

TOWN OF KINGSTON
BOARD OF SELECTMEN

MINUTES
March 22, 2005

Chairman Mark S. Beaton opened the meeting of the Board of Selectmen held on March 22, 2005 at 7:30 p.m. in Room 200 at the Town House, 26 Evergreen Street, Kingston. Present were Vice Chairman Paul M. Gallagher, Olavo B. DeMacedo, Joseph D. Kelleher, and Town Administrator Kevin R. Donovan. Selectman Kenney was absent.

The Chairman announced the dates to note and the Open Forum. No one came forward to speak at Open Forum.

Upon motion made and seconded, following a discussion and a 3 to 0 to 0 vote, it was –

VOTED: To accept the minutes of the March 8, 2005 public session meeting.

Selectman DeMacedo was not present during the vote on the minutes.

James McKenna, Chairman of the Wage and Personnel Board gave the Board an overview of the recommendations for Town Meeting. He detailed the requests that had come before the Board and the rationale for the Board's decisions.

Mr. DeMacedo asked Mr. McKenna if he was aware that the Board had given the Deputy Fire Chief and the Fire Chief substantial increases to stipend for KEMA. Mr. McKenna said he was not aware of that but it would not have affected the Wage and Personnel Board's decision to give both positions stipends and that the stipends were given to make a market adjustment for both positions rather than reclassification. He further stated that the decision was based on the job descriptions compared with how the job competes with the market and in the case of the Deputy, how the pay compares with the union Captain's position that is entitled to overtime pay.

Duane Frey and Norman Tucker were present to address the warrant article for \$145,175 to do further renovations on the Adams Library Building. She requested the Board to support the article to allow them to move ahead with repairs and to apply for MA Historical round 12 grant. Ms. Frey further stated that it was the last grant round and it would be for a 50% match and she felt confident that they would be successful since MA Historical had already been behind the project. Ms. Frey advised that the Heritage Center Development Committee was going to meet with the Library Trustees to discuss the Library using space in the Adams to house the Local History Room.

Mr. DeMacedo stated he was supportive of the concept to house the Local History Room and of the continued repairs to the building but had concern with such a tight budget that the funds may not be available. He further stated that he wanted to hear from the Trustee as to how they feel about using the Adams and what their intentions might be.

Mr. Gallagher stated that he appreciated the efforts of the Committee to maintain our assets and if it were not possible for fund the entire amount, it may be possible to fund a portion.

Mr. Kelleher asked whether the passage of the CPA would be able to fund the project. Ms. Frey stated that it would be a year to a year and a half before the funds from the CPA would be available.

Mr. Beaton suggested putting it off until the Fall Special Town Meeting when the Town will have a better idea what the local receipts will be.

Mr. Tucker thanked the Board for its support of the project and stated that the project was an enormous undertaking that could not be dropped.

Mr. DeMacedo stated that he wanted to discuss the Wage and Personnel recommendations and expressed his concerns about the By-Law which did not link raises with job performance evaluations. He said that the Wage and Personnel Board had done its job according to the By-Law, but receiving the recommendation two weeks before Town Meeting left too little time for the Board to discuss it. Mr. DeMacedo suggested working towards a revision to the Wage and Personnel By-Law at the Fall Special Town Meeting that would give the Board of Selectmen the opportunity for input.

Mr. Beaton stated that he felt they should have the recommendations at least six weeks before Town Meeting. Mr. Donovan stated the By-Law only had a time line for requests for reclassification to be submitted to the W & P Board.

Mr. DeMacedo stated that the W & P Board sees an individual one day and evaluates their position based on that meeting and that the Town Administrator sees the individual every day and is better equipped to evaluate the position.

Mr. Gallagher stated that the Board had taken into consideration that the Fire Chief was under the average when they raised the stipend for KEMA.

Mr. Kelleher stated that what was needed was an annual performance evaluation system.

Mr. DeMacedo stated that the W & P Board decides what a position is worth, not job performance.

Mr. Dononvan stated that much of the By-Law was archaic in that it was not merit based for pay increases and that they could amend the By-Law at the Fall Special Town Meeting.

Upon motion made and seconded, following a discussion and a 4 to 0 to 0 vote, it was –

VOTED: To review the Wage and Personnel By-Law to include a performance evaluation by the Board of Selectmen for Wage and Personnel employees and that changes to the By-Law be considered at the Fall Special Town Meeting.

Upon motion made and seconded, following a discussion and a 4 to 0 to 0 vote, it was –

VOTED: That the sum of \$45,000 be transferred from Article 9 of the November 4, 1997 Special Town Meeting; pursuant to the provision of Section 117 of Chapter 46 of the Acts of 2003 allowing the utilization of proceeds from the sale and purchase of land, shown as Parcel No. 7-4-4 on a plan of Land entitled “Plan of Emerson Property, Kingston, Massachusetts”, dated February 6, 1998, and prepared by Atlantic Design Engineers, Inc., and recorded with the Plymouth County Registry of Deeds in Plan Book 40, Page 1137; to be used for general budgetary purposes for Fiscal Year 2005 under Article 1 of the April 2, 2005 Special Town Meeting, as may be necessary.

The Board reviewed the Special and Annual Town Meeting Warrant articles for the assignment of motions and the Board’s position on each article.

