

BOARD OF SELECTMEN / SEWER COMMISSIONERS MEETING

Wednesday August 10, 2022 – 6:00 PM – via Zoom

PRESENT: Roger Manzolini, Chair; Neal Pilson, Selectman; Alan Hanson, Selectman; Danielle Fillio, Town Administrator; Angela Garrity, Town Acct./Town Clerk; John Mason, Ira Trosman; Jenny Hansell, Att’y for BNR; Mark Bobrowski, Att’y for BNR; Janie Grossman, Litigant; Rebecca Lord; Officer George Hamilton, Lee Barracks State Police; Tom Grizey, Wiring Inspector; Dennis Scarborough, Resident

Roger called the meeting to order at 6:01 PM.

Approval of Minutes of the July 13, 2022 and July 27, 2022 Meetings: Neal moved to approve the Minutes as read. The motion was seconded by Alan and adopted by unanimous vote.

One Day Alcohol and Special Event Permit – Sheriff’s Picnic at Camp Russell: It was noted that this is the same event that has taken place for years. There being no questions or comments, Al moved to approve the permit. The motion was seconded by Neal and carried by unanimous vote.

One Day Special Event Permit – Pie Social at Ice-House Hill Fam: This is the traditional social event that has been held for many years. There being no questions or comments, Al moved to approve the permit. He was seconded by Neal and the motion was carried by unanimous vote.

Jenny Hansell – Berkshire Natural Resources (Perry’s Peak Road): Ms. Hansell provided an update on the easement lawsuit. She noted that the easement does not apply to property acquired later. She suggested that the Board of Selectmen call a Special Town Meeting for the purpose of taking the road by Eminent Domain.

The members of the Board had several questions and Neal noted that there was no need for a decision to be made at this meeting. He would want input from the Town Counsel, an examination of the costs involved and a discussion and evaluation of what the impact would be.

Mark Bobrowski, representing BNR offered some further detail. If the Town is unable to prove that Perry’s Peak Road is a public way, he would want to go forward in September/October with the process, which he outlined:

1. Craft a Warrant Article to adequately describe the easement to be taken, which would require a survey to provide metes and bounds. An Easement is a taking of a partial interest of the way, which would allow members of the public to pass and repass without taking the underlying full ownership of the property. He noted that a draft Warrant Article is available from his office.
2. Schedule a Special Town Meeting and place the Article on the Warrant.

3. Discussion and vote at the Town Meeting. Passage of the Article would require a 2/3 vote as there would be some payout required for damages for the right to pass and repass.

4. Take a Town Meeting vote of 2/3 majority, have it certified by the Town Clerk and have the Board of Selectmen vote to adopt a Notice of taking (a draft of which he has prepared). The Board will then vote to notify the proper party(s) of the taking. Once the Order is signed it is taken to the Registry of Deeds within thirty days of adoption. The Town then becomes the full owner of the Easement as described in the Order.

Damages: The process will require a survey and an appraiser to determine the cost of taking. Mr. Bobrowski anticipated a 'yes' vote at the Town Meeting, at which time a check would be cut and left with the Treasurer for three years from the Date of Order and Taking. During the three year period, claims for damages could be asserted against the Town.

There was some discussion that followed. Neal asked if Mr. Bobrowski could cite a similar situation anywhere in Western Mass. Mr. Bobrowski was unaware of any similar situation or of any situation where hiking is listed as a specific permitted use.

Janie Grossman spoke for the homeowners on Perry's Peak Rd. She felt that the BNRC seems to want to skirt the issue. If the road is determined to be a private way, they would be willing to work with the BNRC to reach an understanding.

Neal said he felt that the case needs to be settled and that, in any case, it is not reasonable to assume that all the steps required could be accomplished before the September session in Land Court. He had some questions about the steps outlined by Mr. Bobrowski: What does "nominal damages" mean? Is the Town to be held in uncertainty for three years as to whether a suit will be filed? He expressed his hope for a settlement rather than continued litigation. This issue concerns over 600 acres and an investment of half a million dollars in public and private funds.

Public Comment: Doug Bruce – Town should have a legal position and be a party to the suit.

Jennie Hammel was concerned if the parties cannot settle after both sets of lawyers have already spoken together often, it will fall on the town to take the requested position.

Danielle said that all the information gleaned at this meeting will be forwarded to the Town's attorney.

Neal agreed that the best course of action at this time would be to meet in Executive Session to review the steps suggested by the attorneys. His concern is that settlement discussions to this point have not been fruitful. As the court date approaches, however settlement discussions tend to become more productive. In the meantime, the Board will determine what the implications are of the proposed action and take it under advisement.

Conservation Commission Appointment – Rebecca Lord: Ms. Lord was recommended to the Board by Ron Veillette, Chair of the Commission. Roger asked Ms. Lord her reason for wishing

to serve on the Con. Com. She responded that she was a member of the Con.Com in Lee and had enjoyed that very much. She has recently moved to Richmond and wishes to use her knowledge to give back to the community.

