

BOARD OF SELECTMEN / SEWER COMMISSIONERS MEETING

Wednesday August 14, 2019 – 6:00 PM – Richmond Town Hall, 1529 State Road

PRESENT: Mr. Roger Manzolini, Chair; Mr. Neal Pilson, Selectman; Mr. Alan Hanson, Selectman; Ms. Danielle Fillio, Town Administrator

ABSENT:

GUEST: Ms. Leslie Breeding, Richmond Shores; Mr. Pete Beckwith, Town Highway Superintendent; Mr. Tom Grizey, Wiring Inspector; Ms. Bonnie Drewniany, Richmond Shores; Mr. Ron Veillette, Summit Road; Mr. Dick Stover, East Road, Richmond Land Trust; Mr. Ken Kelly, Richmond Pond Assn.; Mr. Christian Hanson, Balderdash Cellars; Mr. Chris Keegan, Berkshire County Sheriff's Office

Mr. Manzolini opened the meeting at 6:05 PM. He welcomed Richmond's new Town Administrator, Ms. Danielle Fillio, to her first Board of Selectmen's meeting, for which he said it appears she did a good job preparing the information.

Mr. Manzolini explained that Mr. Hanson has been delayed directing traffic at a fatal accident that occurred at the same intersection as a recent similar event (Dublin Road and Rte. 41).

Discussion of Safety at Dublin Rd. and Rte. 41 Intersection: Mr. Manzolini explained that the Town had contacted the State to request that the State Police do an assessment of that intersection. Ms. Fillio pointed out that the letter going to the State was in the Selectmen's packet for signature. Once it was signed it will be sent to the Massachusetts D.O.T. The letter requests that Mass. D.O.T. bring their Road Safety Audit company to Richmond to meet with the Selectmen for a discussion of how to make that intersection safer and to have their crew assess the situation. Mr. Manzolini noted that it was his understanding that the State had made that assessment once before and found that it was non-hazardous. Considering the recent fatalities at that location, they may see the situation differently now. But independent of what the State may decide to do, Richmond will take steps to make the Dublin Road part of that intersection safer. A mirror has been installed on Dublin Road, heading South, primarily to assist town vehicles with visibility of the road they will be turning onto without having to pull halfway out into the road before being able to see if there is oncoming traffic.

Mr. Pilson noted that the Town has acted on two other problematic intersections; installing additional signage, flashing signs, etc. to slow drivers down and improving sightlines by removing underbrush where necessary. There was a discussion of the situation and other possible remedies. It was suggested that the letter being sent to the State now include information on the second fatality at that intersection in less than a month. At Ms. Fillio's suggestion, the original letter will be sent immediately and then followed up with a personal phone call to the D.O.T. to advise of the second fatality that occurred on the day the letter was

drafted, which will make it much more impactful as a high-priority situation, requiring immediate response. Mr. Manzolini suggested that both be done; send out the original letter, follow up with a phone call and then send a second letter. The letter was signed, and Ms. Fillio will get it mailed.

(Mr. Alan Hanson joined the meeting at 6:10 PM)

New Boat Shed – Update: Mr. Hanson advised that the Fire Chief was unable to be at the meeting. Mr. Beckwith reported that the boat is in the shed and there are a few small things remaining to be done, but the shed is usable now.

Discussion of Weather Sirens with the Fire Chief: Mr. Pilson reported that the Chief called to advise that the sirens are ready to be tested, all that remains to be done is to decide on the frequency of testing.

Mr. Manzolini suggested deferring the two items above for the special meeting he called for Tuesday August 20, 2019.

1653 Dublin Road Garage Issue: In the absence of Mr. Paul Greene, Building Inspector, the item was tabled to the August 20th meeting. A member of the Zoning Board of Appeals noted that the ZBA expressed no objection to the application for the Special Permit at their meeting last night and approval of the variance will be handled at their August 21st meeting.

