

TOWN OF KINGSTON
BOARD OF SELECTMEN

MINUTES

December 9, 2008

Vice Chairman Sandra D. MacFarlane opened the meeting of the Board of Selectmen held on December 9, 2008 at 7:00 p.m. in Room 200 at the Town House, 26 Evergreen Street, Kingston. Present were Mark S. Beaton, Jean Landis-Naumann, Dennis N. Randall and Town Administrator Kevin R. Donovan. Chairman Paul M. Gallagher joined the meeting at 7:25 p.m.

Ms. MacFarlane announced the dates to note and the Open Forum. Elaine Fiore, Sewer Commission Chairman was present to update Phase II sewer customers on the billing schedule.

Mr. Randall encouraged residents to attend and take advantage of the Luminary display.

Mr. Beaton suggested taking some of the business items out of order in order to wait for Mr. Gallagher to arrive for the scheduled appointment. Mrs. Landis-Naumann advised that the Agricultural Commission was interested in establishing a Committee to review the Earth Removal ByLaw because the Commission felt it had an unintended negative impact on agricultural activities. She advised that the Commission wanted to have a broad based review of the ByLaw and to make recommendations for amending it for the Annual Town Meeting. Mr. Randall stated that he had spoken with Barry Mathias and agreed that the ByLaw as written is not enforced and is inconsistent. He suggested the Committee be comprised of members of the Board of Selectmen, Planning Board, and the Conservation Commission would be determine whether commercial mining should be allowed.

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

VOTED: To establish a Committee to review and make recommendations regarding the Earth Removal ByLaw and that the Committee be comprised of a member of the Board of Selectmen, Planning Board, Conservation Commission, Agricultural Commission and a Citizen-at-Large.

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

VOTED: To grant the renewal of licenses for 2009 as presented. (A complete list is on file in the Selectmen's office)

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

VOTED: To waive the ambulance fee due to a financial hardship, and further:

VOTED: To accept the donation of \$2,000 fro the Soul Sisters Foundation for the Recreation Department.

Mr. Gallagher joined the meeting at 7:25 p.m.

Mr. Beaton advised that he had written a letter to Senator Therese Murray and Representative Thomas Calter to support the initiative to use CPA funds for an additional use; Green Energy initiatives. He requested that the Board support the idea of sending a letter to the other 122 communities in the state that have accepted the Community Preservation Act. Upon motion made by Ms. MacFarlane and seconded by Mr. Breaton, following a discussion and a 5-0-0 vote, it was—

VOTED: To send a letter to CPA communities requesting support to add Green Energy initiatives to the allowed use of CPA funds.

Chairman Gallagher invited Attorney Angley to make his presentation on the application for a road opening of William C. Gould, Jr. Way. Attorney Angley stated that his clients, in the development of their property in Plymouth was seeking to open 75 feet of roadway to make a throughway connection of William C. Gould Jr. Way between Kingston and Plymouth. He reiterated the conditions set by the Planning Board and the acceptance of all the conditions set in order to obtain approval to open the road. Thomas Bott, Town Planner was requested to speak on the matter. Mr. Bott suggested that hotel would generate the greatest amount of traffic during the peak travel times but did not believe that people would use William C. Gould Jr. Way as an alternative route. He advised that they would most likely access the business from Exit 8 and not from Commerce Way through Plymouth.

Mrs. Landis-Naumann asked if acquiring access through William C. Gould, Jr. Way was essential to the project and Mr. Angley stated that it was essential.

Ms. MacFarlane stated that she visited some of the businesses and was surprised to see that they were enthusiastic about opening the road but that residents of Smiths Lane were not.

Mr. Randall stated that the intersection of Smiths Lane and William C. Gould, Jr. Way was severely challenged already and did not see that opening the road would be any benefit to Kingston.

