

TOWN OF KINGSTON
BOARD OF SELECTMEN

MINUTES
June 10, 2008

Chairman Paul M. Gallagher opened the meeting of the Board of Selectmen held on June 10, 2008 at 7:00 p.m. in Room 200 at the Town House, 26 Evergreen Street, Kingston. Present were, Vice Chairman Sandra D. MacFarlane, Mark S. Beaton, Dennis N. Randall and Town Administrator Kevin R. Donovan. Jean Landis-Naumann was absent.

The Chairman announced the dates to note and the Open Forum. John LaBrache, Treasurer came forward with some financial information regarding bonds and notes for the Board to review. Upon motion made by Mr. Randall and seconded by Mr. Beaton, following a discussion and a 4-0-0 vote, it was voted to endorse the notes in the Town Clerk's office and to issue bonds as described in the attached certified vote. Mr. LaBrache also announced that checks issued but not cashed were being published for public notice in an attempt to contact the owners of the checks to come forward and claim the funds.

Mr. Gallagher stated if anyone present wanted to speak to the Aquaculture matter that was scheduled later in the meeting; they should speak during Open Forum. Nancy Shea, Assistant Shellfish Warden came forward and reported that she had discussed the pros and cons of aquaculture with the Duxbury Shellfish Warden and that he had nothing bad to say. She added that they had many grants and that it benefited the local economy greatly. Ms. Shea advised that monitoring was done from shore and that Kingston's areas could be monitored by volunteers and the Board should move to a public hearing.

Mr. Gallagher announced that the Board of Assessors; Anne Dunn and Thomas Donnelly were present to meet with the Selectmen to jointly appoint an individual to fill the vacancy caused by the resignation of William Martin.

There were four candidates; Gail Catani, Nancy Shea, Kenneth Stevens, and Lawrence Hunt. Each was given the opportunity to explain their interest in filling the vacancy and their qualifications for the position. Members of the Board of Assessors advised that they had interviewed the candidates and did not need to ask any questions. Members of the Board of Selectmen asked each candidate several questions. Mr. Gallagher afforded each candidate the opportunity to expand on any of their responses to questions asked. None of the candidates added any information.

Mr. Gallagher called for the role call vote and the results were as follows:

Ms. Dunn	Gail Catani
Mr. Donnelly	Gail Catani
Mr. Beaton	Nancy Shea
Mr. Randall	Nancy Shea
Ms. MacFarlane	Nancy Shea
Mr. Gallagher	Nancy Shea

Mr. Gallagher announced that Nancy Shea having received four votes would fill the vacancy until the next annual election in April 2009.

The Board took a break and returned to session at 8:01 p.m.

The Chairman read the public hearing notice on the application of Hunan Kingston for a transfer of an all alcoholic beverage license to C & J Restaurant, Inc./dba Hunan Kingston located at 164J Summer Street, Kingston. Mr. Beaton recused himself from participating in the hearing and left the meeting table. Mr. Gallagher invited the applicant to the podium. The applicant was represented by Andrea Kor, paralegal of Christopher Coleman, Esq. Ms Kor advised that the premises would remain the same except the buffet would be replaced with a sushi bar. No one present spoke in favor or in opposition to the application. Upon motion made by Mr. Randall and seconded by Ms. MacFarlane, following a discussion and a 3-0-0 vote, it was—

VOTED: To approve the transfer of license as described above.

Michael Hickey, Chief Biologist for the Division of Marine Fisheries was present at the request of the Board to answer questions related to the proposal of opening Kingston Bay to Aquaculture.

Mr. Hickey advised the following:

- Kingston Bay comprised of approximately 9 acres. There is a total area of between 133-150 acres. DMF would have to use GPS to put exact points into the data base to determine exact acreage.
- Division of Marie Fisheries (DMF) regulates the licenses for Aquaculture with the Town's concurrence.
- It was the responsibility of DMF to promote and protect the public's right to access
- DMF does not like to see leases in any areas that are conditionally approved. The Town of Rowley does have ability to lease in conditionally approved area, has approximately 1000 acres, has a full-time Shellfish Constable and has only issued a few leases issued.
- Area that has been seeded over the past two years would be restricted from leasing.
- If an area is leased is in a conditionally approved area and the area was closed by DMR, no one could be on that area to harvest or maintain the area unless it were an emergency.
- How the Town chooses to enforce the rules and regulations is up to the Town.
- Type and or methods of propagation are up to the individuals holding the leases but the equipment cannot be more than 18" off the bottom.
- Area must be marked on the four corners of the lease
- Leased area cannot impair navigation channel or private rights
- Town can charge \$5.00 to \$25.00 per acre per year for leases and that is the only mechanism for revenue for the leased area to the Town.

