

TOWN OF KINGSTON  
BOARD OF SELECTMEN

MINUTES  
March 17, 2009

Chairman Paul M. Gallagher opened the meeting of the Board of Selectmen held on March 17, 2009 at 7:00 p.m. in Room 200 at the Town House, 26 Evergreen Street, Kingston. Present were Vice Chairman Sandra D. MacFarlane, Mark S. Beaton, Jean Landis-Naumann, Dennis N. Randall and Interim Town Administrator John F. Healey.

The Chairman welcomed several Boy Scouts that were present working on their Citizenship badge, announced the dates to note and the Open Forum. Ed Beilecki, 437 Elm Street announced that there was a meeting scheduled at PAC TV as an informational meeting, open to the public on the future of cable access.

Craig Dalton of the Historical Commission provided the Board with an overview of the results of the Archeological Survey that was accomplished with grants from Mass Historical Society and CPA funding. He stated that the study identified sensitive areas that the Commission would use as a reference when new projects are proposed and that the study would remain in the possession of the Historical Commission.

Bill Arrowsmith, Chairman of the Cable Advisory Committee was present to provide an update on the negotiations for the Verizon cable license. He stated that Verizon and Comcast were discussing the ability to jointly connect Silver Lake Regional Schools for public access broadcasting. Mr. Arrowsmith further advised that the Committee was seeking to have no cap on liquidated damages and Verizon had increased the cap from \$10,000 to \$25,000 but had not agreed to a no cap provision.

Brian Spires, Chairman of the Green Energy Committee was present to update the Board on the efforts of the Green Energy Committee. Mr. Spires stated that the goal was to decrease fuel consumption by 20% overall and although there was some fuel savings it was not 20%. Mr. Beaton advised that the grant to conduct an energy audit would result in hiring an energy service company that would suggest retrofits and the savings would be realized in approximately five years.

Lindsay Wilson of Thorndike Development was present to provide the Board with an update on the 1021 Kingston Place Project. He advised that Thorndike will not pursue permitting and had withdrawn site approval applications for the 40B Pond Properties Development because Town Board, Committees and the Selectmen had made it clear that they could not get behind such a development. Mr. Wilson stated that the deal the O'Donnell family for the land for 1021 Kingston Place was being restructured and it would make the financing of the project feasible without the 40B project.

Lloyd Geisinger announced that they would be submitting the 100% design package to the Planning Board within two weeks.

Mr. Wilson further added that the 40R litigation had two cases still pending while the Superior Court had dismissed the zoning appeal suite for five of the six suites with Summary Judgment. Mr. Gallagher stated that he was happy to see the 40B project off the table.

Mr. Randall expressed concern for the area surrounding Smelt Pond and asked if Mr. Geisinger was retaining an option on the land. Mr. Wilson stated that they were keeping the option to purchase for various uses but not for a 40B development. Mr. Beaton added that the 1021 Kingston Place was a poster child for the stimulus package; jobs, mass transit, and opportunities. Mr. Beaton further advised that he personally wrote to the Diricos pleading them to stop litigation and sit at the table in an open dialogue with Thorndike Development for the common goals and interests of the Town. Mr. Randall expressed his concern that Mr. Beaton was discussing the matter with a party to the litigation and stated that he thought it was inappropriate. Mr. Randall made a motion that no member elected or appointment may discuss litigation own his/her own. Ms. MacFarlane seconded the motion. Mrs. Landis-Naumann stated she did not want to make policy without a legal opinion. Ms. MacFarlane stated she was upset over the content of Mr. Beaton's letter and Mr. Randall added that he was seeking to limit exposure. Mr. Randall's motion failed on a 1-3-1 vote. Mr. Randall supported the motion, Ms. MacFarlane abstained from voting and Mr. Gallagher, Mr. Beaton, and Ms. Landis-Naumann did not support the motion.

Thomas Forde of Kingston Realty Trust was present and advised the Board that he was the owner of property on William Gould Way in Kingston. Mr. Forde stated that he also owned the former Aarons building that was most recently leased to Sullivan Bros. He requested that the Board consider allowing him to open and grade the road to his property and stated he would either barrier the end at the Plymouth line or make a cul-de-sac. Mr. Forde suggested that the grading would improve access and drainage to William Gould Way in Kingston. Mr. Gallagher advised that the Planning Board had not approved the plan and any request to upgrade the road all the way to the Town line would have to go through the Planning Board. Mr. Forde stated he would meet with the Town Planner.

The Board reviewed the Interim Town Administrator's Report. Items discussed were; the SEMASS amendment to the currently contract, information on the Landis proposal available on the Town's website and the request for Departments, Boards and Committees to submit their comments. He further suggested that the Board may want to meet next week to interview the three candidates submitted to the Board from the Town Administrator Search Committee. Mrs. Landis-Naumann asked that they be requested to bring a list of references to the interview.

Upon motion made and seconded, following a discussion and a 5-0-0 vote, it was—

VOTED: To schedule a meeting on March 24, 2009 at 7:00 p.m. to interview the candidates for the Town Administrator position.

Upon motion made and seconded, following a discussion and a 5-0-0 vote, it was—

VOTED: To approve the March 3, 2009 public and executive session meeting minutes.

A motion was made by Mr. Randall and seconded by Ms. MacFarlane to appoint Colin Dahlen to the Earth Removal By-law Committee. Mrs. Landis-Naumann stated that at its last meeting the Board requested someone from the Water Department to come forward to fill the vacancy on the Committee and Water Commissioner volunteered to serve and she urged the Board to consider him for the appointment. Mrs. Landis-Naumann made a motion to appoint Mr. Loring and the motion was seconded by Mr. Gallagher. Following a discussion and a 4-1 vote, it was—

VOTED: To appoint Colin J. Dahlen to the Earth Removal By-Law Review Committee

Mrs. Landis-Naumann did not support the motion. Mr. Gallagher called for the vote on Mr. Loring and Mrs. Landis-Naumann voted in favor of Mr. Loring and all other Selectmen did not support the motion.

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

VOTED: To appoint Debra Mueller as Inspector of Animals and Mary Crowley to the Board of Registrars.

Mr. Gallagher acknowledged the resignation of Richard Scanlon from the Kingston Housing Authority and announced the vacancy on the Kingston Housing Authority that would be filled by joint appointment until the annual election in 2010.

The Board reviewed the request to waive the fee for the ambulance due to a financial hardship. Mr. Beaton made a motion to waive the fee and it was seconded by Ms. MacFarlane for discussion. Ms. MacFarlane stated that she wanted part of the fee to be paid. Mr. Gallagher suggested getting more information on the ability to pay part of the fee. Mr. Beaton withdrew his motion and Ms. MacFarlane withdrew her second.

The Board reviewed the Special and Annual Town Meeting Warrants and upon motion made by Mrs. Landis-Naumann and seconded by Mr. Beaton, following a discussion and a 5-0-0 vote, it was—

VOTED: To sign and post the Special and Annual Town Meeting Warrants as presented.

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

VOTED: To enter into executive session<sup>1</sup> for the purpose of discussing pending litigation, collective bargaining and a financial assistance application.

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 8:30 p.m. and the executive session adjourned at 9:45 p.m.