

TOWN OF KINGSTON
BOARD OF SELECTMEN

MINUTES
June 27, 2006

Chairman Joseph D. Kelleher opened the meeting of the Board of Selectmen held on June 27, 2006 at 7:30 p.m. in Room 200 at the Town House, 26 Evergreen Street, Kingston. Present were Vice Chairman Mark S. Beaton, Paul M. Gallagher, Jean Landis-Naumann, Sandra D. MacFarlane and Town Administrator Kevin R. Donovan.

The Chairman announced the Open Forum. Sewer Commissioner Elaine Fiore came forward to provide an update on the sewer project. She stated that the sewer rate was being changed from a flat rate to a water consumption rate and that most property owners would see a reduction in the amount that they are billed and a small percentage may see an increase. Ms. Fiore stated that there would be a public information hearing on July 18th at 7:00 p.m. She advised that work would commence on Evergreen Street in front of the Town House on Monday, July 3rd and it may be necessary to shut off the water to the area and access to the Town House may be impacted during the day.

Members of the Elementary School Committee; Chairman Joseph Chaves, Cynthia Lynch, and Christopher Mamakos were present to make a joint appointment with the Board of Selectmen to fill the vacancy on the School Committee. Michael Busby, Sharon Collins-Hazley, Brian Donnelly, and Kathleen Jenkins-Brown were each given the opportunity to present their qualifications and the Selectmen and School Committee members posed questions to each.

Chairman Kelleher stated that the vote would be done by roll-call; Mr. Chaves supported Brian Donnelly, Ms. Lynch, Mr. Mamakos, Mrs. Landis-Naumann, Ms. MacFarlane, Mr. Gallagher and Mr. Kelleher supported Kathleen Jenkins-Brown and Mr. Beaton supported Sharon Collins-Hazley. Mr. Kelleher announced Kathleen Jenkins-Brown as the new member of the Elementary School Committee to fill the vacancy until the next annual election.

Chairman Kelleher read the notice on the application of N/Star to place two new poles on Pottle Street to service business. Barbara Troche was present representing N/Star and stated that two additional poles were needed because the existing poles could not support the addition of the transformer that would be needed to provide the electrical service. Upon motion made and seconded, following a discussion and a 5 to 0 to 0 vote, it was –

VOTED: To close the public hearing.

Upon motion made and seconded, following a discussion and a 5 to 0 to 0 vote, it was –

VOTED: To grant the application to install two poles on Pottle Street as indicated in the application.

Mr. Donovan provided a summary of his Town Administrator's report. Items discussed were; the receipt of a Priority Development Grant in the amount of \$38,500 to be used to assist with consultant expenses for the Smart Growth Development Zoning Grant; the Legislatures approval of an additional \$55M for Chapter 90; and Economic Target Area and the Plymouth Board of Selectmen's schedule to address extending the area to Kingston and Plympton.

Mrs. Lanis-Naumann stated that in view of the articles that have been published about the potential of the "bird flu" she was requesting an update from the Board of Health on the role the Town plays in the matter and an update from KEMA on sheltering.

Mr. Kelleher requested that Mr. Donovan contact the Board of Health Chairman and KEMA Director to obtain the requested information. Mr. Donovan added that Town officials and department heads had attended seminars on the plan for the potential "bird flu".

Mr. Beaton requested that the Route 44 Land acquisition be removed from Old Business. The Board concurred.

Mr. Gallagher stated that minutes from Committees were available in the Town's website and that the Board of Selectmen would help those Committees and the members of the public that did not have access by providing access in the Town House.

Upon motion made and seconded, following a discussion and a 5 to 0 to 0 vote, it was –

VOTED: To approve the minutes of the public and executive session meetings of May 30 and June 13, 2006 with the corrections provided.

Mr. Kelleher stated that the Board would address the appointments that had been tabled from the last meeting for the Conservation Commission. Mr. Beaton stated that he had attended a meeting of the Conservation Commission and was troubled that a member, who had recused himself from participation due to a potential conflict, sat in the audience and admitted evidence on the discussion. Mr. Gallagher stated that had asked that the appointments to the Conservation Commission be tabled and that he had met with Gary Langenbach, Conservation Commission Chairman and felt that the issues had been worked out. Mr. Kelleher stated that he also felt things had been worked out.

Ms. MacFarlane stated that she wanted to hold the appointments to the Solid Waste Advisory Committee for two weeks because with the addition of two residents at large to the Committee she wanted to give more time for applicants. Upon motion made and seconded, following a discussion and a 4 to 1 vote, it was –

VOTED: To appoint William J. Kavol, Marilyn R. Kozodoy and Shawn M. O'Donnell to the Conservation Commission; Paul L. Armstrong to the Memorial Day Parade Committee; Joseph B. Mathias, Bradford Colton, and Philip R. Burnham (1 year Associate) to the Agricultural Commission and Brian W. Spires to the Kingston Secure Energy Futures Committee and to hold the appointment for the Advisory Committee until the next meeting.

