

BOARD OF SELECTMEN / SEWER COMMISSIONERS MEETING

Wednesday May 8, 2019 – 7:00 PM – Richmond Town Hall, 1529 State Road

PRESENT: Mr. Neal Pilson, Chair; Mr. Roger Manzolini, Selectman (via conference call); Mr. Alan Hanson, Selectman; Mr. Mark Pruhenski, Town Administrator;

ABSENT:

GUESTS: Mr. Tom Grizey, Wiring Inspector; Mr. Paul Lisi, Town Collector/Treasurer; Mr. Peter Beckwith, Highway Superintendent; Ms. Beth Goodman, Attorney; Ms. Emily Cohen, Mr. Jeff Cook, Attorney for the Rich Family, Eric Smith, Representing Richmond Vol. Fire Dept., Haley Sumner, Berkshire Horseworks; Mr. Fran Malnati

Mr. Pilson called the meeting to order at 7:00 PM.

Cultural Council Appointment: Ms. Emily Cohen addressed the Board about her interest in being seated on the Cultural Council. Mr. Hanson moved to appoint Ms. Emily Cohen to the Cultural Council, Mr. Pilson seconded the motion and it was passed by unanimous vote.

Mr. Pruhenski will send Ms. Cohen a confirmation letter once she has been sworn in.

Continuation of the Public Hearing for a Special Permit Application for Primadonna LLC / Balderdash Cellars: The two items concerned with event permits for Balderdash have been separated on the agenda since the Special Permit application has different requirements and comes before the Board under a different part of the Town's bylaws.

Mr. Pilson asked that a letter from the Rich family attorney be included in the record. Mr. Pilson was given the updated request for a permit for two proposed events, dated April 25th that were received the day after the last hearing. Mr. C. Hanson noted that he removed the categories that were discussed at that last session and adopted a different process that would create individual special permits for events and maintain Farm Function permits in the Special Permit (categories A and B).

Parking Issue: Mr. C. Hanson referred to a proposal by Foresight Land Services for construction of a parking lot due to begin in the next three to five weeks. The proposal includes 65 parking spaces entirely on the north side of the house to support farm functions. There will be additional parking in the field on the North side of the house as required. No parking spaces will remain on the south side. The parking on the North side will require a variance to allow it to be less than 100 feet from the property line on the road and will require a new curb cut. Ms. Goodman advised that this hearing be continued in order to acquire the variance, without which she felt the Board could not approve the permit.

Mr. Pilson suggested that the Farm Function Hearing be continued to a later date. Someone asked if the application now indicated that there would be no parking on the south side of the building and he was assured that, for the Farm Function portion of the permit, that was the case. Mr. Pilson noted that for Special Event Permits, the Board could impose specific limits and conditions and that the proceedings had not yet reached that point.

A date was decided upon for the continuance of the Farm Function Hearing – Wednesday, July 10, 2019 at 6:00 PM. Mr. Alan Hanson moved that the Public Hearing on the Special Event Permit application be continued to the Board of Selectmen meeting on Wednesday July 10, 2019 at 6:00 PM. The motion was seconded by Mr. Pilson and adopted by unanimous vote.

Special Event Permit Applications for Balderdash Cellars: The discussion then turned to the applications for the single-day Special Events to cover the time between now and when the Farm Function Permit goes into effect. Mr. Pilson commented that it would be in everyone's best interest to create a standard for all the conditions/considerations to be applied to the events uniformly, which was agreed upon by all parties.

The discussion began with consideration of the hours of operation and the issue of the sound levels for music and placement of speakers and lighting, which had essentially been agreed upon at the last meeting. Mr. C. Hanson had listed specific times for each separate Special Event Permit. Ms. Goodman expressed a concern with the owners' intention to have parking on the south side of the property for special events. Mr. C. Hanson reported that he has had several good conversations with the Rich family in which they acknowledged that a parking lot could not be built overnight and were being accommodating in that they would agree to parking in the south parking lot until the new parking lot could be completed, but would insist that it be completed by August 1st, which is the intention of Balderdash. Therefore, Balderdash is requesting permission to park on the south side until that date.

