

APPROVED

**BOARD OF SELECTMEN/SEWER COMMISSIONERS & PLANNING BOARD
MEETING**

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

PRESENT: Mr. Neal Pilson, Chair; Mr. Alan Hanson, Selectman; Mr. Mark Pruhenski, Town Administrator;

ABSENT: Mr. Roger Manzolini, Selectman;

GUESTS: Mr. Tom Grizey, Mr. John Hanson/Chair Planning Board; Ms. Katherine Keenum/Planning Board; Mr. Rick Bell/Planning Board, Mr. Peter Lopez, Mr. Doug Bruce, and Mr. Jeff Gemelli

Mr. Pilson opened the meeting on behalf of the Board of Selectmen and Mr. John Hanson opened the meeting on behalf of the Planning Board at 6:00 PM.

Mr. Hanson went over the process for the interview/appointment of two candidates for the two seats on the Planning Board that will be open until the Spring 2019 elections. These are to replace two members who have resigned. One of the positions will have three years remaining and the other will have four years remaining but as no records are available to determine which is which, some research will have to be done. There will also be a five-year position that will be up for re-election and the incumbent will be running for that seat.

Discussion ensued as to whether appointees to an elected position should fill that position for the remainder of the term or, do they become a candidate for re-election at the next Annual Town Elections. The consensus was that because these are elected positions, an appointee maintains the position only until the next Annual Election. It was also decided that the appointments will be made specifically to fill the positions vacated by Ms. Adeline Ellis and Mr. John Vittori. Mr. Hanson went on to explain the nomination and election process and the meeting schedule and duties of the positions for the candidates' benefit.

The Interviews:

Mr. Peter Lopez was asked why he was interested in becoming a member of the Planning Board. He responded that he has lived in Richmond for over 16 years and raised a family here, which is now disbursed. He wants to make an impact but is not sure it is the Planning Board that is the best fit for him. He considers himself to be in a learning mode at this time to determine where he could make the most positive contribution. He noted various ways in which he has attempted to make things better in this area: He started the Field House in Canaan, which is about youth development and he serves on the Board of Greylock Federal Credit Union, which is about helping low-income families.

Mr. Doug Bruce also noted his desire to get involved in the Town and specifically with the Planning Board, which he sees as the body that makes it possible for individuals to pursue their own desires without infringing on the comfort or rights of others. He noted that he has a history of land-use planning, which he felt would be useful to the Board.

Mr. Pilson asked the two candidates whether they had any issue with any of the decisions made over the last few years that may be coming up again where they would like to see a decision made in one particular direction rather than another.

Mr. Bruce said his philosophy is about equity – if the Town bothers to pass a by-law he believes it should be used consistently. He does not have any ax to grind or a grievance, but he does have a philosophy that rules need to be applied across all parties. Mr. Pilson advised him that the Board is often asked to make exceptions – specifically in the Special Permit process, which is in many cases an exception granted by the Board. Mr. Bruce said that, so long as there was a public hearing on the case, he had no problem with that. Mr. Pilson noted that the Town's history has always been one of adhering strictly to the Public Meeting Laws – there are no quiet phone calls in the background making decisions, everything is done in a public setting.

Mr. Pruhenski suggested that the Board of Selectmen accept the resignation of Adeline Ellis before accepting the candidate to replace her. Mr. Alan Hanson so moved, which was seconded by Mr. Neal Pilson and adopted by unanimous vote. Mr. Hanson also asked that Ms. Ellis be sent a letter of thanks for her service. Mr. Pruhenski will do that.

A motion was made to accept Mr. Doug Bruce to fill Mr. John Vittori's seat on the Planning Board. The motion was seconded and passed by unanimous consent. A motion was made to accept Mr. Peter Lopez to fill Ms. Adeline Ellis' position on the Planning Board. The motion was seconded and passed by unanimous vote.

Mr. Hanson suggested that, since the Town Clerk is present at Town Hall, the two appointees ask her to swear them in. The Planning Board took that opportunity to adjourn their portion of the meeting at 6:30 PM.

The Board of Selectmen continued with their regular meeting.

