

TOWN OF KINGSTON
BOARD OF SELECTMEN

MINUTES
July 19, 2011

Chairman Richard J. Arruda opened the meeting of the Board of Selectmen held on July 19, 2011 at 7:00 p.m. in Room 200 at the Town House, 26 Evergreen Street, Kingston. Present were Vice Chairman Joseph F. Casna, Jr., Sandra D. MacFarlane, Ronald A. Gleason and Town Administrator Jill R. Goldsmith.

Chairman Arruda noted the passing of Hazel Foley and Kelley Cram and following a moment of silence, he announced the Open Forum.

Glen Priolo, 233 Pembroke Street came forward and asked the Board if they had an application for a permit to open the road for the construction of driveways or if the license process was just for him. He asked how many people in Town got permits when they do driveway work. Mr. Arruda asked Mr. Priolo to stop at the Town Administrator's office and he could obtain the license that had been prepared for the opening of the road for the driveway construction.

Ken Brack, 4 Elm Street came forward and requested that the Board postpone action on accepting the gift of the Powder House until he obtains a bill of sale for the Powder House from David Holmes. The Board agreed to put it back on a future agenda.

Chairman Arruda opened the public hearing on the application of Jeff Mathias for an Earth Removal Permit. The Board discussed the applicant's verbal request to continue the hearing until September. Upon motion made by Ms. MacFarlane and seconded by Mr. Gleason, following a discussion and a 4-0-0 vote, it was—

VOTED: To continue the hearing until September 13, 2011 at 7:10 p.m.

Ms. Goldsmith advised that the abutters would need to re-notified due to the time lapse since the first hearing was held.

Upon motion made by Ms. MacFarlane and seconded by Mr. Gleason, following a discussion and a 4-0-0 vote, it was—

VOTED: To accept the public and executive session meeting minutes of May 24, June 14 and June 21.

Upon motion made by Ms. MacFarlane and seconded by Mr. Gleason, following a discussion and a 4-0-0 vote, it was—

VOTED: To accept the donation of \$100 from Fred Staiger to the Council on Aging, and further;

VOTED To waive the ambulance fee for a resident due to a financial hardship, and further;

VOTED: To set the mileage reimbursement rate at 55.5 cents in accordance with the Internal Revenue Service's update, effective July 1, 2011.

VOTED: To authorize the Town's participation in a promotional exam for Police Sergeants and Lieutenants.

The Board reviewed the Conservation Commission's request to raze the barn at the Cranberry Watershed Preserve. Ms. MacFarlane stated that it had deteriorated greatly and was being vandalized since there were no longer any tenants on the property. She added that it now posed a danger to anyone that entered it. Mr. Basler was present and was asked for comments on the ability of the Highway Dept. to take down the building. Mr. Basler stated that it was a wood beam construction and favored having the Fire Department doing a controlled burn of the building.

Upon motion made by Ms. MacFarlane and seconded by Mr. Gleason, following a discussion and a 4-0-0 vote, it was—

VOTED: To approve demolishing the barn due to safety concerns either through a test burn by the Fire Dept. or for the Highway Dept. to remove it.

Chairman Arruda read the public hearing notice for the eminent domain taking of easements for the reconstruction of the Elm Street Bridge. Town Counsel Lynnea Thody provided an overview of the process required to take the permanent and temporary easements. Ms. Goldsmith advised that one owner was unknown and the notice of the taking had been published in the newspaper.

Mr. Arruda asked if anyone present wanted to speak. No one came forward.

Upon motion made by Mr. Casna and seconded by Mr. Gleason, following a discussion and a 4-0-0 vote, it was—

VOTED: To close the public hearing.

Upon motion made by Mr. Casna and seconded by Mr. Gleason, following a discussion and a 4-0-0 vote, it was—

VOTED: Adopt an Order of Taking for the land consisting a Permanent Easement and a Temporary Construction Easement as shown on a plan entitled "Reconstruction of Elm Street Over the Jones River (Bridge No. K-01-002) in the Town of Kingston, Plymouth County," dated January 18, 2011 (75% Civil Redesign) prepared by Greenman-Pedersen, Inc., 105 Central Street, Suite 4100, Stoneham, MA 02180 as TE-5 and S-2 for the purpose of acquiring the easements necessary for the completion of the Elm Street Bridge Reconstruction project and further to award damages in the amount of \$1,700.00 in accordance with the Appraisal Report dated July 15, 2011. (Blackman)

Upon motion made by Mr. Gleason and seconded by Mr. Casna, following a discussion and a 4-0-0 vote, it was—

