

TOWN OF KINGSTON
BOARD OF SELECTMEN

MINUTES
March 31, 2009

Chairman Paul M. Gallagher opened the meeting of the Board of Selectmen held on March 31, 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 announced the Open Forum. Craig Dalton came forward and stated that he wanted to publicly state the comments of the Historical Commission on the Landis proposal. Mr. Gallagher suggested to Mr. Dalton that he make an appointment on a future agenda since Open Forum was generally a three minute time period for comments.

David Gavigan, Jr. was present to give the Board a framed Memorial 9-11 Flag for display in the Town House. Mr. Gavigan stated that the Flag was a gift from his father David Gavigan, Sr.

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

VOTED: To accept the gift of the Memorial 9-11 Flag from David Gavigan.

Mr. Gallagher stated that it would be prominently displayed.

Elizabeth White and Richard Gardner were present from the Wage and Personnel Board. Ms. White suggested that a meeting should be held with the employees under the Wage and Personnel By-Law to discuss the request for a freeze in wages and salaries for FY10. Mr. Healey stated that he would be happy to arrange the meeting with employees.

John LaBrache was present to provide a report of the Trustee of the Sampson Fund on the requests chosen for funding and the report of the Community Preservation Committee for the project that were being recommended for funding.

Peg Gallagher was present to request permission of the Board to close Green Street to through traffic on June 27, 2009 during the Arts Festival. Ms. Gallagher detailed the activities that would be included and requested also that the Board vote to support the group in its efforts.

Upon motion made by Dennis Randall and seconded Jean Landis-Naumann, following a discussion and a 5-0-0 vote, it was—

VOTED: To grant permission to close Green Street on June 27, 2009 from 9:30 a.m. to 5:00 p.m. and to favorably support the Kingston Arts Festival Committee in its efforts.

The Board reviewed the Town Administrator's report. Items discussed were as follows: 2009 E-Government Award for the Town's website from Common Cause, a betterment problem on 17 Smith Lane, a request to vote a policy with regard to the issuance of licenses and permits requiring checking if there is a tax delinquency prior to issuance, the need to reauthorize the 40R land swap Article from the 2007 Annual Town Meeting, the Audit Management Letter and request of the Interim Town

Administrator to have the Board authorize him to meet with Departments to address concerns of the Auditors, and the comments from Departments on the P. A. Landers Proposal.

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

VOTED: To authorize Mr. Healey to work with Town Departments on the concerns of the auditors as detailed in the Management Letter, and further;

VOTED: To request that all Board, Committees and Departments that issued licenses and permits be encouraged to enforce MGL Chapter 40, §57 and town By-Law Chapter 5-4.

Mr. Healey advised that he included the comments received on the P. A. Landers Proposal in his report. Mr. Gallagher stated that he wanted to clarify that the proposal was only a concept and not a deal that the Board was putting together. Ms. MacFarlane stated that she read the comments from Departments as well as residents and that there were a lot of technicalities brought out by the Conservation Commission and the Historical Commission. She further advised that she did not support land disposal unless replaced in kind and that it disturbed her greatly the thought of selling off two million yards of Kingston, would inhibit access to Camp Nekon and impact ground water. Ms. MacFarlane made motion to drop the idea of the proposal and it was seconded by Mr. Randall.

Mr. Gallagher reiterated that it was a concept that had no plans, no details, no assessments, no RFP and was just a concept and there was no proposal to do anything. He asked Ms. MacFarlane how could she not support something when there is no plan or respond to something that has not yet happened.

Mr. Randall stated that no more Town resources should be used and P.A. Landers should come forward and make their own presentation. He stated that in 2004, P. A. Landers defrauded Kingston and two of their officials were in jail. He stated that no more Town resources should be used until a new plan comes forward and added that the plan before them was a deal of larceny of millions of yards of earth.

Mr. Beaton stated he had a dream and would not apologize for bringing the concept forward. He advised that it was his effort to bring much needed revenue into the Town so that Kingston could stop being the victim of Plymouth. He added that he envisioned a theater like Tanglewood could be built in the excavated area or semi-professional ball fields. Mr. Beaton stated he had the support of the Board to meet with P. A. Landers. He said all the Town had was outflow and asked the Board not to kill the dream.

Ms. MacFarlane stated that it would cost money to have a plan studied and she did not want to spend any more money on this plan. Mr. Beaton stated that no Town money would be spent and that it was incumbent on P. A. Landers to bring forward a plan. Mr. Randall stated it was a thin line dream or more of a nightmare and was the plan of a mining company interested in the Town's minerals and not a love of the theater. Mr. Randall added that the Earth Removal By-Law prohibited mining for such purposes.

Mr. Gallagher called for a vote on the motion to not support the P.A. Landers Proposal and the motion failed on a 2-2-1 vote. Mr. Randall and Ms. MacFarlane supported the motion, Mr. Gallagher and Mr. Beaton did not support the motion and Mrs. Landis-Naumann abstained from voting.

