

BOARD OF SELECTMEN / SEWER COMMISSIONERS MEETING

Wednesday September 11, 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: Mr. Clarence Fanto, *Berkshire Eagle*; Ms. Pat Callahan, Mr. Peter Cohen; Mr. Peter Beckwith, Highway Superintendent; Mr. Ken Kelly, Pres. Richmond Pond Assn.; Ms. Mackenzie Greer; Mr. Tom Grizey, Electrical Inspector

Mr. Manzolini called the meeting to order at 6:00 and began with the Town Building Project.

Town Library Building Project – vote to award and sign contract for OPM services: Ms. Callahan noted that the proposal from P3 is for \$10,000 for the period now until May of 2020 – essentially the whole programmatic design process. This would give the Municipal Building Committee the opportunity to take a request for approval to the Town Meeting in May. The Committee voted to ask the Board for its approval of the proposal and to either sign or authorize Ms. Fillio to sign it. Mr. Manzolini moved that the Board approve the proposal from P3. The motion was seconded by Mr. Hanson. Mr. Pilson asked for discussion.

Mr. Pilson said that the Board needs to adopt a better procedure for approval of proposals. He asked to table the motion until the end of the meeting, in order to provide time for him to read the proposal. He requested that in future any contract that will come before the Board for approval be distributed to the Board members in advance of the meeting. Mr. Manzolini tabled the vote on the motion until the end of the meeting, at which time Mr. Pilson took the opportunity to read the contract.

Swamp Road Resurfacing Project – Award bid and sign contract: Mr. Peter Beckwith noted that he received two bids on the project: The lower bid was in the amount of \$178,220, the higher bid for \$197,827, approximately a \$20,000 difference. He checked the references for the low bidder and has heard from only one of them. He asked that approval of the contract be tabled until the middle of next week, at which time the Board will reconvene for a vote. Mr. Pilson suggested 2:00 PM on Thursday, September 19th for that special meeting.

Discussion on Request for Pedestrian Crossing at Rte. 411 and Dublin Rd.: Ms. Mackenzie Greer of the Berkshire Natural Resources Council reported on their long-term project called “The High Road.” This project is an effort to connect trails to town centers. The organization currently owns two assets in the Town of Richmond – portions of Yokun Ridge to the East and the Hollow Fields property to the West – which they would like to connect with roads for hikers who might wish to walk from one to the other. Mr. Hanson noted that the Board has no jurisdiction over the intersection of Rte. 41 and Dublin Rd. as it is under the authority of the State D.O.T. Ms. Greer said she was aware of that and explained that

what the organization was trying to identify were the trail systems that provide connectivity and where would they need to be connected in order to bring a hiker into town.

That would involve a mixture of new trails, more off-road trails, beautiful scenic roads and roads that are pedestrian friendly. They have been working with two informal groups in town who are interested in helping to identify potential crossings that would further their goals. They anticipate that the next step would be to look at these potential routes to determine if they are appropriate in various ways and bring them to the Board to ask if the Town and and/or Mass. D.O.T. would be interested in this project.

The intersection of Rte. 41 and Dublin Road had been identified by some Town residents but has subsequently acknowledged to be a dangerous intersection. Therefore, alternate routes have been identified and they are not requesting a pedestrian crosswalk at Rte. 41 and Dublin Rd. at this time. Mr. Pilson thanked Ms. Greer for her clear presentation and noted that with the very limited, if any, jurisdiction over the state roads in Richmond, at best the Board would be prepared to recommend or request D.O.T. action though not at that intersection. He suggested that the organization develop a map of walking areas they would like to establish in Richmond for review by the Board as an integrated proposal. Ms. Greer agreed to do that.

Mr. Pilson asked whether the group had access to possible funding to create a pedestrian bridge over Rte. 41. Ms. Greer said that the Complete Streets program is probably the best source for that kind of funding. Mr. Pilson thought that this could be a conversation for the Long-Range Planning Committee at their meeting on September 27th.

Town Hall Renovation Study – Vote to award and sign contract: Ms. Fillio reported that she had just received a proposed contract from the Town Attorney and suggested that the Board vote to accept the proposal, enter into the contract and vote to authorize Ms. Fillio to sign it.

Mr. Manzolini asked whether the output of this contract includes the scope of work and a dollar figure to bring the building to code. Ms. Fillio noted that the contract will provide the Board with a figure that can be used as a comparison with the cost of a new building.

