

TOWN OF KINGSTON
BOARD OF SELECTMEN

MINUTES
August 22, 2006

Chairman Joseph D. Kelleher opened the meeting of the Board of Selectmen held on August 22, 2006 at 7:30 p.m. in Room 200 at the Town House, 26 Evergreen Street, Kingston. Present were Vice Chairman Mark S. Beaton, Sandra D. MacFarlane, Jean M. Landis-Naumann and Town Administrator Kevin R. Donovan. Mr. Gallagher joined the meeting at 8:05 p.m.

The Chairman announced the dates to note and the Open Forum. Mr. Beaton noted the work of Joseph Gibbons on his Eagle Scout Project and the Fire Department in placing American Flags on poles along Summer and Evergreen Streets.

The Board discussed and supported the placement of a sign on the Town House property to advertise a fundraising event for the Lacrosse team.

John Burry, Vice Chairman of the Senior Center Building Committee was present at Open Forum to request the Board's support for the Town to acquire the land adjacent to the Town House to be used as access to 40 acres of Town owned land behind the property for the site of the Senior Center. Mr. Burry advised that the lot consisted of 4.5 acres, had been approved as a one-house lot, and was on the market for \$240,000 and assessed by the Town at \$171,000. He further stated that the Committee was suggesting the use of CPA Funds to purchase the property.

Mrs. Landis-Naumann questioned whether the length of the roadway to the Center would add cost for construction and maintenance. Mr. Burry stated that the access road would not be to street standards and that the new site would be easier to build upon and would have no drainage issues.

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

VOTED: To support pursuing the acquisition of the 4.5 acres of property adjacent to the Town House.

Pine DuBois was present to speak at Open Forum about the mosquito spraying that was being conducted. She stated that she objected to the policy and departure from protocol by the Department of Public Health. She further stated that there was no need to spray over the Jones River and that the spraying would harm the environment. Ms. DuBois also stated that spending the State's money on public education would be the best use for the money rather than spraying.

Mr. Kelleher questioned whether a letter should be sent to the State regarding the impact on the environment. Mr. Beaton stated that the State was looking out for the welfare of its citizens since two cases of EEE had been reported. Ms. DuBois stated that she was not suggesting that

the State stop spraying but that it test crabs and other species and get monitoring information on the impact. Mr. Kelleher stated that they would take it under advisement.

Mark Guidoboni was present representing his niece, Christina Guidoboni. Mr. Guidoboni stated that Christina had prepared a draft of Special Shellfish Regulations and Shellfish Aquacultural Program for the Town as a Girl Scout Gold Award Project. Mr. Guidoboni gave an overview of the program, advised that it had the support of the Waterfront Committee and Harbormaster and requested that the Board support sending it on to the Department of Marine Fisheries.

Upon motion made and seconded, following a discussion and a 3 to 0 to 1 vote, it was –

VOTED: To support sending the draft of Special Shellfish Regulations and Shellfish Aquacultural Program to the Department of Marine Fisheries.

Mr. Beaton abstained from voting on the motion.

James McKenna and Betty White were present from the Wage and Personnel Board. Mr. McKenna provided an overview of the advantages and disadvantages of a merit based pay structure and how difficult and costly it would be to implement in the Town.

Mr. Beaton stated that it was his impression that Mr. McKenna did not like the concept. Mr. McKenna stated that he had 25 years experience in Human Resources and that there would have to be funding to reward more money for differences in performance.

Mrs. Landis-Naumann asked Mr. Donovan what was the current process for salary increases. Mr. Donovan advised that employee reclassification due to increased responsibilities was the only process other than annual step increases.

Ms. MacFarlane stated that the system does not work very well and is complicated. She further stated that she felt that Mr. McKenna presented the process negatively and that she supported going forward with it and look at the job descriptions.

Mr. Beaton stated that what he wanted an employee's supervisor to be able to do an annual review to have the opportunity to have a constructive dialogue about the job performance.

Mr. McKenna suggested checking with Town Counsel to review the system and how to embody it in the By-Law.

Mr. Gallagher stated that he thought there had been a miscommunication and that he agreed with Mr. Beaton that the Town should not hand out 2.5 percent across the board to employees without the ability to do a performance review. He further stated that with a merit based system some employees would be given raises and some may not and that there would be a standardized review process. Mr. Gallagher stated that he thought Mr. McKenna was coming forward to discuss the protocol on implementing a merit pay structure and how to appraise employees.

Mr. Kelleher stated that employees should be reviewed three times a year; beginning, mid-year and end of year.

Mrs. Landis-Naumann stated that she had 34 years of Federal Management and could not imagine not having a Manager able to process annual reviews. She thanked the Wage and Personnel Board for its overview. Mr. Gallagher stated that a process would be needed to incorporate the review into the system and that he wanted to move forward.

