

TOWN OF KINGSTON
BOARD OF SELECTMEN

MINUTES
September 15, 2009

Chairman Sandra D. MacFarlane opened the meeting of the Board of Selectmen held on September 15, 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 made the announcements and asked if anyone present wanted to speak at Open Forum.

Ann Chaffey from the Kingston Garden Club was present to invite the Board and the public to attend a program at the Garden Club's meeting on October 10, 2009 from 9:00-10:00 a.m.

Rui Santos of 67 Pembroke Street was present to inform the Board and the public of a free lecture that was to take place on September 17, 2009 at Kingston Public Library.

The Board reviewed the minutes and Ms. MacFarlane made a correction to one of the votes. Upon motion made by Mr. Beaton and seconded by Mr. Arruda, following a discussion and a 5-0-0 vote, it was—

VOTED: To accept the minutes of the public session meeting of September 1, 2009 as corrected.

The Board reviewed the Town Administrator's Report. Items discussed were; the application by the Fire and Police Dept. for Staffing Grants, the Wind Turbine Design and Procurement Grant through MA Technology Collaborative and the selection of Weston & Sampson as the designer/engineer for the Wind Turbine project, and various meetings attended by the Town Administrator and staff.

Ms. Myers further advised that the FY11 revenue projections were being fine tuned, the Budget Advisory Committee recommended a 3% reduction off FY10 budgets and a Fall Town Meeting would not be needed because there were no FY10 budget adjustments that needed to be made at this time.

Ms. Myers reported that there was some discussion with both Fire and Police Chief involved regarding regionalization for dispatch with the County Sheriff's Dept.

Under Old Business, Mr. Gallagher reported on the progress of the Senior Center Project and the selection of an Owners Project Manager and the need now to engage the services of a Clerk of the Works.

Craig Dalton of Elm Street was present and asked if the Board was going to take up the continued hearing for Verizon on a pole placement on Elm Street. Upon motion made by Mr. Randall and seconded by Mr. Arruda, following a discussion and a 5-0-0 vote, it was—

VOTED: To open the hearing.

Ms. MacFarlane stated that the petitioner request a two week extension so that they engineer could further study alternatives to placing the pole at the proposed location. Upon motion made by Mr. Randall and seconded by Mr. Arruda, following a discussion and a 5-0-0 vote, it was—

VOTED: To continue the hearing until September 29, 2009.

The Board reviewed the Temporary Sign Policy prepared by Ms. Myers.

Ms. MacFarlane stated that she preferred that there were no signs allowed on public property.

Mr. Beaton stated he favored using Town property for placement of signs for Town events and non-profits. Ms. MacFarlane suggested a sign not bigger than two feet by two feet or the size of a political sign. Mr. Gallagher stated that he felt it was not a big problem and wanted to limit locations, only for non-profit and that no signs would be placed on the Town House lawn. Building Inspector/ZEO Paul Armstrong was invited to comment and he said that he supported any activity that gives guidelines; size, locations, etc. and he would issue permits that met the criteria and anything that did not would have to come back to the Board for approval.

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

VOTED:

The BOS shall allow temporary signs to be placed on Town-owned property upon approval of the Building Inspector/Zoning Enforcement Officer.

All Temporary signs must conform to the following:

1. Non-profit organizations only;
2. Not more than four (4) temporary signs per event placed on Town owned property at locations approved by the Building Inspector;
3. Temporary signs shall be no greater than the standard political sign size or 3' x 3';
4. Temporary signs may be put up/displayed no sooner than one (1) week prior to the event, and must be removed the day after the event.

Any requests that do not meet the conditions as stated above must be submitted to the Board of Selectmen for approval.

The Board reviewed the request of Brogg Sterrett, Director of the Endurance Sports event planned for May 1 and 2, 2010, for permission to have the race pass through Kingston on Town roads. Mr. Sterrett stated that the race was a two day event from Quincy to Provincetown and the span of time in Kingston would be limited to 7 a.m. to 2 p.m. on May 1st. He stated that due to staggered starting times for teams there would not be all the runners passing through at one time and traffic control would be coordinated with the Police Department.

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

VOTED: To approve the request subject to the Police and Fire Department's approval and coordination of safety measures.

Ms. MacFarlane read the public hearing notice on the application of Thorndike Development for an Earth Removal Permit. Lloyd Geisinger, Lindsey Wilson and David Eastridge were present representing

Thorndike Development. Ms. MacFarlane detailed the procedure of the hearing after which Mr. Randall stated that he did not believe that this application was appropriately before the Board at this time because they did not have an approved site plan.

Ms. MacFarlane stated that the Board had written concerns on this application from Conservation and the Water Department and noted further changes to the Thorkike MOU with the Sewer Department. Mr. Eastridge stated that the presentation that would be given would detail the project and would potentially address some of the concerns. Mr. Geisinger stated that they were currently discussing modifications to the MOU with the Sewer Commissioners. He further advised that it was the intention, during the first phase of the Earth Removal Permit to address an area of concern that was plighted from the previous earth removal along Marion Drive.

Mr. Eastridge gave a slide presentation of the various areas of development and the phases of earth removal that would be required for each area. A brochure was provided to the Board which contained the information that was shown in the slide presentation. Mr. Eastridge stated that the first phase would prepare the site for moving and the placement of the construction trailer. He further stated that the trucks hauling the earth would exit the project and head either north or south on Route 3.

