

TOWN OF KINGSTON
BOARD OF SELECTMEN

MINUTES
September 16, 2008

Vice Chairman Sandra D. MacFarlane opened the meeting of the Board of Selectmen held on September 16, 2008 at 7:00 p.m. in Room 207 at the Town House, 26 Evergreen Street, Kingston. Present were, Mark S. Beaton, Jean Landis-Naumann, Dennis N. Randall and Town Administrator Kevin R. Donovan. Mr. Gallagher joined the meeting at 7:25 p.m.

The Vice Chairman announced the Open Forum. William Wadsworth a resident from Indian Pond Estates came forward to express concern for a pump running to drain a pond on the corner of Pond View Drive and Autumn Lane. He stated that frogs, fish and other species had inhabited the pond wanted to know who to speak to about this matter and by whose authority it was being done. Ms. MacFarlane advised that it was a runoff detention basin that had encountered a problem. Mr. Wadsworth stated that the water was being pumped into another hole. Paul Armstrong, Building Inspector was present and advised that one basin was being shared by two subdivisions and that the Village at Russell Pond recently built a detention basin for the subdivision. Mr. Randall advised that the basin was to hold the runoff and drain and since it was not draining it needed to be inspected as why it was not. Mr. Wadsworth stated that the noise from the pump was constant and wondered if it would run all night. Mr. Armstrong advised that the pump could run from 7:00 a.m. to 8:00 p.m. and if it ran past 8 p.m. he should call the Police Department.

Ms. MacFarlane read the notice for the Tax Classification Hearing. Anne Dunn, Chairman of the Board of Assessors was present and advised that the Board of Assessors was recommending a uniform rate for both residential and commercial property in the Town.

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

VOTED: To close the public hearing.

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

VOTED: To adopt a residential factor of one to be used by the Board of Assessors to determine the percentages of the FY08 local tax levy to be borne by each class of real and personal property.

Ms. MacFarlane read the hearing notice on the application of Thomas Sayers for an earth removal permit for property located on Map 80 and shown as lot 51-2. Fred Morneau stated that he would be representing the applicant. Ms. MacFarlane asked if he had received the letter from Natural Heritage yet and Mr. Morneau stated he had and submitted it for copying. He further stated that plans had been drawn and would be submitted to the Building Inspector. The Board discussed postponing the hearing until the next meeting and that canceling the September 30th meeting was an item on the agenda. It was discussed that the meeting prior to Town Meeting was not an appropriate forum for the hearing. A motion made by Mrs. Landis-Naumann and seconded by Mr. Beaton to cancel the September 30th meeting was withdrawn resulting in the Board keeping the September 30th meeting as scheduled.

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

VOTED: To continue the public hearing on the earth removal application until September 30, 2008.

Eric Crone, Chairman of the Technology Advisory Committee was present to provide the Board with a report of the activities of the Committee. He advised the SPAM issue was resolved and the Committee was focusing on the lockbox for the Collector's office which would free up personnel to take all town monies for transfer station stickers, licenses, etc. Mr. Crone also outlined other interests of the Committee including; RFP for Technology Services, Hardware Inventory, Equipment Replacement schedule, establishment of Equipment Standards, Vision enhancements, Police and Fire needs, and training needs assessments.

Mr. Crone provided an overview of how the lockbox would work and noted that the Auditor's recommended it also. Mr. Randall stated that if the Board is looking to go forward with the lockbox, an implementation plan would need to be developed. Mr. Gallagher stated that he was looking to the Board to accept the report of the Committee. Mrs. Landis-Naumann stated that it would take all Departments and Boards to work hand in hand and applauded the work of the Committee in its endeavors. Mr. Randall made a motion that the Committee work with the Town Administrator to develop an implementation plan to be presented to the Board of Selectmen to sign off and to authorize the use of the lockbox for tax collections. Mr. Beaton seconded the motion for discussion and stated that the Town Administrator should work with the staff members on the implementation plan and made a friendly amendment to just accept the report of the Committee at this time. Mr. Gallagher advised that the Board could accept the report and put the implementation plan on the agenda under Old Business. Mr. Randall accepted the friendly amendment and it was unanimously;

VOTED: To accept the report of the Technology Advisory Committee and put the implementation report on the Old Business agenda for discussion at a future meeting.

The Board reviewed the Town Administrator's report. Items discussed were; the Home Rule Legislation Town Meeting Articles that were being considered and thought to be dead may have a chance of passage in the current session if enacted prior to the week of October 3, 2008 or it will be a moot point once the tax rate is set.

Mrs. Landis-Naumann asked if it would help if the Board contacted Senator Murray and Representative Calter. Mr. Donovan advised that he had been in contact with both and the legislation passed the Senate and was now in the House.

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

VOTED: To approve the minutes of the September 2, 2008 public session meeting.

Mr. Randall asked that the subject of the heating oil bid be put on Old Business.

