

**Board of Selectmen/Sewer Commissioners
July 27, 2016 Minutes
Town Hall, 1529 State Road, Richmond, Massachusetts**

ATTENDING: Alan Hanson; Roger Manzolini, Chairman (6:11 p.m.); Neal Pilson; Mark Pruhenski, Town Administrator; Katherine Zahn, Town Secretary
Finance Committee: John Mason; Eileen Martin; Patricia Callahan; Robert Gniadek, Chairman; Absent: Stevan Patterson
School Committee: James Biancolo; Absent: Dewey Wyatt
Others Attending: Richard Miller; Gerald Coppola, DPW Superintendent; Amy Lane, Town Accountant (6:15 p.m.); Paul Lisi, Town Treasurer (6:15 p.m.); Tom Grizey

Mr. Hanson, acting Chair, opened the meeting at 6:00 p.m.

The Board reviewed the minutes of July 13, 2016. Spelling corrections and clarifications were noted. Mr. Pilson made a motion, Mr. Hanson seconded and the Board voted unanimously to approve the July 13, 2016 minutes. The Chairman will sign the corrected copy forthwith.

At 6:05 p.m. Mr. Hanson opened a joint meeting with the School Committee for the purpose of appointing a member to fill a vacancy. Mr. Biancolo related that Julia Sabourin was elected for a three year term to the School Committee as a result of the 2016 Annual Town Election. Subsequently she applied for a job at the Richmond Consolidated School, was hired, and resigned from the School Committee effective June 22, 2016. The appointed member assuming the vacant seat will serve a term through the 2017 ATE. A two year term seat will then appear on the 2017 ATE ballot. Adeline Ellis, Paula Patterson and Mathew Palardy have expressed interest in the vacant seat. School Committee member Dewey Wyatt could not be present this evening. He communicated by email his input in support of Adeline Ellis. Mr. Biancolo recommended the appointment of Adeline Ellis based upon the School Committee candidates forum. He pointed out that Ms. Ellis placed second in the 2016 ATE and expressed similar views as the elected candidate, Ms. Sabourin.

At 6:10 p.m. Mr. Hanson made a motion, to appoint Adeline Ellis to the School Committee to serve a term to the 2017 ATE, Mr. Pilson seconded and the members of the Board of Selectmen and School Committee voted by roll call as follows: Mr. Hanson-aye; Mr. Pilson-aye and, invoking the rule of necessity, Mr. Biancolo-aye. An appointment certificate and swearing in to office will proceed accordingly.

At 6:11 p.m. Mr. Hanson opened a joint meeting with the Finance Committee for the purpose of addressing FY-17 budget shortfalls, a potential fall Special Town Meeting and the Treasurer hours. Mr. Pruhenski explained that there is a shortfall in the FY-17 budget for the Town Accountant salary, the Conservation Agent salary and in the bonding and insurance line.

Mr. Lisi explained that he has accepted a full-time position with another municipality. He proposed to continue working as Treasurer part-time for Richmond at an annual salary of \$20k with weekly 8-9 office hours on Fridays at Town Hall and work

additional hours remotely from home managing payroll. He proposed, and Ms. Lane concurred, that for an annual salary of \$20k she would continue to serve the Town as Accountant and work an additional 8 hours managing concomitant financial duties. This arrangement, if proves to be satisfactory, would effectively reduce the FY-17 Treasurer salary expenditure sufficiently to cover the FY-17 budget shortfalls aforementioned.