Mr. Healey advised that he had passed out a map showing the state forestry property and it clearly shows that the former Nick's Rock was located on property in Plymouth. He added that Nick's Rock was

located in the path of the Route 44 road expansion on P. A. Landers Property and was removed as part of the right of way of the highway. Mr. Healey added that a sign had been erected at the site of the former rock noting that it was a historical site.

Mr. Beaton stated that P. A. Landers removed the rock and in exchange for the loss to the Town provided the services of removing all the debris that had been stored on the area adjacent to the Highway Dept. He further advised that saved the Town over two-hundred thousand dollars in hauling fees.

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

VOTED: To accept the minutes of the March 18, 2009 meeting.

Priscilla Palombo came forward to request that the Board lift the hiring freeze to fill a vacancy in the Collector's office. She stated that she had been understaffed since October 2008 and that it was a most busy time of the year for her department. Ms. Palombo requested that the hiring freeze be lifted in order for the Finance Committee to fund the position for FY10. Mrs. Landis-Naumann stated that she was cognizant of the need but there was an Article on Town Meeting for the lockbox which assist the department in posting. Ms. Palombo stated she was hesitant to have the lockbox there was a lot to consider.

Mr. Beaton stated that other personnel in the building could be utilized for the peaks and valleys in departments and that departments should be creative in using its assets. Mr. Randall stated he agreed and there should be flexibility with the clerical positions. Ms. MacFarlane stated that the KTEU contract included a provision for job sharing. Mr. Gallagher stated that he did not think the position should be eliminated just because there was a hiring freeze and that the job could be funded and not filled.

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

VOTED: To deny the request to lift the hiring freeze.

Police Chief Rebello was present to request the Board's support to apply for a Federal Stimulus Program for hiring Police personnel through the COPS Hiring Recovery Program. Chief Rebello stated that the grant would provide funding for three positions for three years and the Town had to commit to funding the positions for a fourth year. He also advised that with an extensive re-hire list it would be likely that they could hire personnel that had already had training. Mr. Randall made a motion to authorize Chief Rebello to apply for the funding. Mr. Beaton stated it was a win-win situation for the Town to find trained officers. Mr. Gallagher questioned the number of officers the Chief would have in the department. Chief Rebello stated he would bring the staffing up to 24 and possibly hire a dispatcher. Upon motion made by Mr. Randall and seconded by Mrs. Landis-Naumann, following a discussion and a 5-0-0 vote, it was—

VOTED: To authorize Chief Rebello to make application for the COPS Hiring Recovery Program.

Upon motion made by Jean Landis-Naumann and seconded by Mark Beaton, following a discussion and a 5-0-0 vote, it was—

VOTED: To appoint Debra Mueller as Animal Control Officer, Joanna Boudreau as Assistant Animal Control Officer, Matthew N. Libby to the Industrial Development Finance Authority, and William B. Martin as Veterans' Agent,

Veterans' Burial Agent, Veterans' Graves Officer and Veterans' Services Director with all appointments terms ending on April 30, 2010, and further;

VOTED: To accept the resignation of Bradford Colton from the Agricultural Commission.

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

VOTED: To set the date of June 2, 2009 at 7:00 p.m. for the adjourned session of the Annual Town Meeting, and further;

VOTED: To hold a Special Town Meeting within the adjourned session of the Annual Town Meeting.

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

VOTED: To support the three Articles on the Special Town Meeting Warrant.

The Board discussed the Annual Town Meeting Warrant and unanimously supported deferring action to the adjourned session on June 2, 2009 on Articles 2, 3, 5, 7, 8, 10, and 11. The Board voted to support Article 1- Reports, Article 9 – Sampson Fund, Article 12 – Re-establish Revolving Funds, and voted to wait for ATM to take a position on Article 4, 6, 13, 15, 16, 17, 18, 21, 22, 23, 24, and 25 and to make no motion on Article 14, 19 and 20.

The Board reviewed Mr. Healey's requesting the Board to consider recommending the enforcement of MGL Chapter 40, Section 57 and Town By-Law Chapter 5-4. Upon motion made by Ms. MacFarlane and seconded by Mrs. Landis-Naumann, following a discussion and a 4-0-1 vote, it was—

VOTED: To notify all permit granting authorities in Kingston that the Board of Selectmen strongly recommends that they enforce the Station Law; MGL Chapter 40, Section 57 and Town By-Law Chapter 5-4.

Mr. Beaton abstained from voting on the motion.

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

VOTED: To open the shellfishing beds on October 6, 2009.

Upon motion made by Mrs. Landis-Naumann and seconded by Mr. Beaton, following a discussion and a 5-0-0 roll-call vote, it was—

VOTED: To enter into executive session for the purpose of discussing contract negotiations and not return to public session.

Respectfully Submitted:

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

