

TOWN OF KINGSTON
BOARD OF SELECTMEN

MINUTES
March 4, 2008

Chairman Mark S. Beaton opened the meeting of the Board of Selectmen held on March 4, 2008 at 7:00 p.m. in Room 207 at the Town House, 26 Evergreen Street, Kingston. Present were, Vice Chairman Sandra D. MacFarlane, Paul M. Gallagher, Jean Landis-Naumann and Town Administrator Kevin R. Donovan. Joseph D. Kelleher was absent.

The Chairman announced the dates to note and the Open Forum. No one present requested to speak at Open Forum. Mr. Beaton stated that Town Clerk Mary Lou Murzyn was invited to inform the Board of the plans to frame the Town Quilt for display. Mr. Gallagher stated that she was unable to attend due to office hours that evening. Mr. Beaton advised that the quilt had been displayed at the Old Town House and that the Board was the caretakers of Town buildings. He further stated that the Sampson Fund had granted \$1,200 for a frame to display the quilt. Mr. Beaton suggested that due to the size of the quilt it was difficult to display and thought the space where the Marshall Joyce painting was currently displayed would be the perfect place for the quilt to hang. He further suggested moving the Marshall Joyce painting to the wall under the stairway so that all who come into the building would be able to see it. Mr. Gallagher stated that the decision was made to put it into the Senior Center and since the Senior Center was delayed it was wrong not to display it.

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

VOTED: To authorize the use of the \$1,200 funds from the Sampson Fund to frame the Town Quilt to be displayed properly outside Room 200 and to move the Marshall Joyce painting to the hallway under the stairway.

Mr. Beaton stated that he had a concern for security in the Selectmen's office with the Board's books and files containing confidential information being left in the open office. He further stated that confidential information had fallen into unauthorized hands and information had gotten out regarding litigation, negotiations, contracts and personal matters. Mr. Beaton suggested moving the desk and files into the conference room within the office, where the door could be locked. Mr. Gallagher stated the security issue needs to be addressed because information was being put out in an inappropriate manner. He further stated that it would be great to have a confidential space. Mr. Gallagher suggested that they look into a key card system for the building to make the access more secure. Upon motion made and seconded, following a discussion and a 4-0-0 vote, it was—

VOTED: To make the conference room a private locked office for the Board and move the desk and filing cabinets into the office.

Brian Spires, Chairman of the Green Energy Committee was present to update the Board on the Committee's efforts regarding the Wind Turbine. Mr. Spires reported the following:

- Thanked the Board for supporting the "No Idling Policy" and the development of the Wind Overlay District.
- Committee was reviewing the draft report of the Financial Feasibility for the Wind Turbine.
- He detailed the exchange of dollar for dollar with the net metering
- Borrowed funds for wind projects would not have an impact on the Bond rating.

- A Home Rule Petition would allow for the start up of the Municipal Energy Corp.
- Grant funds were available to further explore the Municipal Ownership if Town Meeting voted favorably to set up the Municipal Energy Corp.

Ms. MacFarlane asked if the Corporation was set up, what would be the number of employees needed to handle the operation. Mr. Beaton advised that was part of the profit and loss and a Management Company would be hired to oversee the operation and would be funded through the revenue the Turbine generated.

Matt Hamilton, Finance Committee Chairman was present to request that the Board consider raising the cost for Transfer Station Stickers for the 2009 Fiscal Year by \$20 and \$5 for Seniors. Mr. Hamilton stated that the Finance Committee was seeking ways to increase revenue and the proposed increases would generate \$38,000 in additional revenue. He stated that Kingston's rates were rather conservative compared to other Town's on the South Shore. Mr. Gallagher state that with the current economic times, it was not the time and place to increase the fees and that 77% of the cost of the operation were being funded with fees. He suggested getting through Town Meeting and not addressing the fees until June or July. Mrs. Landis-Naumann stated that the time to address the deficit was prior to Town Meeting and the revenue would help to balance the budget. She further added the increase in fees would only burden the users of the services. A motion was made and seconded, for discussion to increase the fees as recommended.

Mr. Gallagher suggested that the idea that only those that use the services should pay does not work. He stated that cuts should be made at Town Meeting if necessary and not consider changing the Transfer Sticker fees until after Town Meeting. Mr. Hamilton stated that with three more budgets yet to be reviewed, the Finance Committee is not where they need to be.