Approval of the Minutes of the January 2, 2019 meeting of the Board of Selectmen: Mr. Pilson moved to approve the minutes as revised. Mr. Hanson seconded that motion, which passed with unanimous consent.

Animal Control Officer and Animal Inspector Position – Retirement/Resignation and Appointment: Mr. John Springstube, Richmond's current Animal Control Officer has given notice of his retirement as of February 1, 2019. Mr. Brian Hosker has expressed an interest in filling that position. Mr. Pruhenski noted that the timing is advantageous as the State of Massachusetts requires the Town to nominate an Animal Control Officer and an Animal Inspector annually. He asked the Board to appoint Mr.

Brian Hosker as the primary Animal Control Officer as of February 1, 2019 and accept the resignation from that position of Mr. John Springstube.

In response to a question from Mr. Hanson as to whether Mr. Hosker has a facility to house animals, Mr. Pruhenski replied that he does not, but that is not unusual. Most Animal Control Officers in the County have an agreement with a local shelter, so the Town will need to arrange for such an agreement. Generally, the fee involved in housing dogs that have been picked up by Animal Control are paid by the dog's owner, except in the case where the owner cannot be located, in which case the Town is responsible.

Mr. Pilson moved to accept the resignation of Mr. John Springstube from the position of Animal Control Officer as of February 1, 2019. Mr. Hanson seconded that motion and it was approved by unanimous vote. A letter of thanks for Mr. Springstube's many years of excellent service will be drafted.

Mr. Alan Hanson moved to appoint Mr. Brian Hosker as Animal Control Officer as of February 1, 2019. Mr. Pilson seconded the motion, which passed by unanimous consent.

Mr. Pruhenski read into the record a letter from Mr. Brian Hosker advising the Board of the opinion of the Ethics Board concerning his holding two positions in the Town:
"Dear Board of Selectmen: The purpose of this letter is to request your approval for me to hold more than one appointed position with the Town. In general, the Conflict of Interest Law restricts municipal employees from holding more than one appointed Town position, where at least one position is paid. However, in recognition of the difficulty small towns experience in finding people willing to serve in town positions, the law gives Boards of Selectmen the power to grant exceptions from that restriction. The multiple appointed positions that I wish to hold are: 1. Highway laborer at a salary of \$46,800 and 2. Animal Control Officer/Animal Inspector at a salary of \$3,311. Under subsection 20 of the Conflict of Interest Law, General Law Chapter 268A in towns with a population of less than 3,500, the Board of Selectmen may allow a municipal employee to have more than one appointed position. Since our town, Richmond, has a population of 1,498 you, as the Board of Selectmen, have the power to authorize me to hold all the positions listed above. I hereby request that the Board of Selectmen approve the exemption under subsection 20 to allow me to hold all of the above-listed positions."

Mr. Pilson moved to approve the exemption in favor of Mr. Brian Hosker, so that he may hold positions both as a highway laborer and as the Town's Animal Control Officer. The motion was seconded by Mr. Alan Hanson and adopted by unanimous vote.

Mr. Pruhenski noted that there are sufficient funds in the Animal Control Officer budget to provide Mr. Hosker with certification and all the tools he will need to perform his duties.

Landfill Inspection Contract for Review and Signatures: This is a follow-up from an item at the last meeting. The Town needs to engage a third-party inspector as required

by the Town's DEP permits for closed landfill from 1994 and 1998. At that time, it was required to have two inspections annually. Mr. Pruhenski wrote to the DEP, requesting that the requirement be reduced to one inspection every other year, which was approved. Mr. Pruhenski contact the firm of Tighe and Bond, for a proposal to perform that inspection, which was received in the amount of \$1,950. Assuming the Board's approval of that contract, the inspection will be conducted as soon as the snow melts. The contract will be brought before the Board every other year for approval. The inspection will not only meet our DEP requirement but will also identify areas within the closed landfill that need attention and Tighe and Bond will file that report with the DEP on our behalf.

Mr. Pilson moved to approve the contract as described. The motion was seconded by Mr. Hanson and passed by unanimous vote.

