

BOARD OF SELECTMEN / SEWER COMMISSIONERS MEETING

Wednesday February 22, 2023 – 6:00 PM – via Zoom

PRESENT: Roger Manzolini, Chair; Neal Pilson, Selectman; Alan Hanson, Selectman; Danielle Fillio, Town Administrator; Mark Cappadona (Colonial Power); Denise Allard (Colonial Power); Peter Beckwith, Highway Super.; Susan Markowitz; Dick Stover; Jen Hansell; Jamie Grossman

Roger opened the meeting at 6:00 PM.

Approval of Minutes of the February 8, 2023 meeting of the Board of Selectmen: Neal moved that the February 8, 2023 minutes be approved as amended. He was seconded by Alan and the motion passed by unanimous vote.

Mud Season – Gravel Roads: Pete noted that there has only been a little bit of frozen weather this winter, so he has been fighting mud season all year long; typically with stone and getting to them when he can.

Neal noted that residents on gravel roads are aware of the susceptibility of gravel roads, once they thaw, of having water rise to the surface, causing the roads to become difficult to traverse. A number of residents have complained to Town Hall and Neal wanted this opportunity to explain that half of the mileage of roads in Richmond are gravel, similar to West Stockbridge and other towns in Western Mass.

Usually, we do not experience the conditions of mud season until March or April, but everyone must be aware of the unusually warm weather conditions that have happened this winter, which has caused serious issues with the condition of some of our roads. The Town is well aware of the problem and we are doing the best we can to alleviate the worst problems with additional gravel. Residents need to understand that if they live on gravel roads, this will be an annual problem. Even if it were desirable to convert some of our gravel roads to paved roads, the cost would be prohibitive.

The Board is equally aware of the problems caused by large trucks digging significant holes in some roads. We could close those roads to heavy trucking, but then you would not be able to get your oil delivered, school buses would not be able to come down those roads and the fire engines would have great difficulty accessing the site of an incident. It is unusual for us to experience a spring thaw in the middle of winter but we can probably expect these conditions to continue into March or April; nighttime freezing and next morning thawing as the sun comes up,.

Danielle added that Pete has also done fabric jobs throughout Town, which has held up very well. He plans another such job for East Road, for which the cost of the gravel alone will be \$45,000 to cover a 1,400 foot section of East Road. That does not include the Geogrid mat that lies on top of the gravel and the associated labor costs. On Osceola Road, Peter did a similar

estimate a long time ago on engineering and drainage for that road, which amounted to approximately \$1,000,000.

Danielle reported that next Monday the first of two webinars is scheduled as part of the Storm Water Management Grant. They are designed to inform property owners who have storm water runoff problems what they can do on their own properties to mitigate the problems.

Colonial Power – Municipal Aggregate Program: Mark Cappadonna of Colonial Power explained how the program worked. It covers the supply portion of the electricity bill, and the end user receives a single bill from EverSource. The program is divided into stages.

Early Stages: A plan needs to be created and drafted as a Warrant Article which then requires acceptance by the Board of Selectmen after 30 days. Then the steps needed to be taken with the State, which can take from 24 to 36 months for their review. Once the DPU issues an order Colonial Power can sign with a third-party supplier.

Residents can opt in or out at any time once the program goes into effect and EverSource customers are automatically included in the program but can opt out once the program goes into effect.

A discussion ensued that resulted in the consensus that there was no downside to proceeding with the program.

Public Comment: Susan Markowitz asked for a step-by-step summary of the program, which Mark Cappadonna will provide.

Dick Stover asked if Colonial was the only company offering this program. There are two others: Good Energy and Mass Power Choice, but all the municipalities in the Berkshires have chosen to go with Colonial.

Update on 159 Willow Road: Building and Zoning fined Mr. Bowman \$100 in October for doing work without a permit. He has since applied for a building permit, which awaits his appearance at the Zoning Board of Appeals. He has been advised that the first time he approached the ZBA his paperwork was too inadequate for the Board to figure out what he was looking for. He has been told that he will receive another letter today, advising him that he needs to go before the ZBA again to get his ruling and if he fails to do that, he will begin to receive fines again. Just applying for the building permit did not provide any relief.

