

TOWN OF KINGSTON  
BOARD OF SELECTMEN

MINUTES  
December 22, 2009

Chairman Sandra D. MacFarlane opened the meeting of the Board of Selectmen held on December 22, 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.

Announcements were made and the Chairman invited anyone that wanted to speak at Open Forum to come forward. Rui Santos, 67 Pembroke Street described a situation with his driveway due to the Route 27 construction and he was referred to Paul Basler, Supt. of Streets, Trees and Parks.

Ms. MacFarlane invited Igul Ismaili to come forward on the application for Cash for Gold for a Precious Metals License for a kiosk location at the Independence Mall. The Board reviewed the application and prior experience of Mr. Ismaili. Mr. Ismaili stated that items are kept for two weeks before being melted and he would work with the Police Chief and submit whatever he would recommend. Mr. Ismaili noted he had a lease but was waiting to execute it pending the Board's vote.

Upon motion made by Mr. Gallagher and seconded by Ms. MacFarlane, following a discussion and a 4-1 vote, it was—

VOTED: To approve the Precious Metal License for Cash for Gold at the Independence Mall and that the license was contingent upon having a signed lease with the Mall.

Mr. Beaton did not support the motion.

Robert Napolitano from EZ Sell Gold and Diamonds came forward on his application for a Precious Metals License for a kiosk location at the Independence Mall. Mr. Napolitano stated that he held licenses in several locations in New York and that he had a signed lease with the Mall.

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

VOTED: To approve the Precious Metal License for EZ Sell Gold and Diamonds at the Independence Mall.

Mr. Beaton did not support the motion.

Shelley Loring from the Technology Advisory Committee was present and summarized the Website Content and Management Policy that was drafted by the Committee. Selectmen commended the Committee for their work on the Policy and upon motion made by Mr. Beaton and seconded by Mr. Gallagher, following a discussion and a 5-0-0 vote, it was—

VOTED: To adopt the Website Content and Management Policy as presented.

Elaine Fiore came forward from the Technology Advisory Committee and introduced its membership and gave a summary of other matters that the Committee was work on. Mr. Gallagher suggested putting the new policy on the website.

The Board reviewed the list of candidates for the newly formed Town Government Study Committee. Mr. Beaton stated that there were seven candidates and the Board should consider increasing the membership from five to seven. Upon motion made by Mr. Arruda and seconded by Mr. Gallagher, following a discussion and a 5-0-0 vote, it was—

VOTED: To increase the membership of the Town Government Study Committee from five to seven members.

Ms. MacFarlane read the list of candidates interested in being appointment to the Town Government Study Committee. The list included; Frances Botelho-Hoeg, Wendell Chamberlain, Keith Elder, Jeanette Gleason, Thomas Gunn, John Haas, and Jean Landis-Naumann. Any candidate who was in attendance was given the opportunity to introduce themselves and discuss their qualifications and interest in serving on the Committee. Upon motion made by Beaton and seconded by Mr. Gallagher, following a discussion and a 5-0-0 vote, it was—

VOTED: To appoint Frances Botelho-Hoeg, Wendell Chamberlain, Keith Elder, Jeanette Gleason, Thomas Gunn, John Haas, and Jean Landis-Naumann to the Town Government Study Committee.

Ms. MacFarlane read the public hearing notice for the continuation of the Earth Removal Hearing for Thorndike Development's 1021 Kingston Place. Mr. Geisinger submitted a notebook of the application and supporting documentation to the Town Administrator. He stated he read the comments from Town Counsel as noted on the draft "12/22/09 5:00 p.m." and wanted to request the Board to consider amending some of the conditions while the hearing was still open. Items discussed were as follows:

#5 Accumulation of Free Standing Water – Mr. Geisinger stated that proposed language may not allow for retention basins as worded. Mr. Randall suggested language "as to cause unintentional free-standing water." Mr. Geisinger accepted the language.

#8 Performance Bond – Mr. Geisinger wanted to preserve his rights under the ByLaw to submit a Bond rather than a cash or passbook security in the amount of \$76,280, the cost for restoration of the site. The Board unanimously accepted having a performance bond submitted in the amount as stated.