Police Chief Position – Discussion Only: Appointing a Deputy Police Chief for Winter Coverage: At the last meeting, the idea was put forward to appoint a Deputy Police Chief to provide winter coverage. Mr. Pilson reported that he has been advised that the Police Chief has a role to play in the event of any town emergency. As our Police Chief is not in residence in Richmond during the winter month, the Board should consider qualified candidates for the position of Deputy Police Chief.

Mr. Alan Hanson had spoken to someone he thought would make a good Deputy Police Chief if the Board decides to go forward. Mr. Pilson noted that he felt strongly that the Board should go forward with filling this position so that the Town can have representation on a year-round basis.

Mr. Pruhenski said that the position would have to be an Administrative Deputy Police Chief to avoid the problem with the age limit. He suggested advertising the position within the town and specifying that the desired candidate will be a town resident. There was a discussion of the current Constables serving the town, and Mr. Pilson suggested that an announcement be made that the Board of Selectmen is considering the creation of new position of Deputy Police Chief. The Administrative duties could be specified as well as the requirements for candidates.

Mr. Pruhenski suggested that, considering the likelihood that Chief Bullet will be retiring somewhere in the next several years, they try to find a candidate that could be primed to take over that position when it becomes available. Mr. Pilson asked whether there was any specific training required for the position. Mr. Pruhenski said he will look at Chief Bullett's job description to see how that is worded (assuming one exists). Mr. Pilson noted that he would prefer to defer any action until Mr. Roger Manzolini returns and is able to be party to the discussion.

Mr. Pruhenski will research the job description and put it on the next agenda, when Mr. Manzolini will be in attendance.

Richmond Phone Book – Discussion: Mr. Pruhenski reached out to the phone company again, asking if they intend to publish a phone book. They had said when asked for the first time, months ago, that they were intending to do so but could not find a printer. Two local printers were suggested to them, but there has been no response. So, the question remains whether they intend to publish the book and, if not, whether they would provide that information to the Town so that we can get an estimate on printing it. Mr. Pilson agreed that getting a local phone book published would be a service to the Town and should be done.

Mr. Pruhenski will contact the phone company again and determine whether the Town will have to budget for it in FY20.

Short-Term Rentals – Local Option Tax Discussion: Mr. Pruhenski asked that this item be tabled to the next meeting. Mr. Pilson noted that Lenox receives significant revenue from their tax on short-term rentals and their restaurant taxes. Mr. Pruhenski advised that Richmond currently receives taxes from its B&B's and Inns. The question that Mr. Pruhenski wanted to ask the Town's attorney was; now that the new State law has passed regarding short-term rentals; does the Town have to pass another local Option Tax in order to be able to collect that or will the existing rooms and meals tax suffice.

Noise Bylaw Proposal – Continued Discussion on General Bylaw: Continued from the last meeting. Mr. Pruhenski has received edits to the proposed bylaw from Mr. Pilson and Mr. Manzolini. The version he distributed reflects those edits; the word "unreasonable" has been changed to "excessive" and six months has been changed to 90 days. Mr. Pilson noted that he is now comfortable with the bylaw as it currently reads.

If the Board members agree with the way the bylaw reads now, Mr. Pruhenski will send it to the Town's Attorney for review. Mr. Hanson questioned the enforcement of this bylaw, which he saw as a potential problem. He was concerned that passing the bylaw would open the floodgates of complaints and how was it going to be enforced? There was a discussion of what powers the Building Inspector may have that would give weight to his enforcement of the Noise bylaw.

There was a discussion of whether adopting a Noise Bylaw may prove more harmful to the peace of the Town than good. Mr. Pruhenski reminded Mr. Hanson that the bylaw is in effect only from 11:00 PM to 7:00 AM, which should eliminate a lot of complaints.

Investment Advisory Committee – Discussion Only: Mr. Pruhenski read an email that explained the need for an Investment Advisory Committee: "With the need to fund an Other Post-Employment Benefits (OPEB) account for future obligations related to retiree health insurance, it is important to earn the highest rate of return on monies that are in the possession of the Treasurer that are not needed to be immediately liquid.