Mr. Pilson stated that he would like to see a written statement defining the time and duties performed relative to the proposal. Having no written statement of the proposal at hand Mr. Lisi stated that the Treasurer duties are defined in the Department of Revenue Treasurer guidelines. Mr. Manzolini suggested a written proposal be provided in the near future. Mr. Lisi expressed reluctance to produce such promptly and related that he needs a decision this evening from the Board regarding the proposed arrangement. He added that in any event he is leaving his current position in Richmond. Ms. Callahan asked about federal rules relative to hours/salary and expressed concern that the work performed be commensurate with wages paid. Mr. Pruhenski confirmed that the FY-17 budget Accountant salary line item does not reflect \$18,500.00 [the annual salary calculated at the weekly FY-16 pay rate Ms. Lane received] and that the proposal would increase the Accountant salary to \$20k. Ms. Lane confirmed that the Accountant is typically paid a salary rather than hourly as the work time involved varies during the course of the fiscal year. Mr. Manzolini pointed out that the Treasurer currently has full time hours and asked how the same job can be performed in substantially less time. Mr. Lisi pointed out that the Treasurer's job does not encompass meeting with the public and expressed his difficulty in focusing on aspects of his job in the main office environment. He stated that he will remain available to Town departments via cell phone/email and office time on Friday. He added that Ms. Lane's proposed additional time would include routine accounting procedures including balancing accounts. Ms. Lane stated that her work hours never exceed 39 1/2 per week. Mr. Gniadek acknowledged the process of forensic accounting and internal controls. He noted that the change in salaries paid in 2016 was not brought before Town Meeting and requested that a written agreement for the auditors inspection be provided as the process evolves.

Mr. Manzolini made a motion to accept the proposal Mr. Pilson seconded the motion with the understanding that Mr. Lisi and Ms. Lane will undertake to provide a written outline, and Mr. Hanson, at 6:50 p.m., called for a roll call vote *to wit*: Mr. Manzolini-aye; Mr. Hanson-aye; Mr. Pilson-aye; Mr. Gniadek-aye; Ms. Martin-aye; Mr. Mason-aye and Ms. Callahan-aye. It was acknowledged that this vote does not create an additional FY-17 appropriation and does not require further action by the Finance Committee at this time.

Mr. Pruhenski proceeded to inform the joint Boards of an apparent shortfall in the FY-17 Conservation Agent salary line item. He related that commencing with his employment in January, 2016 CA Shep Evans was paid \$375.00 for 25 weeks in FY-16. Funds budgeted in the conservation agents salary line item for both FY-16 and FY-17 is \$14,250.00. Commencing with FY-17 Mr. Evans has been paid \$250.00/week as reflected in the FY-17 budget approved at the May 21, 2016 ATM. Mr. Pruhenski related that he did not find documentation of approval for the rate of pay in the form of meeting minutes or in the employee file to account for this discrepancy or what amounts to a pay raise. Similarly, there is a shortfall in the Town Accountant FY-17 salary line item based upon the salary Amy Lane received as she commenced her duties as Town Accountant in

FY-16. Mr. Pruhenski noted that both the salaries paid to Mr. Evans and Ms. Lane reflect the FY-16 respective line item divided over the remaining weeks of FY-16. He remarked that the Town has seen the advent of four Town Administrators during the later part of FY-16 and into FY-17 who worked on the budget and warrants. He agreed to contact Matt Kerwood to inquire about how this happened. Mrs. Callahan queried if there is a salary agreement letter and suggested that salary documentation be practiced going forward. Mr. Pruhenski stated that Mr. Evans did add Friday hours and surmised, based upon a conversation they had, that he would expect to receive the \$375.00/week although Mr. Evans indicated that he had no recollection of a formal agreement as to the salary. Mr. Pilson asked what rate of pay is consistent with a comparable position in another town. Mr. Pruhenski stated that Mr. Evans did add Friday hours; it is not evident how many hours Mr. Evans works as the hours vary according to conservation activities. It was acknowledged that this matter may ultimately prompt a FY-17 budget adjustment. Having concluded business the joint meeting dissolved.

Mr. Coppola appeared before the Board this evening to review FY-17 projects and DPW updates.

Mr. Coppola provided the Board with a list of proposed FY-17 DPW projects, copy attached. He noted that chapter 90 funds are expected to be received in the near future. The cost of blacktop material may be less than the estimated price. Referring to the LED system traffic light installation at Swamp and Lenox Roads he commented that while the light is energy efficient it does require a heating element in the cold weather. Regarding West and Rossiter Roads intersection the proposed placement of signage is based upon DPW and the Board, as Road Commissioners, inspection of the intersection site. Mr. Coppola clarified that intersection signs and SLOW advisory plates will be placed on West Road.

