

TOWN OF KINGSTON  
BOARD OF SELECTMEN

MINUTES  
November 24, 2009

Chairman Sandra D. MacFarlane opened the meeting of the Board of Selectmen held on November 24, 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, Paul M. Gallagher and Town Administrator Jill R. Myers.

Ms. MacFarlane announced that over the Veteran's Day holiday, vandals had tipped over and damaged gravestones at Evergreen Cemetery as well at the Monument at the Faunce School. She expressed her hopes that the vandals would be found and thanked members of the community for their support in the cleanup.

The Chairman announced the Open Forum. Pine DuBois came forward representing the Green Energy Committee. She distributed a hand-out and requested the Board's support in obtaining a \$150,000 renewable energy project for a solar array and carport at the Town House to potentially re-charge electric vehicles and install a Windspire at five locations. Mr. Beaton stated that they obtained quotes for the project but the project would have to be publicly bid. Mr. Randall made a motion to endorse the project and Mr. Gallagher seconded the motion for discussion. Mr. Gallagher asked what would be the benefit of the project. Ms. DuBois said the power obtained from the solar array would feed the grid system and the carport would be a service that could be provided. Mr. Gallagher expressed concern for the maintenance of the equipment and the liability of the public using the carport especially in a time of fiscal trouble. Mr. Randall stated that the type of equipment needed minimal maintenance and would be of benefit to the Town in the future as it developed a fleet of hybrid vehicles. Ms. MacFarlane said she would support the opportunity to get the funds.

Mr. Gallagher said he needed his questions answered before he could support going forward. He added that any costs should be studied. Upon motion made and seconded, following a discussion and a 4-0-1 vote, it was—

VOTED: To support the Green Energy Committee's efforts to obtain up to \$150,000 funding for the Windspire, solar array and carport.

Mr. Gallagher did not support the motion. The hand-out submitted is on file in the Board's office.

Ms. MacFarlane opened the public hearing on the Classification of Property for Tax Purposes. Present were Anne Dunn and Tom Donnelly, members of the Board of Assessors. It was noted in the writing of the hearing notice that there was one typo in the fiscal year noted (2008) and should have been 2010 but the effective dates were correct. Ms. Dunn advised that she felt they could proceed and later reaffirm the vote upon DOR Certification Ms. Dunn advised that the Board of Assessors were recommending a residential factor of one. Upon motion made and seconded, following a discussion and a 5-0-0 vote, it was—

VOTED: To accept the recommendation of the Board of Assessors for a single tax rate/residential factor of one to be borne by each property in the Town.

Jack Reardon of the Kingston Youth Sports Organization was present to request that the Board accept a donation for improvements to the drainage and parking at the Opachinski Athletic Field Complex. Mr. Reardon advised that the softball field nearest the railroad tracks would be renovated and the drainage problems would be addressed. Mr. Gallagher stated it was a big undertaking and it was a fantastic donation particularly in improving the drainage issues. Upon motion made by Mr. Gallagher and seconded by Mr. Arruda, following a discussion and a 5-0-0 vote, it was—

VOTED: To accept the donation as detailed above.

The Board reviewed the donation from Wingate in the amount of \$499.00 for the repair to the monument at the Faunce School damaged by vandals.

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

VOTED: To accept the donation with gratitude.

Mr. Randall made a motion, seconded by Mr. Arruda to dispense with the reading of the public hearing notice for the Thorndike Development Earth Removal application. The Board unanimously supported the motion.

Mr. Randall stated that the fact remains that there still is no permit issued for the site plan for the project and the matter is not properly before the Board. He advised that the night before, the Planning Board voted to approve the site plan based on an order of condition decision that was being drafted by Counsel. Mr. Randall stated that the matter will be before the Planning Board on December 21<sup>st</sup> so the Board of Selectmen was powerless to act on the Earth Removal application.

Mr. Beaton advised that the Board could move forward, according to correspondence with Town Counsel, pending necessary approvals. Mr. Randall stated that he was not attempting to delay the decision but rather to ensure compliance of the By-Laws, rules and regulations of the Town and urged the Board not to take any action at this time. Mr. Gallagher said he did not want to delay the application that the Board has been considering since September 15<sup>th</sup> with three continuances for the opportunity to get more information. Mr. Arruda stated that the permit would have no effect until the Planning Board approved the site plan and believed the Board should move forward tonight. Ms. MacFarlane invited Mr. Geisinger to make his presentation.