Mr. Beaton stated that with the limits of Proposition 2 ½ we needed to be more efficient with our services and that he was not ready to vote on any increases in the fees. Mrs. Landis-Naumann suggested waiting until there was a full Board present. Mr. Beaton called for the vote on the motion and it failed on a vote of 2-2.

John LaBrache was present to discuss the three options for changing the position of elected Treasurer to an appointment of the Board of Selectmen; option 1; would require majority vote at Town Meeting and acceptance of the voters at an Annual Town Election; option 2; would allow the Board of Selectmen to submit to the voters a question to consolidate the offices of accountant, auditor or comptroller, treasurer, collector and assessors, followed by Town Meeting adopting a bylaw addressing the creation of the department or option 3; a Home Rule Petition to the Legislature for the creation of appointed positions and or a consolidated department of municipal finance.

The Board discussed the three options. Mr. LaBrache stated that the Finance Committee supported Option 1 and that if the Board supported Option 1, he, Mr. LaBrache would consider running for the Treasurer's position and if elected, would step down if and when it is voted at the Annual Town Election in 2009.

Ms. MacFarlane stated that she supported consolidating departments and would like to see a Financial Director at some point but would support Option 1 as a start because it was important with the size of the budget to get the expertise. Mr. Gallagher stated that he agreed that Option 1 would be going in the right direction but was more in favor of Option 2 with a Financial Director reporting to the Town Administrator. Mrs. Landis-Naumann stated she also would like to see Option 2 but looking at the history it was more realistic to go with Option1 and did not want the idea shot down completely.

Mr. Gallagher suggested holding off on doing anything and letting the election cycle take its course. Ms. MacFarlane stated that she supported going with Option 1, that Mr. Cole first suggested this eleven years ago and that it was time that it was dealt with again.

Upon motion made and seconded, following a discussion and a 3 - 1 vote, it was—

VOTED: To include and Article on the Special Town Meeting Warrant offering Option 1 for an appointed Town Treasurer.

Mr. Gallagher did not support the motion.

Mr. Beaton read the public hearing notice to consider the formal lay-out of the roadways in the Village at Russell Pond as public ways.

Mrs. Landis-Naumann stated that she resided on Wolf Pond Road, but it was not the section of Wolf Pond Road that was being considered. She stated further that she did not have a conflict because the part of Wolf Pond Road that she lived on had already been accepted and that this action would be of no financial benefit to her property value.

The Petitioner, Jim Bristol from Continental Fields was present and stated that he was working with the Planning Board, Tom Bott and Paul Basler towards the acceptance. He stated that there was some sealcoating work that needed to be done and that they were waiting for better weather. Ms. MacFarlane asked for clarification on the Autumn Lane retention basin and whether or not it was working properly. Mr. Gallagher stated that the basin was draining into the Indian Pond basin and the developer changed the drainage to its own basin. Mr. Bristol stated that it was built and designed to the fifty year storm design standards and it was being redesigned on an abutting lot that he owned.

Mr. Beaton suggested waiting until the Planning Board had finished its hearing. Mr. Gallagher stated that if the Town accepts the roadways before the work is completed then the Bond would be released and he wanted the Planning Board to weigh in before they vote to lay out the roads. Tom Bott, Town Planner was present and advised that the Planning Board was scheduled to hear the matter on March 10th. Upon motion made and seconded, following a discussion and a 4-0-0 vote, it was—

VOTED: To postpone the matter until the Board's next meeting in order to have input from the Planning Board.

Mr. Beaton read the public hearing notice to consider the formal lay-out of the roadways in Tall Timbers as public ways. Petitioner Peter Opachinski was present and stated that the construction in the development was finished in the Fall of 2006 and that currently it was estimated that it would take approximately twelve thousand dollars to complete the remaining work. Ms. MacFarlane asked Mr. Opachinski if he intended to get easements for water pipes that were placed on private property instead of the road layout. Mr. Opachinski stated that it was a non-issue for the Water Dept. and that he would not get easements. Mrs. Landis-Naumann asked to hear from Mr. Bott on the matter. Mr. Bott stated that Water Superintendent Matt Darsch did not have a problem with the location of the pipes outside the layout and the Planning Board would review this application on March 10th. Mrs. Landis-Naumann stated that she was in favor of laying out the way. Mr. Beaton asked if anyone present wanted to speak in favor or against the petition. No one came forward.

