

TOWN OF KINGSTON
BOARD OF SELECTMEN

MINUTES
October 26, 2010

Chairman Sandra D. MacFarlane opened the meeting of the Board of Selectmen held on October 26, 2010 at 7:00 p.m. in Room 200 at the Town House, 26 Evergreen Street, Kingston. Present were Vice Chairman Dennis N. Randall, Mark S. Beaton, Joseph F. Casna, Jr. and Town Administrator Jill R. Myers. Selectman Richard J. Arruda was absent.

The Chairman announced the Open Forum. Paul Gallagher, Chairman of the Senior Center Building Committee came forward to update the Board on the progress of the Senior Center construction. He advised that the conservation replication was complete and to be environmentally responsible, a heated sidewalk was being installed so that salt and ice melt products did not have to be used in the sensitive areas. Mr. Gallagher stated that the expected completion date was in January 2011 and the project was currently under budget.

The Board reviewed the public and executive session minutes of October 12, 2010 and upon motion made by Mr. Beaton and seconded by Mr. Randall, following a discussion and a 4-0-0 vote, it was—

VOTED: To accept the public and executive minutes of October 12, 2010 as presented.

The Board reviewed the Town Administrator's Report. A complete copy of the report is available on the Town's website and is on file in the Selectmen's office. Items discussed were; FY2012 budget planning and submittal, recognition ceremony for the Green Community Grant of \$163,528, status of the Wind and Solar proposals under review, MBTA rail tie project, proposed joint meetings with Planning Board on updating the Affordable Housing Plan, and potential scaled back 40R project at O'Donnell site to include a wind farm partnership with the Town.

The Board reviewed the request of the KTEU to close the Town offices and have the day after Thanksgiving off as has been done in the past. Upon motion made by Mr. Casna and seconded by Mr. Randall, following a discussion and a 4-0-0 vote, it was—

VOTED: To approve the request to close the Town offices on the day after Thanksgiving and that employees be given the choice of using accrued vacation or personal time for the day or to take the day without pay, and further; that this option be extended to Wage and Personnel employees as has been done in past practice.

Members of the Board suggested putting this option forward during contract negotiations.

The Chairman read the letter sent to Mr. and Mrs. Andrew Gerety on the complaint filed about a dog bite incident on June 8, 2010 in which a Border Collie known as "Crickett", owned by Mr. and Mrs. Eugene Wyatt of 28 Kennedy Road, bit five year old Courtney Gerety. Ms. MacFarlane asked those giving testimony on the complaint to come forward to be sworn.

Ms. MacFarlane invited Animal Control Officer Debra Mueller to the podium to outline the details of the dog bite incident. Ms. Mueller stated that eleven year old Maya Wyatt was walking Crickett on a leash when the dog barked, lunged and bit the face of Courtney Gerety while on the Gerety property. She

further advised that Courtney was taken by ambulance to the hospital and will require plastic surgery to repair the wounds. Ms. Muller advised that she met with the Gerety's and they said they did not want to live next door to Cricket, who attacked their daughter without provocation. Upon inspection of the property, Ms. Mueller stated that the lot did not afford a good solution for containment.

Mr. Beaton asked if the dog was licensed and Ms. Mueller advised at the time of the bite the dog was not licensed but has since been licensed and neutered.

Ms. Mueller stated that she believed the dog posed a danger to other neighbors and she was recommending that the dog be ordered to be removed from Kingston.

Andrew Gerety reiterated the need to remove the dog from Town for the protection of the children in the neighborhood.

Dog owner Eugene Wyatt came forward and stated that the presentation made by Ms. Mueller and the Gerety's was indefensible. He stated that he tried to socialize the dog and had talked to Lisa Flynn who suggested neutering to reduce aggression, looked into a specialized training program, tried to find a new home for the dog but did not want to give away the problem and that he did not know the neighbors felt so strongly about the dog being removed. Mr. Wyatt stated that he asked the Gerety's for forgiveness for what happened and tried to have a dialogue with them. Mr. Wyatt asked for 3 or 4 months to find a home for Crickett.