Neal moved to approve the appointment of Ms. Rebecca Lord to the Conservation Commission. He was seconded by Al. The only discussion was Holly Stover thanking Rebecca for seeking the seat on the Commission and the Board for approving her selection. The motion passed by unanimous vote.

East Road – Discussion of Pedestrian and Speed Limit Signs: The issue was to improve safety on East Road. Neal reported that he has noticed an increase in the number of walkers East Road attracts and their need for protection from traffic. He proposed Pedestrian signs be posted at the intersections of Swamp and East Rd. and at Reservoir and East Rd. and a yellow 25 MPH sign for both the safety of pedestrians and the fact that speeding cars kick up a great deal of dust on that gravel road.

A discussion made it clear that the members of the Board and residents support the use of those signs to alleviate the potential dangers on East Road.

Town-Wide Speeding Issue: Officer George Hamilton, a member of the State Police, joined the meeting to address this issue with the Board. There was a discussion of the various roads in Richmond where the problem is particularly pronounced. Roger asked Officer Hamilton if the State Police would support a request from the Board to the State for a reduction in the speed limit on Summit Road. Roger also asked for a greater police presence on the worst of the roads as that is usually quite effective and asked that the officer identify what he considers potential accident sites.

The officer suggested that the Town contact Lt. Matthew of the Lee Barracks and make their requests for an additional police presence on certain roads identified as most dangerous. Roger thanked the officer for the excellent service the State Police has provided to Richmond.

Updates and Discussion of Installation of Security System at the Town Beach: Al did some research on trail cameras and other security systems. He noted several options are available and most work on Wi-Fi or some form of communication with the camera. He also talked to Tom Grizey about volunteers who have offered to do surveillance of the area and capture problematic behavior on film.

Roger reported that the information about the vandalism that was posted in the Town's Newsletter led to an anonymous offer of a \$500 reward for information leading to the person or persons who did the damage and to a Town resident volunteering to finance a security system for the Beach. It was suggested that Tom and that resident work together to develop an effective security system for next year. Neal suggested the use of signs indicating that the area is under camera surveillance.

Town Center Business – Discussion of AV System and Solar Panels: The first topic of discussion was the P3 invoice payment for the new building. Angela noted that Pat Callahan, Pres. Of the Phase II Municipal Bldg. Cte., forwarded an invoice for payment, which does not require Board approval.

Discussion of upcoming payments due for the building project will be reflected on all upcoming Board meeting agendas.

Audio-Visual System and Solar Panels for the new building: Neal wants to have video recording capability in both the large and small meeting rooms so that meetings, presentations, etc. can be made available on the Town's Website. It would also afford the students at Richmond School the opportunity to create programming.

A discussion ensued of how to proceed, including a note that the State may be making that kind of access a requirement by April of 2023.

Solar Panels for the new building will not be financed by the Town of Richmond. In order to get a quote, an estimate of the power needs for the building will be needed and that is being looked at. Roger suggested that an estimate for the oil and electricity consumption at the current Town Hall and Library buildings be used as a check against the estimate of kilowatt hours required.

A group will be formed to accomplish that work and to determine where contributions can be made to finance solar paneling. The Town cannot finance the panels as that would negatively impact the Bond rating.

Discussion of Procedure of School Committee Member Appointments: Neal noted that with the resignation of Adeline Ellis in June, the Committee currently consists of two members and an empty seat. At the Town Meeting, an additional two seats for the School Committee was approved, making the whole membership five people. At the next Board meeting, Ina Wilhelm and Peter Dillon will recommend for Select Board approval for someone to fill the empty seat until the next election in May.

The Town is waiting for the Attorney General to approve the addition of those two extra seats.

Public Comment:

Dennis Scarborough came before the Board to discuss his concerns about access to Richmond Pond for boating, fishing and swimming. There was a discussion of the laws concerning traversing Great Ponds, the rights of the public to walk around the Pond regardless of private properties so long as the person remained within certain areas. The biggest issue for him seemed to be the Boys and Girl's Club use of motor boats in the area where he prefers to swim and where kayakers used to utilize the Pond.

After lengthy discussion of the laws of usage, etc. Mr. Scarborough proposed that the Boys Club begin their boating sessions after 10:00 AM, which would provide a safe period for swimmers.

Another lengthy discussion prompted Neal to ask what Mr. Scarborough wants the Board to do. He asked that the Board approach the Boys Club and tell them the Town wants the kayakers to be safe from the big wake caused by the Camp's boat. Roger volunteered to talk to the Boys Club. Ron and Tom both offered to provide books containing the rules governing Great Ponds, which Roger will review.

Public Comment: Dick Stover asked about the invoice for the P3, which Angela received and paid. The General Contractor invoice had not been paid as it was not received. Neal called Pat Callahan to advise her that the General Contractor invoice had not been received. She forwarded the invoice and asked that it be signed before the end of the meeting, which the Board agreed to do.

There being no further business before the Board, Neal moved to adjourn the meeting at 8:30 PM. The motion was seconded by AI and adopted by unanimous vote.

Signed:

Roger Manzolini, Chair