Ms. MacFarlane stated she wanted to wait for the Planning Board's decision. Mrs. Landis-Naumann stated that they were being asked to consider the lay-out not whether or not they support the article. Mr. Donovan stated that they are only asked at this time to lay out the metes and bounds. Ms. MacFarlane

stated she was concerned about the location of the pipes should work have to be done. Mr. Opachinski stated that some of the pipes are only 2 to 3 inches on private property. Upon motion made and seconded, following a discussion and a 3 to 1 vote, it was—

VOTED: To lay out the roadways in the Tall Timbers Estates III Subdivision; Deer Run Road, Hammond's Lane, Norman's Way, P Tree Lane, Miller's Lane, and Pine Hill Road.

Ms. MacFarlane did not support the motion.

The Board reviewed the application of Pizzeria Uno for an Entertainment Inn Holders License. Mr. Beaton recused himself from participating and left the table. Ms. MacFarlane assumed the role of Chairman on the matter. David Bidel and Paul Fox were present from Pizzeria Uno and advised that they were looking for the license in order to have quiet entertainment at the restaurant. Mrs. Landis-Naumann asked if the music would be amplified. Mr. Bidel stated that it would not and that the music would be to accompany the dinner crowd. Mr. Gallagher stated that once the license was issued, it was for entertainment and it could not be restricted and hoped that the applicant would honor the agreement not to have rock bands. Upon motion made and seconded, following a discussion and a 3 - 0 vote, it was—

VOTED: To grant the Entertainment Inn Holders License to Pizzeria Uno.

The Board reviewed the Town Administrator's report. Mr. Donovan announced that the Steering Committee, of which he is Chairman, had adopted health insurance rates for the next fiscal year that will only increase by 3% rather than the projected 12% projected by the County prior to the formation of the group. He requested that the Board appoint him as the permanent representative and the Town Treasurer as the Alternate Representative to the Section 12 Group. Mr. Donovan further advised that the savings to the Town would be approximately \$105,000.

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

VOTED: To appoint Kevin R. Donovan as Permanent Representative and Town Treasurer John LaBache as Alternate Representative to the Section 12 Group.

Members of the Board commended Mr. Donovan for his effort in effecting the changes to the County Health Insurance Plan.

Mr. Beaton asked that, under Old Business, Mr. Donovan contact the Town of Plymouth regarding the Economic Target Area.

The Board reviewed the request of Habitat for Humanity's request for a waiver of all building fees for the home being built in Kingston. Ms. MacFarlane stated that she did not support waiving the fees because the Town was just asked to consider an increase to ambulance and Transfer Station fees and that it was not time to look at waiving fees. Mrs. Landis-Naumann stated that the amount of the fees being requested to be waived is \$1,571.00 and that she agreed with Ms. MacFarlane in not waiving the fees.

Mr. Gallagher stated that Town Meeting voted to donate the land to Habitat and that they should waive the fees. Mr. Beaton stated that it was not out-of-pocket funds and would not cost the Town much to inspect the building. The motion to approve the waiver of permit fees failed on a 2 to 2 vote. Mr. Beaton and Mr. Gallagher supported the motion and Mrs. Landis-Naumann and Ms. MacFarlane did not support the motion.

The Board reviewed the request to place signs on Town property to promote the Rotary Club's annual televised auction. Upon motion made and seconded, following a discussion and a 3-1 vote, it was—

VOTED: To grant permission to the Rotary Club to place signs on Town property until March 12, 2008.

Mr. Beaton did not support the motion.

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

VOTED: To accept the legal settlement in the amount of \$300 from Compact Disc Anti Trust Litigation brought by the Attorney General, and further;

VOTED: To accept the resignation of Cynthia Walker from the Council on Aging, and further;

VOTED: To appoint Philip Burnham to the Memorial Day Parade Committee, and further;

VOTED: To adopt and execute the Agreement for Joint Negotiation and Purchase of Medical, Health, Dental and Life Coverage.

The Board reviewed the Town Meeting Warrant and assigned motions. Upon motion made and seconded, following a discussion and a 4-0-0 vote, it was—

VOTED: To delete Article 20 to Amend Smart Growth ByLaw and Article 28 Funding for the Wind Turbine.

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

VOTED: To enter into Executive Session¹ for the purpose of discussing Bargaining for Non-Union Personnel, Collective Bargaining and Financial Assistance.

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 9:25 p.m.