

TOWN OF KINGSTON  
BOARD OF SELECTMEN

MINUTES  
October 13, 2009

Chairman Sandra D. MacFarlane opened the meeting of the Board of Selectmen held on October 13, 2009 at 7:00 p.m. in Room 200 at the Town House, 26 Evergreen Street, Kingston. Present were Vice Chairman Dennis N. Randall, Richard J. Arruda, Mark S. Beaton, and Town Administrator Jill R. Myers. Paul M. Gallagher was absent.

The Chairman announced the Open Forum. Ms. Hutchison was present from the Garden Club to announce the names of three business that will be recognized for their efforts in beautifying their locations; Kingston Animal Hospital, Kingston House of Pizza and The Charlie Horse Restaurant. Ms. Hutchison stated that they would be presented with the "Business is Blooming" award at the Club's meeting on December 12<sup>th</sup>.

Mr. Randall stated he needed a clarification on a motion on the minutes of September 29, 2009, and Ms. MacFarlane suggested holding the minutes to the next meeting.

The Board reviewed the Town Administrator's report. Items discussed were; FY2011 Budget preparation, request to change the Town Meeting from April 3 (Holy Day) to April 5<sup>th</sup>, receipt of ARRA/Stimulus Grant for \$10,000 for the Fire Dept. to re-establish the call force for up to eight members, the anticipation of the Governor's 9C cuts, Plymouth County Health Group dependent survey and announcement that Ms. Myers was elected to the Steering Committee. Ms. Myers also discussed various procurement matters and seminars attended by employees.

Maureen Thomas, Conservation Agent was present to request the Board to consider accepting the donation of land subdivided off land located at 99 Monks Hill Road for conservation purposes. Ms. Thomas outlined the outstanding conservation values of the land. Ms. MacFarlane asked if the land was a land-locked property, and if so, suggested that they ask the owner for a 5-8 foot walking easement. She also stated she had a concern taking property off the tax roles. Ms. Thomas stated it was land-locked, the Town would have access from Smelt Pond and it was not the type of property that would be used for walking trails. Mr. Beaton stated it would not hurt the tax roles and suggested accepting the gift of the pristine property. Mr. Randall suggested checking the statute which states that the public could not be denied access to publicly owned land and how would the Town have access without trespassing. Ms. MacFarlane suggested holding off until Town Counsel can provide an opinion on the rights of the public to access the land. She further expressed concern for the cost to maintain the property.

Mr. Arruda stated that it is not a property that a number of people would go to and suggested accepting it and leaving it the way it is.

Mr. Beaton's motion, seconded by Mr. Arruda, to accept the donation of land failed on a 2-2 vote. Mr. Beaton and Mr. Arruda supported the motion and Mr. Randall and Ms. MacFarlane opposed the motion.

Ms. Thomas stated she would discuss the easement with the property owner and added that the acceptance was supported unanimously by the Conservation Commission.

Ms. MacFarlane announced that one of the candidates to be interviewed for the vacancy on the Council on Aging was ill and could not attend the meeting and invited candidate Thomas Croce to the podium.

Mr. Croce briefly outlined his qualifications and desire to fill the vacancy. Ms. MacFarlane noted that Marjorie Diane Wilson, the other candidate, had detailed her information on the form submitted and it was included in the Agenda packet. Upon motion made by Mr. Beaton and seconded by Mr. Arruda, following a discussion and a 5-0-0 vote, it was—

VOTED: To appoint Thomas Croce to the Council on Aging.

The Board reviewed the request from the American Legion Govoni Post for a Change of Manager. Mr. Beaton recused himself from participating in the discussion and vote, as a license holder. Upon motion made by Mr. Arruda and seconded by Mr. Randall, following a discussion and a 3-0-0 vote, it was—

VOTED: To approve the Change of Manager from James E. Ballinger to David A. Fernandes.

The Board reviewed the calendar for Budget Planning, Town Meeting and Annual Town Election and upon motion made by Mr. Randall and seconded by Mr. Beaton, following a discussion and a 4-0-0 vote, it was—

VOTED: To change the date for the Annual Town Meeting from April 3 to April 5, 2009 and to approve the calendar as presented.

The Board discussed a date for the adjourned session of Town Meeting. Upon motion made by Mr. Randall and seconded by Mr. Beaton, following a discussion and a 4-0-0 vote, it was—

VOTED: To suggest the date of June 1, 2010 for the adjourned session of the Annual Town Meeting.

The Board reviewed the Committee Appointments and Resignations. Upon motion made by Mr. Randall and seconded by Mr. Arruda, following a discussion and a 4-0-0 vote, it was—

VOTED: To accept the resignation of Shawn O'Donnell from the Rent Control Board, with thanks for his service, and further;

VOTED: To appoint Felicia Elder to the Cultural Council, and further;

VOTED: To accept the resignations of Michael Kelleher from the Green Energy Committee and Jason Lelio from the Community Preservation Committee, with thanks for their service.

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

VOTED: To disband the appointment to the National Organizations on Disability because the Town is well served by the Commission on Disabilities.

The Board reviewed Town Counsel's opinion that the Town Government Study Committee established by Town Meeting had concluded with the 2001 Town Meeting. Ms. MacFarlane suggested taking Counsel's advice by creating an Ad hoc Town Government Sub-Committee. Mr. Beaton stated that one of the Goals and Objective of the Board and Town Administrator was to study what changes should be made to Town government. Mr. Beaton made a motion to appoint a five member Committee and the motion was seconded by Mr. Arruda. Mr. Randall stated this was a very important Committee which

should consist of the best and the brightest and should be open and flexible to the size of the Committee after the Board sees who comes forward. Mr. Beaton amended the motion which was seconded by Mr. Arruda and upon a 4-0-0 vote it was—

VOTED: To create a Town Government Study Committee to consist of 5-7 members and at the next meeting to establish the charge of the Committee, the composition of the membership and deadline for applications to the Committee.

The Board reviewed the request of the Old Colony Planning Council for a letter of support for funds to update a Regional Multi-Hazard Pre-Disaster Mitigation Plan. Upon motion made by Mr. Beaton and seconded by Mr. Arruda, following a discussion and a 4-0-0 vote, it was—

VOTED: To send the letter of support.

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

VOTED: To enter into executive session<sup>1</sup> to discuss Financial Assistance, Collective Bargaining and Contract Negotiation for Non-union personnel.

Respectfully Submitted:

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

---

<sup>1</sup> The public session adjourned at 7:50 p.m. and the executive session adjourned at 8:03 p.m.