It was decided that each individual event would have to be dealt with separately as they each have different specific requirements.

EVENTS:

Friday, May 10, 2019 – 6:30 – 9:30 PM with parking on the south side. Mr. Jeff Cook, Attorney, noted that the Rich family is aware of the May 10th event and has no objection. He did, however, want to enter into the record the fact that the parking lot on the south side of the property was placed there not in accordance with the Town's Off-Street Parking and Loading Requirements of the Zoning Bylaws.

Mr. Pilson said that, if the abutter is aware that parking will take place in the south side lot and they have no objection, the Board has no need to make any different conditions for the permit for May 10th.

Mr. Cook noted that the Rich family will make no objection to parking in the south lot for any of the events currently under review for approval through July 6, 2019. Given that agreement,

Mr. Pilson suggested that parking be removed from consideration of the remaining event permits, apart from imposing a limit of 45 cars in the south parking lot.

Mr. Ken Kelly, President of the Richmond Pond Assoc. noted that there has been additional communication between the Executive Board of the Association and Mr. Christian Hanson, which has resulted in agreement with the parameters set in the permit request in sections A and B.

Lighting issues for the May 10th event. Given that it will only be dark for one hour of the specified time and that it is a one-day event, the consensus was that no further limitations need be applied so long as the existing Town Lighting Bylaw is met.

Noise restrictions. The hours of operation are minimal, and Mr. C. Hanson noted that there is a self-imposed 60 decibel sound level on all their events. Mr. Manzolini proposed that the Board impose no additional restrictions on the May 10th one-day event.

Friday May 17th event. This was very similar to the May 10th event and would also be approved by the Board under the conditions imposed on that event.

Mr. Manzolini moved that the May 10th, 2019 and May 17, 2019 events be approved with the condition that they include no more than 100 people and are subject to all the conditions of the event permit as signed by Mr. C. Hanson. Mr. Pilson seconded the motion and it was passed by unanimous consent; Mr. Pilson, Aye, Mr. Manzolini, Aye, Mr. Alan Hanson, Aye.

Saturday May 18th – a birthday party to take place in the Winery Tasting Room and Patio area from 6:00 to 10:00 PM with parking in the south parking lot. Estimated number of attendees is 100. Mr. Manzolini moved to approve the application subject to the same conditions outlined for events #1 and #2. Mr. Hanson seconded the motion and it was passed by unanimous vote; Mr. Pilson, Aye, Mr. Manzolini, Aye, Mr. Alan Hanson, Aye.

Tuesday, May 21st – A Corporate Social from 6:00 to 10:00 PM with about 100 people. Music will be restricted to the inside of the building. Mr. Hanson moved that the application be approved with the understandings contained in the application as noted above. Mr. Manzolini seconded the motion, which was adopted by unanimous consent; Mr. Pilson, Aye, Mr. Manzolini, Aye, Mr. Alan Hanson, Aye.

Saturday, June 29th – A Grand Opening. Mr. C. Hanson explained that the event will take place during normal business hours, but with additional people to celebrate the official opening. There will be significant traffic control on State Road at both the entrance and exit provided by a State Police Traffic Detail. Hours will be regular Saturday Hours from 12:00 Noon to 6:00 PM. There will be no parking on State Road. During the day, the music will be outside, and the speakers will be turned away from the Pond and from the south side of the property. The anticipated number of cars is about 150-200 cars and parking will be provided on site in the field. Should that become not feasible due to inclement weather, parking off-site with shuttle

bus service will be provided by the applicant. Mr. Alan Hanson moved that the application for the June 29th event be approved with the conditions outlined above. Mr. Pilson seconded the motion and it was approved by unanimous vote; Mr. Pilson, Aye, Mr. Manzolini, Aye, Mr. Alan Hanson, Aye.

Saturday July 6, 2019, 4:30 – 11:00 PM in the Winery Tasting Room and Patio area and on the tent pad area. Amplified sound will be turned down at 9:00 PM and will get continually lower until 11:00 PM. All parking will be in the new parking area on the north side of the property. Estimated size of the event is 175 and parking attendants will be provided. Mr. Alan Hanson moved that the application be approved with the conditions made by the applicant and with the understanding that the music volume will be turned down at 9:00 and gradually get lower, ending at 11:00 PM. Mr. Manzolini seconded the motion and it was approved by unanimous consent; Mr. Pilson, Aye, Mr. Manzolini, Aye, Mr. Alan Hanson, Aye.

