

TOWN OF KINGSTON  
BOARD OF SELECTMEN

MINUTES  
October 18, 2004

Chairman Mark S. Beaton opened the meeting of the Board of Selectmen held on October 18, 2004 at 6:00 p.m. in the Auditorium at the Kingston Intermediate School, 65 Second Brook Street, Kingston. Present were Vice Chairman Paul M. Gallagher, Joseph D. Kelleher and Town Administrator Kevin R. Donovan. Also present was Mark Reich, Town Counsel and Selectman Richard E. Kenney was absent.

The Chairman announced the Open Forum. No one present wanted to speak at Open Forum.

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

VOTED: To approve the minutes of the October 5, 2004 public and executive session meeting, and further;

VOTED: To appoint Maureen Mauriello, Kalina Vendetti, Vanessa Verkade, and Maureen Buitenhuys as election workers, and further;

VOTED: To grant permission to the Garden Club to use the Gazebo and the Town Green for a fundraising activity, and further;

Mr. DeMacedo joined the meeting at 6:05 p.m.

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

VOTED: To approve the disposal of surplus property consisting of junk material piled on the lot next to the Animal Control Facility, by having P.A. Landers remove the material at no cost to the Town from the site to the area of the Town Line at Nick's Rock for slope restoration, and further;

VOTED: To accept donations for animal care in the amount of \$515.00, and further;

VOTED: To favorably support Article 6 for funding the Architect for the Senior Center in the amount of \$146,000.

Mr. DeMacedo stated that he would like the Board to reconsider the fees set for Earth Removal in light of the opinion of Town Counsel. Mr. Beaton stated that he read the information and felt the twenty-five cents per yard was permissible and asked Mark Reich, Town Counsel for his opinion. Atty. Reich stated that fees could be charged if applied uniformly and specific to the activity such as reimbursement for the Town's expenses related to inspection, administrative

costs, etc. He further stated that the Town would have to justify the costs to the Town to determine the fees.

Mr. DeMacedo stated that the fees were set in order to deter earth removal activity and it should be done as a deterrent. He stated that he personally felt that property owners had every right within the By-Law to do what they want with their property and Chapter 90 Funds are derived from payments made by truckers and paid to cities and towns for road repairs.

Mr. Beaton stated that not all roads are repaired with Chapter 90 Funds and that there is a cost to the Town.

Mr. DeMacedo suggested putting off further discussion for the next meeting and obtain the costs to the Town for an permit that would justify the fee.

Mr. Gallagher and Mr. Kelleher requested information on what other Towns charge as a fee and to calculate costs to the Town for the permit.

Mr. DeMacedo suggested requiring a larger bond to cover any damage from the trucking operation in the earth removal process. He further stated that the Board should enforce the By-Law not use the fee as punitive damages.

Mr. Beaton requested the matter be put on Old Business for a future meeting.

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

VOTED: To enter into executive session to discuss, bargaining for non-union personnel, pending litigation, and to consider the purchase, exchange, lease, or value of real property and to reconvene at the Special Town Meeting at 7:00 p.m.

Respectfully submitted:

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