Mr. Coppola related to the Board the concept of creating a foreman position within the DPW. The foreman would assume the duties of superintendent when necessary including managerial aspects on job sites and administrative duties. Notice of the position and application would be posted interdepartmentally within the DPW. The Board agreed to support the decision and directed Mr. Coppola to provide Mr. Pruhenski with a job description and posting notice for review.

Mr. Coppola noted that the Town Hall needs exterior painting. He will contact John Salvi at the Berkshire County Sheriff's department to inquire if the job can be done through the county work program. He noted that bathroom fans will be installed at Town Hall and was advised that a ceiling light in the main hall needs to be changed.

Mr. Hanson inquired if spacers were installed on the new JD tractor. Mr. Coppola said no adding that DPW staff were comfortable operating the unit as is. He confirmed that a request to declare the old Ford tractor surplus is forthcoming.

Mr. Pilson was pleased to relate that he and Mrs. Pilson recently visited the Town beach. He noted the upgrades and improvements made and commended Mr. Coppola and the DPW.

The Board entered into discussion concerning the Town of Lenox water line project a section of which is located in Richmond. Work on the waterline will necessitate the temporary closing of Lenox Rd. Mr. Pilson asked if the Town of Lenox has authority to close the road traversing Richmond and requested that one lane be kept open. Mr.

Coppola described the water line that comes out adjacent to the (former) turkey farm on Lenox Rd. In the woods nearby there is a fire hydrant with a connection to the reservoir. The line crosses Lenox Road and jogs cross country. Before Lenox Branch Rd. it kicks off into the woods. Two additional hydrants are planned to be installed in Richmond.

The Board discussed the closing of the beach gate in the evening. Mr. Pilson related that a citizen requested the beach remain open until 8:00 p.m. during the summer months. Mr. Coppola did not agree to officially change the beach closing hour from 7:00 p.m. to 8:00 p.m. He explained that DPW employee, Bob Navin, checks the area and closes the gate in the evening. While 7:00 p.m. is the official closing time the gate often remains open until Mr. Navin's arrival usually between 7:30-7:45 p.m. Mr. Manzolini stated that rather than officially changing the time or signage the Board asks Mr. Navin to be made aware of the request.

Mr. Pruhenski passed along a letter to the Board from Ruth Bass regarding a complaint about roadside mowing on View Drive. Mr. Coppola related that instructions were given to DPW employees to mow in the Town right-of-way along View Drive to and adjacent to the O'Clair property and to stop at the Abate property (skipping Abate, Bass, and Keisch properties) and to resume mowing near the corner. He said he can take no responsibility for the employee's actions since these instructions were not followed. Mr. Hanson suggested the Board respond that the DPW is doing its best and will be more careful in the future. Mr. Pruhenski agreed to pass a message along to Mrs. Bass that the Board spoke with the DPW. The employee has been instructed again to be careful and to avoid the area.

Mr. Pruhenski informed the Board that a water sample from the Library tested positive with a total coliform count of 461.1 and *e. coli* count at 2.0. Potable water bacteria counts should test at zero. Mr. Pruhenski spoke with Dave Storie of Storie Plumbing and was told that the system consists of a shallow well which can be flushed and chlorinated but this process may not solve the problem. Mr. Manzolini remarked that the building is rented by the Town and this is a problem for the building owner to address. Mr. Pruhenski referred to the lease *to wit: a private well and septic system both in working order are located on the premises; and the lessor is responsible for making and paying capital repairs to the premises during the Lessees tenancy which shall include but not be limited to the replacement of ceiling tiles and any and all electrical and plumbing work requiring the issuance of a permit by the Town.* The work (shocking the well) does not require a permit and will cost approximately \$200.00-\$300.00. The lease language seems unclear on who is responsible for the well. Mr. Hanson agreed that no permit is required for shocking the well but that the landlord is responsible for providing water/septic and should bear responsibility. He asked about the cost of an ultraviolet system. Mr. Pruhenski explained that there is bottled drinking water on site for staff and patrons. He asked Library staff to post signage in the bathroom that the tap water is not for drinking and to put the bottled drinking water in a more prominent site visible from the circulation desk. The Board advised Mr. Pruhenski to make the arrangements for shocking the well; this will include contacting any other users serviced by the well and to offer to split the cost of shocking the well with the landlord.