Mr. Geisinger stated that he was not seeking the Board's vote until he obtained the site plan approval from the Planning Board. He said that this has been a four year process and they now had a blue print for proceeding and Town Counsel was drafting the final approval and conditions to be presented at the Planning Board's meeting on December 21, 2009. Mr. Geisinger stated he was also pleased to report that he had received approval from Natural Heritage, who had no problem with the plan regarding endangered species for not only Phase I but for the entire development. He added that he could not obtain the permit from Natural Heritage until the EIR process was complete and that the entire Davis property, consisting of 32 acres would be put into conservation land with a carve out for the developments leaching fields and potentially wind turbines.

Mr. Geisinger reported that he was modifying the earth removal permit application to remove 195,000 cubic yards of earth in Phase I which consisted of 1A, 1B and 2B and would not disturb more than three acres of land at a time as required by the ByLaw. He stated that the appropriate changes would be made and submitted to the Board.

Mr. Randall asked about the application and plan submitted to the Division of Fish and Wildlife and if the approval letter received follows the plan on file and application because if it did not it would require notification to Division of Fish and Wildlife. Mr. Geisinger stated that the footprint of the development had not changed and the phases were changed to meet the maximum volume of allowed earth removal.

Mr. Randall asked if once the Board issues the permit if the ongoing operation of removing earth in the MBTA right-of-way would cease. Mr. Geisinger stated that the earth removal operation would cease and the O'Donnell Family would abide with that and Mr. Geisinger would provide a letter to that effect.

Mr. Randall stated he applauded bringing the fringe operations into compliance.

Mr. Beaton said with a bond in place, Mr. Geisinger could start to clean up the mess and get the project moving forward. Mr. Beaton suggested granting approval subject to the Planning Board's final approval of the conditions on December 21<sup>st</sup>. Mr. Randall stated the Board of Selectmen meet on December 22<sup>nd</sup> and the approval could wait until December 22<sup>nd</sup> after the Planning Board's meeting on December 21<sup>st</sup>.

Ms. MacFarlane said she wanted to see what conditions the Planning Board would put on the Site Plan before the Board sets the conditions for the Earth Removal Permit.

The Board discussed putting the letter outlining Thorndike's responses to questions raised about the Earth Removal Permit on the Town's Website. Upon motion made by Mr. Gallagher and seconded by Mr. Arruda, following a discussion and a 5-0-0 vote, it was—

VOTED: To put the information on the website as detailed above.

Ms. MacFarlane asked if anyone present wanted to speak to the application. Attorney Ann Bingham came forward and stated she represented the Dirrico's, the Leonardi's and Helen Gavin and questioned the process for approval with Natural Heritage. Attorney Bingham stated for over 10 years, Earth Removal operation has been going on at O'Donnell property with ongoing violations and that there was a discrepancy with the dated plans submitted to Natural Heritage.

Pine DuBois asked how many years it would take to move the earth for Phase I and Mr. Geisinger stated it would take twelve months. Ms. DuBois stated that the developer showed good faith and had done substantive work to protect the environment.

Mr. Gallagher stated that continuing with the public hearing was productive in that it answered many questions.

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

VOTED: To continue the public hearing on the Earth Removal Permit Application for Thorndike Development until December 22, 2009 at 7:30 p.m.

Claire Sullivan of the South Shore Recycling Cooperative was present along with Paul Basler, Superintendent of Streets, Trees and Parks. Ms. Sullivan provided the Board with a slide presentation of the options and opportunities for recycling and disposal of the Town's solid waste. She further stated;

- There is no state mandate for a town to provide disposal and a town may cover all the costs of such operations with fees.
- The Town's fees for disposal of construction material was too low to cover the costs

- Cardboard was not flattened and space was wasted in the compactor
- If the Town did not ramp up the recycling efforts, in 2015 when the tonnage cost would increase with the SEMASS contract, the Town would be paying 165,000 more than it is paying now.

Ms. Sullivan stated there were many small changes that could have a big impact on the recycling effort and she was willing to work with the Board and Mr. Basler to assist with this effort.

