

TOWN OF KINGSTON
BOARD OF SELECTMEN

MINUTES
August 3, 2010

Chairman Sandra D. MacFarlane opened the meeting of the Board of Selectmen held on August 3, 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, Joseph F. Casna, Jr. and Town Administrator Jill R. Myers. Mr. Beaton was absent.

The Chairman noted the achievement of Silver Lake Regional High School Principal Richard Kelley in being named Principal of the Year for 2010 and advised that Mr. Kelley would be invited to the next meeting so that he could be publicly recognized.

Mr. Randall noted that Mr. Beaton was absent because he was helping to cook food at the Police Dept.'s National Night Out.

The Chairman announced the Open Forum. Anna Fiore came forward and thanked Ms. Myers for providing information on the composition of the interview panel and process used in filling the Council on Aging Director's position. She stated that she and other seniors were troubled that the Board did not interview the final candidates in an open process as was done for the Town Administrator, Fire Chief and Police Chief and did not think it was the role of the Town Administrator to do so. Ms. Fiore asked that Seniors be treated fairly and that the process should be the same no matter what position is being filled. She further advised that she approved on the members of the panel, now that they were known, and the person recommended to fill the position.

Ms. MacFarlane agreed that it was a different process but was professionally handled by the Town Administrator and other COA Directors who made an unbiased recommendation. She stated that the appointment does come to the Board for the final decision.

Mr. Randall said that the Seniors' voice on the process is important to be heard and the Board needs their support.

Ms. MacFarlane read the hearing notice for the application for a new fuel storage license from Cumberland Farms for 41 Main Street, Kingston, the former location of CK Smith. Present speaking for the applicant was John Marsh. He stated that the building would not be altered on the exterior, inside it would be remodeled like most Cumberland Farms stores, would have a drive-up window and they would occupy the entire building. Mr. Marsh said the existing tanks would be used and all had been tested and certified prior to the purchase of the property.

Ms. MacFarlane asked if anyone from the public wanted to speak to the application. Mark Guidoboni of Old Orchard Lane questioned whether the present Cumberland Farms would close and if there was a fire suppression system. Mr. Marsh advised that Cumberland Farms would close its existing location and move across the street to 41 Main Street and the existing system would be maintained.

Charles Comeau sited concern for the adjacent wetlands and asked if any environmental studies have been or would be conducted. Mr. Marsh stated that the property had already been through permitting and nothing outside was being changed. Pine DuBois looked at the site plan and said that the runoff goes into a catch basin and Cumberland Farms should be sure to clean out the basin, use an oil water separator, and

maintain the system in order to protect the environment. Mr. Walsh said that the order of conditions that was approved would be adhered to at the site and the management was open to working with the Town and wanted to foster a good working relationship.

Brad Taylor of 43 Main Street advised that the previous business was not allowed to be open beyond 10:00 p.m. and asked if the dead trees that were the buffer would be replaced. Mr. Walsh said he did not know what the hours of operation would be but typically Cumberland Farms is 5:00 a.m. to Midnight.

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 public hearing.

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

VOTED: To issue a new fuel storage license to Cumberland Farms, Inc. for use at 41 Main Street, Kingston for the quantities of Diesel and Gasoline as stated on the license application.

Bruce Bird, Chairman of the COA Board was present to update the Board on the activities of the COA Board. He said it was an exciting time for the Council with the new Senior Center in the works and a new Director starting soon. He said the Board was looking at many things including ways to improve transportation in a more cost effective way, look to change minimum age to 55 instead of 62, and possibility of expanding meals to five days in the new Center.

Mr. Randall suggested looking at the population being served and build programs to meet their needs. Anna Fiore asked to comment and stated that the vans were very important to Seniors to get to shopping and appointments and she didn't want them to get rid of the vans. Mr. Bird said they wanted to find a better service and possibly more vans.

Ms. Myers reported on the process for the interviews and selection of the finalist to fill the COA Director's position. Ms. Myers advised that the panel consisted of COA Board Chairman, COA Directors from Cohasset and Duxbury and a Senior resident. She said three candidates were interviewed and on a consensus vote, Linda Felix was chosen. Ms. Myers stated that following the meeting, she conferred with the Attorney General's office and learned that under the revised Open Meeting Law, the meeting of the panel should have been posted. To satisfy the posting requirement, Ms. Myers stated she would post the meeting and have the panel meet and take a vote affirming Linda Felix as the finalist. Ms. Myers added that all reference and CORI checks were successful and she was recommending the compensation at a higher than entry level grade at a G3, Step 6 \$45,844.

