 basis.

Mr. Beckwith asked if the Board could approve the agreement subject to any recommendations of Town Counsel. Mr. Pilson moved that the Board approve the Mutual Aid Agreement with West Stockbridge for sharing an excavator, subject to final review and comments from the Town's Counsel. Mr. Manzolini seconded the motion, which was adopted by unanimous consent.

Non-Criminal Ticketing: The Conservation Commission agent asked if there was some action that could be taken against residents violating the Wetlands Protection Act. Mr. Merkel looked into the Town's bylaws and was unable to find any previous authorization for non-criminal ticketing. Mr. Merkel consulted Town Counsel who has not responded to date.

If the Town were to adopt a non-criminal ticketing process, the Town could print tickets and allow the Con. Com. agent to do the enforcement. Mr. Merkel was of the opinion that ticketing does work well, and fines can be levied in extreme cases of up to \$100 per day. Without that process approved at a Town Meeting, this is something that would have to go on a warrant at some point.

Mr. Manzolini said he believed the concept would be supported by the towns people and he would like to outline the steps necessary to accomplish that: i.e. research the Town's bylaws to see if the Massachusetts General Law has been adopted/approved. If so, the next step could be taken to establish a non-criminal ticketing process. If the Mass. General Law has not been accepted, Mr. Manzolini would like to have the steps taken to put the question on a Special Town Meeting warrant. In the meantime, brightly colored notices have been printed for posting on the offender's door and trees. The Building Inspector could also use this tool and he should be included in the process.

Balderdash – Mr. Merkel reported that he had received a call from them about obtaining permits for their events. There are two options available: the old bylaw provides one option through the Board of Selectmen issuing a Special Permit. In order for that to happen, they must be in compliance with the Zoning Code including setbacks provisions. If they are not in compliance, they can ask for a variance, which they have done. That's where it stands at this point. A second process for issuing a one-time license, through the Board of Selectmen, under the General Bylaws, which Mr. Merkel printed out and distributed to the Board.

Mr. Pilson advised Mr. Markel of the history of this issue, including the fact that the Board has approved of several one-day Special Event Permits extending into mid-July. At this point, the owner has not returned seeking further permits beyond those issued. In the absence of any application from the company, there is nothing further for the Board to decide.

Mr. Merkel has asked the Zoning Enforcement Officer to look into the matter of a noise complaint over the weekend. He did check into it and advised Mr. Merkel that it was not the business enterprise, but another neighbor who was the source of the noise problem. Mr. Pilson asked whether Mrs. Langley has been advised of the findings of the Zoning Enforcement Officer

– Mr. Merkel will make sure that she is advised tomorrow. The Board felt the matter had been resolved.

Mr. Merkel had submitted another letter he received involving another noise complaint, which he has not yet taken action on. Mr. Manzolini suggested that the Zoning Enforcement Officer be asked to investigate that complaint.

Sewer Matters: Mr. Tom Grizey brought the following matters before the Board. 1. Generators maintenance. 2. Tank on Elm Road has a lot of grease in it and needs to be pumped out again. 3. Chemical Plant – discovered a week ago that the pumps were slowing down and not putting out as much liquid and now they have stopped. It proved to not be the pumps at fault – Mr. Grizey believes it is the ½ inch pipe from the intake of the pump that goes into the tank and he will look into that.

Mr. Manzolini asked Mr. Grizey if he has everything he needs to complete those projects. Mr. Grizey responded that he will obtain whatever he needs from Carr Hardware, as usual.

Selectmen's Matters: Mr. Hanson reported that during a trip to Rhode Island he noticed that people with turf farms have coyote cutouts on posts throughout those areas. He stopped and asked the owner about them and discovered that it keeps the geese off the turf, apparently quite effectively because the cutouts move with the wind. He thought that might be a good solution for the Richmond Pond goose problem. Mr. Vielllette noted that the RPA has looked at a lot of those kinds of solutions and reported on their findings. It will be recommended to Mr. Ken Kelly that he research those reports.

Mr. Hanson reported that his neighbor, Mary Moffett polices the roads in her area every day, picking up trash that she finds on her daily runs. He thought it would be a good idea for the Town to send her some recognition for her efforts. The Board agreed.

Next Board of Selectmen Meeting Date: June 26, 2019

After that the next meeting would be on Wednesday July 10, 2019 and after that, Wednesday, July 24th. Those dates were agreed upon.

Approval of the Minutes of the May 30, 2018 Meeting: Approval of the Minutes were deferred to the next meeting.

Telephone Expenses for the Conservation Commission: The budget for the Con. Com. expenses for this past year but the cellphone expenses wiped out the budget despite the fact that it was not being used. The telephone has been cancelled, but it ate up the budget including funds intended for education in the form of brochures explaining the wetland bylaws. The Con. Com. wanted to print and distribute the brochure, for which cost estimates were obtained. Mr. Pruhenski had advised that there would have to be a warrant made for it. It was noted that this is the time when end-of-year transfers can be made. Mr. Markel will send out emails to all department heads, asking what remains available in their budgets that they do not anticipate

needing to spend. He can put together that information for the meeting on June 26th at 5:00 with the Finance Committee.

Mr. Manzolini moved at this time that the Board go into Executive Session to consider names submitted by the Search Committee for candidates for the position of Town Administrator. Mr. Pilson seconded the motion, which was passed by roll call vote: Mr. Manzolini, aye; Mr. Hanson, aye; Mr. Pilson, aye.

The meeting moved to Executive Session in the small meeting room downstairs.

Signed:

Mr. Roger Manzolini

Chair