

TOWN OF KINGSTON  
BOARD OF SELECTMEN

MINUTES  
October 27, 2009

Vice Chairman Dennis N. Randall opened the meeting of the Board of Selectmen held on October 27, 2009 at 7:00 p.m. in Room 200 at the Town House, 26 Evergreen Street, Kingston. Present were, Richard J. Arruda, Mark S. Beaton, Paul M. Gallagher and Town Administrator Jill R. Myers. Chairman Sandra D. MacFarlane was absent.

Vice Chairman Randall announced that Hillside Social Club had withdrawn its application for an Alteration of Premises and that Thorndike Development had requested that the Earth Removal Hearing be rescheduled until November 10, 2009.

Mr. Randall announced the Open Forum. Jana Morrissey came forward and requested that the Board allow for four signs to be erected on Town property for the Turkey Trot event earlier than is allowed by the Sign Policy. Mr. Randall stated that the request would be taken up under New Business.

Jim Moran, Chairman of the Green Energy Committee introduced Mark Robinson of New Day Energy. Mr. Robinson detailed the offer of providing a Windspar Vertical Access Wind Turbine, which would be maintenance free, have a twenty-year installation, and be virtually silent when operating. He stated that the idea was to locate the Turbine at the Kingston Elementary School and to use it also as an educational tool. Mr. Gallagher asked how it would be funded and Mr. Robinson stated that essentially, it will be a gift for a two-year period from New Day Energy which enables the Town to qualify for funding in the amount of \$6,312 from the Massachusetts Technology Collaborative of which the Town will pay \$5,000 to New Day Energy. Mr. Robinson further added that the Town would be required to keep the Turbine for a minimum of five-years or the award would be forfeited.

Mr. Beaton stated that following the provisions Mass General Procurement Laws would be required and Green Energy Committee would be meeting with the School Committee to seek support for the project.

Chris Mamakos, Chairman of the Elementary School Committee requested that the Board consider the request for Special Municipal Employee designation out of order and not support giving the members of the School Committee the Special Municipal Employee designation. He advised that the School's legal counsel raised a concern for a member of the Committee that owns a business providing tutoring services which may be in conflict for offering services to Kingston student. Mr. Mamakos stated that the members of the School Committee with two members absent voted 3-0-0 to not ask for the designation and further voted 3-0-0 to ask the Board not to grant the designation. He added that the reason for the vote was to insure no appearance of a conflict of interest. Mr. Mamakos advised that in 2005 the Board voted a list for the Special Employee designation and the School Committee was not included on the list.

Mr. Randall made a motion to reaffirm the vote not to grant the Special Employee designation to members of the School Committee. The motion was seconded by Mr. Gallagher for discussion. Mr. Gallagher asked Mr. Mamakos to clarify how the elected School Committee member may benefit. Mr. Mamakos stated that a list, from the State, is provided to parents, who may choose a tutor for their child and the wife of a member of the Committee has a tutoring business. Mr. Gallagher stated that if the member did not participate in any discussion regarding tutoring, then there would be no conflict. Mr. Randall stated he did not want to go against the wishes of the Committee. Upon motion made by Mr. Randall and seconded by Mr. Gallagher, following a discussion and a 3-1 vote, it was—

VOTED: To reaffirm the vote taken in 2005 and not grant the Special Municipal Employee designation for the School Committee.

Mr. Gallager did not support the motion.

Mr. Randall read the public hearing notice on the application of Village Ten Pins and Alley Kat Lanes for a beer and wine license for each location. Mr. Beaton recused himself from participation in the discussion and vote. Owner Linda Cluff and her Attorney Ralph Rivkand were present for the two applications. Mrs. Cluff stated that she was seeking the licenses to be used at the bowling alleys to be able to be competitive with other such establishments. She further advised that the bartender would be TIPS certified. Mr. Gallagher expressed concern regarding the line of sight from the bar to the area where the beverages would be consumed. He asked whether or not there would be a wait staff and Mrs. Cluff stated she did not plan to have a wait staff. Mr. Arruda stated that beer, wine and bowling go together and that he was in favor of the licenses.

Mr. Randall asked if anyone present wanted to speak to the application. Kevin Cully, 25 Whiting Street stated that it was a well run family establishment and he was in favor on the Board granting the licenses.

The Manager of South Shore Medical stated he was concerned with individuals hanging out in the parking lot and possibly causing damage at the Medical Center building and parking lot.

Mr. Gallagher stated he wanted a more definitive plan for how they would address the line of sight from the bar. Mr. Randall suggested that in light of the concerns raised, that possibly electronic surveillance would insure that there were no blind spots.