Special Event Permit – Balderdash: There are four Special Events on one Application. All the events will take place on Friday nights and it is anticipated that there will be more than the usual number of people in attendance, which made it appropriate to apply for a Special Permit. Ms. Leslie Breeding of Richmond Shores spoke to the issue, explaining that she had called Balderdash several times in the past, complaining about the noise level. She pointed out that Balderdash occupies a large part of Richmond Shores and there are no longer any trees or bushes or other mitigation of the sound, which carries very well over the Pond.

Ms. Breeding also raised the issue of the parking fees that Balderdash levies in a situation in which there is no alternative. She discovered that the Richmond Pond Association, who supported the Special Permit for Balderdash, will be receiving a portion of those proceeds. She questioned what the proposed concert series was intended to accomplish and suggested that it might be to turn Balderdash into a music venue, which she felt would destroy the rural aspect of the experience of being on or around the Pond.

Ms. Breeding has spoken to six other families in Richmond Shores who also expressed their displeasure with the noise levels, indicating that she is not the only person to complain. Her suggestion was to slow down the momentum of the growth of Balderdash's events.

Ms. Bonnie Derwniany, a Richmond Shores summer resident, spoke on behalf of the music Balderdash plays providing it does not get as loud as it had on opening day and acknowledged that loud, amplified music is not being played on a regular basis. Mr. Manzolini agreed that he

remembers being annoyed when he was growing up on Richmond Pond at the amplified sound coming from various locations. He suggested that since the opportunities for amplified music are infrequent, he sees no reason to deny Balderdash the permits.

Mr. Ken Kelly, Richmond Pond Association, reported that at the August 6th special meeting of the Pond Assoc., which was held at Balderdash, Mr. Christian Hanson was asked to share his proposal with them in order to begin a dialogue with the members of the Richmond Pond Assoc. Board and other folks who joined the meeting, including six residents of Richmond Shores. At the conclusion of that discussion there was a motion made, seconded and approved unanimously that read, "The Richmond Pond Association endorses the proposed concert series as an experiment this Fall, within the parameters described, to include up to four events, subject to any parameters established, or to be established, by the Board of Selectmen."

Mr. Manzolini was inclined to move to approve the Special Event Permit, given Balderdash's sensitivity to the neighborhood's comfort and given that it is an experiment. Balderdash had the courtesy to come before the Board with this proposal as opposed to just going ahead and doing it; they addressed the people who might have had issues with the proposal and won what appears to be their unanimous approval. He therefore moved that the Special Event Permit be approved as submitted.

Ms. Breeding added a suggestion that Balderdash and the town explore efforts to mitigate the sound, such as planting trees, stack haybales in such a way that they would form a buffer. Mr. Manzolini said that sound is not mitigated with trees and hay bales or rows of trees. He noted that sound will carry – Lebanon Valley Speedway can be heard in this area, Tanglewood music carries into this area as well and there are enough other days in the year when nothing is happening that those few days when there are events should not be such a problem. It was pointed out that the four concerts being proposed were an experiment. If, at the end of those events, people were complaining about the noise and wanting it to stop, it will stop.

At this point, Mr. Manzolini asked for a second to his motion, which Mr. Alan Hanson provided. Mr. Pilson asked that the discussion continue – he explained that what was in question at this meeting were four Special Event Permits for four Friday nights between the hours of 4:00 and 8:00 PM. The Farm Function Event Permit was approved at a previous meeting. It provides ongoing approval for holding events, but has very specific limitations built into it and it has been agreed by both parties that in either September or October, when the season ends, the Board will meet with Mr. C. Hanson and the Richmond Pond people and review the events of the summer. The Special Event Permits that were issued on a one-time-only basis; and the Farm Function Permit, which is an ongoing permission, will be assessed with input from residents and a decision as to how to proceed from that point will be made. There is an understanding between Mr. C. Hanson and the Board that the Selectmen must be responsive to the community and that is why they are moving forward step-by-step. At the end of the summer they will review the situation and determine if changes in the days permitted for events need to be made or the hours of the events or the hours that music can be amplified need to be

changed. Ms. Breeding asked if the Board would accept a letter to be read at the meeting in the fall. She was assured that any such letter addressed to the Town Administrator will be included in the meeting, which will be advertised.