Mr. Pruhenski noted that comments were made by the Board of Health, the Conservation Commission and the Planning Board on the Special Permit. Mr. C. Hanson noted that he has responded to the concerns of the Board of Health and the Conservation Commission.

Mr. Pilson summarized as follows: The public hearing on the Farm Function Special Event Permit has been continued to July 10th. The six Special Event Permits have been reviewed and approved.

Richmond Volunteer Fire Assoc. Eric Smith Building Proposal Presentation: Mr. Eric Smith provided copies of the Building Proposal. The existing building is too small for the equipment kept there. The Trustees would like to build a 50' x 80' heated garage between the existing pavilion and salt shed to house fire dept. apparatus as well as provide some storage, using Association funds. Foresight Engineering has been hired to do a site plan; the Association has met with the Conservation Commission and it will be seeking special permits and boundary line variances to fit the proposed building within the site. Mr. Smith has come before the Board at this time in order to obtain the necessary permits to move the project forward.

Mr. Smith advised the Board that the existing building is too small to house the equipment and imposes size restrictions on the needed replacement for Engine One. Plans to purchase a new Engine One cannot move forward given those restrictions. A second building would also afford some reduction in loss to the fire equipment in the event of a catastrophic event at the existing fire house. It should be cost effective to accomplish this project given that the building site exists. This proposal is intended as an overview to let the Selectmen know what the Fire Department proposes. The Board thanked Mr. Smith for his report.

Definitive Whim, LLC/Berkshire Horseworks, Inc. – special Event Permit for June 22, 2019: Ms. Sumner appeared before the Board to request a permit for Berkshire Horseworks' fund-raising event. The organization runs programs for at-risk youth and families, those with mental health and behavioral challenges. They raise money for the program with low-key, family-oriented special events, which are held at the Berkshire Equestrienne Center and on the trails of the

BNRC land, for which they have permission. Ms. Sumner is seeking a Special Event Permit for June 22nd for "Horses and Hikers for Healing-A Scavenger Hunt." It would take place entirely on Ms. Sumner's property and on the hiking trail and culminates in a barbeque. The permit would be for permission to use Patton Road, off Rte. 295 to the driveway of Berkshire Horseworks, to park up to 25 cars. Registration would begin at 9:00 AM; the scavenger hunt is at 10:00 AM for about 2 hours. The barbeque, which is being donated by Smokey Sweet and SoCo Creamery, would be over by 2:00 PM. Tickets for the event are sold on line.

Ms. Sumner also had a second permit request for a one-day wine and malt license for June 22nd. She anticipated no more than 50 people or about 25 cars. The organization has several volunteers who can help with parking to make sure that cars are parked on only one side of the road to allow a fire truck or ambulance to get through.

Mr. Hanson moved that, with the understanding that parking will be limited to one side of Patton Road, and that there will not be more than 75 people, the application for an Event Permit for June 22, 2019 be approved for Berkshire Horseworks. Mr. Pilson seconded the motion and it was approved by unanimous consent with Mr. Manzolini recusing himself from voting. Mr. Pilson, Aye, Mr. Alan Hanson, Aye.

The One-Day Wine and Malt License and waiver of the permit fee: Mr. Alan Hanson moved to approve, with a fee waiver, the one-day wine and malt license for June 22, 2019 for Berkshire Horseworks. Mr. Pilson seconded the motion and it was approved by unanimous consent with Mr. Manzolini abstaining; Mr. Pilson, Aye, Mr. Alan Hanson, Aye.

Recommendation to ZBA on a Special Permit Petition from John and Carol Scorpa-300 Shore Rd. Mr. Pruhenski noted that the ZBA is requesting comments from the Board to allow for the construction of an enclosed porch and re-construction and addition of a roof. There were no comments from the Board.

