

TOWN OF KINGSTON
BOARD OF SELECTMEN

MINUTES
September 27, 2011

Chairman Richard J. Arruda opened the meeting of the Board of Selectmen held on September 27, 2011 at 6:30 p.m. in Room 207 at the Town House, 26 Evergreen Street, Kingston. Present were Vice Chairman Joseph F. Casna, Jr., Mark S. Beaton, Ronald A. Gleason and Sandra D. MacFarlane. Also present was Town Counsel Jay Talerman.

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

VOTED: To enter into executive session for the discussion of pending litigation.

At 7:00 p.m. the Board reconvened the meeting in Room 200. Chairman Arruda noted the passing of Margaret Warnsman and announced the Open Forum. No one came forward to speak at Open Forum.

The Chairman invited Mr. Basler, Highway Supt. to make his request for the Board to set the snow plow rates. Mr. Basler advised that the rates that he was requesting a \$4.00 per hour increase for hired plows and would keep Kingston close to the average charged by most municipalities. Upon motion made by Mr. Gleason and seconded by Ms. MacFarlane, following a discussion and a 5-0-0 vote, it was—

VOTED: To accept the recommendations of Mr. Basler as follows;

- Eliminate the \$1.00 per hour cell phone rate
- Eliminate the ½ hour hookup fee and compensate the contractors from the time they report to the Highway Barn
- Increase the hourly rate by \$4.00 per hour
- Add the following; Front end loader 2-3 yd. \$105, 3-5 yd. \$145, 4WD Backhoe \$95, and Skid Steer Loader \$85

Tom Bott, Town Planner was present to update the Board on the efforts to locate three (3) EV Charging Stations that the Town was awarded through a grant from DOER. Mr. Bott stated that the Town was required by terms of the acceptance to install the stations by December 31, 2011. He advised that the Mall and the MBTA would not commit to funding the installation and the state was only providing \$1,000 per station for the installation. Mr. Bott stated he obtained quotes ranging up to \$12,000 for the installations. He suggested that in order to salvage the installation of at least one station, that it be installed at the Town House with the Highway shifting some funds to provide funding.

Mr. Beaton stated that the Board should send a message to the MBTA stating the Board's disappointment that they would not provide funding to install a charging station at the commuter parking lot. Upon motion made by Mr. Beaton and seconded by Mr. Gleason, following a discussion and a 5-0-0 vote, it was—

VOTED: To send a letter to the MBTA, copying Senator Murray and Representative Calter, advising the Board's disappointment for the MBTA's decision to not fund the installation of the EV Charging Station at the Commuter Parking lot.

Mr. Beaton stated that the Town should advise DOER that we will accept two Charging Stations; one to be installed now at the Town House and the second to be installed at another location after Town Meeting approves the funding at the Special Town Meeting in the Spring. Mr. Arruda questioned whether they could accept the equipment without the funding in place and Mr. Beaton stated that they could return the Charging Station if the funding was not approved.

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

VOTED: To support requesting two (2) EV Charging Stations under the grant and advise DOER that the second will be installed after funding is obtained at the Special Town Meeting in April.

Town Counsel Jay Taleran stated that litigation brought by Waterhouse on the Boards decision in September 2008, to indefinitely table a request to open William Gould Way, resulted in the Judge vacating the decision on the case and remanding it back to the Board to set forth its reasons for such actions. Attorney Taleran said that the decision of the Plymouth Planning Board to approve the Waterhouse project in Plymouth conditioned on the opening of William Gould Way, placed the Board in its present situation. He further stated that a meeting had been held with Attorney Angley and his client and Chairman Arruda, Town Planner Thomas Bott, Asst. to TA/BOS Nancy Howlett and himself to discuss the request to open the William Gould Way and to see if there were any offers to mitigate the problems that will be encountered with such opening. He stated that the presentation at the meeting was essentially the same as the original presentation to the Board in 2008.

Attorney Jeffrey Angley came to the podium and distributed a package of documents to each member of the Board. He introduced William Shaw from Associated Engineers who showed a plan for the widening of a section of William Gould Way. Attorney Angley stated that his client was willing to;

- Contribute \$3,000 to redesign the drainage problems
- Pay the costs to retune the traffic lights, six months after the opening

Attorney Angley stated that due to concerns expressed at the meeting about the impact to the Independence Mall, his client had obtained signatures from most of the businesses at the Mall supporting the construction of the two car dealership and hotel and the opening of William Gould Way and that Lowes sent a letter of support. He made reference to numerous traffic studies that had been conducted which minimized traffic impact to the intersection and that the traffic problems at the intersection are not of his client's making.

Waterhouse Properties owner, stated he needed the Board's permission to open the Way to get the project going. He stated that the project would increase growth, create new jobs and drive more business to the Mall.

Bill Hallesey, Chairman of the Plymouth Board of Selectmen stated that this was a joint effort between Kingston and Plymouth, with a tremendous value. He suggested that Plymouth and Kingston could collect building fees from any development in the area to continue to fund impact studies on the area of development. Town Counsel advised that from a legal perspective, the fee would be a tax and it could not flow from Kingston to Plymouth and would not pass a legal test.