Upon motion made by Mr. Gallagher and seconded by Mr. Arruda, following a discussion and a 3-0-0 vote, it was—

VOTED: To continue the hearing for the Village Ten Pins until November 10, 2009 at 7:35 and for the applicant to provide more information on the site line, staffing and layout of the area where the beer and wine would be sold.

On the application for a beer and wine license for Alley Kat Lane, the Board had similar concerns for the staffing and line of sight and upon motion made and seconded, following a discussion and a 3-0-0 vote, it was—

VOTED: To continue the hearing for the Alley Kat Lanes until November 10, 2009 at 7:45 and for the applicant to provide more information on the site line, staffing and layout of the area where the beer and wine would be sold.

Pat Hughes from the Provincetown Center for Coastal Studies was present to give the Board a presentation on the studies performed by the Center on the 14 towns bordering the coast between Duxbury and Provincetown. She provided statistics on the samples collected by volunteers and staff. Ms. Hughes also expressed concern that the funding of the project had been cut and some Towns had provided some funding to keep the program running. Mr. Beaton stated that Kingston would not be able to provide funding but suggested that the Board send a letter of support for the program to the legislature.

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

VOTED: To send a letter of support for the monitoring program to the legislature.

The Board reviewed the Town Administrator's report. Items discussed were; the Free Cash Certification for FY 2009 at \$526,595 for the General Fund, \$140,860 for the Water Enterprise Fund and \$2,294,055 for the Sewer Enterprise Fund; Mr. Randall's request to revisit a Town fuel oil procurement for Veterans and Seniors; and other activities and attendance at meetings. (The entire Town Administrator's report is on the Town website).

The Board reviewed the minutes and upon motion made by Mr. Gallagher and seconded by Mr. Arruda , following a discussion and a 4-0-0 vote, it was—

VOTED: To accept the public and executive session minutes of September 15, 2009.

Upon motion made by Mr. Arruda and seconded by Mr. Beaton, following a discussion and a 3-0-1 vote, it was—

VOTED: To accept the public and executive session minutes of October 13, 2009.

Mr. Gallagher abstained from voting because he was not present at the meeting.

The Board reviewed the request to place signs on Town property for the Turkey Trot Road Race. Upon motion made by Mr. Beaton and seconded by Mr. Gallagher, following a discussion and a 4-0-0 vote, it was—

VOTED: To allow the signs to be placed two weeks before the event at the four locations as requested.

The Board reviewed the appointments. Mr. Beaton stated that the Green Energy Committee unanimously supported recommending Antoine Nessralla for the appointment to the Green Energy Committee. Upon motion made by Mr. Gallagher and seconded by Mr. Beaton, following a discussion and a 4-0-0 vote, it was—

VOTED: To appoint Antoine Nessralla to the Green Energy Committee, and further;

VOTED: To appoint Peter Dansereau to the Rent Control Board, and further;

VOTED: To appoint Paul Ricci to the Community Preservation Committee, and further

VOTED: To accept the resignation of Brian Spires from the Green Energy Committee.

The Board noted the work of Mr. Spires on the Committee and conveyed its gratitude to him for his service to the Town.

The Board discussed the composition and charge of the Government Study Committee. Mr. Gallagher stated that the Board should wait for a full Board when Ms. MacFarlane could be present for the discussion. Mr. Beaton expressed that he did not support having elected officials on the Committee because of a potential conflict of interest. Upon motion made by Mr. Beaton and seconded by Mr. Gallagher, following a discussion and a 4-0-0 vote, it was—

VOTED: To postpone discussion on the composition and charge of the Government Study Committee until the next meeting on November 10, 2009.

The Board reviewed the request of the KTEU to close the Town offices and that all employees covered under the agreement, except dispatchers and public safety personnel, be given the choice to use accrued vacation or personal time for Friday, November 27, 2009, the day after Thanksgiving. Mr. Gallagher stated that this should be addressed in the future through collective bargaining. Upon motion made by Mr. Gallagher and seconded by Mr. Beaton, following a discussion and a 4-0-0 vote, it was—

VOTED: To approve the request of the KTEU to close the Town offices on November 27, 2009 and to give employees the choice to take the day off by utilizing vacation, personal time or without pay.

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

VOTED: To enter into executive session<sup>1</sup> to discuss litigation status/strategy and contract for non-union personnel.

Respectfully Submitted:

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

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<sup>1</sup> The public session adjourned at 9:05 p.m. and the executive session adjourned at 9:28 p.m.