Mr. Pilson asked for clarification of the scope of the work as indicated in the proposed contract. Ms. Fillio explained that the way the contract is written the Town will be contracting exclusively with EDM and any sub-contractors will work directly with EDM. Mr. Hanson asked about some additional services being charged for percolation and soil evaluation since there is no septic system design included. He was advised that the additional services would incur additional costs and are not included in the basic cost.

Completion of the work was indicated in the contract to be eight weeks after they begin work, which would be one week after the authorization to proceed, which is a normal timeframe for this kind of project.

Mr. Pilson asked that this contract be tabled to the end of the meeting as well, which the Board agreed to.

Town Barn Project – Award bid and authorize Ms. Fillio to sign the contract: This is the building for storage of the Dept. of Public Works equipment. There was a discussion of exactly how this new building will be used with concern about not increasing the traffic to and from the building over current normal usage.

Ms. Fillio noted that the Board only needs to award the winning bidder and vote to enter into a contract with them, which will move the whole process forward. Ms. Fillio asked that the Board award the bid to Chris May Builders in the amount of \$102,300.

Mr. Peter Beckwith explained that the bid included the following: removal of 2/3 of the older section of the current building, including the sill fencing and conservation of the wetlands; all prep needed for a new building and installation of the new building. The only item not included in this contract was the electrical work which can be done with an independent contractor after the building is complete. Mr. Pilson noted that the scope of work described by Mr. Beckwith is not found within text of the contract. Foresight put the bid requirements together for the Town which contain all the specifications for work to be included in the contract. Those specifications are referred to in the scope of work addendum to the contract with Chris May Builders and Ms. Fillio made that addendum available to the Board for its review.

Mr. Manzolini moved that the Board award the contract to Chris May Builders on the strength of their bid of \$102,300. The motion was seconded by Mr. Neal Pilson and carried by unanimous consent. Mr. Manzolini moved that Ms. Danielle Fillio, in her capacity as Chief Procurement Officer for the Town of Richmond, be authorized to sign any contract that the Board has voted to approve. Mr. Pilson seconded the motion, which passed by unanimous vote.

Mr. Manzolini moved to award and sign the contract for the Town Barn Project. Mr. Hanson seconded the motion, which was adopted by unanimous vote.

Contract with the City of Pittsfield for Veterans' Services: The contract continues to be held in the Law Department of the City of Pittsfield.

Appointment of Ms. Claudia Ryan as Registrar: Mr. Manzolini moved that Ms. Claudia Ryan be appointed as a registrar. The motion was seconded by Mr. Hanson and approved by unanimous vote.

MMA Fall Legislative Breakfast – Becket, MA: The Breakfast is scheduled for September 20, 2019 from 8:00 to 10:00 AM. Ms. Fillio will register any Board members who advise her that they plan to attend. Mr. Manzolini will plan on going. Mr. Pilson had a previous engagement and Mr. Hanson will have to check his calendar and let Ms. Fillio know.

Return to Town Building Project – OPM Services Contract: Mr. Pilson said that he had now had the opportunity to read the OPM agreement and had two comments: A fee of \$10,000 seems very modest – basically \$1,000 per month to get the Town to programmatic design. At that point, the Town will know if it intends to go forward and, if so, will renegotiate a second phase with them or some other company.

The timeline, September 2019 to May 2020 is within the projection of the Municipal Building Committee. If it were to take longer there would be a need to renegotiate. Under Article 2.1 "The persons from time to time designated by the Town as the Town's representative shall be acquainted with the project, shall have the authority to request services, etc." Mr. Pilson asked if the Board is designating such a person at this meeting or later. Ms. Callahan said she had assumed that it would be the Municipal Building Committee. Mr. Pilson expressed his greater comfort with the designation of an individual rather than a committee. Ms. Callahan agreed to being named in the contract as the Town's representative.

Mr. Pilson moved that the Board approve the agreement for the OPM services as presented at this meeting and designate Ms. Patricia Callahan as the Town's representative under paragraph 2.1 of that agreement. Mr. Manzolini seconded the motion, which was passed by unanimous vote.

IMA Shared Services with West Stockbridge – Sign: Mr. Pilson explained that the request for the Town to enter into this agreement came to him from Rep. Smitty Pignatelli and Sen. Adam Hinds. This document states that the two towns will consider an agreement for the shared services of a Chief Administrative officer in compliance with the terms stated. At the last meeting, the Board approved this agreement in principle but did not sign it. A copy was sent to the West Stockbridge Board of Selectmen who has read it, approved and signed it. It has now returned to this Board for their signatures. Mr. Pilson moved that the Board sign the agreement, which will be sent to both State Rep. Smitty Pignatelli and State Sen. Adam Hinds, to order to facilitate their effort to obtain legislative approval for the concept of a shared agreement between Richmond and West Stockbridge. No one is bound by the terms of this agreement, but in order to get the proposed legislation approved by the State Legislature, some form of written agreement is necessary. Mr. Manzolini seconded the motion, which was adopted by unanimous vote.