Mr. Wilson came forward and stated that the first phase would consist of areas "1b" 1.81 acres and "2b" 2.72 acres. Mr. Eastridge stated that the removal process would be 1500-2000 cubic yards per day.

Mr. Randall questioned whether the application was properly before the Board. He advised that the site plan was before the Planning Board and through that process, the plan could be changed. Mr. Geisinger stated that he did not disagree, but the site of the trailer was not related to the site plan and he hoped to have discussion now for the location of the trailer and the earth removal process.

Mr. Beaton stated that the next step would be to post a bond. He added that it is a big project, one that has come before the Town over and over and was overwhelmingly supported and the Board should take a baby step and put the shovel in the ground for the trailer. Mr. Beaton suggested that moving forward with the earth removal may be the beginning process to access the \$600,000 from the state.

Mr. Randall questioned Mr. Geisinger on the progress of the MOUs and the one million dollars for the Water Dept. for the I86 well. Mr. Geisinger said he was working with the Sewer and Water Depts. for a more realistic time table. Mr. Randall further asked when the slip ramp would be constructed and if it would be completed before occupancy. Mr. Geisinger stated the litigation that was still pending would determine the time schedule and there was not way of knowing when it would conclude. He added that Mass Highway had approved the slip ramp. Mr. Arruda asked about the status of the Fire Truck for the Fire Dept. Mr. Geisinger stated that he needed the earth removal permit to be able to market the material and the funding would come from the sale of earth material.

Mr. Gallagher stated he agreed with Mr. Beaton; that for over three years, thousands of residents have supported this project and anticipated the commencement of construction. He suggested making a commitment by letting it get started. Mr. Gallagher stated that Mr. Geisinger needed a cash flow in order to honor the mitigation aspects of the project.

Ms. MacFarlane stated that the By-Law required an approved site plan, Mr. Armstrong had approved the plan siting the trailer and that Mr. Geisinger should stay within the approved use. She further stated that the Board's job was to make sure the ByLaw was met and the permit seeks to remove more than 200,000 yards which is not allowed under the By-Law. Ms. MacFarlane suggested that conditions for the removal needed to be met; hours of operation, route, etc. Mr. Geisinger stated he would take a list of questions and provide answers for the Board's next meeting.

There was further discussion regarding the number of trucks that the earth removal process would generate every day. Mr. Randall did a calculation and stated there would be approximately 107 trucks a day at the maximum and he had concern that the intersection would be further distressed.

Mr. Geisinger stated he was not opposed to using traffic details when Ms. MacFarlane questioned whether there was consideration to using traffic details.

Maureen Thomas, Conservation Agent was present and discussed some of the concerns of the Conservation Commission. She suggested that the Board set a sum of money to be provided by the applicant to pay for the costs of inspections, peer review and a traffic study. Ms. MacFarlane asked the Town Administrator if she could request a traffic count from Old Colony Planning Council. Mr. Geisinger stated that he had a study with the traffic figures and would forward it to the Board.

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

VOTED: To continue the hearing until the meeting on September 29, 2009.

The Board took a brief recess at 9:30 p.m. and returned to session at 9:40 p.m.

The Board reviewed the request by Fire Dept. employees to conduct a MDA Boot drive to collect donations at the Transfer Station. Upon motion made by Mr. Gallagher and seconded by Mr. Beaton, following a discussion and a 5-0-0 vote, it was—

VOTED: To approve the MDA Boot Drive at the Kingston Transfer Station on September 19, 2009.

The Board reviewed the appointments and upon motion made by Mr. Gallagher and seconded by Mr. Randall, following a discussion and a 5-0-0 vote, it was—

VOTED: To appoint Mary A. MacKinnon and Byung C. Chun to the Technology Advisory Committee.

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

VOTED: To accept with appreciation, the fifty dollar donation from Catherine M. Flaherty to the COA Building Fund.

Paul Maloney was present representing the Hillside Social Club to request that the Board lift the restriction on the number of outdoor events the Club could have from seven to an unlimited amount. Mr. Maloney stated the Club wanted to be held to the same standard for outdoor events as the Hilltop Athletic Club and others that have outdoor events. Mr. Beaton recused himself from participating in the discussion because he is a license holder. Mr. Randall said he wanted to hear from the abutters. Ms. Myers was asked verify the process to consider amending the number of events and Mr. Maloney was asked to check back with the office.

The Board reviewed the request of the Sisters of Divine Providence, Sacred Heart School for a one day license to hold a wine tasting charity event. Upon motion made by Mr. Gallagher and seconded by Mr. Arruda, following a discussion and a 5-0-0 vote, it was—

VOTED: To approve the request for the one-day license for use on October 24, 2009 from 7:00 p.m. to 10:00 p.m.

Under old business, the Board reviewed the settlement offer from N/Star to reimburse the Town for damages from the power surge. Upon motion made by Mr. Beaton and seconded by Mr. Gallagher, following a discussion and a 5-0-0 vote, it was—

VOTED: To authorize the Chairman to sign the Settlement Agreement.

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

VOTED: To enter into executive session¹ for the purpose of discussing financial assistance, collective bargaining and contract negotiation for non-union personnel.

Respectfully Submitted:

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

¹ The public session adjourned at 10:05 p.m. and the executive session adjourned at 10:30 p.m.