

BOARD OF SELECTMEN / SEWER COMMISSIONERS MEETING

Wednesday August 24, 2022 – 6:00 PM

In-Person and Zoom Hybrid

PRESENT: Roger Manzolini, Chair; Neal Pilson, Selectman; Al Hanson, Selectman; Danielle Fillio, Town Administrator; Matt Mozian, Att’y.; Al Averill, Rep. USDA Agricultural Farmland; Ron Veillette; Dick Stover; Ina Wilhelm, Richmond School Committee; Austin White, Manager EMT Service, Jacob Saldato, EMT Applicant; Alexis Cooke-VanBramer, EMT Applicant

Roger called the meeting to order at 6:00 PM.

School Committee Appointment of Karen Youdelman: Ms. Youdelman said she has been a resident of Richmond for 15 years and has an interest in the School Committee position as a teacher of deaf children. She is a Speech Pathologist currently mentoring a student at BCC. She has been a Special Education Parent Surrogate through the Department of Education of Mass. and is currently interested in using her skills and expertise to benefit Richmond. Roger moved to appoint Ms. Youdelman to the vacant seat on the School Committee. Neal seconded the motion and noted that the Town has rarely had a volunteer with more experience. Roger thanked Adeline Ellis, who recently resigned her position on the School Committee, for her work on that body.

The motion having been made and seconded, it was passed by unanimous vote; Pilson, aye; Manzolini, aye; Hanson, aye.

Ina Wilhelm advised the Board that the School Committee will be moving to a five-person membership, which it is hoped will afford the Committee greater depth and breadth. It was noted that Ms. Youdelman will serve out the existing term until the next election, at which time she will have to stand for election.

Interview / Appointment of two EMT/FF Applicants: Austin White introduced the two applicants and explained that they will be permanent, full-time ambulance crew and fire fighters. They will work 8:00 AM to 4:00 PM Monday through Friday, for both Richmond and West Stockbridge, which is a tremendous step forward for the two towns who will each pay 50% of the costs.

Jacob Saldato has close to a full year experience as an EMT in Berkshire County and Alexis Cooke-VanBramer wanted to excel at and expand her experience into a full-time fire service. Roger noted that both applicants come highly recommended by the Fire Chief and Austin and moved to hire them for the Fire Department/EMT Service. Al seconded the motion which passed by unanimous vote; Pilson, aye; Manzolini, aye; Hanson, aye.

Matt Mozian, Att’y. – Regarding Perry’s Peak Road: Mr. Mozian said his reason for addressing the Board at this time was to clarify an issue. He noted that at the Board meeting of August 10, 2022, Neal said, “This case cries out for settlement.” Mr. Mozian said his clients have always believed that and have acted in accordance with that belief. At the Zoning Board hearing of April 29, 2022, it was recommended by Mr. Martin that the parties return on another day and try to resolve their differences. Mr. Mozian sent an email of preferred conditions to the Zoning Board, but no meeting was set to discuss a possible settlement. On June 15, 2022 the Zoning Board made a decision, which was appealed by the BNRC, leading to a Land Court action. The judge suggested settlement and Mr. Mozian resent his original email with the list of conditions. The response from the BNRC was incomplete, ignoring several salient points, particularly their taking responsibility for the trail head and the people who use it. Mr. Mozian felt it was important for the Selectboard to know those details and to understand that his clients are willing to sit down and work out a reasonable settlement. At a meeting on August 10, 2022 the BNRC stated to the Board of Selectmen their new argument about the status of Perry’s Peak Road after the zoning amendment was passed.

Roger told Mr. Mozian that the Board hears what he is saying, but that it is not able to make any decisions at this time. He believes there is a good opportunity for a settlement. There is a request from the BNRC for the Town to consider a taking of Perry’s Peak road, which is under advisement.

Approval of the Minutes of July 13, 2022 and July 27, 2022: All suggested revisions having been made, Neal moved to approve the Minutes of the July 13, 2022 and July 27, 2022 meetings of the Board of Selectmen. Al seconded the motion, which passed by unanimous vote; Pilson, aye; Manzolini, aye; Hanson, aye.

USDA-Agricultural Farmland as a Local Importance Delegation – Discussion on Path Forward: Al Averil, a representative of the USDA program explained that the program is about land preservation as farmland. The USDA Natural Resources Conservation Service is seeking to increase farmland protection and will do all the necessary work.

Mr. Averil outlined the process by which the owner of a tract of land can have the land designated as eligible for protection. The owner is then paid the market value, less the agricultural value of the land, in exchange for limiting non-agricultural uses on that land. Eligibility is determined via soil survey. Recognition of farmland as of local importance increases the extent of Important Farmland Soils from 41% to 61%. The premise of the program is that the Town values open space, agriculture, small businesses and landowners’ choice.

The NRCS/AFT guides the process, ensures that the criteria are met, drafts the documentation and the locality signs. A copy of a completed survey is attached to these minutes.