Mail/Sign Warrants: Warrants were duly signed as appropriate.

Sewer Matters: No new issues were brought before the Board

Town Administrator Report: (See Attached) Ms. Fillio reported that the engineering services for the town hall renovation study will begin next week since the contract has been signed. Ms. Fillio is working with Mr. Paul Lisi on a potential design plan to work with EDM as far as actual layout for the downstairs and the upstairs. Once EDM produces a schematic design it will be brought back to the Board and the employees for review.

The Building Committee will be meeting on September 17th and their timeline is to have a proposal to the Town by the May Town Meeting.

Ms. Fillio has been working with Ms. Francesca Hemming at Mass. D.O.T. on the Rte. 41 – Dublin Rd. intersection. Guardrails have been installed along Route 41 up to Dublin Rd. to keep cars from going down the embankment. Trees along Rte. 41 have been removed to increase visibility and increased signage has been installed. A Safety Meeting with the State has been scheduled for the Town on Monday, September 16th from 1:00 to 4:00 PM to try to find a lasting solution. The meeting will be

attended by Ms. Fillio, Chief Traver, Mass. State Police, Mr. Peter Beckwith, Highway Superintendent and Mr. Alan Hanson. This is strictly an informational meeting for Mass. D.O.T. to update the Town as to what steps are being taken. There are no decisions to be made and the Selectmen in attendance will not deliberate. Therefore, this is not considered a public meeting and does not need to be posted.

Mr. Manzolini noted that the State's response to our request to expedite this process has been excellent. He suggested that the Town send them a letter of appreciation for the work that has been done so quickly. He wanted to especially recognize the head of the Mass. D.O.T. who came to Richmond with her staff in response to the Town's request.

Ms. Fillio has received three quotes for a new copier to be installed downstairs as the current printer/copier is extremely expensive to maintain and is constantly breaking down. There is a budget in place for a replacement and the Board agreed to the replacement of the machine.

The Solar array at the Richmond School is now on-line. Ms. Fillio will be meeting with Solect Energy to go over the details of moving forward with energy saving initiatives and what part each of the players will have. Mr. Pilson advised Ms. Fillio that in the original conversation with Solect there was a discussion of providing an opportunity for the students to see how the solar energy is developed, how much is being saved, etc. There was a suggestion that Solect would come in and do a presentation for the students on what has happened so far. He suggested that Ms. Fillio mention to the principal that the Town would like to see an educational experience be created. Ms. Fillio noted that the school principal will be attending the meeting with Solect and that she has invited the science teachers to attend as well.

Mr. Manzolini was very interested in having the whole concept of solar energy introduced to the students and for the school to have access to the data that exists on-line in terms of power production, etc. Ms. Fillio noted that one of the items scheduled for discussion was exactly that.

After a couple of complaints from neighbors that Balderdash Cellars was playing their music until 8:00 PM instead of 7:30 PM – Ms. Fillio called Mr. Christian Hanson to be sure that they end at 7:30 PM. He apologized and said that he would make sure that the music would stop by 7:30 in the future. There were two letters of support for Balderdash that Ms. Fillio received that she included in the Selectmen's packets. The issue is on the agenda for the September 25th meeting. Mr. Hanson noted that he will be unavailable for that meeting.

At the last meeting, at the request of the Board, Ms. Fillio asked Attorney Goodman what triggers an event that requires a Special Event Permit. The criteria that Ms. Goodman advised the Town to use is if there is any outdoor or amplified music, if the event is in conjunction with a one-day alcohol license or if the event will create any traffic or parking congestion on Town roads. Mr. Manzolini suggested that they add any event that will involve large numbers of people that would cause traffic well above normal rates. He offered some examples of events that created excessive traffic. Mr. Hanson cautioned that there are any number of events that could be held in town, such as graduation parties, that might generate many attendees. He felt it would be necessary to differentiate between the kinds of events (such as commercial as opposed to private) that would require permitting. Mr. Pilson cautioned about

trying to make the bylaw too specific as to the number of cars or the number of people permitted, which would create a very difficult enforcement procedure. Mr. Manzolini still was concerned about maintaining the characteristic of the neighborhoods.