VOTED: Adopt an Order of Taking for the land consisting a 128 sq. ft. Permanent Drainage and Slope Easement and a 767 sq. ft. Permanent Slope Easement as shown as DS-1 and S-1 on a plan entitled "Reconstruction of Elm Street Over the Jones River (Bridge No. K-01-002) in the Town of Kingston, Plymouth County," dated January 18, 2011 (75% Civil Redesign) prepared by Greenman-Pedersen, Inc., 105 Central Street, Suite 4100, Stoneham, MA 02180 for the purpose of acquiring the easements necessary for the completion of the Elm Street Bridge Reconstruction project and further to award damages in the amount of one dollar (\$1.00). (Owner Unknown)

Upon motion made by Ms. MacFarlane and seconded by Mr. Gleason, following a discussion and a 4-0-0 vote, it was—

VOTED: Adopt the Order of Taking for the land consisting a Temporary Construction Easement as shown on a plan entitled "Reconstruction of Elm Street Over the Jones River (Bridge No. K-01-002) in the Town of Kingston, Plymouth County," dated January 18, 2011 (75% Civil Redesign) prepared by Greenman-Pedersen, Inc., 105 Central Street, Suite 4100, Stoneham, MA 02180 as TE-3 for the purpose of acquiring the easements necessary for the completion of the Elm Street Bridge Reconstruction project and further to award damages in the amount of \$987.33. (Poulos)

Chief Rebello was present and asked the Board to lift the hiring freeze to appoint two Special Police Officers who would work details when regular officers refused the work. He stated there was no cost to the department the individuals were required to provide their own uniforms and equipment.

Upon motion made by Mr. Gleason and seconded by Ms. MacFarlane, following a discussion and a 4-0-0 vote, it was—

VOTED: To lift the hiring freeze for two Special Police Officers, and further;

VOTED: To appoint Bartholomew Connors and Michelle Beck as Special Police Officers.

Upon motion made by Mr. Casna and seconded by Mr. Gleason, following a discussion and a 4-0-0 vote, it was—

VOTED: To accept the resignations of: Richard Krueger & Francis Ferioli as volunteer Asst. Harbormasters because they assumed the paid positions.

The Board discussed the vacancy due to the resignation of the Tax Collector. Ms. Goldsmith advised that the Asst. Collector had already been doing the duties since July 1st and recommended that the Board appoint her as the Temporary Tax Collector. Ms. MacFarlane stated that Mrs. Bray had been doing a good job for months and putting in extra time during the Collector's absence.

John LaBrache, Treasurer came forward and asked that the Board set a date for the appointment to be effective.

Upon motion made by Ms. MacFarlane and seconded by Mr. Gleason, following a discussion and a 4-0-0 vote, it was—

VOTED: To appoint Joann Bray as the Temporary Tax Collector, effective July 5, 2011 to serve until a permanent Collector is elected or appointed.

Upon motion made by Ms. MacFarlane and seconded by Mr. Gleason, following a discussion and a 4-0-0 vote, it was—

VOTED: To appoint Arthur Mullaney to the Historical Commission, and further;

VOTED: To appoint Joan Hutchinson to the Council on Aging Board, and further;

The Board reviewed the appointment of Wendall Chamberlain to the Community Preservation Committee. Ms. MacFarlane asked Mr. Chamberlain to come forward to the podium for a question. She said she noticed that he was on several other Committees and asked if he would abstain from voting when necessary. Mr. Chamberlain stated he had taken the State Ethics exam and would recuse himself if there was a conflict.

VOTED: To appoint Wendall Chamberlain to the Community Preservation Committee as the Citizen-at-Large.

Mr. Beaton joined the meeting at 7:45 p.m.

Thomas Croce, Chairman of the Council on Aging was present and requested that the Board reconsider its previous vote to assign dispatching duties for GATRA van transportation to Churchill Transportation. He stated that the COA Board was happy with the services provided by Doty Neal and that she did a good job. He added that he provided eight pages of signatures of Seniors supporting the current services.

Mr. Arruda stated that the motion to reconsider would have to be made by a member that supported the vote. Mr. Beaton made a motion to reconsider the vote and Mr. Gleason seconded the motion. Mr. Beaton stated that he voted to change to Churchill in order to expand the ridership by providing services to not only Seniors but to disabled citizens that need transportation to and from work. Mr. Beaton said that without the support of the ridership, the six month plan was doomed to fail. Mr. Gleason stated that he talked to a lot of Seniors who request him to change his vote. The motion to reconsider was unanimously supported.

Upon motion made by Mr. Casna and seconded by Mr. Gleason, following a discussion and a 3-1-1 vote, it was—

VOTED: To continue with the present (in-house) dispatching services.

Mr. Beaton abstained from voting and Mr. Arruda did not support the motion. Mr. Casna, Ms. MacFarlane and Mr. Gleason supported the motion.

The Board reviewed the Town Administrator's report.

Ms. Goldsmith acknowledged the inclusion of the monthly department head reports and further reported on the following;

Renewable Energy Projects:

The Agreements (Lease and Power Purchase Agreement) for the Solar PV Project on the Town's capped Landfill has been executed. Both Interconnection agreements have been filed with NSTAR.

