

**TOWN OF ROYALSTON
BOARD OF SELECTMEN'S MEETING
TUESDAY, APRIL 19, 2005
7:00 P.M.**

Present: Werner Bundschuh, Chairman; Thomas Kellner, Clerk; and Andy West, Member.

1. Chairman Bundschuh called the meeting to order.
2. The minutes of the 4/5/05 meeting were read. One correction was made and noted. Mr. Kellner made a motion to accept the minutes as amended. Mr. West seconded the motion. The vote was unanimous in favor.
3. Acknowledgements/Announcements/Correspondence:
 - a) Mr. Kellner stated that he received a waiver of the fee for the Comprehensive Planning Workshop.
 - b) The Board is in receipt of a survey of wages in Mass. Communities that MMA compiled.
 - c) The Village School has requested use of the upstairs of the town hall on 5/19/05 and 5/20/05 from 1-6 p.m. for a play. They have also requested the upstairs area for a dance performance sponsored by the Cultural Council on 5/25/05 and the entire hall on 6/11/05 from 7 am – 12 noon for their annual pancake breakfast and auction. Discussion was held regarding the fee for use of the hall. Mr. Kellner felt that a discount should be given for some events. Mr. Kellner made a motion to approve the request of the Village School for the play on 5/19 and 5/20 and to charge \$25 per day, which is half the usual fee. Mr. West seconded the motion. The Board voted unanimously in favor. Mr. Kellner made a motion to approve the request for 5/25 and to waive the fee, as the event is being sponsored by a town organization. Mr. West seconded the motion, with the Board voting unanimously in favor. Mr. Kellner made a motion to approve the request for 6/11 at the regular rate. Mr. Bundschuh seconded the motion. The vote was all in favor.
 - d) Mr. West made a motion to sign a letter to Rep. Knuttilla as recommended by the MMA asking that telecommunications companies be required to pay certain taxes. Mr. Kellner seconded the motion. The Board voted in favor.
 - e) Correspondence was received from the Montachusett Opportunity Council regarding appointment of a representative from the towns of Royalston, Templeton, and Phillipston. Mr. Bundschuh has asked Helen Divoll to check with Steven Frizzell, the current representative, to see if he will continue in that capacity.
4. Department Heads:
 - a) Town Clerk – Lloyd Leblanc presented the Board with a letter regarding the recent town election. He stated that a complaint had been filed with the Election Division of the Secretary of State's Office about four issues: 1) The election warrant was posted late; 2) the ballot had several formatting problems; 3) absentee ballots were not handled correctly; and 4) political buttons and activities were taking place at one of the polling places. He reported he was advised that no action would be taken against the town clerk and/or the town for any of these issues. He apologized for any inconvenience caused by these errors and will be sure to disclose any issues any the future. There was a recommendation made by the Election Division that an article be placed on the annual town meeting warrant to accept the election warrant as posted. Mr. LeBlanc will get the proper verbage from the state.

b) DPW –

- 1) Keith Newton presented four articles for the annual town meeting warrant. One article was “to pay the sum of Five Hundred Thousand Dollars (\$500,000.00) for engineering, plans, and authorized roadwork up to the reimbursable amount according to the provisions of Chapter 90 Massachusetts General Laws, and the same to be spent with the approval of the Board of Selectmen and Massachusetts Highway Department”. Mr. Newton explained that this money would include the funds needed to do the engineering and design work for the proposed Route 32 project. Vyto Andreliunas said that it would be useful to have representation from the town at the Montachusett Planning Organization’s meeting on 4/26/05 where this project will be discussed. Mr. Kellner made a motion to accept the four articles as presented. Mr. Bundschuh seconded the motion, and the vote was unanimous in favor.
- 2) Mr. Newton announced that spring grading has started on gravel roads and that weight restrictions will be lifted when the roads are dry enough.
- 3) Street sweeping has begun, with the target date for completion of Memorial Day.
- 4) Mr. Bundschuh asked Mr. Newton to check with the arborist who works for Mass. Electric regarding tree trimming on the common and in South Royalston. Mr. Newton said that he would check into this.

5. Old Business:

- a) Smyly Lawsuit: Mr. Bundschuh stated that Mt. Grace has secured a pro bono attorney and that the hearing scheduled for today was postponed until the attorney can get up to speed.
- b) Sewer Enterprise Fund: Mr. West reported that he spoke with Clayton Holmes, who said that he is not an advocate of the enterprise fund, but does want the money from new sewer connections to remain under the control of the Sewer Department, rather than going to the town’s general fund. Mr. Bundschuh said that the town should get the money and it should go to capital improvements that would benefit the entire town. Discussion was held regarding the vote at town meeting in 2003 to establish the fund, then the vote in 2004 to abolish it. The law states that an enterprise fund must be in effect for three years before it can be abolished. Lloyd LeBlanc has submitted a question to get legal advice, but has not received a response yet. He will make contact again.

6. New Business:

- a) Grant Writing – Jon Hardie: Mr. West made a motion that the Board support a grant writing seminar for non-profit groups and officials and also neighboring communities to be taught by volunteer Jon Hardie at an appropriate date. Mr. Bundschuh seconded the motion, with the Board voting in favor.

7. Closing of Annual Town Meeting Warrant:

- a) Zoning Bylaw Changes – Town counsel has stated that the Board is obliged to include these petitioned warrant articles and to send them to the Planning Board, which has already been done. The Planning Board is then responsible to hold a public hearing within 65 days and should make recommendations at the town meeting. Mr. Bundschuh said that the Planning Board does not have time to meet before the town meeting. Mr. Winitzer asked the Board at what point they would deal with the issue of an elected Planning Board. Discussion was held regarding the establishment of the Planning Board and whether or not it was decided at that time to be an appointed or elected board. There are issues with the Planning Board not meeting and not getting things done.

- b) Administrative Assistant Position – This is also a petitioned article, so the Board must put it on the warrant.
 - c) Land Transfer Article – Mr. Kellner made a motion to put this article on the warrant. Mr. West seconded the motion. The Board voted unanimously in favor.
 - d) General Bylaw Changes – Mr. Kellner made a motion to accept the article to change to Article 1, Section 5 of the General Bylaws as presented by Chief Deveneau. Mr. West seconded the motion. The Board voted in favor. Mr. West made a motion to accept the article to change Article 10, Sections 12 & 13 of the General Bylaws, also presented by Chief Deveneau. Mr. Kellner seconded the motion. The Board voted in favor.
 - e) Mr. West made a motion to accept the article to fund the DARE program presented by Chief Deveneau. There was no second to the motion. There was no motion made on the article also submitted by Chief Deveneau regarding voting to fund enhanced patrols during the summer.
 - f) Mr. Kellner made a motion to close the warrant. Mr. West seconded the motion. The Board voted in favor.
8. Charles Divoll Regarding Letter from Chief Deveneau – Mr. Divoll explained that he received a letter from the Chief stating that he must remove trailers from his property that have been there since 1981. Mr. Bundschuh explained that bylaws were not being enforced in the past, and the Chief has been asked by the Board to enforce them now. Mr. Kellner said that other people have asked for extensions and suggested that he contact Chief Deveneau.
9. At 8:48 p.m., Mr. West made a motion to go into Executive Session to discuss strategy with respect to collective bargaining, then to resume the meeting to sign the Treasury Warrant only. Mr. Kellner seconded the motion, with the Board voting unanimously in favor.
10. The Treasury Warrant was signed.
11. Mr. West made a motion to adjourn at 10:00 p.m. Mr. Kellner seconded the motion. The Board voted in favor of the motion.

Minutes recorded by Diana Newton.