Ms. Greer assured the Board that if an event in the future looks as if it is going to generate much greater numbers than anticipated, BNRC will come before the Board to request a Special Event Permit.

Ms. Fillio advised the Board members of her schedule for the next two weeks and noted that she has requested lists of job duties from the downstairs Town Hall staff to help her become familiar with who does what and she is reviewing the draft Personnel Policy.

Ms. Fillio asked the Board to sign a Motor Vehicle Abatement Form, which was previously approved by the board in the warrant, but Mr. Paul Lisi has requested that a separate approval be written so that he can file it separately.

Approve Minuets of the August 14, 2019 and August 20, 2019 Meetings: Mr. Pilson had reviewed and commented on both sets of minutes. The minutes were revised as indicated. Mr. Pilson moved that the Board approve the August 14, 2019 and August 20, 2019 meeting minutes as amended. Mr. Manzolini seconded the motion, which was carried by unanimous vote.

Selectmen's Matters: Mr. Hanson asked about a campground that has suddenly appeared in the woods on Perry's Peak near the cemetery. Mr. Pilson clarified that there is an article in one of the Berkshire magazines about a Richmond resident who has developed a camping location, complete with cabins and Porta-Potties West of State Road. His understanding is that there is a driveway that goes west from State Road up towards the complex of trails along the Taconic Ridge. Mr. Pilson brought the matter to Ms. Fillio's attention, who referred it to our Building Inspector, Mr. Paul Greene. Mr. Green attempted to contact the property owner identified in the article. Ms. Fillio continued that it has been difficult to reach that resident as the only contact information obtainable for her is a mailing address. Mr. Greene is writing her a formal letter requesting an appointment to inspect the premises. Mr. Greene does not believe there is a zoning issue involved, but he is going to look at it as a code issue as pictures of the site indicate the presence of a woodstove. Mr. Greene also contacted the Board of Health as the advertisement for the site indicates that there are Porta-Potties available and no running water.

The Board of Health concluded, after inspection, that there is no health issue. Mr. Pilson asked if it was an issue of operating a business in a residential area. Ms. Fillio said that Mr. Greene had said that did not apply, but she is waiting to hear from him as to the code issue.

Mr. Manzolini noted that there is a similar situation at the end of Rossiter Road where there is a camp site. There were issues with that site, but Mr. Manzolini did not recall how that was resolved. It will be important to be sure that the Town is treating both locations with the same criteria.

Ms. Fillio advised the Board that Mr. Paul Green, Building Inspector, has asked that the Board include any tenting or camping sites in their decisions about short-term rentals. Mr. Hanson noted that access

to these sites should be required to be accessible by emergency vehicles in case of a medical emergency.

Mr. Hanson asked when the Fire Department is scheduling CPR training. There are people requiring training who have been inquiring. Mr. Steve Traver, Fire Chief, would know the answer to that as he conducts the class semi-annually.

Mr. Manzolini asked Ms. Fillio if she has received the chair she needed, which she has. He also asked whether the Town has access to knowledge of the sale of any property in Town. The answer is that it would be on the Assessors records but would not be visible until the sale was registered in the Registry of Deeds and then sent to the Assessors. Mr. Manzolini then asked if, when a business is sold, the license is transferred. Ms. Fillio said that the license does not transfer to the new owner. The reason for the question is that Mr. Manzolini has heard that Hilltop Orchards may have been sold and he was wondering about the state of their license to do business. Mr. Fillio replied that, if a use has already been grandfathered in, when it is sold it is a different situation, but Ms. Fillio is not yet familiar enough with the Town's zoning bylaws to be able to answer the question. Also, she is not sure whether the property has been sold or whether it is still in Trust. Ultimately, it is the Tax Collector and/or the Assessors who will be aware of a change of ownership and a change of billing address, but it is not routine for them to advise the Board every time that occurs. Ms. Fillio added that if the property were issued a Special Permit that would transfer with the sale.

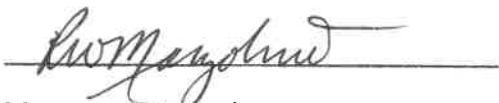
Next Meeting Dates: September 25, 2019, October 9, 2019, October 23, 2019. Mr. Manzolini noted that he on September 19, 2019 there will be a quick special meeting at 2:00 PM. After that the regular schedule occurs on Sept. 25th, October 9th and October 23rd all at 6:00 PM.

Mr. Hanson will not be available for the September 25th meeting. All other meeting dates were agreeable to the Board members.

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

The meeting was adjourned at 7:40 PM.

Signed:

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

Mr. Roger Manzolini

Chair