

TOWN OF KINGSTON  
BOARD OF SELECTMEN

MINUTES  
February 11, 2009

Chairman Paul M. Gallagher opened the meeting of the Board of Selectmen held on February 11, 2009 at 7:00 p.m. in Room 200 at the Town House, 26 Evergreen Street, Kingston. Present were Vice Chairman Sandra D. MacFarlane, Mark S. Beaton, Jean Landis-Naumann, Dennis N. Randall and Town Counsel Jason Talerman. Town Administrator Kevin R. Donovan was absent.

The Chairman announced that due to a snow storm, the meeting scheduled for February 3, 2009 was cancelled. Mr. Gallagher stated that it was his hope to have a meeting on February 10, 2009 but not all members were able to be present and therefore, the meeting on February 17, 2009 would have a clear agenda to deal with the advertisement and appointment of an interim Town Administrator, appointment of the Search Committee and the charge of the Search Committee. He further stated that he was surprised to learn that Selectman Randall had posted a meeting for February 11<sup>th</sup> and was not sure what the agenda was to be. Mr. Gallagher turned the meeting over to Mr. Randall.

Mr. Randall apologized for the breach of protocol but advised that the clock was running and there were just a few days before Mr. Donovan would be leaving. He stated that it was his idea that the Board should review the Guidelines Handbook for appointing a new Administrator.

Mr. Gallagher stated that had he known that would be the subject discussed, he would have prepared questions for discussion. He further advised that the salary for the new Town Administrator had not been discussed nor made part of the advertisement, that the Town could not afford to pay Mr. Donovan's current amount of \$120,000 and applicants would assume that the pay would be \$120,000. Mr. Gallagher suggested contacting those who had submitted resumes and advise them what the salary range would be.

Mr. Beaton stated that he does not like to receive material at the table for the meeting because he cannot listen, think and try to read the material that was presented. He advised that he thought the discussion would be to appoint the Interim Town Administrator. Mr. Beaton stated that there were a lot of issues coming into play that would require the expertise of the Administrator and that the Board had asked Mr. Donovan to assist in finding an Interim Town Administrator. He stated that Mr. Donovan recommended Mr. Healy, former Town Administrator from Middleborough and suggested that the Board move forward with hiring Mr. Healy in order to be sure the Town is protected. Mr. Beaton affirmed the need to move forward.

Mr. Gallagher stated he too wanted to move forward but wanted it clear that the salary was not going to be \$120,000. Mr. Beaton stated the salary was mid-range for Town Administrators and the Board should not limit the salary. He further advised the salary and compensation package would be submitted by the applicants. Mr. Gallagher suggested re-advertising and establishing a salary range. Mrs. Landis-Naumann stated that Kingston was not the only community seeking to fill a Town Administrator's position and did not want to establish a range because it may limit the quality of the candidates. Mr. Gallagher suggested setting a range between \$80,000 and \$120,000 because applicants would assume the \$120,000 would be the salary. Mrs. Landis-Naumann stated that there should be no assumptions because the salary would be subject to negotiations.

Ms. MacFarlane stated that the Town is in a fiscal crisis and would be experiencing layoffs and decreases and did not want to start the salary off at \$120,000. She further advised that Mr. Donovan got that salary

after eight years and now they had the opportunity to save money, not set range and pay a salary commensurate with experience.

Mr. Beaton stated that now was the time to move quickly to get someone in place to fill this crucial position.

Mr. Randall acknowledged the need to proceed with deliberate speed. He said the Town was a rumor mill with everyone filling in the blanks and he wanted transparency and an end to speculation. He stated that the Board should proceed with the speed that it feels comfortable with but it would be a mistake to procrastinate.

Mr. Beaton made a motion to hire Mr. Healy as the Interim Town Administrator. Mr. Gallagher seconded the motion for discussion.

Mr. Beaton stated that Mr. Healy would be able to sit with Mr. Donovan next week and that he was seeking the weekly pay of Mr. Donovan but was willing to work out a part-time arrangement. He further advised that he had called on the references that Mr. Healy provided and reiterated to the Board his positive findings.

Ms. MacFarlane stated that the Board had not decided whether or not to have an Interim Town Administrator. She suggested that there were other ideas that would save the Town the money of paying for the Interim during the search process. Mrs. Landis-Naumann stated that it was a very busy time that would require a steady hand and experience to make a smooth transition. She added that Mr. Healey was the only applicant and was amenable to a part-time situation.

Mr. Randall stated he was appreciative of the work of Mr. Beaton in stepping up to the plate to research Mr. Healey's credentials but the Board would be making the decision on how or if to hire the Interim Administrator, the selection process and that he was reluctant to hire someone unless the Board collectively interviewed the person.

Mr. Gallagher stated that the Board could not appoint an elected person unless they resigned thirty days prior to the appointment. He suggested that they advertise for the Interim position. Mr. Beaton stated that the Board should have made a decision at the last meeting so that someone would be able to sit with Kevin before he left. Mr. Randall stated in the best interest of all the position should be advertised so that there would be more choices. Ms. MacFarlane stated that the Board had not decided whether or not to have an Interim and if an Interim was hired she did not want to pay the salary of the present Town Administrator. She suggested that there were ways to have an Interim without spending any money.

