

TOWN OF KINGSTON
BOARD OF SELECTMEN

MINUTES
April 15, 2008

Chairman Mark S. Beaton opened the meeting of the Board of Selectmen held on April 15, 2008, at 7:00 p.m. in Room 200 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. Mr. Kelleher was absent.

The Chairman announced the dates to note and the Open Forum.

Peggy Gallagher of Elm Street was present to request the Board's endorsement of the 2nd Annual Arts Festival to be held on June 28th from 10:00 a.m. to 5:00 p.m. She further requested permission to use the Town Green and the facilities at the Faunce School.

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

VOTED: To give the Board's endorsement to the event, approve the use of the municipal properties on Green Street and to close Green Street to the public on the day of the event.

Elaine Fiore was present representing the Sewer Commissioners and requested that the Board make an agreement with the Sewer Commissioners to never tap into the Sewer Department's reserve funds again. Mr. Beaton stated that such an agreement would not be appropriate because this Board could not tie the hands of a future Board.

Mr. Gallagher stated that at the Town Meeting it was difficult to try to be vocal and that the discussion should have gone on further. He further suggested that the matter be placed on Old Business so that things could be ironed out while it was still fresh in everyone's mind after the new Board is seated.

Ms. MacFarlane suggested that the discussion should not take place until the Town receives and answer from the State and depending on the answer, further discussion may not be necessary.

Girl Scout Troop 10 was present to donate funds earned by the Troop for the Animal Control Shelter. Several Scouts described the methods used to earn the money and presented the Board with a check for \$275.00. Animal Control Officer Debra Mueller was present and advised that annual donations are used to pay for veterinary care and spaying and neutering of animals.

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

VOTED: To accept the donation from Girl Scout Troop 10 in the amount of \$275.00.

Mr. Beaton announced that the Board would conduct a show cause hearing on a liquor establishment and that he would recuse himself from participating in the hearing and that Vice Chairman Sandra MacFarlane would Chair the hearing. Mr. Beaton left the table.

Town Counsel Greg Corbo stated that he would act as the prosecutor in the matter. Mr. Donovan swore in the witnesses; Sgt. Susan Munford and Ezequiel Sandolval, Manager of Cancun Restaurant and Ms. MacFarlane read the letter sent to Ruelas, Inc., DBA Cancun Restaurant on 145 Main Street, Kingston.

Sgt. Munford stated that workers were observed sitting at the counter drinking beers after the closing hours of the restaurant. Sgt. Munford stated that she spoke with Mr. Sandoval who did not know that it was a violation to provide drinks to his help after the restaurant closed. She further stated that Mr. Sandoval was very cooperative and believed it was a misunderstanding of the law on his part.

Mr. Sandoval apologized to Sgt. Munford and the Board stating that he was doing paperwork in the back and did not realize the time. He stated he bought the beer for the staff prior to the closing and did not realize it was after 1:00 a.m. when they began to drink it. Mr. Sandoval stated that he had learned from his mistake and wanted to do thing right.

Mr. Gallagher stated that it was always disappointing when there is a violation and that Mr. Sandoval had written a letter of explanation and addressed the situation with corrective actions.

Attorney Corbo stated that the facts were uncontested on the two violations; in that persons on the premises after the closing are only allowed for the purposes of cleaning, preparation for the next day or security and the delivery of beers free of charge is a violation. He further stated that Board should deliberate and vote that if there were violations what if any penalty should be assessed. He added that the violations would be considered minor offences in that the beer was given to two employees and immediate corrective actions had been taken, there were no prior offences and that there was positive evidence that of the responsiveness by the Manager.

Upon motion made and seconded, following a discussion and a 3-0-0 vote, it was—

VOTED: To close the hearing.

Ms. MacFarlane stated that there were two violations but that they were minor in nature and it was the restaurants first offence. Upon motion made and seconded, following a discussion and a 3-0-0 vote, it was—

VOTED: That two violations occurred; specific provisions of MGL Chapter 138, Section 12, which prohibits individuals from being on the premises after closing hours except for cleaning, preparation for the next day or security and 204 CMR 4.00(1A) which prohibits offering or delivery of free drinks.

The Board discussed what penalty should be invoked and upon motion made and seconded, following a discussion and a 3-0-0 vote, it was—

VOTED: To issue a written reprimand for the violations and that all employees be TIPS certified and review the regulations. The Board acknowledged that the Management had been cooperative on the matter and would not look favorably on any infractions going forward.

The Board reviewed the Town Administrator's report. Items discussed were; American Cancer Society Daffodil Days award to Town employees for top ten sales; Excise Revenues factoring low motor vehicle sales; property tax relief for the elderly legislation; and state income tax elimination ballot question.

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

VOTED: To approve the March 18, 2008 minutes of the Board’s public and executive session meeting, and further;

VOTED: To approve the April 1, 2008 minutes of the Board’s public and executive session meeting.

Ms. MacFarlane requested that the matter of the Aquaculture Program be on the April 29th Agenda for discussion and that Frank Ferrioli and Frank Catani be invited to speak on the issue. She added that it may be possible to have a full-time volunteer help to patrol in order to more the program forward. Ms. MacFarlane asked that Town Counsel weigh in on the matter of using a volunteer.

Mr. Gallagher suggested setting a time when it was convenient for Mr. Catani to attend to address the issues.

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

VOTED: To accept the resignation of Mary Crowley from the Board of Registrars with thanks for many years of service and further;

VOTED: To appoint; William Martin as Veterans Agent, Veterans Burial Agent, Veterans Grave Officer, and Veterans Service Director; Debra J. Mueller as Animal Control Officer; Kelly Cram as Assistant Animal Control Officer and David Carvalho as paid Assistant Harbormaster, and further;

VOTED: To approve the renewal of the following licenses; Junk Dealers: Langenbachs Fine Art and Antiques, Olden Days Shop, and Recreations Consignment. Bowling Alley: Alley Kat Lanes and Kingston Ten Pins. Billiards and Pool Tables: Charlie Horse Rest., American Legion, Hillside Social Club, and Hilltop Social Club.

Mr. Beaton stated that the agenda item, to discuss with the Fire Chief, a new public safety regulation for excavation and trench safety would be postponed to a future meeting.

The Board reviewed the recommendation of the Town Administrator regarding adopting new and updated policies for: Cell Phone Usage, Travel Expenses and Meal Reimbursement Policy, Discriminatory harassment Policy, Professional Conduct Policy and Equal Opportunity Policy.

Ms. MacFarlane asked if the Professional Conduct Policy excluded elected officials. Mr. Donovan advised that it did in that elected officials answer to the people but that it was hopeful that the policy would be followed by all.

Mr. Beaton suggested that the allowance for meals be increased. Mr. Gallagher suggested ten dollars for breakfast, fifteen dollars for lunch and twenty dollars for dinner. Upon motion made and seconded, following a discussion and a 4-0-0 vote, it was—

VOTED: To adopt the five policies as so named above and to amend the Travel Expense and Meal Reimbursement Policy by increasing the meal allowance as suggested by Mr. Gallagher.

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

VOTED: To adjourn at 8:20 p.m.

Respectfully Submitted:

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