Mr. Basler stated he needed assistance in making decisions for the reconfiguration of the Transfer Station and in what direction the Board wanted to proceed with regards to recycling. Mr. Randall suggested a Task Force that may be able to come up with a solution. Ms. MacFarlane stated that there had been a Solid Waste Advisory Committee in the past and Mr. Basler stated it had been disbanded after filing its report.

Ms. MacFarlane recognized Gene Wyatt to speak on behalf of the Recycling Committee. Mr. Wyatt stated there was not enough staff at the Transfer Station to implement a pure product recycling effort.

Mr. Basler suggested forming a Committee, comprised of either members of the Board of Selectmen, a member of the Recycling Committee and Finance Committee, the Town Treasurer, and citizens at large, to study options for recycling and solid waste disposal.

Upon motion made by Mr. Beaton and seconded by Mr. Arruda to appoint a five member Committee, following a discussion and a 5-0-0 vote, it was—

VOTED: To form a five member Committee consisting of the Superintendent of Streets, Trees & Parks, a member of the Recycling Committee and Finance Committee and two citizens-at-large to study/investigate options for re-configuration of the Transfer Station and methods in increase recycling and to report back to the Board from time to time with any findings that could be implemented to produce cost savings.

The Board reviewed the Town Administrator's Report. Items discussed included; Budget Planning schedule, details on the Ethics Training Seminar, and other miscellaneous items. The full report is on the Town's Website.

Upon motion made by Mr. Beaton and seconded by Mr. Arruda, following a discussion and a 4-0-1 vote, it was—

VOTED: To approve the minutes of the public session on October 27, 2009.

Ms. MacFarlane abstained from voting because she was not present at the meeting.

The Board reviewed the offer for a donation offered by Cindy Shurtliff to donate a three-keyboard organ with foot pedals and bend and dedicate it to the memory of Helen Foster. Upon motion made by Mr. Beaton and seconded by Mr. Randall, following a discussion and a 5-0-0 vote, it was—

VOTED: To accept with gratitude the donation as detailed above.

The Board reviewed the annual license renewals and upon motion made by Mr. Randall and seconded by Mr. Beaton, following a discussion and a 5-0-0 vote, it was—

VOTED: To approve the renewal of licenses as presented and listed below, except hold the renewal for the Automatic Amusement License for Hillside Social Club for consideration at the next meeting.

**2010**

<b>Class I Motor Vehicle</b>	
Marty's, Independence Mall Way	Sullivan Nissan Lincoln, 1 Cranberry
	Sullivan Toyota/Scion, 5 Cranberry Road
<b>Class II Motor Vehicle</b>	
Bob Glynn Auto Sales, 55 Main Street	Kingston Alignment & Tire, 26 Marion Drive
Atlantic Coast Wholesale, 132 Pembroke Street	Marksies Auto, 112 Wapping Road
Center Repair & Machine, 79 Pembroke	Neil Auto Repair, 70 Summer Street
Collari Automotive, 11 Joseph Street	Nickerson Autobody, 80 Evergreen Street
Richard J Howlett, 112 Wapping Road	Pilgrim Auto Sales, 37 Main Street
<b>Miscellaneous</b>	
Alley Kat Lanes, 7 Tarkiln Road	See Attached List
Kingston Ten Pins, 7B Tarkiln Road	See Attached List
Big Top Amusement, Independence Mall	See Attached List
Kingston Place Inc., 15 Foster Lane	Lodging House
Jones River Guest House, 164 Main Street	Lodging House
H. T. Drummond	Commuter Van Pool
Tricorp Amusement, Indep.Mall	See Attached List
<b>Common Victualer</b>	
Borders Books, Independence Mall	The Frosty Cow, 112 Wapping
Burger King, 137 Main Street	Napoli Pizza, 32 Pembroke Street
Cravings, 150 Summer Street	Papa Gino's, Kingsbury Plaza
Dunkin Donuts, Independence Mall	Percy's Place, 117 Main Street
Dunkin Donuts, Main Street	Pizzeria Regina, 101 Independence Mall
Dunkin Donuts, 1 Joseph St	Sawtelle's Pizza, 78 Summer Street
Fuji Chen, Independence Mall	Shorty's Ice Cream, 54D Pembroke Street
Hannaford's Food & Drug, Route 3A	Subway, Independence Mall
Indian Pond Country Club, 54 Country Club	Taco Bell, Independence Mall
Kentucky Fried Chicken, 112 Main	Target, Independence Mall
Kingston House of Pizza, 11 Main	Three Corner Restaurant, 287 Main Street