Swamp Road/Lenox Road Intersection: Mr. Frank Malnati brought to the Board's attention a report of a car accident that his wife, Pat Malnati, was involved in on that road. The sight line to the North when turning left is not clear because of evergreen trees and a powerline pole in the way. Mrs. Malnati nosed forward, did not see a car coming, but was immediately hit on the driver's side front wheel and spun around. The extent of damage to the car clearly indicated that the oncoming car had been going at a very high rate of speed.

Mr. Peter Beckwith, Highway Superintendent, said as soon as he sees a "Sold" sign on the property where the trees are located, he will contact the new owners to discuss eliminating those trees. Mr. Beckwith has a landscape architect in mind who can be part of that conversation to come up with solutions to the noise and light blocking issues other than the existing trees, that would work for the Town and the property owners.

There was a discussion of possible solutions to the problem of speeding on that road, including the experience the Town has had with drivers slowing down when passing the school on Rte. 41

when they encounter the flashing speed limit light stating that the limit is 30 MPH, even though that is not the official legal limit and is unenforceable. Mr. Pruhenski noted that the cost of the two speed signs are not in this year's budget and would have to be funded out of someone's operating budget. One sign would cost about \$4,000.

The Board's consensus was that at least one southbound flashing light 30 MPH sign be installed as appropriate on Swamp Road and that Chief Traver and Mr. Beckwith be authorized to continue their efforts to obtain agreement from the new owner to trim back or remove the trees that obscure the sightlines or determine whether the trees and/or bushes are within the Town's right-of-way and have the Town trim back the trees. Mr. Beckwith and Chief Traver will do that inspection tomorrow and report back to the Board. In the meantime, a legal opinion will be obtained as to whether the trees can be considered a hazard.

MA DOT Municipal Bridge Grant – Contract for Signatures: Mr. Pruhenski asked the Board for authorization to sign the contract for MA DOT as it is in his name. In addition, he asked the Board for authorization for the Town Administrator and Mr. Beckwith to be signatories going forward.

Mr. Roger Manzolini moved to authorize the Town Administrator and Mr. Peter Beckwith to be signatories to the MA DOT Municipal Bridge Grant Contract. Mr. Hanson seconded the motion and it was adopted by unanimous consent: Mr. Pilson, Aye, Mr. Manzolini, Aye, Mr. Alan Hanson, Aye.

Memorial Day Parade – Updates: The wreath has been ordered and will be picked up the Friday before the Memorial Day Weekend; the speaker and microphone will be placed that morning and ready to go when needed. Chief Traver reached out to West Stockbridge and the Sheriff's Department for a Color Guard but was unsuccessful in obtaining one so the Fire Department will be taking on that responsibility. There was a discussion of the protocol involved in carrying the America Flag and Mr. Manzolini volunteered to do the research if someone else will locate a flag that can be carried. Chief Traver offered that he has an American Flag. Mr. Alan Hanson will write a speech, which he will present if Mr. Manzolini does not return in time to do so himself.

At that point, Mr. Manzolini excused himself and left the meeting, ending his phone call connection.

Veteran's Services Contract Renewal with the City of Pittsfield: Mr. Pruhenski recommended that this item be tabled until May 30th as he is still waiting for the City Solicitor in Pittsfield to get back to him on comments made by Richmond on one of the clauses.

Great Barrington Rotary Club special Event Permit Application for June 23, 2019: Mr. Pruhenski read the application for the Board's support for the 6th Annual Bike and Fly Cycling Event for Sunday, June 23rd. Police and Fire Departments have been copied and the Club will abide by all their requirements. The Ride will start and end at the Great Barrington Airport in

conjunction with the flying event. A course map was included, which showed the route starting in Great Barrington on Route 7, up 41 right onto Lenox Road up and over the mountain to Rte. 183 South. They will have EMS volunteers with CPR and First Aid training available and police and fire have been notified. Mr. Pilson said he would advise granting the permit with the condition that they have a police presence at the intersection of Lenox and Swamp Roads. No permanent or painted markings will be allowed, and any signage will be removed within 24 to 48 hours.