Linda Felix was present and came to the podium. She stated that she would resign from the COA Board and as a Recreation Commissioner. She said she was excited about the position and that her door was always open to listen to needs and concerns.

Upon motion made by Mr. Arruda and seconded by Mr. Casna, following a discussion and a 54-0 vote, it was—

VOTED: To hire and appoint Linda Felix as the Director of the Council on Aging at a G3, S6 - \$45,844 and subject to the following;

- Completion of a Town of Kingston Employment Application and Signed Job Description;
- Provision of the necessary identification forms to satisfy the requirements to the U.S. Immigration Reform Act;
- Satisfactory CORI check;
- Satisfactory pre-employment/post offer physical examination; and
- Successful completion of a six-month probationary period.

At 8:05 p.m. the Board took a break and returned at 8:10 p.m.

The Board reviewed a letter from the Old Colony Planning Counsel requesting the Board's endorsement of establishing a Economic Target Area (ETA). Upon motion made by Mr. Randall and seconded by Mr. Arruda, following a discussion and a 4-0-0 vote, it was—

VOTED: To support the submission of an application by the Old Colony Planning Council, for the creation of the Eight Town Economic Target Area under MGL, Chapter 23, Section 3D, which proposes to include Kingston, Bridgewater, East Bridgewater, Halifax, Hanson, Plympton, Pembroke and Whitman

The Board reviewed the letter from Supt. Tuffy seeking a representative to be a voting member in the collective bargaining process for Silver Lake. The Board also reviewed a letter from Halifax Town Administrator Charles Seelig who advised that Kim Roy a member of the Halifax Board of Selectmen was interested in serving as the representative. Upon motion made by Mr. Arruda and seconded by Mr. Casna, following a discussion and a 4-0-0 vote, it was—

VOTED: To support Kim Roy filling the position as representative to the bargaining team for Silver Lake Regional High School for the three-member Towns.

The Board reviewed the appointments and resignations. Ms. MacFarlane asked James "Ben" Scollins to come forward to be interviewed for the Waterfront Committee vacancy. Frank Catani, another volunteer had met with the Board on July 20, 2010. Mr. Scollins detailed his interest and qualifications. Charles Comeau came forward and stated both candidates were well qualified but Mr. Scollins would give a fresh new mind to the Committee and he recommended Mr. Scollins. Ms. MacFarlane called for a roll-call vote for either Frank Catani or James Scollins and it was unanimously voted--

VOTED: To appoint James Scollins to the Waterfront Committee.

The Board reviewed the request of the Sewer Commissioners to make the appointment of the Superintendent Wasterwater Treatment Plant/Chief Operator for an indefinite period rather than a three-year term. Mr. Randall referred to correspondence from Labor Counsel which advised that the indefinite term did not establish tenure and that all employees serve at-will. Upon motion made by Mr. Casna and seconded by Mr. Arruda, following a discussion and a 4-0-0 vote, it was—

VOTED: To change the term for the Superintendent Wasterwater Treatment Plant/Chief Operator to an indefinite period rather than a three-year term, and further;

VOTED: To appoint Eugene Wyatt to the Transfer Station Task Force as the Citizen-at-large.

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

VOTED: To accept the resignation of John Haas from the Town Government Study Committee, and further;

VOTED: To appoint Paul Tura as a full-voting member of the Town Government Study Committee.

Ms. Myers said that she included the FY10 documents for updating the FY11 Goals and Objectives of the Board and she requested that Board members complete the FY11 forms and submit them to Nancy by August 12th.

The Board reviewed the list of election workers and upon motion made by Mr. Randall and seconded by Mr. Arruda, following a discussion and a 4-0-0 vote, it was—

VOTED: To appoint the list of election workers as recommended by the Town Clerk, and further;

VOTED: To endorse the State Primary Election Warrant as presented by the Town Clerk.

Mr. Arruda reported that the Conservation Land Review Committee had obtained the “no trespassing” signs for placement at Camp Nekon in an effort to curtail individuals riding dirt bikes from destroying the property. He also asked the Town Administrator to check into T.L. Edwards encroaching on Town land.

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

VOTED: To enter into executive session¹ under MGL C.30A, S 11A ½ to discuss strategy for litigation and financial assistance.

Respectfully Submitted:

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

¹ The public session adjourned at 8:40 p.m. and the executive adjourned at 9:36 p.m.