Maple Ave School:

The Demolition permit has been filed. The Historical Commission has deemed the building as historically significant providing for a Demolition Plan to be filed with the Historical Commission per Section 21.4.5 of Chapter 21 of the Town's General By-Laws. The Inspector of Buildings has prepared the Plan on behalf of our office. The Hearing date is set for August 18, 2011 at 7:00pm in Room 200.

Elm Street Bridge Project:

The advertising date for the Elm Street Bridge project has been moved to August 13th.

CPA Projects: Contracts have been issued for the Hall property survey/alternative access and engineering study in anticipation of renovation for the Wharf.

Public Records – Designation of Records Custodian:

BOS/TA office is working in collaboration with the office of the Town Clerk, Technology Committee, Library, and BOS to create a Records and Information Management Plan for the town. The first step is to determine who is responsible to serve as the official Records Custodian for each Department, Board, Commission, and Committee. Boards, Committees and Departments are request to notify the Town Administrator the name of the Records Custodian their respective Department, Board, Commission, and Committee by August 10, 2011.

Old Business – Route 44 Acquisition:

Staff reviewed and researched this issue and there is no record the transaction had been recorded or taken place. It appears the Town still owns the parcel and the records are still being reviewed.

Recruitment:

ADMINISTRATIVE ASSISTANT II - Assessor's office. Over 60 applications were received and interviews were conducted with Jim Judge, Holly Merry, and Nancy Howlett. References have been checked with a recommendation by the Assessor's for the 7/19 meeting.

JR. CUSTODIAN –19 hours per week. Will be re-advertised to seek a broader candidate base.

Ms. Goldsmith announced her resignation as Town Administrator and has accepted the Town Manager position for the town of Chatham. She stated that it was an honor to work in Kingston and that Kingston is truly a great municipal operation with dedicated employees, volunteers, and elected officials.

She further advised that the position will be posted at www.mma.org and the www.kingstonmass.org.

Chief Rebello was present and announced that the Town had secured a new 911 messaging system that will be funded with the Entergy Grant. He stated that the Town's website would provide information for resident to register their private phone numbers in the near future.

Mr. Arruda recognized a Boy Scout in the audience and asked if he had any business before the Board. Nicholas Foley stated that he was a Life Scout looking for the Board's endorsement of his Eagle Scout Project which was to renovate the grounds the World War II Memorial, under "Other Business". Mr. Foley provided the Board with an outline of the project.

Upon motion made by Ms. MacFarlane and seconded by Mr. Gleason, following a discussion and a 5-0-0 vote, it was—

VOTED: To approve the Eagle Scout Project as detailed by Nicholas Foley and to provide a letter of support.

The Board reviewed the recommendation of the Board of Assessor's to hire a Part-time Administrative Assistant II for the Assessors' office. Upon motion made by Mr. Gleason and seconded by Mr. Casna, following a discussion and a 5-0-0 vote, it was—

VOTED: To hire Rachel S. Croix as Part-time (19 hours), non-benefit eligible Administrative Assistant subject to a pre-placement physical and a six month probationary period.

The Board reviewed the request by the Community Preservation Committee, to call a Special Town Meeting to seek \$300,000 in additional CPC funding for the Adams Library Heritage Center project. Ms. Goldsmith advised that the contractor had agreed to hold the bid prices until September 1st and dates that are being considered, after consulting with the Moderator, Town Clerk are August 9 and 22nd to meet that deadline. Upon motion made by Mr. Beaton and seconded by Mr. Casna, following a discussion and a 5-0-0 vote, it was—

VOTED: To call a Special Town Meeting on August 9, 2011 at 7:00 p.m.

Mr. Gleason expressed the interest of the Permanent Building Committee in overseeing the construction of the Heritage Center. Mr. Beaton suggested discussing the matter after they set the warrant.

Ms. Goldsmith stated that the Board had been provided a draft warrant consisting of two articles; one for the \$300,000 funding for the Heritage Center and one for the combined appointed Treasurer/Collector as was presented at the ATM in April/June.

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

VOTED: To include the combined appointed Treasurer/Collector position article on the Warrant, and further;

VOTED: To set the warrant with the two articles.

Mr. Casna abstained from voting on both motions.

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

VOTED: To close the warrant.

Mr. Casna abstained from voting on the motion.

Mr. Gleason reiterated the Permanent Building Committee's (PBC) interest in overseeing the Heritage Center project. Ms. MacFarlane stated that was the role of the Owner's Project Manager (OPM) and suggested a member of the PBC be appointed to the vacancy on the Heritage Center Development Committee. Mr. Gleason stated the Committee would work with the OPM.