The Board reviewed the Warrant for the September 8th State Primary and executed same.

The Board considered the appointment of Julia Sabourin to the Long Range Planning Committee. Mr. Pilson expressed his support of the appointment. He referred to Ms. Sabourin's recent LRPC meeting attendance. He related the idea of development of a LRPC site, accessible from the Town website, designed to attract young families to Richmond and opined that Ms. Sabourin's contribution would be helpful. Mr. Manzoloni made a motion, Mr. Pilson seconded and the Board voted unanimously to appoint Julia Sabourin to the Long Range Planning Committee. An appointment certificate and swearing in will be arranged forthwith.

Mr. Pruhenski related that the LRPC has requested a meeting with the Board on either September 22nd or 29th for the purpose of updating the Board and to request the Board's input for prioritizing items relative to the update. The Board agreed to meet with the LRPC on September 22nd.

The LRPC marketing subcommittee would like to start a Facebook page. Mr. Pruhenski and Ms. Sabourin have agreed to work together to create the page. Content would be related but not limited to social announcements such as the Fire Department barbecue, Land Trust picnic, etc. and could serve as another way to connect with residents particularly younger residents. The Board supported the measure.

The Board reviewed the mail.

Mr. Pruhenski provided a copy of The Beacon.

Notice from Interprint regarding removal of contaminated soil.

The Board signed the Warrants.

Selectmen matters/Town Administrator updates

Mr. Manzoloni referred to minutes of the (June 8th) meeting with Peter Berman and requested same be sent to him. He intends to read them over in order to respond to a call from the abutter, Mr. McMahon, who alleges the Board told Mr. Berman that he could go onto his (McMahon's) property. Mr. Hanson recalled the Board agreeing that this is a private matter that the Board has no input or influence on. Mr. Pilson related that he viewed the site and noted that the no trespassing sign was moved about 6-8" by the DPW since it was within the Town right-of-way. He stated that the sign now faces in a different direction away from the Berman's driveway.

In an effort to memorialize her services to the Town Mr. Hanson suggested the Board consider creating a scholarship in memory of Marguerite "Jackie" Rawson. The Board considered this and discussion ensued about other ideas. The Board agreed to give the matter further consideration.

Mr. Pruhenski updated the Board on the following matters:

Mass DOER Green Communities representative, Jim Barry, will attend the BOS August 24th meeting to address solar array projects. Mr. Hanson suggested the Board visit the former landfill to assess the site. Mr. Pruhenski confirmed that he and the DPW Superintendent recently visited the site and it appears to be a prime location. Discussion ensued concerning the Annin lot adjacent to the School as a potential site.

The state net metering programs SREC I and II have fully closed. The third program SREC III will open shortly and the Town may proceed with applying to this state program. Mr. Pruhenski met with Guardian Energy and reviewed the energy audits that were done. Insulation, lighting improvements and mini-split heat/AC unit projects were slated. A formal recommendation as to which projects to undertake and expending the green communities funds most prudently is forthcoming. Funds must be expended soon for the Town to qualify for the next round of funding.

Mr. Pruhenski spoke with the Animal Control Officer about enforcement at the Town beach and boat ramp. The ACO agreed to monitor these areas weekly and whenever he's in Town on another call. Mr. Pruhenski confirmed that the ACO wears an official badge while on duty. Signage came in this week (relative to the state leash law and no dogs at the beach) and will be installed when the posts arrive.

