

TOWN OF KINGSTON
BOARD OF SELECTMEN

MINUTES
August 2, 2011

Chairman Richard J. Arruda opened the meeting of the Board of Selectmen held on August 2, 2011 at 7:00 p.m. in Room 200 at the Town House, 26 Evergreen Street, Kingston. Present were Vice Chairman Joseph F. Casna, Jr., Mark S. Beaton, Sandra D. MacFarlane, Ronald A. Gleason and Town Administrator Jill R. Goldsmith.

The Chairman announced the open forum and no one requested to speak.

Mr. Arruda announced that this would be the last meeting for Town Administrator Jill Goldsmith and that she was leaving to assume the position of Town Manager in Chatham. Members of the Board thanked Ms. Goldsmith for her service and wished her well in her new position.

Dick Eldridge was present to introduce Sam Beane, Kingston's 114th Eagle Scout and Mr. Arruda presented Mr. Beane with a plaque of recognition.

Mr. Arruda read the letter sent to Raymond Viega, 35 Page Avenue, Kingston regarding a complaint from Animal Control Officer Debra Mueller that the pit bull, owned by Mr. Viega should be deemed a dangerous dog. All those present who would be testifying on the matter were sworn in by Mr. Arruda.

Ms. Mueller stated that she had tried on numerous times to work things out with Mr. Viega because the dog was consistently loose and she received complaints from the neighbors. She detailed the dates and times of the complaints and the dates of citations and charges. She advised that to date she received 21 loose dog complaints, wrote 7 loose dog citations, 2 written contracts entered into to resolve the problems had failed and one failure to license citation. She requested that the Board declare the dog to be dangerous and issue an order for restraint or disposal of the dog.

Raymond Viega stated that he had letters from neighbors that love the dog. He admitted that he was guilty of letting the dog get out and he apologized to the neighbors for that. Mr. Viega stated that there has been no inclination that the dog is dangerous, he has not bitten anyone and that when someone comes to the door, he slips out. He expressed his concern that Ms. Mueller stated that his dog could be shot on site by Police Officers.

Ms. MacFarlane stated she would not want to see the dog shot for being loose but it was the dog owner's responsibility to confine the dog.

Mr. Casna stated that under the law, there were three areas to look at; whether the dog had a vicious disposition; excessive barking; other disturbance such as people in fear.

Mr. Gleason asked about an action plan that Mr. Viega agreed to; license the dog and have him neutered. Mr. Viega stated that he did have Roscoe neutered.

Mr. Arruda stated that he owned a dog that he described as an escape artist and to alleviate the problem, he keeps the dog in a crate in the house. He suggested that Mr. Viega get a crate and when in the home, keep the dog crated.

Ms. Mueller suggested that Mr. Viega install a spring loaded entry way door and that Roscoe be restrained on a 6 ft. non-retractable leash.

Carol Howard of 18 Paige Avenue came forward and spoke of an incident when Roscoe was loose.

Mr. Beaton stated that he knew Mr. Viega as a businessman and felt he would follow through with whatever the Board decides.

Ms. Sadleman came forward and stated that she had cleared up on the fines. She stated that she and her son were in the home and Roscoe does not ever show his teeth.

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

VOTED: To close the hearing.

Mr. Beaton recused himself from voting.

Ms. Goldsmith suggested declaring that the dog is a nuisance.

Upon motion made by Mr. Casna and seconded by Ms. MacFarlane, following a discussion and a 4-0 vote, it was—

VOTED: To declare that the dog know as Roscoe is a nuisance and that he be confined to a crate of the proper size for the breed of the dog and that at all other times he be restrained on a six foot non-retractable leash and that Mr. Viega comply with the term set out by the Board within twenty-four hours.

Keith Elder, Chairman of the Town Government Study Committee (TGSC) was present to discuss with the Board the article to combine the Collector and Treasurer positions. He advised that the Committee fully supported combining the position but after much debate the Committee voted 4-3 to support the position being appointed rather than elected. He stated that the Committee had a problem with the motion and the transition from elected to appointed and offered an amendment. Mr. Beaton stated that there was no problem with the motion. Ms. MacFarlane asked Mr. LaBrache if he would be seeking the position. Mr. LaBrache stated that he was not looking to make a career and he would discuss the time frame if it was approved.

Ms. Goldsmith advised that it would take three to four months if approved before anything took place.

Mr. Casna stated he did not want to take it out of the hands of the voters. Mr. Gleason stated he had no problem with Mr. LaBrache taking over the combined position.

