

TOWN OF KINGSTON
BOARD OF SELECTMEN

MINUTES
August 18, 2009

Chairman Sandra D. MacFarlane opened the meeting of the Board of Selectmen held on August 18, 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 Open Forum and Maureen Thomas, Conservation Agent requested to speak on a new business item so she could return to the Conservation Commission meeting. Ms. Thomas advised the Board that a Conservation Restriction was needed to preserve the restricted portion of a single family house lot within the 100-foot buffer zone to bordering vegetated wetlands. She further advised that the Conservation Commission and the owners Mr. and Mrs. William Pica had signed off on the restriction and if the Board approved it would be sent to Executive Office of Energy and Environmental Affairs for final approval. Upon motion made by Mr. Gallagher and seconded by Mr. Arruda, following a discussion and a 5-0-0 vote, it was—

VOTED: To endorse the Conservation Restriction for 37 Rignedale Drive.

Laura Lamber requested to speak at Open Forum. Mrs. Lambert stated that she wanted the Board to hold a new hearing on the complaint about her dog “Grizzly” because she was not notified of the hearing and had a letter from the Post Office verifying that they had not attempted delivery of the certified letter from the Town. Mrs. Lambert also stated she was in compliance with the Board’s order but did not appeal the decision because she did not want to spend the funds to appeal a decision she felt the Board should not have made because she was not duly notified.

Ms. MacFarlane stated that she had asked Jill Myers if the notice was legal even if not placed in the newspaper and Ms. Myers stated it was. Ms. MacFarlane further stated that she did not think she would change her decision if there was a new hearing. Mr. Gallagher stated that it is the Board’s responsibility is to protect the public and the dog had been declared “potentially dangerous” and not destroyed. Mrs. Lambert questioned the policies and procedures of the Animal Control Dept. and stated the Board made a decision without all the facts.

Mr. Randall stated that the facts were self evident in that there was a history of biting and the second bite crossed the threshold.

Mrs. Lambert stated she complied with the Board’s order so that the dog would not be destroyed.

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

VOTED: Not to grant a new hearing and to maintain the disposition as voted on July 21, 2009.

Mrs. Lambert stated she had a complaint against the Animal Control Department and she was advised to file the complaint with the Town Administrator.

Julie Gutterson requested to speak at Open Forum and stated that she wanted to apologize to referring to Laura Lambert as Officer Lambert instead of just name during the hearing on July 21st.

The Board reviewed the Town Administrator's report. Items discussed were; the RFQ for the Senior Center Owner's Project Manager resulted in receipt of 13 responses, Mr. Beaton and Ms. Myers attendance at the MA Cities for Climate Protection Network meeting, the Wind Turbine Design and Procurement Grant and an interconnection agreement with NSTAR, and office hours held by Town Counsel to assist departments with legal questions.

The Board reviewed the minutes from various meetings. Upon motion made by Mr. Gallagher and seconded by Mr. Randall, following a discussion and a 5-0-0 vote, it was—

VOTED: To approve the public and executive session minutes of June 23, 2009 and to approve the executive and public session minutes of July 21, 2009, with a correction to the motion on the order made declaring the Akita named Grizzly to be potentially dangerous and "that all the conditions of the order are to be met within thirty days of the date of the order", and further that Mr. Beaton voted against the motion and did not abstain from voting.

Upon motion made by Mr. Randall and seconded by Mr. Arruda, following a discussion and a 3-0-2 vote, it was—

VOTED: To approve the public session minutes of July 7 and August 4, 2009.

Mr. Gallagher and Mr. Beaton abstained from voting.

Mr. Arruda reported on the business of the Conservation Land Review Committee.

The Board reviewed the Green Communities Planning Assistance Grant offered by Massachusetts Department of Energy Resources for up to \$10,000, in which the Town is required to agree to meet five criteria for energy efficiency and renewable energy activities. Mr. Beaton expressed that being designated as a Green Community is a move in the right direction for the Town. Upon motion made by Mr. Beaton and seconded by Mr. Gallagher, following a discussion and a 5-0-0 vote, it was—

VOTED: To endorse the letter of support for the Green Communities Planning Assistance Grant.

Ms. Myers requested that the prioritization of the Board's Goals and Objective be submitted for the next agenda.

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

VOTED: To accept the resignation of William Kavol from the Commission on Disabilities.

The Board reviewed the memo from Chief Heath requesting that the Board accept a vehicle from the Federal Government Excess Equipment Program administered by the Massachusetts Department of Conservation and Recreation at not cost to the Town.

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

VOTED: To accept the vehicle.

Mr. Gallagher suggested that the thank you letter be sent to Chief Heath and Captain Hatch for their efforts in securing the vehicle.

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 Financial Assistance and Pending Litigation and not return to public session.

Respectfully Submitted:

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

¹ The public session adjourned at 7:55 p.m. and the executive session adjourned at 8:15 p.m.