Mr. C. Hanson provided new, confirmed dates for the four events, which have changed since the application was written. They are Friday August 30th, September 6th, September 13th, September 22nd all with music between the hours of 5:00 and 7:00 PM.

The motion on the floor having been seconded, Mr. Manzolini asked for a vote, which was unanimous in approving the motion.

Special Event and One Day Alcohol Permit – Marine Corps League: Mr. Chris Keegan of the Berkshire County Sheriff's Office and the Marine Corps League approached the Board for approval of a Special Event Permit for the Annual Toys for Tots fund raiser to be held at Camp Russell on Saturday August 24, 2019 from 6:00 – 10:00 PM. There will be music at the event, but it will not be ongoing for the entire four hours and the speakers will be directed inward towards the camp and not across the water. There will be food, beer and wine, for which permits have been submitted. The event is intended for people 21 years of age and older. Sheriff's deputies will be controlling traffic. Mr. Manzolini asked Mr. Keegan if he intends that this will become an annual event. Mr. Keegan thought it might, depending on how well this year's event goes, keeping mind their sensitivity to the residents of Richmond Shores.

Mr. Manzolini moved that the Board approve both the temporary pouring license application and the special event application. Mr. Pilson seconded the motion, which carried by unanimous vote.

Perry's Peak – Discussion of Use and Events: Mr. Manzolini noted that in other locations in Richmond when a special event is planned, the Town requires a Special Event Permit. In the case of Perry's Peak and Berkshire Natural Resource Council (BNRC), they have events there for which they bring in busloads of people without obtaining permits. Mr. Manzolini's concern was that the BNRC seems to be exempt from obtaining Special Event Permits for this kind of thing, when no one else in town can. He advocated a discussion with the BNRC on the issue.

Mr. Ken Kelly, Richmond Pond Assn. noted that he volunteers for the BNRC and he thought that a discussion with the BNRC about event parameters makes a great deal of sense. That raised the question of the Richmond Land Trust who will be holding its Annual Pie Social in September at Perry's Peak and whether they should request a Special Event Permit. Mr. Manzolini thought it would be appropriate for them to do so and advised that they do.

The Board took up the discussion as to whether, in the absence of any special status, these kinds of events are all subject to a Special Event Permit. The consensus was that they are and that the Board should initiate a conversation with the BNRC about their next event.

Contract with the City of Pittsfield for Veterans' Services: Ms. Fillio reported that she had spoken with Matt Kerwood who advised her that the contract is almost complete, and he would

let her know as soon as it was. Mr. Manzolini pointed out that the Board has been told that the contract was “almost complete” every month since last December.

Appointment of Claudia Ryan as Registrar: Mr. Hanson moved to appointment Ms. Claudia Ryan as Registrar of Voters, which was seconded by Mr. Pilson and passed by unanimous vote.

Berkshire Metropolitan Planning Org. – Representative to Attend the Meeting on Sept. 12, 2019: They are requesting that a member of the Richmond Selectboard be present at their meeting on September 12th in order to appoint their next Director. A letter from the MPO is included in the Selectmen’s packet (See attached). Mr. Manzolini volunteered to be the Board’s representative.

Chapter 90 Project Requests – Highway Superintendent: Mr. Peter Beckwith advised the Board that he plans to resurface Swamp Road from the Pittsfield line to East Road this Fall. The cost is State Aid funded in the amount of \$175,000 and there is \$265,000 available and a saving of a little bit there for the Dublin Road portion. If the cost goes over \$500,000, it can be offset with Chapter 90 savings. His request was that the Board sign the State Aid paperwork.

Mr. Manzolini moved that the Board approve the Chapter 90 Request. He was seconded by Mr. Neal Pilson and the motion passed by unanimous consent. The paperwork was duly signed.

Sewer Matters: There were no issues requiring discussion.