**2010CENSE RENEWALS**

<b>ALL ALCOHOL RESTAURANTS</b>	
Cancun	145 Main Street
Charlie Horse Restaurant	99 Main Street
Frankie D's	164H Summer Street
Indian Pond Country Club-Blackstones	60 Country Club Way
Indian Pond Country Club-Members Pub	60 Country Club Way
Indian Pond Country Club-Function Hall	60 Country Club Way
KTC Inc. dba Kingsbury Club	186 Summer Street
Mama Carmela's	136A Main Street

Mama Mia	134 Main Street
Arcadia Foods dba Pasiano's	6 Pembroke Street
Pizzeria Uno of Kingston	Independence Mall
Royal Garden Restaurant	3 Tremont Street
John T. Cataldi Restaurant dba Solstice	63 Summer Street
<b>CLUBS</b>	
American Legion Govoni Post	94 Main Street
Hillside Social Club	4 Howlands Lane
Hilltop Athletic Association	12 Pottle Street
Kingston Columbian Building Association	South Street
Union Grove Club	Kingston Street
<b>WINE &amp; MALT</b>	
Bangna Garden	73-77 Summer Street
<b>Package Stores</b>	
Empire Wine & Spirits	164B Summer Street
Kingston Liquors	179 Summer Street
Myette's Country Liquors	66 Main Street
Sunshine Liquors	133 Main Street
Trackside Liquors	58 Summer Street
Whit's Market	54A Pembroke Street
<b>General on Premises</b>	
Pete's Retreat	42 Elm Street

<b>Auto Amusement</b>	
Charlie Horse	99 Main Street
Frankie D's	164H Summer Street
Mamma Mia's	134 Main Street
Kingsbury Club	186 Summer Street
Royal Garden	3 Tremont Street
American Legion Govoni Post	94 Main Street
Hilltop Athletic Club	12 Pottle Street
Kingston Ten Pins	7 Tarklin Road
Papa Gino's	182 Summer Street
Alley Kat Lanes	7 Tarklin Road
Big Top Amusement	Independence Mall
Tricorp Amusements Inc.	Independence Mall

<b>Sunday Entertainment</b>	
Cancun	145 Main Street
Charlie Horse	99 Main Street
Frankie D's	164H Summer Street
Kingsbury Club	186 Summer Street
Mama Carmela's	136A Main Street
Pizzeria Uno of Kingston	101 Independence Mall Way
Royal Garden	3 Tremont Street
American Legion	94 Main Street

Hilltop Athletic Club	12 Pottle Street
Kingston Ten Pins	7 Tarklin Road
Alley Kat Lane	7 Tarklin Road

Inn Holder	
Cancun	145 Main Street
Frankie D's	164H Summer Street
Kingsbury Club	186 Summer Street
Mama Carmela's	136A Main Street
Royal Garden	3 Tremont Street
Pizzeria Uno of Kingston Inc.	101 Independence Mall Way

The Board reviewed the Preservation Restriction for the Jones River Landing Environmental Heritage Center for the Community Preservation funding. Ms. Myers advised that it was still under review by Town Counsel. Upon motion made by Mr. Randall and seconded by Mr. Beaton, following a discussion and a 5-0-0 vote, it was—

VOTED: To hold endorsing the Restriction until it is approved by Town Counsel.

Upon motion made by Mr. Gallagher and seconded by Mr. Arruda, following a discussion and a 5-0-0 vote, it was—

VOTED: To appoint Andrew Davis to the Conservation Land Review Committee representing the Recreation Commission.

The Board noted the resignation of Victoria Benassi from the elected office on the Kingston Housing Authority. The Board announced the vacancy and requested that anyone interested in being appointed until the next annual election should send a letter of interest to the Board and that the vacancy would be jointly appointed by the Board and the Housing Authority members.

Upon motion made Mr. Gallagher and seconded by Mr. Randall, following a discussion and a 5-0-0 roll-call vote, it was—

VOTED: To enter into executive session<sup>1</sup> for the discussion of Financial Assistance.

Respectfully Submitted:

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

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<sup>1</sup> The public session adjourned at 9:43 P.M. and the executive session adjourned at 9:50 P.M.