

TOWN OF KINGSTON
BOARD OF SELECTMEN

MINUTES
May 22, 2007

Chairman Joseph D. Kelleher opened the meeting of the Board of Selectmen held on May 16, 2006 at 7:00 pm in Room 200 at the Town House, 26 Evergreen Street, Kingston. Present were Mark S. Beaton, Paul M. Gallagher, Jean Landis-Naumann, Sandra D. MacFarlane and Town Administrator Kevin R. Donovan.

Mr. Kelleher announced the Board would reorganize and opened the floor for nominations for the position of Chairman. Ms. Landis-Naumann nominated Mr. Beaton and it was seconded by Ms. MacFarlane. Mr. Kelleher nominated Mr. Gallagher and it was seconded by Mr. Beaton. On a roll call vote, the Board voted 4-1-0 in favor of Mr. Beaton as Chairman. Mr. Beaton voted for Mr. Gallagher as Chairman. Mr. Beaton took the Chairman's place at the table. Mr. Beaton opened the floor for nominations for Vice Chairman. Mr. Gallagher nominated Ms. MacFarlane and it was seconded by Ms. Landis-Naumann. On a roll call vote, the Board voted 4-0-1 in favor of Ms. MacFarlane. Ms. MacFarlane abstained from voting.

The Chairman read the dates to note and announced the Open Forum. No one came forward to speak at Open Forum.

The Girl Scouts Troop 320 presented an outdoor trash container for use at Mullikan's Landing. Upon motion made and seconded, following a discussion and a 5-0-0 vote, it was –

VOTED: To accept the Girl Scouts donations with thanks, and have the Town Seal and notation of the Girl Scouts donation added to the Trash Container.

Mr. Beaton brought forward the appointment with Conservation Chairman Gary Langenbach for discussion of the Legal Expense from the Wetland's Protection Fund. Mr. Beaton stated that the trial is not over and requested the dates from Mr. Langenbach. The scheduled dates are June 12 and 14.

Mr. Kelleher asked why prior approval from the Board was not obtained? Mr. Langenbach stated that no one on the Conservation Commission was aware the policy of getting prior approval. Ms. MacFarlane stated that with the information supplied in our meeting packet on current policy and past practices, which included the denial of a similar legal invoice, the selectmen have no choice but to deny the invoice, and further that to pay the invoice without prior approval of the work by the Board of Selectmen or Town Administrator would set a precedent for other departments.

Mr. Beaton stated that the law firm had compromised and set a special rate of \$200 per hour for the case and the town should accept this. The Conservation Commission was looking out for the Town by getting a cutting edge attorney to handle the case, so the extra amount is justified. Mr. Beaton stated that all departments should start to use telephone or teleconference calls instead of having attorneys at meetings to save money for the town.

Mr. Gallagher stated the board should table the matter until the next meeting, and possibly increase the fees allowed for Special Counsel, as there has been no increase since 1994.

Mr. Donovan advised they needed to make a decision so the case could go forward as scheduled.

Ms. MacFarlane agreed that it was generous of the law firm to decrease its initial fees, but it still did not meet the requirements of the current policy of \$150.00 per hour. Ms. Landis-Naumann stated that \$150.00 was very low for an hourly rate for an attorney.

Ms. MacFarlane agreed, but reiterated that prior approval was necessary and did not want any other department to misunderstand tonight's decision if it was approved.

Mr. Gallagher requested more discussion on this matter.

Ms. Landis-Naumann suggested that decision be made on a case by case basis before special counsel is used for any case. Upon motion made and seconded, following a discussion and a 5-0-0 vote, it was –

VOTED: To approve the bill at \$200 per hour for Anderson & Kreiger as Special Counsel in the matter of the Order of Resources area Delineation.

The Board reviewed the Town Administrator's report. Mr. Donovan reported on the upgrade to the Town Web Site, Special Election on June 9th, the Telephone Alerting System, and the Senate 1975 Act promoting consumer choice and competition for Cable Service.

Mr. Beaton brought forward the Town Clerk's request for an additional Election Worker. Upon motion made and seconded, following a discussion and a 5-0-0 vote, it was –

VOTED: To hire Nancy C Shea as an Election Worker.

Ms. Landis-Naumann stated she attended Congressman Delahunt's meeting yesterday on Renewable Energy. She has the handouts and note from the meeting in any of the Selectmen are interested is seeing them.

Ms. Landis-Naumann advised there was a newspaper article stating Town of Duxbury voted to express concern and no support of the proposed development on Tarkiln Road.

Mr. Gallagher stated that Duxbury's concerns were not the same as Kingston's. Duxbury's main concern was the price of the land.

Upon motion made and seconded, following a discussion and a 4-0-1 vote, it was –

VOTED: To approve the minutes of the public and executive session meeting held on May 8, 2007.

Mr. Kelleher abstained from voting because he was not present at the May 8, 2007 meeting.

Mr. Kelleher requested to be appointed to the Economic Development Committee. Upon motion made and seconded, following a discussion and a 4-0-1 vote, it was –

VOTED: To appoint Joseph D. Kelleher to the Economic Development Committee.

Mr. Beaton read the list of Transfer Station Fees and noted changes, and read a list of new charges for items at the Transfer Station all other fees will remain the same:

Construction & Demolition ½ load	\$35.00
Riding lawn mowers	\$2.00
Furnaces	\$5.00
Wood & coal stoves	\$5.00
Auto engines	\$5.00
Boats	\$5.00
Trailers	\$5.00
Bath tubs	\$5.00
Large furniture	\$5.00

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

VOTED: Accept the Transfer Stations fees as submitted by the Superintendent and give them the authority to reject some items from the list such as large boats or trailers.

Mr. Beaton read the list of committee vacancies, and stated any new volunteer for a committee vacancy appointed before July 1, 2007 will be given a dinner for two at a local restaurant.

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

VOTED: To approve the abatement of Ambulance Bill as requested by the Fire Chief.

VOTED: To approve the Sacred Heart High School request for a one-day liquor license on June 9th for a Reunion Dinner .

VOTED: To accept the following donations to the Memorial Day Parade – Stop & Shop, Sam’s Club, Marty’s GMC, Dunkin Donuts, American Legion Post, Kingston Block, Knights of Columbus, RA Liquors, Hillside Social Club, L. Knife and East Coast Fence.

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

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VOTED: To enter into executive session¹ to discuss a Financial Assistance request and sale or lease of Real Estate and not return to public session at the conclusion of executive session.

Respectfully submitted,

Lynn Cook
Administrative Assistant

¹ The public session adjourned at 7:50 pm and the executive session adjourned at 8:05 pm.