Mrs. Landis-Naumann did not support the motion.

Mr. Kelleher stated that the Board had requested at the last meeting that the process to fill the Fire Chief's position upon the resignation of David McKee, be addressed. Mr. Beaton stated that the Town had a great candidate in Deputy Fire Chief Bob Heath, who had experience as a Chief in Halifax. Mr. Beaton further stated that he had inquired about his job performance and that Halifax was very upset to lose him. Mr. Beaton stated that he opposed an outside search and wanted to

promote from within and thereby give further incentive to others in the Fire Dept. Mrs. Landis-Naumann stated that Deputy Heath had done a wonderful job but that the Board owed it to the Town to look for the best and supported a wider search.

Mr. Gallagher stated the Bob Heath had the experience, qualifications and degree in Fire Services, EMT Certified Training Instructor, four years experience as Chief in Halifax and would come with familiarity above and beyond the candidate in a wider search. He further stated that such a search would be waste of resources and it would be unfair to candidates competing for the position and that good efforts should be rewarded with promotion. Ms. MacFarlane stated that she was a firm believer in promoting from within. Mr. Kelleher stated that he was looking for a strong independent Chief and thought Bob Heath could fill that position.

Upon motion made by Mr. Gallagher and seconded by Mr. Beaton, following a discussion and a 4 to 1 vote, it was –

VOTED: To formally appoint Robert Heath as Fire Chief upon the resignation of Chief David McKee.

Mrs. Landis-Naumann did not support the motion.

The Board reviewed a letter received from the Indian Pond Neighborhood Association, Inc., which expressed concerns regarding the Board granting a Common Victualler license to the Indian Pond County Club to use in the area of the pool.

Mr. Beaton stated that the letter was not signed and in the future, letters that are not signed should not be on the agenda. He said that he initially supporting tabling the license due to numerous corrections that had not been made in the roads in the area of the club, but that Counsel had advised that they could not hold up the license for that reason. Mr. Beaton stated that it was a jurisdiction issue and felt the road defects should be addressed by the Planning Board. Ms. MacFarlane stated that they could not hold up the license and that the defects should be address with the Guaranteed Deposits made for the project, through the Planning Board.

Mr. Beaton stated that according to Superintendent Paul Basler, there were insufficient funds in the account to address the problems that needed correcting.

Mrs. Landis-Naumann stated that the frustration of the residents in the area invited the letter to be sent. She stated that problems were not being taken care of by the Contractor and that they were looking for assistance and guidance on what path to follow.

Mr. Gallagher stated that the letter did not ask for guidance, it just told the Board what it didn't do and that the Association should go before the Planning Board for help on what they could do.

Mr. Beaton suggested asking Town Counsel to advise where they should go and that the information could then be relayed to the Association.

Mr. Kelleher stated that he would support asking Town Counsel to assist within reason but that he did not appreciate the tone or the language of the letter. He added that they could potentially meet with the Planning Board on the matter.

Mr. Gallagher stated that he did not want to offer the services of Town Counsel on a private issue. Mr. Beaton stated that he wanted answers to what action the Planning Board could take and what recourse does the Town have to make the Developer accountable for the safety issues. Ms. MacFarlane stated that the Guarantee Funds is the legal leverage.

Upon motion made and seconded, following a discussion and a 3 to 2 vote, it was—

VOTED: To send a letter to the Planning Board requesting input on addressing the outstanding road issues and send a letter to the Association advising them to bring their issues to the Planning Board.

Mr. Gallagher and Mr. Beaton did not support the motion.

The Board reviewed the request of the KTEU to close the Town House on July 3, 2006 with employees using vacation or personal time for the day. Mrs. Landis-Naumann stated that she was not in favor of the closing because it was already a shortened week and that the public should have access to the government agency but in view of the special circumstances and potential for no water service, that the building should be closed. Ms. MacFarlane stated that if the building had to be closed for that reason, the employees should not be penalized by using vacation or personal time.

Mr. Gallagher stated that he was not supportive of the request from the KTEU and such requests should be part of negotiation.

Upon motion made and seconded, following a discussion and a 3 to 2 vote, it was—

VOTED: To close the Town House and Highway Facility on July 3, 2006, due to the sewer construction and potential water service interruption and not require employees to use vacation or personal time for the day.

Mr. Beaton and Ms. Landis-Naumann did not support the motion.

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

VOTED: To adjourn at 9:05 p.m.

Respectfully submitted:

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