Dan Pallotta, the OPM stated that at this point, to have the PBC overseeing the work and approving payments will delay the payment with the need to convene a meeting. Lynnea Thody, Town Counsel stated that the Committee should remain status quo for now and not change the method of funding for the STM.

Mr. Beaton questioned whether the Chief Procurement Officer signs off on the funding. Ms. Goldsmith advised that DOR and Town Counsel have had an ongoing dialogue and the Town Administrator/CPO has the authority to sign.

Chairman Arruda stated that the Board needed to have a general discussion about the Town Administrator Search Committee and that he had been remiss about providing his list for the composition and suggested each member state their suggestions.

Mr. Beaton suggest the following composition; 1 member of BOS, 2 Elected Officials and 2 Citizens-at-Large. He advised that the Selection Committee would whittle down the pool and not be the ultimate decision makers. He further stated that he was not concerned with the makeup but wanted them to meet sooner rather than later because they would have to meet, choose a Chairman, set an agenda and analyze the candidates. Mr. Beaton suggested a special meeting next week, either Tuesday or Thursday, to appoint the Committee rather than wait for the next scheduled meeting.

Ms. MacFarlane stated that she served on the last Committee and her suggestion for the Committee was; 1 member of BOS, 1 FinCom member, to handle the financial questions, the Town Moderator because she is an Attorney, 1 Town Administrator from another Town, and 1 Rep. from Schools.

Mr. Casna stated that he agreed that a member from the School Committee was an important member but that the Board should designate a Representative and not have a sitting Selectman on the Committee. He said he was in favor of a member from the FinCom and a Citizen-at-Large. He added that no sitting member of the Board of Selectmen should serve because they would be called upon to make the final decision.

Mr. Gleason suggested; 2 Elected Officials but not Selectmen, 1 FinCom member, 1 Citizen-at-Large and 1 Public Safety Department Head; either the Police or Fire Chief.

Mr. Arruda suggested the same makeup as the last Search Committee since not much had changed in two years. Ms. MacFarlane stated that it was important to have a member of the BOS because the Town Administrator worked "for our office, in our office and for us", and who better to know the qualifications than a Selectman.

Mr. Beaton suggested a compromise; 1 BOS, 1 FinCom (any member can submit and not wait for them to meet to designate), 1 TA from another Town, 1 Rep. from Schools, 1 Public Safety Official. He further advised that he was not against the Moderator but felt she should stay independent.

Mr. Arruda asked if there was a motion.

Mr. Beaton made a motion for the Search Committee to consist of; 1 member BOS, 1 Rep. from Regional School or Committee, (after which Ms. MacFarlane stated that Mr. Tuffy served last time and Mr. Beaton said, OK.), 1 FinCom member, 1 TA from another Town and 1 Public Safety Official. Ms. MacFarlane seconded the motion.

Chairman Arruda asked if that was a motion and Mr. Beaton stated yes. Mr. Gleason asked about a Citizen-at-Large member. Mr. Beaton stated that you do not want the Committee too big and there were potentially three Citizens-at-Large in the makeup. Mr. Gleason stated he did not want to expand the Committee but replace the BOS with a Citizen-at-Large. Ms. MacFarlane stated that there was no way she would support a Citizen-at-Large and not a Selectman. Mr. Beaton stated that he agreed and that the experience of such member would not be a waste. Mr. Casna reiterated that a member of the BOS does not belong on the Committee but the rest is fine.

Mr. Beaton restated his motion for the Search Committee composition to be as follows: 1 member BOS, 1 FinCom member, 1 Public Safety Official, 1 TA from another Town, and 1 Rep. from Schools. (Mr. Beaton stated Regional not Elementary School). He further stated that he would support plugging in a Citizen-at-Large in place of the TA from another Town. Mr. Gleason made a friendly amendment to Mr. Beaton's motion to include a Citizen-at-Large in place of the TA from another Town. Upon motion made by Mr. Beaton, seconded by Ms. MacFarlane and a friendly amendment, accepted by Mr. Beaton and Ms. MacFarlane, following a discussion and a 4-1 vote, it was—

VOTED: To establish a Town Administrator Search Committee to be comprised of the following: 1 member BOS, 1 FinCom member, 1 Public Safety Official, 1 Citizen-at-Large, and 1 Rep. from Schools.

Mr. Casna did not support the motion.

Mr. Arruda stated that potential candidates should respond to the office by Monday. The Board discussed the date for the special meeting and upon consensus set the date for Thursday, July 28, 2011 at 4:35 p.m. in the Selectmen's office, Room 207.

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

VOTED: To enter into executive session¹ for the purpose of discussing pending litigation and Financial Assistance and not return to public session at its conclusion.

Respectfully submitted;

Nancy M. Howlett

¹ The public session adjourned at 8:45 p.m. and the executive session adjourned at 9:30 p.m.

Assistant to the Town Admin./BOS