Mr. Pruhenski confirmed that Rick Bell is the primary delegate with the BRPC. The BOS appointed Mr. Pilson as delegate. To date, the Planning Board Chair did not confirm preference to have two members of the PB as delegates. Noting that the PB has not met since he reached out to them Mr. Pruhenski recommended the Board proceed with filing Mr. Pilson's appointment as alternate delegate with the BRPC.

In response to a complaint Mr. Pruhenski accompanied by Mr. Coppola visited Osceola Notch Rd adjacent to the Berman and McMahan properties. A mound of dirt was placed within the Town right of way. When this mound freezes it will pose a hazard to the DPW snowplows. Last week Mr. Pruhenski sent a letter to Mr. McMahan respectfully requesting the mound be removed (brought down to existing grade level) before the cold weather. Mr. McMahan received the letter, subsequently phoned Mr. Pruhenski and told him he would comply.

In response to complaints Mr. Pruhenski visited the intersection of Lenox and State Roads adjacent to the Gardner residence. Vehicles parked along the roadside near the intersection inhibit the line of sight. Particularly, for motorists traveling on Lenox Road, the view of north bound traffic on State Road is especially impeded. "No Parking" signs were installed on State Rd. prompted by previous complaints. Currently there is no such signage on Lenox Rd. Mr. Pruhenski sent a letter to Mr. Gardner requesting that no vehicles be parked in the Town right of way adjacent to his property. The letter points out that "No Parking" signs are already in place on State Rd. and vehicles parked in the right of way along Lenox Rd. inhibit the line of sight. At this point the request has not been complied with and Mr. Pruhenski suggested waiting a week or so before following through with enforcement. He stated that in the event of non-compliance the state police will be asked to enforce the request. He noted that while vehicles parked in the Town right of way at the intersection potentially impede DPW snowplowing and roadside mowing the practice creates a dangerous reduction of visibility of oncoming traffic.

Mr. Pruhenski mentioned that 21 dogs are currently licensed at the Gardner property and a neighbor is complaining that the presence of the dogs is detrimental to his attempts to sell his property. Mr. Hanson referred to a similar situation that resulted in a court ruling that state law requires a kennel license but that the number of dogs licensed (by an individual) is not limited in Town by-law. Mr. Pruhenski confirmed that Town by-law is silent on this.

Mr. Pruhenski contacted Jeff Daigle (Chair, Board of Assessors) and expressed concerns about the Assessors not meeting in four months and failing to address essential

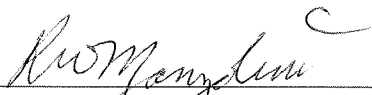
business, such as processing motor vehicle excise tax abatements. Mr. Daigle agreed to convene meetings regularly, probably monthly, and to work out the scheduling difficulties with the other Assessors. Mr. Pruhenski requested that he be informed if this cannot be worked out and if the Assessors cannot meet monthly.

Mr. Grizey had no sewer matters to report. A meeting of the sewer users is planned for August 4th. The Board requested that questions be presented in advance of the meeting so that research may be done if needed. Discussion ensued about the nature of the sewer enterprise fund which is created and paid for by the users of the system.

Regarding the next meeting agenda Mr. Pruhenski noted that the Board's request to meet with other Board/Committee/Commission Chairs remains on the "to do" list. Dog issues are tentative for the a future meeting agenda as is a request regarding an October 16th 5k road race. The Board agreed to skip meeting on August 3rd unless something urgent arises.

Mr. Pruhenski related that Jan Hartford informed him today that she would like to honor Richmond's oldest resident who turns 100 this year. She asked if the Board or the Civic Association presents an award. The Board speculated that a commemorative letter is usually issued by the Governor (at the request of the Board) to present to the honoree (by the Civic Association) at an event such as the picnic hosted by the Land Trust.

Meeting adjourned at 9:25 p.m.



Roger W. Manzolini, BOS CHAIR