Mr. Gallagher stated that some people from within Town government had expressed interest in the position. Ms. MacFarlane advised that the Board had given Mr. Donovan the charge of recommending candidates to fill the Interim, but not to hand pick the person for the position. The Board discussed and dismissed the idea of advertising the position due to the lack of time to conduct the process before Mr. Donovan left.

Mr. Gallagher asked the Interim Town Administrator position be on the next agenda and that Mr. Healey along with the list of other interested candidates be invited to attend to be interviewed. Ms. MacFarlane stated that she liked Mr. Gallagher's idea of having three people; member of the Board of Selectmen, the Treasurer and the Town Clerk, act as the Interim Administrator. Mr. Randall stated that the idea had merit and would use in-house personnel. He further suggested that the Board could meet weekly to address issues that arise. Mrs. Landis-Naumann said she did not support leading the Town by Committee.

Town Counsel Jay Talerman stated that he and his firm would be available to help answer any question that may arise during the transition.

Mr. Beaton suggested appointing the Search Committee members. Mrs. Landis-Naumann stated that she agreed.

Ms. MacFarlane suggested that the Search Committee should utilize the Handbook in the process. Attorney Talerman stated that the Handbook was developed by a Manager group and should be used as a guideline because it was most fair from the Managers prospective.

Upon motion made by Mr. Beaton and seconded by Mrs. Landis-Naumann, following a discussion and a 5-0-0 vote, it was—

VOTED: To appoint John Tuffy as the Representative from the School Administration and Kevin Donovan to the Town Administrator Search Committee

A motion made by Mrs. Landis-Naumann and seconded by Mr. Gallagher to appoint Mr. Beaton to serve as the Selectmen Representative on the Town Administrator Search Committee failed on a 1-3-1 vote.

Mrs. Landis-Naumann supported the motion, Mr. Gallagher, Mr. Randall and Ms. MacFarlane did not support the motion and Mr. Beaton abstained from voting.

A motion was made by Mr. Randall and seconded by Mr. Gallagher to appoint Ms. MacFarlane to serve as the Selectmen Representative on the Town Administrator Search Committee failed on a 2-2-1 vote.

Mrs. Landis-Naumann and Mr. Beaton did not support the motion, Mr. Gallagher and Mr. Randall supported the motion and Ms. MacFarlane abstained from voting.

Prior to the vote, Ms. MacFarlane stated her reasons for wanting the appointment. Mrs. Landis-Naumann spoke for Mr. Beaton and Mr. Beaton stated his reason for wanting the appointment.

Two candidates names were brought forward from the Finance Committee and upon motion made and seconded, following a discussion and a 1-3-1 vote the motion to appoint John LaBrache failed. Mr. Beaton supported the motion, Mrs. Landis-Naumann abstained from voting and the remaining Selectmen did not support the motion. Upon motion made by Mr. Randall and seconded by Ms. MacFarlane, following a discussion and a 4-1 vote, it was—

VOTED: To appoint Jason Lelio as the Finance Committee Representative to the Town Administrator Search Committee.

Mr. Beaton did not support the motion.

Mrs. Landis-Naumann made a motion to appoint Joseph Rebello to the Search Committee and there was no second. Mr. Randall made a motion which was seconded by Ms. MacFarlane to appoint Elaine Fiore as the Department Head Representative; Mr. Beaton made a motion to appoint Mary Lou Murzyn which was seconded by Mr. Gallagher; Mr. Beaton made a motion to appoint Mr. Armstrong and the motion did not get a second. Mr. Gallagher called for the vote on Elaine Fiore upon a 3 to 2 vote it was—

VOTED: To appoint Elaine Fiore as the Department Head Representative to the Search Committee.

Mr. Beaton and Mrs Landis- Naumann did not support the motion.

Mr. Gallagher called for the vote on Mary Lou Murzyn and the motion failed on a 2-0-3 vote.

Mr. Gallagher, Mr. Randall, and Ms. MacFarlane abstained from voting, Mr. Beaton and Mrs. Landis-Naumann supported the motion.

Ms. MacFarlane made a motion to appoint John LaBrache as the Citizen-at-Large on the Search Committee and it was seconded by Mr. Randall. Mrs. Landis-Naumann made a motion to appoint Olly DeMacedo and it was seconded by Mr. Gallagher. The motion to appoint Mr. LaBrache failed on a 2-3 vote; Mr. Beaton, Mr. Gallagher and Ms. Landis Naumann did not support the motion. On the motion to appoint Mr. DeMacedo to the Search Committee and a 3 to 2 vote, it was—

VOTED To appoint Olly DeMacedo to the Search Committee as the Citizen-at-Large.

Mr. Randall and Ms. MacFarlane did not support the motion.

Mr. Gallagher stated that he felt the Board had accomplished a lot of work. Ms. MacFarlane asked that each member of the Search Committee be given a copy of the Guidelines.

Upon motion made by Mr. Gallagher and seconded by Mrs. Landis-Naumann, following a discussion and a 5-0-0 vote, it was—

VOTED: To keep the names of the applicants for the Town Administrator position confidential until the finalist are brought before the Board.

Upon motion made and seconded, following a discussion and a 5-0-0 vote, it was—

VOTED: To accept the resignation of Kevin R. Donovan as Town Administrator and Chief Procurement Officer.

Upon motion made and seconded, following a discussion and a 5-0-0 vote, it was—

VOTED: To adjourn at 8:30 p.m.

Respectfully Submitted:

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