

TOWN OF KINGSTON
BOARD OF SELECTMEN

MINUTES
September 29, 2009

Chairman Sandra D. MacFarlane opened the meeting of the Board of Selectmen held on September 29, 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, and Town Administrator Jill R. Myers. Paul M. Gallagher was absent.

The Chairman read an announcement regarding the recycling program at the Transfer Station for non-profit organizations to benefit from the proceeds of can and bottles being recycled. Nancy Howlett announced that she and Dick Eldridge were contacting Eagle Scouts to ascertain information in order to compile the date for an Eagle Scout tribute in the 2009 Annual Town Report.

Mr. Beaton reported on the meeting with Weston & Sampson Engineers, the Green Energy Committee and Stakeholders for the Wind Turbine project.

Sergeants Potrykus and Ballinger were present to request that the Board designate the corner of Lake and Grove Street as O'Brien's Corner, after the late Officer Dennis P. O'Brien. Sgt. Potrykus read a letter recognizing the accomplishments of Officer O'Brien in his 42 year career and as a volunteer for numerous Boards and Committees. Sgt. Potrykus advised that there would be a dedication ceremony on Officer O'Brien's birthday; May 21, 2010 and a plaque would be purchased by the Police Assoc. and placed on an existing pole. Members of the Board expressed their appreciation for the service of Officer O'Brien and the Police Association for initiating the designation. Upon motion made by Mr. Arruda and seconded by Mr. Randall, following a discussion and a 4-0-0 vote, it was—

VOTED: To designate the corner of Lake and Grove Streets as "O'Brien's Corner".

Upon motion made by Mr. Randall and seconded by Mr. Arruda, following a discussion and a 4-0-0 vote, it was—

VOTED: To re-open the pole hearing, continued from the meeting on September 1st.

Ms. MacFarlane stated that Verizon requested to withdraw its petition in order to conduct further studies on alternatives to placing a pole at the location on Elm Street. Upon motion made by Mr. Randall and seconded by Mr. Arruda, following a discussion and a 4-0-0 vote, it was—

VOTED: To close the hearing; and further

VOTED: To deny without prejudice, Verizon's request to place an anchor pole on Elm Street.

Jean Landis-Naumann was present as the Board of Selectmen's representative on the Earth Removal By-Law Review Committee. Mrs. Landis-Naumann outlined the changes that were being proposed by the Committee for action at the Annual Town Meeting.

Upon motion made by Mr. Randall and seconded by Mr. Beaton, following a discussion and a 4-0-0 vote, it was—

VOTED: To accept the report of the Earth Removal By-Law Review Committee as presented, forward the Report to Town Counsel for review and include an article on the Annual Town Meeting Warrant to amend the By-Law.

¹Mr. Beaton asked the Chariman that in view of the fact that Mr. Gallagher was absent, if it would be appropriate to postpone the Earth Removal hearing for Thorndike Development. Ms. MacFarlane stated that she thought it was appropriate.

Mr. Randall stated that in consideration of the correspondence received from Building Inspector Paul Armstrong, the application was not properly before the Board in that the earth removal was not incidental to the relocation of the construction trailer and did not meet the design for the master site plan. He made a motion to continue the hearing indefinitely which was seconded by Mr. Beaton for discussion. Mr. Beaton asked that Town Counsel weigh in on whether it is properly before the Board and suggested a continuance. Ms. MacFarlane said the Board should continue until such time as the Planning Board approves the site plan. Mr. Beaton stated he wanted to deal with the issue of the Earth Removal permit and not what actions are being taken by the Planning Board. He further stated that it could be on the next agenda but the Board could wait a few more weeks if needed. Ms. MacFarlane stated she was concerned with Section 3C of the By-Law regarding the requirement for definitive site plan approval. Mr. Arruda stated he agreed.

Mr. Randall stated the motion could be non-date specific since the Planning Board is in the final stages of the site plan approval after which the application could be presented formally. He suggested that they deny the application without prejudice. Ms. MacFarlane stated if they do not give a date, the application would have to be re-published and abutters would be upset and she amended the motion to add the date for two meetings from the current meeting. Mr. Randall stated the hearing should not be before the Board until the conditions are met and that the applicant should withdraw and resubmit when there is an approved site plan. Mr. Randall was asked to re-state the motion and moved to continue until the definitive subdivision plan was approved by the Planning Board. Mr. Beaton advised that he did not agree to that motion with his second. Mr. Arruda asked if two weeks would be long enough and Mr. Beaton amended the motion to a month. Ms. MacFarlane called for the vote and it was—

VOTED: To continue the hearing on the Thorndike Earth Removal Application until October 27, 2009

The applicant, Mr. Geisinger, requested to address the Board and requested that the Board consider the application in parallel with the Site Plan review and to ask Town Counsel if that would be appropriate.

Robert Janjugian was present representing the Kingsbury Club on their application for a pledge of license. Upon motion made by Mr. Arruda and seconded by Mr. Randall, following a discussion and a 3-0 vote, it was—

VOTED: To approve the pledge of license for Kingsbury Club.

Mr. Beaton recused himself from participating and voting on the matter.

¹ Due to a request by Mr. Randall, when the minutes were presented to the Board for approval at its meeting on October 13th, the CD of the meeting was reviewed and the discussion prior to the vote to continue the ER Permit for Thorndike Development was expanded.

The Board reviewed the Town Administrator's report. Items discussed were; FY2011 Budget preparation and the Budget Advisory Committee's directive for 3% bottom line cuts from the FY10 approved budgets, FY2010 Budget update and potential impact of 9C cuts by the state, and the Wind Turbine Design and Procurement. (Town Administrators full report is available on the Town's website)

Mr. Arruda gave an update of the business of the Conservation Land Review Committee. He advised that the Finance Committee member position was vacant and the Committee felt a representative from the Recreation Commission would be more appropriate. Upon motion made by Mr. Arruda and seconded by Mr. Beaton, following a discussion and a 4-0-0 vote, it was—

VOTED: To change the composition of the Conservation Land Review Committee by eliminating the Finance Committee representative and replacing it with a Recreation Commission representative.

Mr. Beaton advised that he received a call from Joe Freitas, a Selectman in Plympton who asked about the status of the ETA with Plymouth. Mr. Beaton suggested that the Town Administrator contact Plymouth to check on the status of the Agreement. The Board also discussed the possibility of joining in Wareham's or Brockton's ETA.

The Board reviewed the request of Soul Sister Foundation to hold the 2nd Annual Kingston Turkey Trot on Streets in Kingston. Mr. Beaton noted that he participated in the event the previous year and stated it was a great run/walk. Upon motion made by Ms. MacFarlane and seconded by Mr. Randall, following a discussion and a 4-0-0 vote, it was—

VOTED: To approve the request with the provision that the Detail Officers is coordinated with the Police Department and the sign permit for 4 locations is issued by the Building Inspector in compliance with the new sign policy.

The Board reviewed the request to accept a donation from Kingston Youth Baseball Softball League to build roofs on the dugouts at Opachinski Field Complex. Upon motion made by Mr. Beaton and seconded by Mr. Randall, following a discussion and a 4-0-0 vote, it was—

VOTED: To accept the donation with great appreciation.

Upon motion made by Mr. Randall and seconded by Mr. Arruda, following a discussion and a 4-0-0 roll-call vote, it was—

VOTED: To enter into executive session² for the discussion of collective bargaining and Contract for non-union personnel and not return to public session.

Respectfully Submitted:

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

² The public session adjourned at 8:00 p.m. and the executive session adjourned at 8:17 p.m.