Mr. Beaton acknowledged that Mr. Wyatt agreed to give the dog away and Mr. Casna stated that the Board needed to address the time frame for this to happen since the incident happened in June.

Holly Gerety stated that they could not wait for 3 or 4 months for the dog to be removed and Mr. Gerety said the only dialogue from Mr. Wyatt was a phone message after he received the letter on the complaint hearing.

Others speaking in support of the dog being ordered to be removed from Town were; Erin Brenton of 48 Bay View, Paula Connors of 29 Kennedy Road, Shaun and Katherine Curran of 42 Kennedy Road, Jay McGilvary of 18 Kennedy Road, and Matt Champagne of 15 Kennedy Road. Paul Gallagher of 8 Longwood Circle said that everyone was in agreement that the dog must be removed but that time was essential and suggested that the dog be surrendered to the Animal Control Officer.

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

VOTED: To close the hearing.

The Board discussed the matter; Mr. Randall stated that the presence of the dog destroyed the Geretys' right to enjoy their property outside their home. Mr. Randall made a motion to remove Cricket from Town which was seconded by Mr. Casna for discussion. Ms. MacFarlane said that both families were greatly affected and she did not want to put the problem on another Town and that the Police Chief, Animal Control Officer and Board of Selectmen of the new Town be notified. Further that the dog be placed with someone who was trained and capable of caring for such a dog. Mr. Randall suggested forwarding a transcript of the hearing and decision to the Town where the dog is to reside. Mr. Casna clarified the motion to include the Animal Control Officer taking control of the dog until a new home is found or it is boarded at a kennel. Mr. Beaton asked to hear from Ms. Mueller again. Ms. Mueller stated she was scheduled for court the next day but could take the dog in the late afternoon on Wednesday, October 13th.

She further requested that the Board declare the dog to be dangerous and order that it be removed. Upon motion made by Mr. Randall and seconded by Mr. Casna, and amended by Mr. Casna following a discussion and a 4-0-0 vote, it was—

VOTED: To declare the dog known as Crickett, owned by Eugene and Lisa Wyatt, 28 Kennedy Road, to be dangerous and to order that the dog be removed from Town and further that the dog be surrendered to the Animal Control Officer until it can be placed in a kennel until a suitable home is found.

The Board reviewed the donation of 2 Pico Laser Sailboats that were jointly purchased by the Kingston Yacht Club and the Recreation Dept. Upon motion made by Mr. Randall and seconded by Mr. Casna, following a discussion and a 4-0-0 vote, it was—

VOTED: To accept the donation.

The Board reviewed the Appointments and Resignations. Ms. MacFarlane asked how many members the Technology Committee was comprised of and was advised that it was unlimited. She suggested getting a recommendation of the Committee as to whether they needed additional members. Mr. Randall stated that he did not want to make any appoints this evening. Mr. Beaton made a motion to appoint Peter Bonsek to the Audit Committee, which was seconded by Ms. MacFarlane and following a discussion and a vote of 2-2, the motion failed.

Mr. Randall and Mr. Casna did not support the motion, Ms. MacFarlane and Mr. Beaton voted in favor of the motion.

The Board discussed having a Board or Committee make a recommendation to the Board to fill vacancies.

The Board reviewed the Goals and Objectives that were consolidated by the Town Administrator. Mr. Beaton made a motion to adopt the list as presented which was seconded by Ms. MacFarlane. Mr. Randall stated he wanted to wait for the return of Mr. Arruda so the full Board could vote on the list. The motion to adopt the list failed on a vote of 2-2.

Mr. Randall and Mr. Casna did not support the motion, Ms. MacFarlane and Mr. Beaton voted in favor of the motion.

The Board discussed the memo written by Mr. Beaton on the DOR's Report of the Financial Depts. Ms. MacFarlane stated that a meeting was pending for the Board to meet jointly with the Finance Committee to discuss the recommendations in the report. Mr. Beaton stated that some of the recommendations may require a warrant article and he does not want to lose the window for submitting the article timely.

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

VOTED: To adjourn.

Respectfully Submitted:

Nancy M. Howlett, Assistant to the

Town Administrator/Board of Selectmen