Mr. Hanson moved to allow the bike event to proceed as detailed and with the conditions noted. Mr. Pilson seconded the motion and it was approved by unanimous consent; Mr. Pilson, Aye, Mr. Alan Hanson, Aye.

Approval of the Minutes of April 24, 2019 and May 6, 2019: Mr. Hanson moved that the minutes of April 24, 2019 and May 6, 2019 be approved as revised. Mr. Pilson seconded the motion and it was approved by unanimous consent; Mr. Pilson, Aye, Mr. Manzolini, Aye, Mr. Alan Hanson, Aye.

2019 Appointment Renewals for June 30, 2019: Mr. Pruhenski asked the Board to reappoint certain Town officials whose terms expire this year: Mr. Brian Barzousky, Assistant Wiring Inspector for a one-year term; Ms. Diane Pero, Board of Assessors for a three-year term; Mr. Nick Martinelli and Mr. Ron Veillette, Conservation Commission members, for a three-year term; Mr. Tom Grizey, Mr. Fran Malnati and Mr. Ryan Malumphy, Constables, for one-year terms; Ms. Betsy Bemis, Mr. Peter Cohen, Ms. Patricia Malnati and Ms. Kathleen McMahan, Council on Aging for three-year terms. Ms. Sandra Flannery and Ms. Irma Godlin, Cultural Council for three-year terms. Mr. Chris Porter, Emergency Management Director Assistant, for a one-year term. Mr. Steve Traver, Emergency Management Director, for a one-year term. Mr. Alan Hanson, Mr. Roger Manzolini and Mr. Neal Pilson, Fence Viewers, for one-year terms. Mr. Steve Traver, Fire Chief, for a one-year term. Ms. Amy Diamond, Ms. Virginia Larkin and Ms. Frieda Pilson, Historical Commission for three-year terms. Mr. William Bullet, Police Chief for a one-year term. Ms. Holly Freadman, Jeff Konowitch and Rick Saupe, Recreation Committee for three-year terms. Mr. Andy Kay and Mr. Richard Stover, Sewer Advisory Committee, for three-year terms. Ms. Wendy Lauren and Mr. Richard Stover, Zoning Board of Appeals for three-year terms.

Mr. Hanson moved to reappoint the aforementioned to their respective positions. Mr. Pilson seconded the motion and it was approved by unanimous consent; Mr. Pilson, Aye, Mr. Manzolini, Aye, Mr. Alan Hanson, Aye.

Assistant Police Chief – Discussion: Mr. Pruhenski noted that the position has been budgeted for FY'2020 and as soon as the budget is approved at the Annual Town Meeting, the process can move forward.

Resignations: Bill Bullett, COA; Mark Pruhenski, Town Administrator: Chief Bullett has written to the Board to accept his resignation from the Council on Aging Committee. Mr. Pilson suggested that his resignation be accepted with a letter of thanks for his years of service.

Mr. Pruhenski submitted his official resignation, effective May 31st. Mr. Pilson said the Board reluctantly accepted the resignation with their thanks for three years of loyalty and service, guidance, help, direction and all the things he was for the Town. He noted that Mr. Pruhenski has been the most outstanding Town Administrator this Town has had in recent memory. Mr. Hanson expressed his agreement with those sentiments.

Mr. Pruhenski raised the issue of his remaining on Richmond's health insurance for the transition period between Richmond and Great Barrington. Mr. Hanson moved that the Board allow Mr. Mark Pruhenski to carry forward his insurance from the Town of Richmond until he becomes covered by insurance by the Town of Great Barrington. Mr. Pilson seconded that motion and it was carried by unanimous vote.

Deputy Town Clerk Appointment: Mr. Pruhenski explained that as part of his position as Town Administrator, he has also served as the Deputy Town Clerk. He is requesting that the Board appoint Ms. Angela Garrity as the Assistant Town Clerk to serve until the new permanent Town Administrator is appointed. Mr. Hanson moved to appoint Ms. Angela Garrity as the Deputy Town Clerk until further notice. Mr. Pilson seconded the motion, which was approved by unanimous consent.

Mail/Sign Warrants: Warrants were signed.

