

TOWN OF KINGSTON
BOARD OF SELECTMEN

MINUTES
June 22, 2010

Chairman Sandra D. MacFarlane opened the meeting of the Board of Selectmen held on June 22, 2010 at 7:00 p.m. in Room 200 at the Town House, 26 Evergreen Street, Kingston. Present were Vice Chairman Dennis N. Randall, Richard J. Arruda, Mark S. Beaton, Joseph F. Casna, Jr. and Town Administrator Jill R. Myers.

Mr. Beaton advised that he had attended the MMA meeting in Sturbridge at which Governor Patrick was a speaker and the message conveyed was that 2012 would have greater financial constraints than 2011 because the stimulus funds would end and there would be no funds released to offset Medicaid to cities and towns. Further, Mr. Beaton suggested a Committee be established to determine the use of the former Adams Library building and to determine a business plan for the expenses that will be necessary to keep the building open. Ms. MacFarlane stated that was the purpose of the Heritage Center Development Committee and Mr. Beaton suggested discussing it further at the next meeting.

The Chairman announced the Open Forum. Speakers included:

Anne Chaffee, Garden Club announced that the Club would be holding a Public Garden Tour to raise funds for a scholarship given by the Club.

Rui Santos, 67 Pembroke Street stated that there had been three joint meetings between the Library Trustees, the Heritage Center Development Committee and the Jones River Historical Society to discuss and work together on the use of the proposed Heritage Center. Mr. Santo also stated that he purpose for coming forward to report the excessive speed on Pembroke Street near Whit's Market and stated his concerns for public safety and the many children in the area. Present in the audience was Police Sergeant Zachary Potrykus who stated that the Police Dept. will actively enforce the speed limit now that the paving was completed on Pembroke Street.

Ronald Gleason, 240 Pembroke Street noted a matter of great concern to him; the Clerk of the Works position for the Senior Center Building Project. Ms. MaFarlane stated that due to a potential conflict in that the Dan Pallotta, the Owner's Project Manager (OPM) was a Selectman in the Town where she was employed, she would recuse herself from the discussion and left the table. Vice Chairman Randall took over as Chairman for the discussion. Mr. Gleason reported the following:

- That he was initially chosen as the top candidate by seven out of ten members of the Senior Center Building Committee according the meeting minutes
- In discussion with the Town Administrator, Mr. Gleason stated that Ms. Myers showed him the rating sheet and he was rated eight of ten, the second to lowest, so she felt they did not understand the rating system
- The Committee voted to authorize the OPM to hire the Clerk of the Works and that he had been offered the position by the OPM
- The offer was then rescinded by the OPM

Mr. Gleason said that he felt the authority to hire the Clerk should be brought back to the Committee and as a member of the Permanent Building Committee and Senior Center Building Committee, he had obtained an opinion from Ethics which cleared him to accept the position. Mr. Gleason stated he resigned

from the Senior Center Building Committee, that he did everything correctly to be eligible, and that he was being singled out and wanted to the matter put to rest.

Mr. Beaton stated he did not know the details but what he did know was it would be redundant to have a Clerk and an OPM and felt it was a good business decision to have the OPM do the work. Mr. Casna asked Mr. Gleason if he had been a member of the Building Committee, if he participated in hiring the OPM and if he had contacted Ethics and Mr. Gleason said yes, he had been a member, had not participated in hiring the OPM and he was cleared by Ethics. Mr. Randall stated that it was his understanding that the hiring was given to the OPM to take it out of Town politics and the OPM would be free to hire who they wanted.

Mr. Gleason stated that it should be brought back to the Town and threats were made when he questioned the process. Mr. Randall suggested to Mr. Gleason that this was not the place to discuss threats and he should file a complaint in the Selectmen's office.

Mr. Gleason stated that he provided Ms. Myers with a copy of the confidential reply he received from Ehtics to his questions. He stated that the P3's two partners hired him and Mr. Palotta changed their minds. Mr. Casna asked if the position had been filled and Mr. Gleason replied that it had not.

Mr. Beaton asked Ms. Myers to tell the Board how the process to fill the position worked. Ms. Myers advised:

- OPM was required under State law for this project, but a Clerk of the Works was not and the Clerks duties were included in the RFQ issued for the OPM in case it was decided not to hire a separate Clerk
- The Committee requested a solicitation for Clerk services. That process fell under procurement for contract services, not as a town employee. Rating sheets were developed to create a paper trail of the process used to rate the proposals, same for both procurements
- Ten applicants submitted their qualifications for the Clerk
- She provided rating sheets at a Committee meeting and materials submitted by the applicants. The Committee and the Town Administrator rated the applicants separately. The top three to five applicants were to be invited to interview
- Five members submitted rating sheets and the results were compiled. She and the Committee agreed upon on the top two applicants and Mr. Gleason was not one of those top two, he was number eight
- In reviewing the rating sheets and disparity among them, she spoke with the Committee Chairman to inquire if the members had difficulty with the rating process. The Chairman then reported that the Committee agreed to have the OPM either consider performing the duties or hire the Clerk through the OPM firm
- The process to hire both the OPM and Clerk was a procurement process that fell under the Chief Procurement Officer, the task of either the OPM doing the duties or hiring a Clerk was assigned to the OPM as requested by the Committee and then the OPM contract was amended for that purpose.

Ms. MacFarlane thanked Mr. Gleason for coming forward and moved on to the Town Administrator's report.