Mr. Gallagher stated that it was much easier for vehicles to access via exit 8 and that he did not expect the opening of the road to be a significant cut-through from Plymouth to Kingston making the traffic burden on the Town of Kingston. Mr. Bott advised that the retiming of the lights was important, there would be benefits to public safety and there would not be much change in the traffic on Smiths Lane due to the opening of the road.

Ron Muller of GPI joined the discussion regarding the traffic studies that had been conducted. He advised that Kingston and Plymouth would share the traffic on a 50-50% basis. He stated that some of the Lowes traffic would exit through William C. Gould Jr. Way through to Plymouth rather than go out to the traffic light at the intersection. Mr. Gallagher stated that he did not see any benefit in granting the opening for the Town of Kingston.

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

VOTED: To table the discussion indefinitely.

The Board reviewed the Town Administrator's report. Items discussed were; the FY10 Town operating budgets and financial forecast and the challenge to cut to meet an estimated 10% reduction in state aid and the County Health Group and potential for an 8% increase in rates being absorbed by the Health Group. Mr. Donovan advised that they should wait to see what the Governor files for the

state budget and they will have a more definitive idea of how much the Town budgets will have to be cut.

Mr. Gallagher stated that the department heads should begin to prepare to cut 10%. Mrs. Landis-Naumann said that residents should be aware that significant cuts will have an impact on services. She further stated that it may take longer for Police and Fire to respond and some offices may be closed due to impact in staffing.

Mr. Gallagher stated that the Senior Center Building Committee was seeking the Boards support for cleanup of the area adjacent to the Highway Dept. and the proposed Senior Center. He further advised that Supt. Paul Basler would come up with a plan to facilitate the cleanup which would include relocating the materials. Mr. Beaton suggested using the Maple Street Fire Station now that it was no longer under agreement. Mr. Gallagher stated the Committee was only looking for a plan for the cleanup at this time.

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

VOTED: To authorize Mr. Basler to prepare a plan for the cleanup of the land adjacent to the Highway Dept. and the proposed Senior Center.

The Board reviewed the matter of the appointment of Town and Labor Counsel following the issuance of an RFP and the interviews conducted at the Boards last meeting. Mr. Gallagher asked if anyone had a motion. Mr. Beaton stated that he was most impressed with the firm of Blatman, Bobrowski & Mead; a small firm with access to all the partners and their specializations and the familiarity of Attorney Talerman with the Town having previously worked with Kopelman & Paige. Mr. Randall stated that he agreed with Mr. Beaton and like that they would be a presence in Town to assist with other Boards and Committees during monthly office hours. Upon motion made by Mr. Beaton and seconded by Mr. Randall, following a discussion and a 5-0-0 vote, it was—

VOTED: To appoint the firm of Blatman, Bobrowski & Mead as Town Counsel.

Mr. Donovan asked that the Board authorize him to continue to use Kopelman & Paige on two matters nearing completion. Upon motion made and seconded, following a discussion and a 5-0-0 vote, it was—

VOTED: To authorize Mr. Donovan to use Kopelman & Paige for two matters.

Ms. MacFarlane made a motion to appoint Sean Sweeney as Labor Counsel. The motion was not seconded. Upon motion made by Mrs. Landis-Naumann and seconded by Mr. Beaton, following a discussion and a 5-0-0 vote, it was—

VOTED: To appoint John Clifford as Labor Counsel.

Mr. Gallagher thanked Kopelman & Paige and Gilman & Assoc. for their years of serving the Town as General and Labor counsel, respectively.

The Board reviewed the information regarding designating a Board or office to issue permits and enforce the law regarding Trench Safety. Mr. Beaton stated that it was his opinion that the Fire Chief would be the appropriate person to issue the permits. Upon motion made by Mr. Beaton and seconded by Mr. Randall, following a discussion and a 5-0-0 vote, it was—

VOTED: To designate the Fire Chief to issue the trench permits.

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

VOTED: To adjourn at 9:00 p.m.

Respectfully Submitted:

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