Mr. Beaton stated that there were not changes to the presentation that they heard the first time around in 2008 and that his (Mr. Beaton's) decision was not based on many things; traffic on Smith's Lane the dead lock of traffic on Route 3A that stretched from one end of town to the other, and the development of Colony Place in Plymouth and impact it had on the Independence Mall. He stated that the new theater at the Mall, could be the light at the end of the tunnel and could turn things around for the Mall. Mr. Beaton stated there were no guarantees that ten years down the road, if the dealerships move out of the area, another Mall, sports complex or theater could locate in Plymouth and have a greater impact to the Independence Mall, the highest tax base in Kingston.

Mr. Beaton stated the simple solution to the matter was for the developer (Waterhouse) to go back to the Plymouth Planning Board to revise its decision and allow the development to end on a cul-de-sac, like many of the roads in the Plymouth Industrial Park. He stated that there was visual frontage from Route 3 and the development could be accessed from Exit 7. Mr. Beaton said that due to all the reasons he stated the developer should look to the Plymouth Planning Board for relief of the conditions they set which burdens the Town of Kingston.

Ms. MacFarlane stated that she agreed with Mr. Beaton and that in addition to what he said; there would also be wear and tear on the roads with the increased traffic in Kingston. She said that the \$3,000 offered to study storm water management would not come close to the cost based on knowledge gained through her employment in a Conservation office. She further stated that it was the Plymouth Planning Board that put the problems on the table.

Mr. Casna noted that the Kingston car dealerships; Sullivan Brother and Marty's GMC had not signed the support petition. He added that he felt the best solution for Kingston was for the development to end in a cul-de-sac in Plymouth. Mr. Gleason also agreed with the cul-de-sac recommendation.

Chairman Arruda stated that his greatest concern was there were no guarantees what would be developed and the impact it could have on the Mall.

Mr. Smergian stated that the dealerships were destination locations and would bring business to Kingston from everywhere. He said the Lexus dealership intends to service about 300 cars a day and those owners would have the disposable income the area needed to attract. He stated that before he purchased the property he met with the Planning Boards from both Towns and that they expressed that they would support development that would open the Way for a better traffic flow and create a corridor between the Towns.

Mr. Beaton stated that Kingston was not looking for more traffic and that the Board was looking after the interest of the community. He stated that the biggest Toyota dealership in MA was located on a cul-de-sac in Braintree.

Mr. Beaton made a motion to ask Town Counsel to vigorously defend the Town's rights in not opening William Gould Way. The Motion was seconded by Ms. MacFarlane.

Attorney Talerman asked the Board to reduce the Board's decision to writing and that a draft be presented at the meeting on Oct. 11th.

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

VOTED: To have Town Counsel prepare the decision of the Board to not approve the opening of William Gould Way and that the Board will review and approve the decision its next meeting.

Dorothy Odkrider and Dennis Randall each came forward to express their interest in seeking an appointment to the Council on Aging Board. A motion was made by Mr. Gleason and seconded by Mr. Beaton to appoint Ms. Odkrider and Mr. Casna made a motion and seconded by Mr. Arruda to appoint Mr. Randall. Upon roll-call vote; in which Ms. Odkrider received three votes from Mr. Beaton, Mr. Gleason and Ms. MacFarlane and Mr. Randall received two votes from Mr. Casna and Mr. Arruda, it was—

VOTED: To appoint Ms. Odkrider to the Council on Aging Board.

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

VOTED: To appoint Eugene Wyatt to the Renewable Energy Grant and Loan Opportunities Committee representing the Green Energy Committee, Christopher L. Eklund, representing the Finance Committee and Sandra MacFarlane as the Board of Selectmen's representative.

Ms. Howlett provided the Staff Report.

Elm Street Bridge Construction Schedule; Motion made by Mr. Gleason and seconded by Mr. Beaton, following a discussion and a 5-0-0 vote, it was—

VOTED: To approve the hours of 7 a.m. to 5:00 p.m. Monday through Saturday.

Donated Organ located at Town House to be moved to Senior Center; The Board discussed the donation accepted in November 2009 and that some Senior expressed the desire to have a player piano rather than the organ. Upon motion made by Mr. Beaton and seconded by Mr. Gleason, following a discussion and a 5-0-0 vote, it was—

VOTED: To authorize Ms. Howlett to proceed with moving the organ to the Senior Center.

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

VOTED: To accept, with thanks, the resignation of Fran Hoeg from the Town Government Study Committee, and further;

VOTED: To appoint Anna Wallace to the Old Colony Planning Council Area Agency for Aging as the Alternate Delegate, and further;

VOTED: To accept the donations to the Council on Aging Gift Account as follows; Jane Tellier \$100 and Sarah Loomis Moran \$10.

The Board reviewed the request for the Soul Sister Foundation to hold the annual Walk/Run on November 19th and request for the placement of signs three weeks prior to the event.

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

VOTED: To approve the route for the race to be coordinated with Lt. Splaine and to approve the placement of signs three weeks prior to the event.

The Board reviewed the request to waive the ambulance fee due to a financial hardship. Upon motion made by Mr. Beaton and seconded by Mr. Casna, following a discussion and a 5-0-0 vote, it was—

VOTED: To waive the fee in the amount of \$1207.13.

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

VOTED: To enter into executive session at 8:55 p.m. to discuss strategy in preparation for contract negotiations with nonunion personnel and not return to public session.

Respectfully submitted;

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