Sewer Matters: There were no issues to bring before the Board

Town Administrator Updates: Mr. Pruhenski filed for a Green Communities extension on April 26th so that the Town would not lose the remaining balance during the transfer of Town Administrators. That money will carry forward into FY'20.

The 2019/2020 Recycling calendars have arrived, and they are available on our website, copies are in the office and at the top of the stairs at Town Hall. Notices were posted in the e-newsletter and on FaceBook.

The Annual Town Report has also arrived and has been posted on the website and a notice is in the e-newsletter this week. Copies will be available at the Town Meeting and are at the Post Office, at Bartlett's and the Library.

Mr. Pruhenski submitted a Grant for \$2,500 this week for assistance for the next Town Administrator, which will go into effect in FY'20 to get assistance from Berkshire Regional Planning to help him/her upload the energy bills and process the Annual Report. This would provide some technical assistance in case that person does not have experience in doing a Green Community report.

Selectmen's Matters: Mr. Pilson noted that the Board has had a request from Mr. Paul Lisi, the Town Collector, to extend his contract for another three years, commencing July 1, 2019. He has one more year under his existing contract and he is asking if the Board would consider ending his existing contract and entering into a new, three-year agreement effective July 1, 2019. The position is appointed by the Board of Selectmen and works under the daily supervision of the Town Administrator. Mr. Pilson noted that Mr. Lisi's contract does not specify that he works under the supervision of the Town Administrator. Mr. Pruhenski pointed out that the Job Description does say that he reports to the Town Administrator.

Mr. Hanson suggested that action on this issue be put off until Mr. Roger Manzolini returns from vacation. Mr. Pruhenski suggested that this kind of issue should be dealt with in Executive Session, with Mr. Lisi present. Mr. Pilson agreed that it would be an agenda item for the next Board meeting, which would give all the parties time to review the existing contract and ask for guidance from Legal Counsel, if desired.

Mr. Hanson reported that he was involved with a cattle round-up last week with our new Animal Control Officer and the one from West Stockbridge. There may be a request from the Richmond Animal Control Officer for some equipment. Mr. Pruhenski noted that when Mr. Brian Hoskeer came on as Animal Control Officer, the balance of the Animal Control Officer's budget this year was available to purchase as much equipment for him as we could for handling dogs. After July 1st, there will be another \$1,000 in his budget with which he can purchase whatever equipment he feels will be necessary. Mr. Hanson reported that the cows were eventually returned safely to their farm.

Mr. Hanson asked that the Agricultural Committee have a meeting to determine which of the local farms would have produce for sale. If Mr. Hanson will advise Mr. Pruhenski of the people comprising the Agricultural Committee, he would reach out to them to set a date for such a meeting.

Mr. Pilson reported on a meeting with Mr. Robert Markel on Monday to discuss the position of Interim Town Administrator for Richmond after June 1st. He is currently the Interim Town Administrator for the Towns of Buckland and Shelbourne Falls. He has advised the Board that that Town has now selected a new Town Administrator and he would be available to us, as needed, on a date that we could identify.

Mr. Pilson noted that he was extremely impressed with Mr. Markel whose qualifications for the job are excellent and whose responses to Mr. Pilson's outlining of the issues facing Richmond were knowledgeable and appropriate. Mr. Pilson noted that by the next Board meeting it should be clear where the process stands with the Selection Committee and he would not hesitate to recommend that Richmond engage Mr. Markel, at the rate of \$60.00 per hour for a twenty-hour week. Mr. Pruhenski will have a contract ready at the next Board meeting if it should be required. Mr. Pilson had invited Mr. Markel to attend the Annual Town Meeting next

week, which would give him a chance to meet some of the people in town and see how things are conducted.

Next Board of Selectmen's Meetings: May 30, 2019 and June 12, 2019:

Bulky Waste Day will be held at the Highway Department on Saturday May 25th, from 10:00 AM to 2:00 PM. A notice will appear in the e-newsletter this week and on FaceBook and on our website.

There being no further business before the Board, Mr. Hanson moved to adjourn the meeting. The motion was seconded by Mr. Pilson and passed by unanimous consent.

The meeting was adjourned at 9:50 PM.

Signed:



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

Mr. Neal Pilson, Chair