

TOWN OF KINGSTON
BOARD OF SELECTMEN

MINUTES
September 20, 2005

Chairman Paul M. Gallagher opened the meeting of the Board of Selectmen held on September 20, 2005 at 7:30 p.m. in Room 200 at the Town House, 26 Evergreen Street, Kingston. Present were Vice Chairman Joseph D. Kelleher, Mark S. Beaton, Olavo B. DeMacedo, Sandra D. MacFarlane and Town Administrator Kevin R. Donovan.

The Chairman announced the dates to note and the Open Forum. No one requested to speak at Open Forum.

Mr. Kelleher announced that the Town had found a person that was a victim of hurricane Katrina to occupy the bog house at the Cranberry Watershed Preserve. He solicited for volunteers to help clean the house inside and out on Sunday, September 23rd for donations of furniture and funds.

The Board reviewed the application of Three Corners Breakfast for a Common Victualler license. Upon motion made and seconded, following a discussion and a 5 to 0 to 0 vote, it was –

VOTED: To grant a Common Victualler's license to Three Corners Breakfast.

Kathleen Walker of the U.S. Post Office Real Estate office was present to meet with the Board to discuss the three properties that were being considered as the site for the new Post Office.

Ms. Walker advised that four sites were found through a public solicitation and three were reviewed and found to be acceptable. She further stated that they wanted to hear from the Town as to which site the Town preferred.

The locations of the sites were discussed and the majority of the Board was not opposed to finding a site that was outside the downtown area. The Board offered the following comments:

Mr. Kelleher had concerns for traffic and parking for all sites but preferred the existing Post Office site to the others. Mr. Beaton stated that he agreed with Mr. Kelleher and that the existing site would be suitable if the building were moved back and parking was provided for in front of the building. Mr. Beaton stated that the Post Office could consider a space at Cranberry Crossing and it could be an anchor store to attract more commerce. Ms. MacFarlane stated that she had a problem with all three sites and would not support any of the sites. Mr. Gallagher stated that he also was concerned for traffic but felt that the Post Office was the anchor for the Town center. He further stated that the current site was preferable with the right

plans for the building and parking. Mr. DeMacedo stated that a new location for the Post Office has been considered for many years and that a great site had not yet emerged. He encouraged the site review committee to make a decision and move forward.

Building Inspector Paul Armstrong was present and asked his opinion on the present site. Mr. Armstrong stated that as a Federal project, it was not duty bound but would go before the Town's Boards and Committees. He further stated that there was already traffic at the current site and that developing that site would result in additional traffic.

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

VOTED: To recommend the present Post Office location at 74 Summer Street, conditioned upon the fact that if there are other options available outside the center area that they be pursued.

Mr. Gallagher read the public hearing notice on the application of the Royal Garden Restaturant for an Alteration of the Premises for an outdoor deck area. Attorney Janet Wallace was present representing Royal Garden Restaurant and Manager Ping Lee. Mr. Beaton recused himself from participating due to a potential conflict.

Attorney Wallace described the access and egress for the deck area being located to the right of the main entrance from the lounge area with no outside access from the parking lot onto the deck. She advised that a fence was surrounded by shrubs to screen the sound from the deck and that the seating capacity would remain the same because seat were removed from other parts of the restaurant.

Mr. Gallagher stated that according to the ABCC's Guidelines, the outside area would have to be able to be viewed from the bar or they would be required to have an outside bar.

Attorney stated that the drinks would be served inside the lounge and patrons would take them to the deck and that the deck was 100% viewable from the bar.

Mr. Kelleher noted that the gazebo area was screened in and took up a great deal of space. Mr. Gallagher stated that the screened in deck was an obstruction for the line of site from the bar.

Mr. Gallagher called upon members of the public to speak on the matter.

Ed Sampson, 4-5 Burton Lane stated the outdoor deck was like a drive-by liquor license with loud noise and the deck was not handicapped accessible in case of an emergency. Tom Hardy, 2 Billingham Way was concerned for the noise, hours of operation and clean up of the parking lot.

