

TOWN OF KINGSTON
BOARD OF SELECTMEN

MINUTES
November 23, 2010

Chairman Sandra D. MacFarlane opened the meeting of the Board of Selectmen held on November 23, 2010 at 7:00 p.m. in Room 200 at the Town House, 26 Evergreen Street, Kingston. Present were Vice Chairman Dennis N. Randall, Richard J. Arruda, Mark S. Beaton, Joseph F. Casna, Jr. and Town Administrator Jill R. Myers. Also present was Town Counsel Jay Talerman.

The Chairman announced the Open Forum and no one came forward to speak.

Mr. Casna requested to take New Business Appointments out of order. Upon motion made by Mr. Arruda and seconded by Mr. Randall, following a discussion and a 5-0-0 vote, it was—

VOTED: To appoint Alan Boleau to the Permanent Building Committee.

The Board reviewed the minutes of the November 9th and 16th meetings and upon motion made by Mr. Beaton and seconded by Mr. Arruda, following a discussion and a 5-0-0 vote, it was—

VOTED: To accept the minutes of the November 9th and 16th meetings as presented.

The Board reviewed the Town Administrator's report. Items discussed were;

Eight (8) Town Economic Target Area (ETA) Approved: The application for a regional Economic Target Area by Old Colony Planning Council (OCPC) was approved by the Economic Assistance Coordinating Council. Towns in the ETA include: Kingston, Bridgewater, East Bridgewater, Halifax, Hanson, Pembroke, Plympton and Whitman, providing a great opportunity for planned economic development of commercial and industrial properties in the region; a priority for Kingston since 2002 and now an accomplished BOS goal for FY11.

Kingston Community Wind and Solar Projects: Working to finalize the agreements with D and C Construction for the wind project, Borrego Solar for the solar PV installation and also working to review the power purchase agreement for the proposed O'Donnell wind partnership project.

Senior Center Grant - \$200,000: Working with OPM Pallotta, we received final approval and notification of the pending transmittal of \$200,000 grant earmark from 2007.

SEMASS – Contract Renewal Negotiations with other Tier I Communities: SEMASS officials have agreed to the Cape Cod Commission's establishment of a negotiations team, including a well known Town Counsel Giorgio for solid waste and environmental matters. Kingston has been invited to attend an initial meeting on 12/1/10 as we had suggested the same collaborative approach.

DOR Financial Management Review Report: A status matrix was provided to the BOS and FinCom on 11/18/10 and will provide web updates as the few remaining items under Staff's purview are completed.

Under Old Business, Ms. Myers advised that for the Calista property purchase, the Board was being asked to reaffirm the intention to purchase the property with a possible title defect of not having an easement over the MBTA Railroad crossing to the rear portion of the property.

Attorney Talerman came forward and stated that the property consisted of two old parcels on either side of the railroad tracks and may be covered by a historic crossing or rights under common law, but the title search did not find evidence of any easements. He was asking the Board to vote to accept the title with the defect should that be its desire to move forward with the purchase. The Board discussed the fact that the potentially land locked part of the property consisted mostly of wetlands and the lack of access would not be detrimental to the use of the remainder of the land.

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

VOTED: To accept the title to the Calista property “as-is” and proceed with the purchase.

Ms. MacFarlane read the public hearing notice on the application of Pomodorino’s Restaurant at the Independence Mall for an all alcoholic beverage restaurant license. Mr. Beaton recused himself from participating due to a potential conflict because he is the Manager of another all alcoholic beverage restaurant. Attorney John Wyman came forward representing the applicant and advised the Board that the location was in the former Uno’s and had undergone extensive renovations to compliment the style of the restaurant. He added that the staff and the Manager would all be TIPS certified. He introduced the manager Joao Motta, who outlined his previous restaurant experience.

Ms. MacFarlane asked if anyone from the public wished to speak. David Derocher, Director of Marketing for the Independence Mall came forward and said the Mall was very excited and thought the restaurant would be a great benefit to the Mall.

No one came forward to speak against the license application. Upon motion made by Mr. Casna and seconded by Mr. Randall, following a discussion and a 4-0-0 vote, it was—

VOTED: To close the public hearing, and further;

VOTED: To approve the all alcoholic beverage restaurant license for Pomo Cape, LLC dba Pomodorino at the Independence Mall.

Under Old Business, the Chairman read the memo from Nancy Howlett on the establishment of a process for Volunteer Recognition. Ms. Howlett stated that several years ago, Jean Landis-Naumann wanted to recognize volunteers and outlined the process for recognizing individual for years of service in five year increments after ten years of service. She suggested a presentation at Town Meeting would be appropriate and that she would work with the office of the Town Clerk to produce the list. Upon motion made by Ms. MacFarlane and seconded by Mr. Casna, following a discussion and a 5-0-0 vote, it was—

VOTED: To endorse the process for Volunteer Recognition outlined by Ms. Howlett for presentation at the Annual Town Meeting.