The Board reviewed the report of the hearing officer in the Officer Brock matter. Upon motion made and seconded, following a discussion and a 5-0-0 vote, it was—

VOTED: To adopt the Report, Findings of Fact and Recommendations of Hearing Officer Paul J. Hodnett in the report dated September 9, 2008, in the matter of Police Officer Deborah Brock, and further;

VOTED: To delineate the date of September 17, 2008 thru October 17, 2008 for the suspension period for Deborah Brock.

The Board reviewed the request for payment from the NOI fund. Ms. MacFarlane stated that she previously asked that the bill be held while she obtained further information as to why the applicant was not paying for the services. She further stated that she would approve of the expenditure but wanted to make a motion to set a policy that no one is hired or funds be encumbered for payment from the NOI fund without prior authorization from the Board of Selectmen. Ms. MacFarlane advised that the purpose of the NOI fund was to administer the State Wetlands Protection Act. Mr. Randall seconded the motion and stated that the Board should be requested to give prior authorization and not spend first and get permission later.

Mr. Gallagher stated he did not want to micro-manage the Department and delay working in a timely manner. Mrs. Landis-Naumann stated that she would like more research done before setting a policy and Mr. Randall withdrew the second for setting the policy and asked that it be placed on a future agenda.

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

VOTED: To approve the payment of \$1,045.00 from the NOI fund for services rendered by Peter Fletcher.

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

VOTED: To approve the FY2010 Town Meeting and Budget process dates.

The Board reviewed the Special Town Meeting warrant articles and the assignment of motions. The Board reviewed the items listed under article 1; specifically the repairs to the Smith Lane Fire Station and supplemental funding to the Reserve Fund to cover additional expenses for gasoline, the aluminum docks that would be funded from the Waterways Account, and the change to ADP payroll. Upon motion made and seconded, following a discussion and a 5-0-0 vote, it was—

VOTED: To support funding for the Reserve Fund in the amount of \$25,000, the docks in the amount of \$40,000 and the payroll program in the amount of \$10,000.

A motion made to not support the Capital Plan by Mrs. Landis-Naumann and seconded by Mr. Beaton, resulted in all Selectmen abstaining from voting.

The Board discussed the difficulty in supporting any money articles without knowing what the outcome would be of the \$200,000 from the Sewer Enterprise Fund Special Legislation. Mr. Randall stated that he did not want the Board to make a motion on Article 9 because the articles should have been submitted by petition and he did not support selling Town land. Upon motion made and seconded, following a discussion and a 5-0-0 vote, it was—

VOTED: To make no motion on Article 9.

Upon motion made and seconded, following a discussion and a 4-0-1 vote, it was—

VOTED: To support Article 10 – Amend Bylaws for sewer hookups.

Mrs. Landis-Naumann abstained from voting.

Under Article 11, the Board discussed the impact of the Finance Committee's recommendation to decrease the CPA percentage from three to one. Mrs. Landis-Naumann stated that the 80% match from the state is like getting 80% interest on your money and estimated the savings to residents would only be about \$30 to \$40. Mr. Beaton stated he supported staying at 3%. Mr. Randall stated that it was compelling to stay at 3% and wanted to hear the recommendation from the Finance Committee at Town Meeting. Upon motion made by Ms.

MacFarlane and seconded Mr. Randall to support Article 11 to reduce the CPA to 1%, failed on a vote of 1-2-2. Ms. MacFarlane supported the motion, Mr. Beaton and Mrs. Landis-Naumann did not support the motion, Mr. Randall and Mr. Gallagher abstained from voting.

Mrs. Landis-Naumann made a motion to support Article 12- Borrowing for Water Meters and no one seconded the motion.

Mr. Gallagher made a motion to support Article 13 – Update Classification Study, which was seconded by Mr. Randall. Mr. Gallagher stated the Wage and Personnel Board needed the information to update job descriptions. Ms. MacFarlane suggested they could have access to free information by just calling around to other Towns. Mrs. Landis-Naumann asked if another Town already has one that could be shared. Mr. Donovan advised that the study was to update individual job descriptions, compensation study and essential functions to be tailored to the positions in the Town of Kingston. Mr. Beaton said if we update and reclassify it will mean more money and he was not in favor of it. Ms. MacFarlane said the Town is dire straights for money and it all adds up. She added that the highest paid employees got 3% increase and it was not the parks and recreation employees. Mr. Gallagher’s motion failed on a vote of 1 to 4, only Mr. Gallagher supported the motion.

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

VOTED: To table discussion on Article 14 & 15 until the presentation at Town Meeting.

Mr. Gallagher did not support the motion.

Mr. Donovan advised that Labor Counsel Michael Gilman asked the Board to clarify the vote for the Deborah Brock suspension to thirty working days. Upon motion made by Mr. Randall and seconded by Ms. MacFarlane, following a discussion and a 5-0-0 vote, it was—

VOTED: To reconsider the vote taken earlier in the meeting and take the recommendation of Labor Counsel to set the suspension at thirty working days to be determined by the Police Chief.

Upon motion made and seconded, 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.

Respectfully Submitted:

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

¹ The public session adjourned at 9:05 p.m. and the executive session adjourned at 10:25 p.m.