Ms. MacFarlane questioned whether it would encompass all employees and Mr. Kelleher suggested looking at the process used by other Towns. Mrs. Landis Naumann suggested working with the Wage and Personnel Board to contact other Towns.

Mr. McKenna stated that he did not believe the Board understood how comprehensive it would be to implement. Mr. Gallagher stated that he should not imply that the concept was above and beyond the comprehension of the Board.

Mr. Beaton made a motion to have Mr. Donovan look at the concept, make a report with the positive and negative aspects and bring it back to the Board. The Board unanimously supported the motion.

Board of Health Vice Chairman Jack Breen and member Bill Watson were present to update the Board on Pandemic Planning. Dr. Leigh Mansberger of the MA Dept. of Public Health, advised that on September 1st it would be the fourth year of a five year anti-terrorism plan which funds creating emergency dispensing plans to vaccinate the public in an emergency. She stated that dispensing clinics are set up to vaccinate a large amount of people in a short amount of time with consideration given to people with special needs. Dr. Mansberger stated that drugs are stockpiled and can be requested by the Governor or local government may request drugs from MEMA.

Mr. Gallagher stated that he appreciated the Federal and State Agencies as well as the Board of Health for taking precautions and working diligently on protecting the public.

Board of Health Chairman Joseph Casna stated that spraying for EEE mosquitoes would take place that evening and at this time they were recommending that fields would not be used from dusk to dawn. Member Dan Sapir stated that the virus was picked up early this year and the Governor declared a state of emergency for the good of the greater population. One spraying was done several weeks ago and a greater area was being sprayed tonight. He further stated that the government reported that there was no negative impact from the first spraying.

Chairman Casna reported that the closing of the fields at this point was voluntary and that they would reassess after the spraying.

Mr. Gallagher stated that if the fields were to be closed, he wanted to see signs all over town with that information. Ms. MacFarlane stated that the Town cannot take lightly what Ms. DuBois said at Open Forum and that the Town needs to work with other agencies if sick or dead animals are found. She expressed her concern about the spraying and that DDT spraying in the 1950's could have been the cause of her own cancer.

Mr. Watson stated that the Animal Inspector would send out any dead birds or animals to the state for testing. Mrs. Landis-Naumann requested that the Board of Health come back with any information or results from spraying when available.

Chairman Kelleher read the hearing notice on the application of Ruellas, Inc. dba Cancun for an all alcoholic beverage license. Mr. Gallagher stated that the site was the former Bickfords Restaurant. Mr. Beaton recused himself from participating and left the table.

Attorney Scott Nathan was present representing the applicant as well as property owner Lindsey Wilson. Attorney Nathan stated that it was the intention of the applicant to have a family restaurant similar to Acapulco's Restaurant in Attleboro owned by the applicants. Attorney Nathan described the restaurant layout and included in the description the deck area. Mr. Kelleher stated that the description of the deck was not included in the application or in the advertisement for the hearing. Ms. MacFarlane asked whether the bartender could view the deck from the bar inside the building. Attorney Nathan stated that the deck was adjacent to the wall that the fireplace, a door and a window are on and that he did not think there was a line of vision from the bar. Mr. Gallagher questioned whether there was adequate parking for the number of seats. Property owner Lindsey Wilson stated that the seating capacity would be modified to 177 seats which is in line with the requirement of one parking space for three seats giving the lot 60+ parking spaces. Mrs. Landis-Naumann asked if the lounge would have entertainment. Attorney Nathan stated that the lounge area would be used for dining since it would be a family restaurant.

No one present spoke in favor or against the application.

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

VOTED: To close the hearing.

Ms. MacFarlane stated that she was uncomfortable with the line of sight from the bar to the deck.

Attorney Nathan stated that they would stand on the application that did not include alcohol to be served on the deck.

Upon motion made and seconded, following a discussion and a 3 to 1 vote, it was –

VOTED: To approve the application for an all alcoholic beverage common victualler license for Ruellas, Inc. dba Cancun with the description of the lounge to read "lounge for dining purposes only" and to be limited to 177 seats.

Mr. Kelleher did not support the motion.

Upon motion made and seconded, following a discussion and a 4 to 0 to 1 vote, it was –

VOTED: To approve the minutes of the public and executive session meeting held on August 8, 2006.

Mr. Kelleher abstained from voting.

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

VOTED: To appoint James Farrell to the Rent Control Board and Carl L. Pike to the Zoning Board of Appeals as the Associate Member, and further;

VOTED: To approve and sign the September 19, 2006 State Primary Warrant as presented by the Town Clerk.

Mr. Beaton stated that due to items yet to be completed relative to the 40R Zoning District Article for the Special Town Meeting, he suggested the matter would be held until the Annual Town Meeting. Upon motion made and seconded, following a discussion and a 5 to 0 to 0 vote, it was —

VOTED: To hold off on the 40R Zoning District Article until the 2007 Annual Town Meeting.

Respectfully submitted:

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