On the matter of the twenty-five cents per yard fee to be assessed by the Town, Mr. Geisinger stated the fees should cover the cost for Town Counsel's review and monitoring and that he did not want to submit at \$10,000 fee for Consultant and Legal review. The Board discussed the monitoring that may be necessary and Building Inspector Paul Armstrong stated the site should be staked and an Engineer should, from time to time review the calculations to determine the amount of earth removed. Mr. Geisinger agreed to submit \$10,000 and the word "initial" deposit would be deleted from #19, the word "lawyers" be deleted from the parentheses. Upon motion made by Mr. Arruda and seconded by Mr. Gallagher, following a discussion and a 5-0-0 vote, it was—

VOTED: To make the changes to the order of conditions as detailed above.

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

VOTED: To close the public hearing.

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

VOTED: To approve the Earth Removal Permit with the amendments voted by the Board and the Permit shall become effective upon the issuance of a Site Plan approval by the Planning Board for 1021 Kingston's Place Site Plan – Phase I and Initial District Infrastructure.

The Board took a break from 9:05 to 9:10 p.m.

The Board reviewed the Town Administrator's report. The report is available on the Town's Website for viewing. Ms. Myers requested the Board adopt the Pandemic Planning Manual and upon motion made by Mr. Beaton and seconded by Mr. Arruda, following a discussion and a 5-0-0 vote, it was—

VOTED: To adopt the Kingston Emergency Response Pandemic Planning Manual.

On the matter of the Route 44/80 interchange/exit/on ramp; upon motion made by Mr. Beaton and seconded by Mr. Randall, following a discussion and a 5-0-0 vote, it was—

VOTED: Pursue feasibility of revisiting the project despite the fact that there is not funding identified at the State and Federal level.

The Board reviewed the minutes presented and upon motion made Mr. Gallagher and seconded by Mr. Arruda, following a discussion and a 5-0-0 vote, it was—

VOTED: To accept the public and executive session minutes for the November 10<sup>th</sup> and 24<sup>th</sup> meetings.

Ms. MacFarlane suggested that the Board look to dissolve/disband Boards and Committees that have completed their charge and considered obsolete.

The Board reviewed the Committee Appointments and upon motion made Mr. Gallagher and seconded by Mr. Randall, following a discussion and a 5-0-0 vote, it was—

VOTED: To appoint Mark Guidoboni to the Memorial Day Parade Committee and Special Police Officers as follows: Darren J. Martin, Glenn C. Bushee, Peter E. Pateline, Mark S., Shubert, Todd A, Bailey, Marks Brenner Jr., Thomas E. Mori, and Sean S. Percy and further;

VOTED: To disband the Solid Waste Advisory Committee.

The Board reviewed the Preservation Restriction for the Jones River Landing/Homes Watson Boatyard. Upon motion made by Mr. Beaton and seconded by Mr. Arruda, following a discussion and a 5-0-0 vote, it was—

VOTED: To endorse the Preservation Restriction.

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

VOTED: To reaffirm the vote to accept the recommendation of the Board of Assessors to set a single tax rate/residential factor of one to be borne by each property in the Town for 2010.

The Board reviewed the Special State Election Warrant and upon motion made by Mr. Gallagher and seconded by Mr. Beaton, following a discussion and a 5-0-0 vote, it was—

VOTED: To vote the warrant as presented.

The Board reviewed the proposed list of positions to be placed on the 2010 Annual Town Election Warrant and Ballot. Ms. MacFarlane read the list.

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

VOTED: To confirm the list as presented, declare the vacancies and approved the proposed political calendar for 2010.

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

VOTED: To take no action on the Automatic Amusement License for Hillside Social Club.

Ms. Myers stated that the Board's meeting scheduled for January 19<sup>th</sup> could not be held in Room 200 due to the State Election. She advised a brief meeting needed to be held in Room 208 in order for the Board to vote to authorize bonding for the Senior Center.

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

VOTED: To adjourn at 9:25 p.m.

Respectfully Submitted:

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