

TOWN OF KINGSTON  
BOARD OF SELECTMEN

MINUTES  
March 1, 2011

Chairman Sandra D. MacFarlane opened the meeting of the Board of Selectmen held on March 1, 2011 at 7:00 p.m. in Room 200 at the Town House, 26 Evergreen Street, Kingston. Present were Richard J. Arruda, Joseph F. Casna, Jr. and Town Administrator Jill R. Myers. Vice Chairman Dennis N. Randall and Mark S. Beaton were absent.

Ms. MacFarlane acknowledged and thanked the individuals that assisted in the kitchen for the Senior Center Dedication; Chris Harrison, Cindy Heavy, Don Lakin, Joy Arrowsmith, Tom Croce, Mary Hayes, Sylvia Vaz, and Janet Croce.

Ms. MacFarlane announced the open forum. David Fitzgerald of 12 Sunset Road came forward to express his concern for building permits issued, Zoning Board of Appeals approvals and numerous other issues regarding a property located at 3 Pebble Lane. Mr. Fitzgerald was advised that the information he provided would be reviewed.

Peter Boncek, 3 Tree Farm Estates came forward to request that the Board look into the safety issues regarding the Maple Avenue School. Ms. MacFarlane advised that the matter was scheduled to be on the Board's next agenda and that the Building Inspector and Fire Chief would be asked to attend.

Elaine Fiore, Finance Committee Chairman was present to request that the Board vote to continue the April Annual Town Meeting until June 6 and/or 7, 2011, for the financial articles as was done last year. Upon motion made by Mr. Casna and seconded by Mr. Arruda, following a discussion and a 3-0-0 vote, it was—

VOTED: To set the dates of June 6 and 7, 2011 to continue the Annual Town Meeting for the financial articles.

John LaBrache, Treasurer came forward to request that the Board vote to authorize a ballot question for the Annual Town Election to transfer the use of a 1999 Bond to fund the Capital Plan project for Gray's Beach. Mr. LaBrache stated that the ballot question would be required because the bond was previously voted as a debt exclusion and that in so voting it would result in no increase in taxes. Upon motion made by Mr. Arruda and seconded by Mr. Casna, following a discussion and a 3-0-0 vote, it was—

VOTED: Add the following question to the 2011 Election Warrant

And to vote "Yes" or "No" on the following question:

*"Shall the Town of Kingston be allowed to exempt from the provisions of proposition two and one half, so called, the amounts required to pay for the bond issued in order to construct and reconstruct catch basins and drainage improvements including all costs incidental or related thereto, at Gray's Beach Park?"*

Ms. MacFarlane read the Public Hearing notice on Laura Wagner's appeal of the denial of a Kennel License for 47 Marion Drive, Kingston. Debra Mueller, Animal Control Officer advised the Board that the denial was issued because the property did not meet the dimensional requirements of 5 acres or 1300 ft. from abutters for a Grade 3 License. Ms. Mueller also advised that use was not actually a Kennel, but a Doggie Daycare Facility and the Town's By-Law still applied for such an operation. She added that she did not think the business would be detrimental to the neighborhood since it was an industrial area.

Building Inspector Paul Armstrong suggested restricting the Kennel License to have the dogs remain inside the building unless they are exercised, under supervision.

Karen Locke came forward and stated that she had positive experiences with the applicant and stated that as a trainer of dogs, she did not allow them to bark. Paul McAuliffe also expressed his positive experiences with Ms. Wagner.

No one came forward to speak in opposition of the request.

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

VOTED: To close the public hearing; and further

VOTED: To waive the strict compliance with the provisions of Section 10-3-4.A.2. and Section 10-3-4.B.1. of the General By-Laws and order the Town Clerk to issue the Kennel License to applicant Laura Wagner, with the following conditions;

1. All dogs are to be kept inside the building except when being exercised.
2. All dogs being exercised outside the building must be done so under supervision.

The Board issued the waiver as provided for under General By-Law Sections; 10-3-7.D.i., 10-3-7-D.ii. and 10-3-7.iii.

Ms. MacFarlane read the hearing notice for the public hearing for the Fire Chief's request that the Board revoke the underground fuel storage license for Cumberland Farms; 46 Main Street. Chief Heath was present and stated that the business was no longer operational since Cumberland Farms occupied another location across the street. He stated that Cumberland Farms has notified him that they were preparing to have the tanks removed from the property on or about April 1<sup>st</sup>. No one from Cumberland Farms was present.

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

VOTED: To close the public hearing; and further

VOTED: To revoke the fuel storage license for 41 Main Street and for the Fire Chief to work with Cumberland Farms to have the tanks safely removed as soon as possible.

While Chief Heath was still present, he advised the Board that the Town received very high marks for its participation in the Emergency Drill. He praised all personnel involved for their assistance during the Drill.

Ms. MacFarlane asked Chief Heath if the Maple Avenue School could afford the opportunity for Firefighters training. Chief Heath advised that there was a safety concern due to the proximity to the homes which surround the building so they could not safely burn the structure.

Ron Gleason was present and stated the Permanent Building Committee had recommended that the building be raised due to the deteriorating condition. He suggested that it be surveyed for hazardous materials before deciding how to dispose of the building.

The Board reviewed the minutes of the February 3<sup>rd</sup> and 15<sup>th</sup> public and executive sessions and upon motion made by Mr. Casna and seconded by Mr. Arruda, following a discussion and a 3-0-0 vote, it was—

VOTED: To approve the public and executive session minutes of the February 3 and 15, 2011 meetings.

The Board reviewed the Town Administrator's report. Items discussed were; Warrant Article for the PPA Budget, change in the solar array that will be installed by Borrego Solar and fiscal impact to the project and the announcement of the Community Preservation projects public hearing on March 8<sup>th</sup>.

Paul Basler was present with the two individuals; Shawn Turner and William Lindsay, being recommended to fill the CDL Truck Driver/Laborer and the Transfer Station Operation positions.

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

VOTED: To hire Shawn Turner as Full-time CDL Truck Driver/Laborer at \$16.63 per hour and William Lindsay as Full-time Transfer Station Operator at \$17.65 per hour, subject to a successful pre-employment physical and drug screen and six months probationary period.

The Board reviewed the request to change the mileage reimbursement rate from \$.50 to \$.51, the new Federal rate. Upon motion made by Mr. Casna and seconded by Mr. Arruda, following a discussion and a 3-0-0 vote, it was—

VOTED: To set the reimbursement rate for mileage at \$.51.

Mr. Casna stated that he wanted to read a letter, and read from a letter written to the Board from Ron Gleason acknowledging the work of Highway Superintendent Paul Basler during the snow and ice storms. In the letter Mr. Gleason suggests that the Board consider giving Mr. Basler a stipend of \$5,000 to compensate him for the extended hours. Ms. MacFarlane stated she did not want to discuss it

without the full Board present and Mr. Arruda stated that he agreed. Mr. Casna asked if Ms. Myers could look into where the money could come from to fund the request in the event the Board decided to go forward with the suggestion. Ms. Myers stated she would look into it.

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

VOTED:           To adjourn at 8:00 p.m.

Respectfully submitted:

Nancy Howlett  
Assistant to the Town Administrator/  
Board of Selectmen