The Board assigned the motions and voted to support or not support the articles as follows.

Special Town Meeting: (favorable votes were all unanimous)

Article 1	Transfer of Funds	FAV	Motion by Mr. Kelleher
Article 2	Police Contract	FAV	Motion by Mr. Gallagher
Article 3	Disband Committee	FAV	Motion by Mr. DeMacedo
Article 4	Jones River Project	Town Meeting presentation	

The Board reviewed the items under the Capital Plan article and members suggested supporting the Finance Committees recommendation. Mr. Beaton stated he wanted to one step further and only fund the purchase of one cruiser and use the money that would have been spent on the other two cruisers as seed money to establish a funding mechanism to fund the capital plan items from the departmental budgets.

Mr. Donovan advised that the Budget Advisory Committee supported putting the Capital expenses into the operating budgets.

Upon motion made and seconded, following a discussion and a 4 to 0 to 0 vote, it was –

VOTED: To support the Finance Committee’s recommendation on the Capital Plan but only fund one cruiser instead of three and create, under the motion, a capital account with the money that would have been used to purchase the other two cruisers.

Article 5	Capital Plan	FAV	w/1 cruiser
Article 6	Sick Leave Buyback	FAV	Motion by Mr. Kenney

Annual Town Meeting: (favorable votes were all unanimous)

Article 1	Hear Reports	FAV	Motion by Mr. Beaton
Article 2	Budget	FAV	
Article 3	Water Budget	Position after	Town Meeting presentation
Article 4	Water-Pottle St.	Position after	Town Meeting presentation

Article 5	Well I86	Position after	Town Meeting presentation
Article 6	No Motion		
Article 7	Sewer Budget	Position after	Town Meeting presentation
Article 8	Sewer Phase II	Position after	Town Meeting presentation
Article 9	Elected Off Salaries	FAV	
Article 10	W & P	FAV	with 2.5 adjustment
Article 11	Sampson Fund	FAV	
Article 12	Equipment	Position after	Town Meeting presentation
Article 13	Rec rev fund program	FAV	
Article 14	Rec rev fund bldg.	FAV	
Article 15	Shellfish rev fund	FAV	Motion by Mr. Kelleher
Article 16	Stabilization	FAV	\$22,787
Article 17	Transf school funds	FAV	Motion by Mr. Gallagher
Article 18	No motion		
Article 19	Bldg Insp rev fund	FAV	Motion by Mr. Beaton
Article 20	DARE Program	Position after	Town Meeting Presentation
Article 21	Unissued debt	FAV	
Article 22	Senior Tax Exemp	FAV	
Article 23	Weighers fees	FAV	Motion by Mr. Kelleher
Article 24	Leash Law amend		Motion by Mr. DeMacedo
		Position after	Town Meeting presentation
Article 25	Amend Dis Com	FAV	Motion by Mr. Gallagher
Article 26	Rezone Maple St		Motion by Mr. Beaton
		Positon after	Town Meeting Presentation
Article 27	Cell Tower	FAV	Mr. Gallagher
Article 28	Heritage Ctr	Positon after	Town Meeting Presentation

Upon motion made and seconded, following a discussion and a 5 to 0 to 0 vote, it was –

VOTED: To set the time for the Saturday, April 2, 2005 Special and Annual Town meeting from 9:00 a.m. to 1:00 p.m. and continue to Monday, April 4, 2005 from 7:00 p.m. to 10:00 p.m. and cancel the April 5, 2005 Board of Selectmen’s meeting and hold a Board meeting on Monday, April 4, 2005 at 6:00 p.m. at the Intermediate School prior to the continuation of the Town Meeting.

Upon motion made and seconded, following a discussion and a 4 to 0 to 0 vote, it was –

VOTED: For the Town to issue bonds in an aggregate principal amount not to exceed \$600,000 pursuant to Chapters 29C and 111 of the General Laws and a vote of the Town passed June 8, 2004 (Article 3) for a community septic management loan program (the project). The entire language of the vote is attached and incorporated by reference

Upon motion made and seconded, following a discussion and a 4 to 0 to 0 vote, it was –

VOTED: To grant the Common Victualler License for Second Generation Donuts, LLC, Dunkin Donuts located a 1 Joseph Street, and further;

VOTED: To appoint D. Charles Wusenich as Registrar of Voters for the term expiring on March 31, 2008, and further;

VOTED: To accept the resignation of Kevin McGowen from the Zoning Board of Appeals.

The Chairman announced that there were two vacancies on the Zoning Board of Appeals; one full member and one associate member and that the Board was accepting letters of interest.

The Board reviewed the Town Administrator's report and noted that the State Supervisor of Public Records had certified the vault in the Town Clerk's office as meeting the Secretary of the Common wealth's standards and is suitable for the storage of public records.

Mr. Gallagher also noted the excellent job that Mr. Donovan had done on the budget and Town Meeting preparation.

Upon motion made and seconded, following a discussion and a 4 to 0 to 0 roll-call vote, it was –

VOTED: To enter into executive session¹ for discussion of Collective Bargaining and Financial Assistance and not return to public session.

Respectfully submitted:

Nancy M. Howlett, Assistant to the
Town Administrator/Board of Selectmen

¹ The public session adjourned at 9:10 p.m. and the executive session adjourned at 9:30 p.m.