The Conservation Commission has decided that it would be in the best interests of the town not to fine Mr. Bowman at this time and as of January 9th, they have been working with him to get a Restoration Plan completed and submitted to the Con.Com. by March 31st. If he does not provide a Restoration Plan by that time, Shep has said that they will begin to fine him at the rate of \$200 per day.

Danielle read a formal statement from the Con.Com into the minute (please see attached). Roger asked Danielle to be sure that the ZBA is aware of the Board of Selectmen's support.

TOWN CENTER DISCUSSION:

Invoices and Change of Orders – None – next meeting of the Building Cte. Will be March 7, 2023

Status of Building: Concrete Cisterns for the fire suppression system have been installed in the back of the building. Electrical Easement? We have not heard from EverSource.

Public Comment: Jenny Hansell provided an update on the Land Court Suit involving the BNRC, Perry's Peak Road and the Richmond Land Trust (Hollow Fields). The next hearing before the judge will be in April. The lawsuit in Land Court is continuing. The judge will move forward with a decision as to whether the road is a public or private one. Mrs. Hansell said it is more than likely that If the road is found to be a private road, Hollow Fields, which was purchased with town money for the benefit of town residents, would have to close.

Jenny and the lawyers have asked the Board to consider taking the road by eminent domain, which would resolve the matter. The Board recommends that the two sides continue to work together towards a compromise that is acceptable to everyone.

Jenny said a draft of a Warrant Article will be submitted to the Board for the May Town Meeting. Roger noted that, as this issue was not included in the Agenda for tonight's meeting, the Board can take no action at this time, but the issue will be placed on the agenda for the next meeting.

There was a discussion of deadlines for submission of Warrant Articles and Danielle cautioned the Board that the Town is still named as a party to the litigation. She advised going to the Litigating Attorney to ask her to be available at the next meeting.

Town Administrator Updates: Danielle asked the residents to use caution when driving on gravel roads and to try to limit the use of those roads as much as possible.

A reminder will go out in the e-newsletter about the webinars scheduled to inform homeowners what actions they can take on their properties that will reduce the damage caused by stormwater runoff. She cited several research projects that showed the 12 dams that exist in Richmond could have a device installed for lowering the levels before a large rainstorm. All 12 dams are on private property; some are man-made and some are beaver dams. Water flowing into and from these dams can impact private property, roadways, and rights-of-way. The webinars are meant to advise on ways to minimize that impact.

Selectmen's Matters: Roger voiced his concern over the disaster in East Palestine, Ohio, which reminded him that Richmond is divided by Railroad tracks, as is Pittsfield. Remembering the poor maintenance conditions he saw on the tracks as a young man made him wonder if there was something Richmond and Pittsfield could work on together to limit the possibility of such a disaster occurring here. He was advised that MEMA is holding a Union Pacific Hazmat Managers' Meeting that covers the safety and right-of-way of the railroad, locomotive response

times and types of railroad cars and how to prepare for and manage accidents. In addition, the railroad does a periodic rail assessment.

Neal added that all the above is in our Disaster Plan. He agreed that a heightened focus on safety with Pittsfield as a partner, is an obvious choice.

Alan asked about rerouting school buses during snowstorms. He was advised that there is a system in place between Peter and Terry of Dufour. Once Terry decides what needs to be done, she calls the Superintendent of Schools and they initiate a notification system.

Jamie Grossman registered her concern over Jenny Hansell's statement that if Perry's Peak Road were found to be a private road, Hollow Fields would have to close. She felt there was still room for compromise.

Sewer Matters: None

There being no further business before the Board, Neal moved to adjourn the meeting at 7:10 PM. He was seconded by Alan and the motion passed by unanimous consent.

Signed:

Roger Manzolini