

TOWN OF KINGSTON
BOARD OF SELECTMEN

MINUTES
April 19, 2005

Chairman Mark S. Beaton opened the meeting of the Board of Selectmen held on April 19, 2005 at 7:30 p.m. in Room 200 at the Town House, 26 Evergreen Street, Kingston. Present were Vice Chairman Paul M. Gallagher, Olavo B. DeMacedo, Joseph D. Kelleher, and Town Administrator Kevin R. Donovan. Mr. Kenney was absent.

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

Town Moderator Frances Botelo Hoeg announced that there were vacant positions on the Finance Committee and the Open Space Committee.

Wendell Chamberlain spoke in favor of the Community Preservation Act that was on the upcoming election ballot. Mr. Chamberlain gave an overview of the financial impact to the average resident and the criteria for exemptions. Upon motion made and seconded, following a discussion and a 4 to 0 to 0 vote, it was –

VOTED: To support the Community Preservation Act.

Chairman Beaton recused himself from the public hearing for a alcohol license violation at Canton City Inc., DBA Hunan Kingston.

Vice Chairman Paul Gallagher read the letter sent to Hunan Kingston and swore in those that would testify in the matter. Town Counsel Greg Corbo was present and advised that the Board would listen to the testimony and determine cause for disciplinary action under MGL Chapter 138, Section 34 and 34b. Detective Sergeant Robert Wells stated the facts that were contained in his report regarding alcohol being served to a minor who had provided a California Drivers License as means of identification that was a proved to be a forgery. He further stated that a women had been served who had shown a resident alien card for identification and based on the forged identification, he had issued a summons against the individual presenting it and Jack On, the manager for relying on the out-of-state identification contrary to MGL and serving the alcohol to a minor.

Mr. On was given a chance to respond to Detective Wells testimony and he stated he wanted to correct the age that Detective Wells reported and that the individual was twenty and not nineteen.

Mr. On further stated that he was not aware, at the time, that he could not accept an out-of-state license as means for identification, that he did not dispute the charges and detailed the step taken by the restaurant since the incident. He requested that the Board take the eleven years without a violation into consideration in determining the disciplinary action that would be taken.

Mr. Kelleher stated that it is a serious matter to serve to underage individuals and recommended that Hunan consider obtaining an ID scanner. He noted that the management had been cooperative and made a motion for a one-day license suspension to be held on May 2, 2005.

Mr. DeMacedo stated that he wanted to ask a question before seconding the motion. Mr. DeMacedo asked if a license holder could deny serving an individual with a valid ID. Mr. Donovan stated that they could.

Upon motion made and seconded, following a discussion and a 3 to 0 to 0 vote, it was –

VOTED: To close the public hearing.

Attorney Corbo stated that the Board should first determine whether Hunan Kingston had committed a violation and if they had, what penalty would be assessed. He further stated that if a license holder relies on identification other than MA Drivers License and a Registry of Motor Vehicles ID, military ID, or valid passport, then he would be held responsible if an underage individual was served.

Upon motion made and seconded, following a discussion and a 3 to 0 to 0 vote, it was –

VOTED: That a violation of MGL Chapter 138, sections 12 and 34B occurred at Hunan Kingston, and further;

VOTED: To suspend Hunan Kingston's alcohol license for one-day on May 2, 2005 and to require that servers be TIPS certified.

Mr. On was instructed that a letter would be sent regarding the Boards vote and that no alcohol could be on display on the day of suspension.

Mr. Beaton returned to the meeting.

The Board reviewed the Town Administrator's Report. Mr. DeMacedo noted the upcoming Memorial Day Parade and the launching of the new Town website and the assistance of Eric Crone, a resident who volunteered his services to help pull the website together.

Mr. Kelleher noted the amount of \$88,076.18 that would be reimbursed for the January 2005 snowstorm.

Mr. Beaton suggested a roundtable meeting on the alternate access for the area around the Mall to be scheduled as soon as possible and that a representative of the MBTA be invited to attend.

Upon motion made and seconded, following a discussion and a 5 to 0 to 0 vote, it was –

VOTED: To accept the public and executive session minutes of April 5, 2005 and March 22, 2005.

Mr. Beaton stated that Town Counsel had opined that the Town has the authority to limit access on Town roads and suggested a public hearing to be held so that the public could speak regarding limiting access in the area of L. Knife on Spring Street, Elder Avenue, and Bradford Avenue.

Mr. Gallagher stated that it was a situation that had to be addressed for the safety of the children since attempts to solve the problem have failed.

Mr. Beaton stated that numerous letters had been received about problems that had become worse due to the amount of snow and the height of the snow banks.

Mr. DeMacedo stated that a public hearing would be the right thing to do so that they could hear legitimate specific complaints. Mr. Donovan suggested four weeks notice so that everyone involved could be properly notified and a notice published in the newspaper.

Upon motion made and seconded, following a discussion and a 4 to 0 to 0 vote, it was –

VOTED: To hold a public hearing to consider limiting truck traffic on Bradford Road, Elder Avenue, Spring Street and Brewster Avenue at certain times and to hold the public hearing in four weeks.

Upon motion made and seconded, following a discussion and a 4 to 0 to 0 vote, it was –

VOTED: To appoint Lawrence Hunt to the Zoning Board of Appeals as a full member, and further;

VOTED: To appoint Edward Valla to the Educational Trust Fund, and further;

VOTED: To set the fees for Transfer Station stickers at the same rate as last year; \$100 for residents under age and \$50.00 for residents 62 or older, replacement sticker at \$5.00, and \$60 per load for C&D with a building permit and \$175 per load with a building permit and to increase the price per mattress to \$15.00, and further to adopt a prorated schedule for stickers sold between January and June and further;

VOTED: To set the beach sticker fee at \$15 for residents and \$30 for non-residents.

The Board reviewed the request of Shellfish Constable Reggie Macamaux to allow commercial taking of mussels to assist in weeding the shellfish beds. Mr. Beaton stated that there were four applicants for the commercial licenses. Mr. Macamaux stated that he was aware of three and only needed three to accomplish the job. He further stated that Duxbury Mussels had agreed to purchase the mussels and would provide a washing machine to clean the mussels in the water. Mr. Macamaux stated he did not know the fourth person and wanted to check out knowledge and ability to harvest without harming the area. Mr. Donovan reminded Mr. Macamaux that they had discussed all four applications.

Upon motion made and seconded, following a discussion and a 4 to 0 to 0 vote, it was –

VOTED: To approve four commercial mussel licenses; John Wheble, Thomas Taylor, Matthew Wheble, and Brian Holmes on an annual basis to allow the taking of mussels, seven days a week from sunrise to sunset, with the license for John Wheble to be contingent upon the approval of the Shellfish Constable, and further;

VOTED: To set the Commercial Mussel License fee at \$375.00, and further;

VOTED: To renew the Junk Dealers License for Coughlin and Coughlin, Langenbachs Fine Art and Antiques, Olden Days Shop, and further;

VOTED: To renew the Bowling Alley/Billiard licenses for Alley Kat Lanes, Charlie Horse Restaurant, Executive Lanes, Hillside Social Club and Hilltop Athletic Club.

Mr. Beaton abstained from voting on the Bowling Alley/Billiard Licenses.

Upon motion made and seconded, following a discussion and a 4 to 0 to 0 vote, it was –

VOTED: To adjourn at 8:45 p.m.

Respectfully submitted:

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