

TOWN OF KINGSTON  
BOARD OF SELECTMEN

MINUTES  
April 29, 2008

Chairman Mark S. Beaton opened the meeting of the Board of Selectmen held on April 29, 2008 at 7:00 p.m. in Room 200 at the Town House, 26 Evergreen Street, Kingston. Present were, Vice Chairman Sandra D. MacFarlane, Paul M. Gallagher, Jean Landis-Naumann, Dennis N. Randall and Town Administrator Kevin R. Donovan.

The Chairman stated the first order of business following the recent election would be to reorganize.

Mr. Randall's nomination of Mr. Gallagher for Chairman was seconded by Ms. MacFarlane. After considerable discussion and a 4 to 1 vote, it was—

VOTED: For Mr. Gallagher to assume the roll of Chairman.

Mrs. Landis-Naumann did not support the motion.

Mr. Gallagher stated that he would like to see Ms. MacFarlane continue as Vice Chairman. Mr. Beaton nominated Mrs. Landis-Naumann. The nomination was not seconded. Mr. Randall nominated Ms. MacFarlane and Mr. Gallagher seconded the nomination. Upon motion made and seconded, following a discussion and a 4-1 vote, it was—

VOTED: For Ms. MacFarlane to continue as Vice Chairman.

Mrs. Landis-Naumann did not support the motion.

Mr. Gallagher announced the Open Forum. Norm Harbinson of 55 Grove Street came forward and announced that he would be hosting a show on PACTV called Spotlight on Kingston which would cover varied subject and would highlight the appointment vacancies. Ms. MacFarlane suggested other shows could cover social issues particularly Cancer awareness. She stated that she would be willing to share her personal experiences.

Mr. Gallagher stated that there was a very low turnout at the annual election in that only 12% of the registered voters, voted. Mark Guidoboni suggested that the Board should give consideration to changing the date to the first week in May so that it did not interfere with the school vacation when many people were away from Town. Mr. Gallagher request that the matter be put on Old Business to be addressed at a later date.

Mr. Gallagher stated that Ms. MacFarlane requested that the Board further review and discuss the Aquaculture Permit process. He asked Ms. MacFarlane to take the lead on the matter. Mr. Gallagher described the process up to receiving a letter from Marine Fisheries stating that if permitted, the area of the leases would require year-round supervision and that Kingston only had a part-time Harbormaster/Shellfish Constable. Ms. MacFarlane stated that Kingston has a part-time Harbormaster/Shellfish Constable, two paid assistants and appointed volunteers and felt that those individuals could provide the supervision necessary to satisfy Marine Fisheries.

Frank Catani, Harbormaster was present and stated that in addition to full-time supervision/monitoring, the Town would need a boat that could stand harsh weather conditions, place channel markers year-round and possibly purchase survival gear. He stated that many other communities that have aquaculture leases can patrol their lease areas from the shore but since Kingston has such a small shoreline and the area is so

far from shore it would be approximately a three mile trip around Duxbury to get to Kingston's proposed leased area. Ms. MacFarlane stated that an alternative would be to utilize volunteers in addition to the paid staff to do the monitoring. Mr. Catani stated that both paid Shellfish Constables are paid minimal stipends and have other full-time positions.

Mr. Catani estimated that the gasoline alone for the monitoring on an annual basis would cost \$2,500.00 plus the wear and tear on the boat with so much patrolling. He advised that with the cost of gas this year, residents may not be traveling far and boaters would be staying in the immediate waters. Mr. Catani stated that it would be difficult for boaters, jet skiers, and water skiers to maneuver in the area of the proposed leases because the land cannot be passed over by boat or on foot.

Mr. Catani stated that seeding had been done since 2002 and most of the seeding had been done on the flats. Mr. Beaton stated that if the Board were to move forward, a public hearing would be held before the Board made a decision. He further stated that the grants would be given through a lottery system.

Mr. Randall stated that fees to the Town per acre are between five and twenty-five dollars and would yield one hundred thousand dollars for the farmer of the aquaculture lease. He further stated that with income of between fifty and one hundred thousand dollars on a public resource it would result in privatizing a public resource raising a compelling question to the Town with minimal benefit. Additionally, the public would be inconvenienced in a portion of the pay.

Mr. Catani stated that he was 100% in favor of aquaculture but it is a small bay and over 200 people pay to moor their boats. He advised that accommodating both in addition to the cost for monitoring would be difficult.

Ms. MacFarlane stated that aquaculture would be a big benefit to the bay and that the State is very excited about full time monitoring.

Mark Guidoboni was present and stated that the Harbormaster and Waterfront Committee budgets had been combined and was approximately thirty thousand dollars and that the Shellfish and Harbormaster budgets had been combined years ago when the flats had been closed. He stated that this matter came forward when his niece was doing a service project and had taken the rules and regulations from the Town of Duxbury and modeled them for the Kingston Bay. He added that the Board had not adopted them. Mr. Guidoboni provided the following information;

- the area's designation was due to the Board of Selectmen's vote to open the beds conditionally
- the area seeded was not in the aquaculture area
- the Shellfish Constable would be required to monitor markers
- volunteers could assist in year-round monitoring
- suggests that the Board vote to open the area unconditionally
- important to move forward in light of Article 31 of the ATM designates that aquaculture is part of farming.

Mr. Randall offer that he was not opposed but had concerns that with heavy expenses that farmers would be making a profit at the expense of the public.

Mr. Beaton suggested that in fairness, the Board should hear directly from the Division of Marine Fisheries and suggest they be invited to a future meeting. Mr. Gallagher stated that he agreed and they could hear first hand what equipment the Town will need and what impact the commercial enterprise would have on private use. Upon motion made and seconded, following a discussion and a 5-0-0 vote, it was—

VOTED: To invite the Division of Marine Fisheries to attend a future meeting to discuss the aquaculture program as it relates to Kingston Bay.

The Board reviewed the Town Administrator's report. Items discussed were; the State budget, the new trench safety regulations being delayed until January 2009 and the training seminar being put on my Massachusetts Selectmen's Association.

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

VOTED: To approve the public session minutes of the April 15, 2008 meeting.

Mr. Randall did not participate in the vote.

Ms. MacFarlane asked if any Board member wanted to participate in the Regional Task Force in her place. Mr. Randall initially expressed an interest and then withdrew. Mr. Gallagher stated that should Ms. MacFarlane continue on the Task Force, he would attend if she were unable to. Ms. MacFarlane stated that she would like to take the position on the Conservation Land Review Committee vacated by former Selectman Kelleher. Members of the Board supported Ms. MacFarlane's appointment to the Land Review Committee.

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

VOTED: To appoint Douglas G. Hawthorne as Plumbing and Gas Inspector.

The Board reviewed the interest of two applicants for the one vacancy as Deputy Shellfish Constable. Mr. Beaton advised that Harbormaster Catani had made the recommendation for the appointment of Thomas Bolus. Ms. MacFarlane asked if they could add to the number of volunteer positions. Mr. Donovan stated that he would check with the Harbormaster.

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

VOTED: To appoint Thomas Bolus as the Deputy Shellfish Constable.

Mr. Gallagher suggested finding out if there were a need to add another Shellfish Constable.

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

VOTED: To enter into executive session<sup>1</sup> for the purpose of discussing discipline or dismissal of a public employee and to consider the lease and value of real property and not return to public session.

Respectfully Submitted:

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

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<sup>1</sup> The public session adjourned at 8:00 p.m. and the executive session adjourned at 9:45 p.m.