Inter-Municipal Shared Services with West Stockbridge: Mr. Pilson advised that the agreement, which has been prepared at the request of State Senator Adam Hind and Rep. Smitty Pignatelli, is intended to approve the concept of a shared Town Administrator between West Stockbridge and Richmond. Mr. Pignatelli said he would like to move forward with legislation that would authorize Richmond to enter into an agreement with West Stockbridge on a Shared Town Administrator. In order to move forward, they will have to have an agreement between the two towns to consider such a possibility. Mr. Pilson pointed out that the draft agreement does not bind the parties to having a shared Town Administrator, it only requires that, in the future they could “consider” having a shared TA.

Mr. Pilson moved that the Richmond Board of Selectmen agree in principle with the terms of the Inter-Municipal Agreement and that a copy of that agreement be referred to West Stockbridge for their agreement in principle. If such agreement is forthcoming, the Richmond Board of Selectmen would sign the contract. Mr. Manzolini seconded the motion, which was adopted by unanimous vote.

Discussion of Safety of Dublin Rd. and Rte. 41 Intersection: The Richmond Police Chief, Mr. William Bullett, joined the meeting and reported on the result of the latest vehicular accident on Rte. 41 and Dublin Rd. Mr. Bullett reported that there were 5 people transported to hospital and one fatality.

Berkshire Regional Planning – Community & Economic Development Priority Projects: Ms. Fillio explained that each year Berkshire Regional Planning puts together a list of community economic development priority projects that towns may add to. She wanted to ask the Board if there was anything they would like to see on that list.

This is a project that Ms. Laura Brennan of BRPC, who is Richmond's Marketing Director is involved with. Ms. Fillio had a meeting with Ms. Brennan and was brought up to date on what is happening. Ms. Brennan was unable to think of anything Richmond eligible might include.

There was a discussion of the types of projects that are eligible for funding. Ms. Fillio is awaiting a list of eligible projects, which she will forward to Mr. Pilson.

Town Hall Renovation Study: Ms. Fillio noted that there were two submissions, copies of which she had distributed to the Board for comparison. Mr. Pilson read both proposals and fees and found that they covered the same ground. He questioned if Ms. Beth Goodman, the Town Attorney, has seen and reviewed the proposals. Ms. Fillio was not sure if that had happened. Mr. Pilson asked Ms. Fillio for a way to centralize communication with Ms. Goodman in order to control the cost of legal advice. He asked that all direct contacts with the Town Attorney be with Ms. Fillio's knowledge so that she can maintain some degree of accountability of the charges incurred.

Mr. Manzolini suggested that Ms. Fillio go over the two proposals so that she can make a recommendation to the Board as to which vendor the town should engage, preferably before the next scheduled meeting on August 20, 2019.

The Special Event Permit for the Sheriff's Department Annual Picnic: Mr. Manzolini moved that the Board approve the permit. Mr. Pilson seconded the motion. There being no discussion, a vote was taken, and the permit was unanimously approved.

Approval of the Minutes of the July 24, 2019 Meeting: Mr. Manzolini moved that the minutes of July 24, 2019 be approved as revised. Mr. Hanson seconded the motion, which was adopted by unanimous consent.

Town Administrator Report: Copies of Ms. Fillio's written report were distributed in the Selectmen's packets. (See attached)

The RFQ for the Project Manager for the Library, Community Center and possibly Town Hall were due on August 7th. There were two submissions. The Building Committee met last Friday to collect the submissions for review, and they are meeting on August 20th at 5:30 at which time they will try to come to a decision as to which vendor they would like to recommend to the Board at its 6:00 PM meeting.

Ms. Fillio reported that she is now authorized to do CORI checks for the town. The Town Administrator and the Fire Chief are now both authorized to use Code Red. An announcement will need to be posted on the town's website to advise residents how to check if their

information in the Code Red system is accurate and up to date. Ms. Fillio spoke to Ms. Laura Brennan about how to accomplish that on both the newsletter and the website.

There was a complaint about junk being stored at Richmond Shores. Mr. Manzolini noted here that he wanted to have the process for all significant complaints, requests for permits, etc. go through Ms. Fillio. The purpose of his concern was to avoid a repeat of a situation such as occurred recently, where a request for a permit was held up from April to July and the Board only heard about it last rather than at first. He wanted the Town Administrator to function as the central point of the pulse of the town for things that matter.