Mr. Gallagher invited anyone to speak in favor of the alteration of the premises. No one came forward to speak. He then invited anyone to speak in opposition to the alteration of the premises and Mr. Donovan of 1 Burton Lane and Mark Sullivan of 3 Burton Lane both stated that there was a lot of noise from patrons congregating in the parking lot and with the deck available they feared they would now congregate on the deck.

Attorney Wallace stated that the deck area was closed for use at 10:00 p.m.

Mr. Gallagher stated that they could not prevent Mr. Lee from using the deck for smoking the only question before the Board was to extend the alcohol license to the deck area.

Mr. Kelleher asked if there was a history of complaints. Mr. Donovan stated that he did not know but did know about a complaint for the time the dumpster is picked up in the morning.

Mr. DeMacedo suggested using a detail Police Officer on the weekends to minimize noise problems.

Mr. Kelleher stated that in consideration of the neighbors' complaints he recommended that the petitioner meet with the neighbors to address the concerns. Ms. MacFarlane stated that she was not convinced that the application meets the state guidelines for outdoor licenses.

Mr. DeMacedo stated that if the Board approves the application, it then goes to the ABCC and if it does not meet the guidelines they would deny it.

Mr. DeMacedo made a motion to table the matter and it did not receive a second. Upon motion made and seconded, following a discussion and a 5 to 0 to 0 vote, it was—

VOTED: To close the public hearing.

A motion was made by Mr. DeMacedo to approve the Alteration of Premises with the condition that a buffer of a fence and/or trees be added on the Burton Lane side of the property, limit the hours of use to 9:30 p.m. and require a detail Police Officer on the weekends. Mr. Kelleher seconded the motion for discussion.

Mr. DeMacedo stated that he wanted to be able to accommodate the neighbors and address their concerns. Mr. Gallagher stated he had a great number of concerns; the deck was not handicapped accessible, not enough buffer, loud music, no clear site of the area from the bar and obstructions to the line of sight. Mr. Kelleher stated that he wanted to give the neighbors some consideration and suggested postponing the vote to allow the applicant to meet with the neighbors.

Mr. Donovan advised that the hearing was closed and the Board could not take any more information into consideration.

The motion to approve the application failed by a 1 to 3 vote. Mr. DeMacedo voted in favor of the motion and Mr. Kelleher, Ms. MacFarlane and Mr. Gallagher opposed the motion.

Mr. Donovan gave an overview of the Town Administrator's report.

At 9:00 p.m. the Board took a five minute break.

Upon motion made and seconded, following a discussion and a 4 to 0 to 1 vote, (Mr. DeMacedo abstained from voting) it was –

VOTED: To accept the minutes of the September 6, 2005 public session meeting, as corrected.

The Board reviewed the Special Town Meeting Warrant. A motion to strike the Fire Department overtime funding in the amount of \$52,218 failed on a 1 to 4 vote. Mr. DeMacedo voted in favor of striking the funding and all remaining Selectmen opposed the motion. The Board voted to remove funding for the following items:

- Article 1 5-0-0 Funding for Assessors' Clerical
 5-0-0 Funding to Library additional personnel

- Article 6 5-0-0 Funding for Police Station Study
 5-0-0 Funding to refurbish brush truck
 5-0-0 Funding for Library expansion study
 5-0-0 Funding for Recreation Dept. filtration system

- Article 7 5-0-0 Funding for Library paint and carpet
 3-2-0 Funding for Library technology upgrade
 5-0-0 Funding for Library sewer hook-up

- Article 15 3-1-1 Funding for Adams Library repairs

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

VOTED: To adopt the principals and policies of the National Incident Management System, and further:

VOTED: To increase the mileage reimbursement rate to the IRS rate, effective September 1, 2005, and further;

VOTED: To allow the Highway and Water Departments to use a portion of the Offal Pits for storing debris from construction projects and to revert the management of the property to the Board of Selectmen, and further;

VOTED: To set the snow plow rates as recommended by Superintendent Paul Basler.

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

VOTED: To enter into executive session¹ to discuss a Financial Assistance application and not return to public session.

Respectfully submitted:

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

¹ The public session adjourned at 10:00 p.m. and the executive session adjourned at 10:15 p.m..