Ms. Myers advised that end of year transfers would be addressed later in the meeting; three Big Belly Compactors were expected to be delivered shortly and were provided by DOER as part of the award for the Green Community designation; the RFP was being developed for the Wind Turbine; Elm Street

Bridge hearing was scheduled for June 30th and it included a new design which took into account the residents comments.

On the recruitment for the COA Director, Ms. Myers advised that 20 applications had been received and suggested a panel of herself, a Director from another community, and the Chairman of the COA Board to conduct interviews and determine the finalists. She asked the Board whether they wanted to interview the finalists or to have the panel make the recommendation for hiring. Mr. Beaton stated that he wanted to include a senior resident who would be a user of the Center on the panel.

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

VOTED: To authorize a Panel consisting of the Town Administrator, a member of the COA Board, a senior resident and a COA Director from another town to review the applications and select the finalists.

Mr. Beaton said he would have no problem with the Panel making the final decision and forwarding the recommendation to hire. Mr. Randall suggested that the Panel narrow the field of candidates and bring two finalists before the Board. Upon motion made by Mr. Arruda and seconded by Mr. Beaton, following a discussion and a 5-0-0 vote, it was—

VOTED: To have the Panel bring forward the final recommendation to the Board to hire the Council on Aging Director.

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

VOTED: To approve the minutes of the June 8, 2010 public and executive session meeting.

Mr. Randall made a motion to release the June 8th and 15th executive session meetings to the public because information in the press has been muddled in some fashion and the public should know the real facts. Ms. MacFarlane stated that she was opposed to releasing the minutes until all the issues have been resolved. Mr. Randall stated that it would be to the Board's benefit to have a full record in the public domain. Ms. Myers said that the items are still in the strategy setting process, and there had been threats of litigation or possible design flaws. Mr. Beaton suggested hold off until the next meeting and defer to Town Counsel. Mr. Randall withdrew the motion.

Upon motion made by Mr. Randall and seconded by Mr. Beaton, following a discussion and a 3-0-2 vote, it was—

VOTED: To accept the minutes of the June 15, 2010 executive session meeting.

Mr. Casna and Mr. Arruda abstained from voting because they were not present at the meeting.

Upon motion made by Mr. Arruda and seconded by Mr. Beaton, following a discussion and a 4-0-1 vote, it was—

VOTED: To accept the minutes of the June 10, 2010 public session meeting.

Mr. Casna abstained from voting because he was not present at the meeting.

Ms. MacFarlane asked Ms. Myers for an update on the status of the purchase of the Calista property. Ms. Myers said the purchase and sale agreement was being finalized and preparations were underway for a State self-help grant application. Another appraisal was required and being completed. She further advised that the authorization for the borrowing would be brought forward to the Board in the near future.

Mr. Basler was present to request the Board to lift the hiring freeze to fill two vacancies in the Highway Dept. Mr. Basler advised that the two positions were funded in the FY11 budget and the department's workload necessitated filling the vacancies. Mr. Beaton suggested deferring the matter for two weeks while the Town awaits the impact of the potential cut in the final State Aid figure. Ms. Myers stated the Federal Medicare reimbursement was not expected to be released and the final figure should be known in a few days. Mr. Randall and Ms. MacFarlane favored holding off on lifting the freeze and Mr. Casna expressed that there are risks in every business and the department needed the help to cover vacations and complete the work.

Mr. Basler detailed the impact of the loss of employees due to transfers and retirement and suggested rather than replace a Tree Foreman that the position be changed to a Transfer Station Foreman.

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

VOTED: To lift the hiring freeze to hire one laborer and to bring back the second position to the Board at its next meeting.

The Board reviewed the recommendation from the Recreation Director to hire summer help for the programs at the Recreation Dept. Mr. Randall expressed concerns for the process that was used to advertise the positions and that he was aware of an individual who was told that the positions would not be advertised, and was not contacted. Ms. Myers added that when she became aware of the issue, the process was corrected and extended by posting the position on the bulleting board as well as the Town website and advertised in the Reporter. Mr. Randall noted he did not want to hold up the process for the summer positions and asked Ms. Myers to request a report from the Recreation Director.

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

VOTED: To hire the Alyssa Chenard, Sarah Wheble, Lauren Smolic. Evan Kislauskis, Matt Balaschi, Pat Shaw, Micheala Merrill, Michael Bernier, Olivia White, Mary Sullivan and Elizabeth Howie to fill the Recreation Dept. summer positions.

The Board reviewed the end of year transfers requested by the Town Accountant for approval by the Board and the Finance Committee. Upon motion made by Mr. Randall and seconded by Mr. Casna, following a discussion and a 5-0-0 vote, it was—

VOTED: To approve the transfer of funds as presented.

The Board reviewed the request to waive an ambulance fee due to a financial hardship. Ms. MacFarlane stated she wanted to reduce the amount and upon motion made by Mr. Randall and seconded by Mr. Beaton, following a discussion and a 4-1-0 vote, it was—

VOTED: To waive the fee as request.

Ms. MacFarlane opposed the motion.

Upon motion made by Mr. Randall and seconded by Mr. Beaton, following a discussion and a 5-0-0 roll-call vote, it was—

VOTED: To enter into executive session¹ for the purpose of discussing collective bargaining with non-union personnel, pending litigation, and financial assistance.

Respectfully submitted:

Nancy M. Howlett

¹ The public session adjourned at 8:20 p.m. and the executive session adjourned at 8:44 p.m.