Roger asked about unintended consequences. Possibly problematic for heirs of the current landowner as the easement is permanent. Neal said he would like to read the document. He could see the possibility of promoting the availability of this program and then depending on

the landowners to apply. Copies of the document and the application form will be forwarded to Danielle.

Town Center Discussion: The question was raised whether any invoices or change orders had been received. Dick Stover replied that none had been sent. Roger noted that everything seems to be on track both with scheduling and budget-wise and there were no items requiring a vote by the Board at that time.

Town Administrator Updates: Danielle reported that Pat Callahan, Kristen, Danielle and the architect have met and finalized the electrical system and where all data ports will be located.

Community Room capacity for projection screens and video equipment. Danielle assured the Board that all that has been accounted for.

Internet Company: Danielle has received a quote from Richmond Telephone Company and is working with our I.T. company. She has asked for a quote from Spectrum as well.

There is currently no security system built into the project. She is working with the company about security alarms and motion detectors tied into the current fire alarm system, which is being installed. Neal wanted to be sure that all meetings being held in the community room that are subject to the Open Meeting Law will be made available on the internet. He also wants origination capability for videos and presentations which can be made public on the Town's website without excessive amounts of time and effort.

Danielle assured Neal that all of that is being worked on and the intent is to create a system with the easiest and fewest steps for set-up. The Library wants to use the community room for their Lively Animal Exhibits and Movie Nights, so she is proposing a ceiling-mounted system consisting of two zones; one for meetings and one for movies. Neal also asked Danielle to look into wiring the room for the deaf and hard-of-hearing so that they can access the amplification for hearing aids – a system called "Hearing Loop."

Danielle replied that she is looking into a grant for that as there is currently no money budgeted. She is putting aside the extra money earmarked for Town Hall furniture and furnishings for a security system and the common room. Instead of buying new furniture, the plan is to take the existing Town Hall furniture to the new building in order to free up that money for the community room and the security system.

Dick Stover asked about the furniture planned for the community room. Danielle said there would be four desks with two chairs each for Board and Committee Chairs and a comfortable type of folding chair that can be stacked on rolling carts.

Danielle reported that the Town has been awarded a \$265,408.00 grant in conjunction with West Stockbridge for storm water management. This is for town-wide storm water runoff, which includes education for homeowners as to what they can do on their private properties to

manage flooding. One specific project for this grant is the Sleepy Hollow Bridge replacement part. West Stockbridge is using it for the final design on one of their bridges, as well.

Danielle reported that 26 houses have been identified as advertising short-term rentals on Air B&B and VRBO. She has asked Berkshire Regional Planning to determine if those houses are registered with the State of Mass. as short-term rentals and are paying the requisite room taxes.

Roger asked that Danielle investigate whether the Town should consider levying a local room tax and see what revenue we are not collecting. Danielle will ask the Building Inspector to determine if any additional houses fall under the definition of short-term rentals. Roger asked that no action be taken at this time, but find ways to determine who, other than the identified 26 houses, are offering short-term rental spaces.

Scheduling the Sewer Users Meeting: Roger noted that, in order for him to be available to attend that meeting, it would have to take place before September 19, 2022 or after October 12, 2022 as he will be out of town in the time between. Neal noted that he will have to attend the September 14th meeting via Zoom as he will be in New York. Roger will attend via Zoom on September 28th and will be absent on October 12th.

Danielle will look at the dates and determine the best days to schedule meetings.

The next issue on scheduling was regarding meetings during the Holidays. It was decided to meet on the first and third Wednesdays in November and December, rather than the usual second and fourth Wednesdays.

Draft Speeding Report from Ron Veillette and Neal Pilson: Neal reported that he and Ron drove around Richmond to look at the traffic situations on various streets, especially where it was felt that safety was being compromised by too high-speed limits. They drafted a letter to the State Police which they want Danielle and Peter Beckwith, Superintendent of Highways, to review and then bring to the next meeting for discussion.

Selectmen's Matters: Neal read a short statement of the Board on the matter of eminent domain and/or Prescriptive Easement: "With regard to Perry's Peak Road, we, the Selectboard, are deferring any action on eminent domain or prescriptive easement at this time. We reserve the right to review the matter at a future time." The other Board members agreed with the statement.

Dick Stover asked for clarification on eminent domain vis-à-vis the BNRC. Roger advised him that the BNRC's attorney had asked the Board to take Perry's Peak Road by eminent domain to make it a public way. The Board listened to their request and took it under advisement.

Al asked whether the gate to the Richmond Pond Beach was being locked every night since the garbage incident earlier this season. At 6:00 PM the Pond Monitors lock the gate and it is then

reopened in the morning. Neal noted that after the first two weeks of the summer, garbage does not appear to be a problem.

There being no further business before the Board a motion was made to adjourn the meeting at 7:35. The motion was seconded and passed by unanimous vote; Pilson, aye; Manzolini, aye; Hanson, aye.

Signed:

Roger Manzolini, Chair