Formation of the Investment Advisory Committee is intended to provide an advisory body for the Treasurer on ways to invest certain funds to earn the highest rate of return possible, while looking at the immediate cash needs of the Town.

Mr. Pruhenski explained that the Town has been putting \$100,000 a year into OPEB and it's just sitting in an account making minimal interest. Mr. Lisi is requesting formation of an Investment Committee on the recommendation of Bob Gniadek, our Finance Committee Chair.

Mr. Pilson said that Mr. Gniadek would be someone that would have to be considered; he also suggested a neighbor of his, Mr. Steve Kay, who has been at Goldman Sachs for many years; Mr. Aaron Gerwitz who was interviewed, expressed an interest... Mr. Pilson felt there were probably lots of people in town with that kind of investment background.

Discussion of the make-up of such a Committee resulted in the decision to keep the number of members to three. Mr. Pilson suggested a special notice in the weekly e-newsletter and Mr. Pruhenski will post it on our Facebook page once the notice has been drafted and approved.

Solar Interconnection Application with EverSource for Signatures: This application was sent by Solar Select as the last step in the solar project for the school. The agreement has been reviewed by Counsel. This requests that EverSource allow the Town to "flip the switch." Mr. Pruhenski is asking the Board to sign the Application on behalf of the Town.

Mr. Pilson moved that the Board Chair be authorized to sign the Agreement requesting the interconnection with EverSource to activate our solar array. The motion was seconded by Mr. Hanson and accepted by unanimous vote.

Sewer Matters: There were no matters needing to be brought before the Board

Mail/Sign Warrants: Warrants were signed as required.

Town Administrator Updates: Some good news on the EMT issue. Six of the eight people sponsored to take the EMT training have completed the program and passed the State Practical Exam; some have also completed the written exam and, as of this week, two have passed both and have received their cards and radios and are active EMTs. The remaining four must pass the written exam and Mr. Pruhenski will keep the Board updated on their progress.

Complete Streets: Mr. Pruhenski has met with a representative from VRPC to discuss next steps on Complete Streets. He will work with Mr. Peter Beckwith and Mr. Eman Kaufman from VRPC to develop a scope of work and a Project List. Once a Project List is in place, Mr. Pruhenski will bring that to the Board for their input. The next round of

applications for funding will not be until the Fall of 2019 so there is plenty of time to move forward.

Mr. Pilson suggested soliciting input from residents about some of the projects they would like to see included in this initiative. That can be done once the projects that can be funded are identified and offered to the residents for discussion.

Mr. Pruhenski advised the Board that he has put out an announcement in the weekly e-newsletter and on FaceBook for residents to submit photographs to be considered for the cover of the 2018 Town Report. Eleven photos have been received and a second reminder will be posted as the deadline of March 1st comes closer. He will bring the collection to the Board for their review.

Mr. Pruhenski has received the first draft of the Richmond Brochure update. The previous version did not contain any of the colors or fonts of our other marketing materials, but those have been incorporated into the updated version, a sample of which Mr. Pruhenski distributed to the Board. Mr. Hanson suggested that the size of the photos in the brochure be increased. Mr. Pilson suggested that some of the text on the main page be moved in order to make the page more readable and less "busy." Mr. Pruhenski will have those changes made and bring the revised version to the Board for review.

Mr. Pruhenski distributed copies of a draft letter that went to Rep. Smitty Pignatelli only and not to the Lieutenant Governor. The letter is based on a proposal by Rep. Pignatelli to rework Chapter 90 funding for roads. Mr. Pruhenski is awaiting response from Rep. Pignatelli. The final version will be a template for use by every city and town in Berkshire County. Mr. Pilson asked if it was the correct procedure to send the final draft to the Lieutenant Governor. Mr. Pruhenski replied that it is because Rep. Pignatelli had met with the Lt. Gov. and pitched this proposal to her originally. The idea is a re-working of the Chapter 90 funding formula, which would provide \$23,381. In additional funding to Richmond and that's based on an average \$200,000,000 disbursement in the Governor's budget.

Selectmen's Matters: There were no issues.

Next Meeting Dates: February 13, 2019 (no meeting on February 27th):

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

The meeting was adjourned at 7:34 PM