The Board reviewed a request from Pine duBois for the Board send a letter to the Energy Facilities Siting Board expressing concern for the use of Kingston’s water to be used by Brockton Power for cooling at

the proposed 350 MW electrical plant. The Chairman asked the Board to consider a pending amendment to the permit issued for construction and operation of the Brockton Power Plant. She explained that the original permit approved the use of wastewater to cool the 350 MW Power Plant, but that the requested amendment changes that water source to Brockton's drinking water which comes from Silver Lake. The draw-down, which is over 1M gallons would be environmentally dangerous. Ms. MacFarlane recognized Ms. duBois to speak on this matter. Ms. duBois explained in detail why this amendment was not to the Town's advantage. Ms. MacFarlane requested that the Board send a letter to Representative Calter and Senator Murray, for their support in this matter. Said letter, to request that Brockton Power not be allowed to use water from Silver Lake because of the potential to exacerbate the ongoing hardship to Kingston and the damage to its environment.

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

VOTED: To send the letter as requested and send a copy to Representative Calter and Senator Murray.

The Board reviewed the list of annual licenses renewals for all alcoholic beverage restaurants, clubs and package stores. Mr. Beaton recused himself from participating. Upon motion made by Mr. Casna and seconded by Mr. Randall, following a discussion and a 5-0-0 vote, it was—

VOTED: To renew the licenses as follows subject to the annual inspection by the Building Inspector and fire Dept. and verification from the Tax Collector that all taxes, charges and fee are paid or a payment plan approved by and deemed acceptable by the Licensing Authority/Board of Selectmen, by no late than December 31, 2010.;

ALL ALCOHOL RESTAURANTS	
Cancun	145 Main Street
Charlie Horse Restaurant	99 Main Street
Frankie D's	164H Summer Street
Indian Pond Country Club-Blackstones	60 Country Club Way
Indian Pond Country Club-Members Pub	60 Country Club Way
Indian Pond Country Club-Function Hall	60 Country Club Way
KTC Inc. dba Kingsbury Club	186 Summer Street
LaPaloma Mexican Restaurant	114 Main Street
Mama Carmela's	138 Main Street
Mama Mia's	134 Main Street
Arcadia Foods dba Pasiano's	6 Pembroke Street
Royal Garden Restaurant	3 Tremont Street
John T. Cataldi Restaurant dba Solstice	63 Summer Street
CLUBS	
American Legion Govoni Post	94 Main Street
Hilltop Athletic Association	12 Pottle Street
Kingston Columbian Building Association	91 South Street
Union Grove Club	11 Kingston Street

WINE & MALT	
Alley Kat Lane LLC	7 Tarkiln Road
Kingston Ten Pin LLC	7 Tarkiln Road
PACKAGE STORES	
Empire Wine & Spirits	164B Summer Street
Kingston Liquors	179 Summer Street
Myette's Country Liquors	66 Main Street
Sunshine Liquors	133 Main Street
Trackside Liquors	58 Summer Street
Whit's Market	54A Pembroke Street
General on Premises	
Pete's Retreat Inc.	42 Elm Street

The Board reviewed the Appointments. Upon motion made by Mr. Beaton and seconded by Mr. Arruda, following a discussion and a 5-0-0 vote, it was—

VOTED: To appoint Paul F. Basler, Michael L. Rohr, Elaine A. Fiore, George Bray, III, and Eugene W. Wyatt, Jr. to the Transfer Station Task Force.

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

VOTED: To appoint Kara Rooney to the Cultural Council.

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

VOTED: To appoint Norman Harbinson to the Memorial Day Parade Committee.

The Board reviewed the request of the Cape Cod Getaway MS Bike Ride to hold an event on June 25th and 26th, 2011. Upon motion made by Mr. Randall and seconded by Mr. Arruda, following a discussion and a 5-0-0 vote, it was—

VOTED: To grant permission to the Cape Cod Getaway MS Bike Ride to hold an event on June 25th and 26th, 2011 on the streets in Kingston as stated on the route provided subject to the approval of the traffic control plan by Lieutenant Splaine.

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

VOTED: To accept the donation of materials in the amount of \$192.00 from T.L. Edwards, inc. for a Conservation restoration project.

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

VOTED: To enter into executive session¹ to discuss pending litigation.

Respectfully Submitted:

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

¹ The public session adjourned at 8:00 p.m. and the executive session adjourned at 9:30 p.m.