

TOWN OF KINGSTON
BOARD OF SELECTMEN

MINUTES
July 21, 2009

Chairman Sandra D. MacFarlane reconvened the meeting of the Board of Selectmen held on July 21, 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.

Mr. Beaton read the letter of award from Mass Technology Collaborative regarding funding for the Wind Turbine.

Chairman MacFarlane announced the Open Forum. No one present requested to speak.

The Board reviewed the Town Administrator's report. Items discussed were the water main break on Pembroke Street by the contractor doing the road reconstruction, the commencement of the Verizon Fios services, an error in billing betterment installment charges on 81 tax bills, signalization at Exit 10 on Route 3A/3 interchange, joint meeting with Planning Board on August 17, and the release of the Owners Project Manager procurement for the Senior Center Project.

Mr. Beaton stated that he supported having the signalization on the TIP because it was a dangerous intersection. Upon motion made and seconded, following a discussion and a 5-0-0 vote, it was—

VOTED: To send a letter of support for Duxbury's efforts to have the signalization at the Route 3A/3 Interchange and for the inclusion on the TIP (Transportation Improvement Program).

Mr. Gallagher provided a brief update on the status of the Senior Center Project.

The Chairman read the public hearing notice on the Harborfront Regulations. Ms. Myers stated that the hearing was necessary to make an administrative correction in the reference deleting the word ByLaw and inserting Regulations in the existing document. She added that there were no other changes. There was no one present that requested to comment.

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 adopt the Harborfront Regulations as presented.

The Board reviewed the new business items. Upon motions made and seconded, following a discussion and a 5-0-0 vote, it was—

VOTED: To appoint election workers as recommended by the Town Clerk, and further;

- VOTED: To disband the Town Administrator Search Committee, and further;
- VOTED: To hire two temporary seasonal employees for the Recreation Department, and further;
- VOTED: To approve the transfer of a Common Victualler license from Shorties Icecream to a new owner; Alan Libby Manico LLC, at 54D Pembroke Street.

The Board reviewed the response from Mike Hickey of the Division of Marine Fisheries regarding the issuance of Commercial Shellfish Licenses to thin out the areas of a high abundance of razor clams. Tom Bolus, Assistant Shellfish Constable was present and advised that the Harbormaster was recommending the issuance of four licenses. Mr. Beaton made a motion that the Board use a lottery format for selecting the individuals to receive the licenses. Mr. Gallagher seconded the motion and asked how many applicants there were for licenses. Ms. Myers stated that there were five applicants and Mr. Gallagher suggested issuing five Commercial Licenses and amended Mr. Beaton's motion. Upon motion made and seconded, following a discussion and a 5-0-0 vote, it was—

- VOTED: To issue five Commercial Shellfish Licenses for a one-year term to the five applicants on file. (names of individuals are available in the Selectmen's office).

The Chairman opened the public hearing on the request of Robert Francis, 3 Sheridan Drive, for a waiver of strict compliance of the General By-Law section 10-3-4.A.2 for a Kennel License. Such action is allowed per the By-Law. Debra Mueller, Animal Control Officer stated that the waiver was necessary because the property could not meet the set back conditions due to the size of the lot. Ms. Mueller also stated that there were no complaints concerning the dogs on file, no barking issues and she was recommending approval with conditions of the keeping of dogs of thirty pounds or less and no more than four dogs.

Mr. Gallagher suggested the condition that the fourth dog could not be replaced due to death or relocation of the animal.

Edith and Robert Francis came forward to speak to the request and stated that the property is fenced and the dogs are never left out alone. Member of the public that requested to speak were; Tom Hardy, 1 Sheridan Drive stated that he did not support the kennel license for the property.

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

- VOTED: To close the public hearing.

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

- VOTED: To grant the waiver of strict compliance of the General By-Law Section 10.3.2.A.2 and order the Town Clerk to issue the kennel license to Robert and Edith Francis for use at 3 Sheridan Drive with the following conditions; 1) the license is limited to four (4) dogs weighing 30 pounds or less and are currently located at 3 Sheridan Drive, 2) the fourth dog may not be replaced due to death or relocation 3) there shall be no commercial use of the kennel, i.e. doggie day care, no breeding or raising dogs.

The Chairman opened the hearing on the complaint of Julie Gutterson that a dog belonging to Laura and Christopher Lambert of 5 Centerhill Road is dangerous and had bitten Ms. Gutterson's son. Presenting testimony was Animal Control Officer Debra Mueller, Assistant Animal Control Officer Joanna Boudreau and the complainant Julie Gutterson. It was noted that neither Laura nor Christopher Lambert was present. Ms. MacFarlane swore in the witnesses that would testify and read the letter sent to the Lamberts. Ms. Mueller stated that Michael Rubera was bitten twice with one bite being significant; by the dog know as "Grizzly" an Akita. Ms. Muller advised that she issued a 10-day quarantine order and an order that the dog was to be neutered to decrease aggressive tendencies. She also stated that she had no evidence that the dog had been neutered.

Ms. Gutterson advised that her son was bitten on the stomach and face and provided pictures of the bites. She added that her son was petting the dog and he bit him and that it was unprovoked.

Ms. Mueller provided a list of her recommendations. Mr. Beaton stated that he was not comfortable with the conditions and wanted the dog removed from Kingston. Ms. MacFarlane had literature from the Akita Rescue Society of America which detailed the nature of the breed of dog. Ms. Mueller stated she made the recommendations based on her conversations with the owners. Upon motion made and seconded, following a discussion and a 5-0-0 vote, it was—

VOTED: To close the hearing.

Mr. Randall stated that he agree that the dog should be removed and suggested the Animal Rescue League. Ms. Mueller stated that they would not accept a dog that had bitten someone. Upon motion made by Paul Gallagher and seconded by Mr. Arruda, following a discussion and a 4-1 vote, it was—

VOTED: To declare the dog known as Grizzly as potentially dangerous and that in order to keep the dog the following conditions must be met within thirty days 30 days of the date of this order, by owners Laura and Christopher Lambert;

1. To decrease its aggressive tendencies, "Grizzly" shall be neutered and proof on neutering shall be provided to the Animal Control Officer.
2. The property located at 5 Centerhill Road, shall be clearly posted "Beware of the Dog"
3. "Grizzly" shall be muzzled when walked on the 5 Centerhill Road property or outside the property, by an adult using a non-retractable leash of no more than 6 feet in length.
4. Should "Grizzly" be removed from the premises or sold, the Animal Control Officer shall be provided with the name and address of the person taking custody or ownership.
5. If, there are any violations of the foregoing conditions, the Board shall order that the dog be destroyed.

Mr. Beaton did not support the motion.

The Board reviewed the Goals and Objectives listing that was compiled from those submitted by Board members. The Chairman suggested that members of the Board prioritize the five most important goals in each category using a 1-5 rating and to submit them for inclusion on the next agenda.

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

VOTED: To enter into executive session¹ to discuss Collective Bargaining, Pending Litigation and Financial Assistance not return to public session.

Respectfully Submitted:

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

¹ The public session adjourned at 8:35 p.m. and the executive session adjourned at 9:04 p.m.