Mr. Arruda thanked Mr. Elder for coming forward.

Ms. Goldsmith stated that consistent with the TGSC's recommendation, upon passage, the Treasurer would serve as the first Treasurer/Collector through an employment contract.

Upon motion made by Mr. Beaton and seconded by Mr. Gleason, following a discussion and a 4-1 vote, it was—

VOTED: To support the TGSC's version of the motion under Article 2 of the Special Town Meeting, combining the elected positions of Collector and Treasurer, to include the following language; Section 2. insert after section one, upon the effective date of this act, the positions of elected Town Treasurer and elected Tax Collector shall be abolished and the terms of the officers holding said offices shall be terminated.

Mr. Casna did not support the motion.

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

VOTED: To accept the minutes of the June 6 and June 19, Public and Executive Session Minutes.

The Board reviewed the Town Administrator's Report. Items discussed were;

Special Town Meeting (STM) – 7:00PM, August 9 at KIS

Ms. Goldsmith reported that following the BOS discussion of the motions, the warrant with suggested motions will be uploaded to the website, distributed to various Town locations, and provided at the STM. The Community Preservation Project article (#1) requires a quorum of 100. The article to combine and appoint the Treasurer/Collector does not have a quorum requirement. The suggested motions have been provided to the Moderator and approved by Town Counsel.

\$2,000 -Grant Award – Solar Charging Stations:

The Town of Kingston seeks to install two "Level 2" pedestal style multi vehicle charging station : one each at the Kingston MBTA commuter rail station and a second at Independence Mall (Kingston's regional mall). These locations were selected as places where a vehicle can reasonably be expected to park for several hours whether on a shopping trip or a commute to Boston.

The MBTA station is located in the south part of Town near the Plymouth town line just off Route 3. There are 1039 parking spaces at the MBTA commuter rail station serving commuters from Kingston, Plymouth and the Cape. Nearly all vehicles parked at the "T" Station are there for a minimum of three hours, the commute into Boston via train is approximately one hour each way. One multi vehicle charging station would be located in the east corner of the lot closest to the platform to provide both convenience for commuters and the most economical extension of power for a dedicated 240VAC branch circuit to the spaces.

The Independence Mall has 4076 spaces and fifteen entrances. The proposed location for a multi- car charging stations will be proximal to where 240 volt power is readily available possibly near the Borders book store entrance.

Renewable Energy Projects:

A check list has been created to note deliverables (payments) and time tables for both the Power Purchase Agreements (PPA) and Lease Agreements for both the wind and solar projects.

Renewable Energy Grant and Loan Opportunities Committee: Ms. Goldsmith stated that she was very pleased to announce that we have an Intern from UMASS Dartmouth, Jeffrey Gillis, who is assisting our office with compiling suggested policies and regulations for this Committee once it convenes based on other similar municipal programs nation-wide. He is also assisting the Conservation Agent for stormwater pollution prevention task.

On-going/Project Status Checklist:

A Department Head meeting is scheduled for 8/3 to discuss project status, and for the group to share updates on pending and upcoming items.

Ms. Goldsmith expressed her appreciation to the Kingston citizens, BOS, Department Heads, and Officials for the opportunity to serve as the Town Administrator.

Ms. Goldsmith provided the Budget Process and Town Meeting Calendar for the Board to review. She suggested that the Board hold a special meeting to review budgets prior to submittal to the Finance Committee.

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

VOTED: To accept the Budget Process and Town Meeting Calendar as presented.

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

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

Upon motion made by Mr. Beaton and seconded by Ms. MacFarlane, followed by a discussion and a 4-1 vote, it was—

VOTED: To appoint Peter Boncek to the Audit Committee

Mr. Casna did not support the motion.

The Chairman announced the Committee vacancies.

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

VOTED: To grant a precious metals license to Sterling Jewelers Inc. dba Kay Jewelers #1225 in order for the licensee to accept trade-ins on diamond merchandise, value will be given to diamonds only and no value given to the gold; customers will be required to make a purchase the same day in the store for twice the value of the trade-in and customer will receive no cash for their trade.

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

VOTED: To approve the 2011 Duxbury Triathlon on Saturday, September 24th subject to the Police Dept. approving the traffic plan, and further;

VOTED: To enter into executive session, at 8:45 p.m. for the purpose of discussing Financial Assistance, Strategy session in preparation for negotiations with nonunion personnel and collective bargaining (KTEU & IAFF)

Respectfully submitted;

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