

TOWN OF KINGSTON  
BOARD OF SELECTMEN

MINUTES  
May 12, 2009

Chairman Sandra D. MacFarlane opened the meeting of the Board of Selectmen held on May 12, 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.

The Chairman announced the dates to note and read a statement regarding the reauthorization of the slip ramp article and questions and comments received by her and the Town Administrator. Ms. MacFarlane stated that many question were answered by Town Counsel but in order to cover the few remaining questions, she was suggesting that the Board have a special meeting on either Friday or Monday where they could be addressed in an open dialogue.

Mr. Beaton stated that the slip ramp article was on the agenda later in the meeting and he wanted to stick to the agenda. Ms. MacFarlane stated she asked Mr. Wilson to address the Board and Mr. Gallagher asked if he was speaking at Open Forum. After a lengthy discussion, Mr. Wilson came to the podium and stated the Article that was voted at Town Meeting and sent to the legislature was written and reviewed by Town Counsel Kopelman & Paige, Counsel for Thorndike Development, Senator Murray's officer, and Town Administrator Kevin Donovan. Mr. Wilson stated that Thorndike Development was willing to discuss legitimate concerns with those who have them at a meeting on Monday, May 18, 2009, if the Board would vote to put the Article forward on the STM Warrant.

Ms. MacFarlane stated she was not looking to make any changes and she was trying to compromise and move forward.

Representative Thomas Calter came forward to speak and advised to be cautious and not change the Article because it was slotted to be heard after it is voted by the Town and changing the Article would push it back into review and it could risk not being heard this year. He stated that Town Meeting supported the Article 80/20 and bringing back to the legislature would be a slam dunk process. Rep. Calter added if the project is not undertaken timely, the Town will be required to return the \$600,000 incentive funding that it received.

Upon motion made by Mr. Randall and seconded by Mr. Arruda, following a discussion and a 3-1 vote, it was—

VOTED: To hold a meeting on Monday, May 18, 2009 at 6:00 p.m. in order to have questions answered and concerns addressed regarding Article 3.

Mr. Gallagher did not support the motion. Mr. Randall, Ms. MacFarlane and Mr. Arruda supported the motion. Mr. Beaton did not participate in the vote.

The Chairman announced the Open Forum. Mr. Gallagher moved from the meeting table to speak at Open Forum regarding the Chairman not allowing him to speak at the meeting.

John Towner of the Indian Pond Neighborhood Assoc. came forward to request permission to erect a sign on Town property. He stated that the sign will be built by students at Silver Lake High School as a

service project and provided a picture of the sign. Upon motion made by Mr. Gallagher and seconded by Mr. Arruda, following a discussion and a 5-0-0 vote, it was—

VOTED: To allow the sign to be erected in accordance with the plan provided and conditioned upon the Town not being liable for damages caused to the sign during regular snow removal.

The Chairman read the public hearing notice for the Earth Removal Hearing on the application of Parting Ways Realty Trust.

Christian Farland, Engineer for Thompson and Farland was present representing the applicant. Mr. Farland stated that the applicant proposed to remove 20,000 cu. yds. of earth from Map 105, Lot 7 for grading of the proposed roadways and stormwater management systems for a subdivision. Mr. Farland stated that the earth would not be removed from the site and would remove 110 cu. yds. per day.

Mr. Beaton asked if the subdivision would contain some affordable housing. Mr. Farland advised that in lieu of the affordable housing the Developer would provide public benefits to the Town by deeding 52.9 acres of land and would fix a large part of Parting Ways Road.

The Chairman asked if anyone from the public wanted to speak in favor or against the application. Pine duBois asked that the land be conveyed prior to the Earth Removal Permit being issued. Mark Guidoboni asked if there would be public access and parking. Mr. Farland advised that 6 parking spaces would be provided. He also stated that the approved subdivision plan and conditions had been recorded at the Registry of Deeds.

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

VOTED: To issue the Earth Removal Permit with conditions set forth by the Building Inspector/Zoning Enforcement Officer Paul Armstrong and for the applicant to convey the 52.9 acres to the Town prior to commencing with the earth removal operation.

The Board reviewed the Town Administrator's report. Items discussed were: FY2010 budget preparation, Wind Turbine Project, Economic Target Area Designation, annual re-appointments, count of shellfishing permits issued, and the ABCC notice of violation for Cancun Restaurant.

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

VOTED: To place the subject of the Senior Center under Old Business so that Mr. Gallagher can update the Board as the project progresses

Ms. MacFarlane read the list of vacancies for annual appointments. She stated that as a long term project she wanted to have the Board consider disbanding Committees that are not longer in effect.

The Board reviewed the letter from the Division of Marine Fisheries regarding the survey that was conducted to determine the viability of Aquaculture Leases in the waters of Kingston. Mr. Gallagher

stated that the State has determined that there are 10 acres that are feasible with an additional 53 acres that needs further consideration by the Shellfish Constable and the Division of Marine Fisheries.

Mr. Gallagher made a motion, seconded by Mr. Arruda to allow the 10 acres to be developed for Aquaculture Grants.

Mr. Beaton asked if the Board was going to first conduct a public hearing as required. Ms. MacFarlane stated she wanted to move forward and establish the process for the 10 acre site. Mr. Beaton expressed that it was premature and should be discussed at the next regular meeting when they knew what the process was to move forward. Ms. MacFarlane suggested making our own application but to vote to accept the idea of Aquaculture.

Mr. Gallagher amended his motion to start the process to move forward with Aquaculture. Mr. Beaton stated he wanted the Town Administrator to get the information on the process.

John Wheble was recognized by the Chairman to speak regarding the process. Mr. Wheble advised that this was the third time before the Selectmen and the Board had the process turned around. He stated that they first apply to the State with the chosen site where it is determined whether it is viable. Then the Board holds a public hearing and a site review is done by the Corps of Engineers. Mr. Beaton asked about a lottery to determine who would have the grants. Mr. Wheble advised that is not the process.

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

VOTED: To move forward on developing the Aquaculture rules and regulations for the Town Administrator to research the process.

The Board reviewed the Special Town Meeting Warrant. Mr. Beaton made a motion to set the warrant and Mr. Gallagher seconded the motion. Mr. Randall stated his goal was to amend the motion for Article 3 in order for the extension of Cranberry Road to be built at a minimum cost to the Town and a maximum benefit to the resident of Kingston. Ms. MacFarlane stated that the developer graciously accepted to meet with the Board on Monday to discuss concerns and questions.

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

VOTED: To set the Warrant and Post it as written.

Paul Basler, Supt. of Streets, Trees & Parks was present to recommend an increase in the fees charged at the Transfer Station and for the annual sticker sales. Upon motion made and seconded, following a discussion and a 5-0-0 vote, it was—

VOTED: To increase the fees as recommended by Mr. Basler and increase the one-day permit to \$10.00. (the complete listing of fees is on file in the Selectmen's office).

Ms. MacFarlane advised that she was reviewing the book that contained the Board's policies and regulations. Further she stated that unless they were on file with the Town Clerk they were not in effect. Ms. MacFarlane suggested that on a long term basis, the Board could review several policies per meeting and determine the policies and regulations that the Board wanted to keep in effect. She asked that the Board review the book at their leisure.

Upon motion made and seconded, following a discussion and a 4-0-1 vote, it was—

VOTED: To authorize the Town Administrator to review the policies and regulations and make recommendations for modifications.

Mr. Beaton abstained from voting. All other members supported the motion.

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

VOTED: To enter into executive session to discuss collective bargaining, pending litigation and financial assistance.

Respectfully Submitted:

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