The new phone system is up and running. Everyone has new phone numbers, but the old phone numbers will continue working for the next six months. The way the system works at this time is not what was originally thought to be the case, but it is being worked on. The new phone numbers are posted in the e-newsletter and the changes have been made on the website. Mr. Pilson thanked Ms. Claudia Ryan for her work with the Telephone company in getting the new phone book to this point.

Mr. Pilson and Mr. Manzolini are signed up for the Selectmen's Dinner on September 19th in Dalton at the Stationery Factory.

Ms. Fillio advised the Board that her office affords her very limited file storage for hard copies, which she prefers to keep. In order to provide more file storage space, Ms. Fillio cleared out the bottom drawer of a file cabinet in her office that housed unused equipment. She consulted with the auditors to be sure they agreed with her relocating that equipment, which they did.

Mr. Manzolini reported that Ms. Fillio had asked him about getting a different office chair, which he approved. He also noted that if Ms. Fillio felt the need to obtain another filing cabinet, she had his approval to do that, as well.

Selectmen's Matters: Mr. Hanson spoke about the fire on Dublin Road last winter where the house burned to the ground. The neighbors have expressed concerns that nothing has been changed; a huge pile of rubble remains on the property that they see as an attractive nuisance. Mr. Manzolini noted that dealing with a pile of rubble resulting from a fire is not easy and it is not always under the owner's control. It's been less than a year since the incident and it is very likely that the insurance company will not permit the owners to go onto the property. Mr. Manzolini suggested that the neighbors be patient.

Mr. Ron Veillette raised the issue of the 24 Scace Brook Drive issue. He received several phone calls about it, went to the site and took several pictures, and then called DEP in the morning, who advised him to send emails to all the abutters. He heard back yesterday that DEP inspected the property and are writing their report, which they will share with the Town. Mr. Manzolini explained suggested that Ms. Fillio be brought up to date on the details.

Relative to Enforcement Orders. Mr. Veillette spoke about the new bylaws that are being considered that will contain processes for issuing non-criminal fines. Ms. Fillio had followed up

with Mr. Bob Markell, the Interim Town Manager, who advised her that he believed the Town was going to hold a Special Town Meeting in the Fall and that this issue would be on the warrant.

Mr. Pilson explained that there are several bylaw changes that the Board would like the Town to consider including the creation of non-criminal fines. He had advised Mr. Markell that if there were sufficient issues to warrant a Special Town Meeting, there are several bylaws that need to be changed or updated that could be considered at that time. At this point, there being no other reason for calling a Special Town Meeting, he doubted it would be necessary. Ms. Fillio noted that there might be a need for more money to be appropriated if the Town moves forward with the designer selection process, which would warrant a Special Town Meeting. There is currently no money budgeted to hire an engineer to come up with a schematic design for a building. There is money to hire an OPM to walk the Town through the process to get to the point of hiring an engineer; but if the Town wants to move forward to the actual designer selection process, it will need more money appropriated.

Mr. Pilson suggested that a summary be written of the steps the Town has taken over the past year to stop the work at 159 Willow Road that is being done without permits. Mr. Veillette will arrange for such a report to be created and it will be sent to the Town Attorney to determine if there is anything the Town can do.

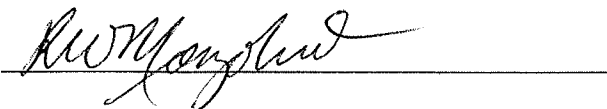
Next Board of Selectmen Meeting: August 20, 2019 and August 28, 2019.

Mr. Pilson noted for the minutes how shocked and appalled the Board was to hear that there had been another fatal accident at the Route 41 intersection with Dublin Road. Mr. Manzolini thanked Ms. Fillio for the work she did preparing the packages for this evening's meeting and expressed his pleasure that she was the Town's Administrator.

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

The meeting was adjourned at 8:00 PM.

Signed:

A handwritten signature in cursive script, appearing to read "R. Manzolini", is written over a horizontal line.

Mr. Roger Manzolini, Chair