Mr. Randall stated that it was a tough consideration because it was a valuable resource with the areas open to public use and the funds received for leases were minimal and if privatized it would not be of equal benefit. Ms. MacFarlane stated that without a survey or site inspection it could not be determined how much of Icabod Flat was seeded and would not be available until 2009. Mr. Hickey suggested working with DMF to look at the area and try not to deal with specific instances for grant applications. He stated that in determining whether or not to approve the area for Aquaculture, DMF would consider the resource and public access after the Board conducts a public hearing.

Ms. MacFarlane asked about the ability to use volunteers to do the monitoring and Mr. Hickey stated that the individuals would have to be duly appointed but it is the Town's business who and how the individuals would be appointed.

Mr. Gallagher asked if the grants would be seasonal and closed on October 31 such as the Town's shellfish licenses. Mr. Hickey stated that once licensed to private individuals, the leases would be maintained as the licensee sees fit and not subject to the Town's regulation. He further stated that the Board could condition the grants.

Mr. Gallagher asked Mr. Catani if he wished to comment. Mr. Catani stated that with the areas already seeded and the area for the channel left only 3 to 5 grants of 3 acres each available. He further stated that the area that would be leased would have to be accessed by boat for monitoring.

Mr. Hickey suggested that due to the seeding, the earliest out date that could be considered for Aquaculture is two years out. Mr. Gallagher asked if DMF would provide technical assistance in determining the acreage and the areas that would be available due to seeding. Mr. Hickey stated that DMF would provide technical assistance if requested.

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

VOTED: To request technical assistance from the Division of Marine Fisheries to determine, based on the DMF requirements and regulations, what the total acreage in Kingston Bay would be available for Aquaculture.

The Board took a break from 9:00 to 9:10 p.m. to go to the Town Clerk's office to sign the notes for the Treasurer.

The Board reviewed the Town Administrator's report. Items discussed was the status of the Home Rule Legislation approved at the ATM for the expenditure of Waste Water Enterprise Funds and the Wind Turbine Enterprise Fund; the MBTA Budget and the Plymouth County Budget.

Mr. Donovan advised that the contract for the reconstruction of Route 27 had been awarded and the contractor had inquired about leasing the construction trailer previously used for the Town House construction and CDM during the Sewer project. Mr. Donovan was asking if the Board wanted him to negotiate a lease of the trailer. Upon motion made by Mr. Beaton and seconded by Ms. MacFarlane, following a discussion and a 4-0-0 vote, it was—

VOTED: To authorize Mr. Donovan to negotiate a lease for the construction trailer.

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

VOTED: To approve the May 27, 2008 minutes of the public and executive session meeting with the corrections as noted.

Mr. Randall asked if anyone had expressed any interest in the Swap Shop Committee. Mr. Donovan advised that no one had come forward. Mr. Randall asked that it be added to Old Business.

The Board reviewed the list of individuals recommended for appointments. Upon motion made by Mr. Randall and seconded by Ms. MacFarlane, following a discussion and a 4-0-0 vote, it was—

VOTED: Under MGL Chapter 268A, to designate the position of Special Police Officer as a Special Municipal Employee and further;

VOTED: To hire Thomas E. Mori as a Public Safety Dispatcher.

A motion made by Mr. Beaton to hire Meredith Hunt as the ZBA Secretary was seconded by Mr. Randall. Ms. MacFarlane asked that the appointment be held because she was questioning the process used to select the candidate but she was not questioning the person. Mr. Randall withdrew his second. Ms. MacFarlane stated they were not made aware of whom the other candidates may be. Mr. Gallagher stated that the recommendation was made by a majority of the Zoning Board and he preferred that Ms. Hunt not start the position until her husband resigned from the Zoning Board. Mr. Gallagher stated that they had a motion that was not seconded and they would put it off until they received clarification on the selection process. Mr. Donovan inquired as to what information the Board wanted clarified. Mr. Randall stated that they should give more applicants the opportunity to be interviewed. Mr. Gallagher stated that they would hold it off for two weeks.

The Board reviewed the application for a Class II Motor Vehicle License from Dennis Hogan dba/ Atlantic Coast Wholesale, to be used at 132 Pembroke Street formerly Casey Auto Sales. Upon motion made by Mr. Randall and seconded by Ms. MacFarlane, following a discussion and a 4-0-0 vote, it was—

VOTED: To approve the license application.

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

VOTED: To approve the payment from the NOI Funds an invoice in the amount of \$819.36 to Anderson & Kreiger LLP., and further;

VOTED: To establish a gift account pursuant to the provision of MGL Chapter 44, Section 53A, to allow for the funds accepted for the sale of compost bins to be reauthorized to purchase more bins.

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

VOTED: To enter into executive session for the purpose of discussing a financial assistance request.

Respectfully Submitted:

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

