

TOWN OF KINGSTON
BOARD OF SELECTMEN

MINUTES
July 6, 2010

Chairman Sandra D. MacFarlane opened the meeting of the Board of Selectmen held on July 6, 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.

Ms. MacFarlane announced the Open Forum. Peg Gallagher came forward from the Kingston Art Festival and requested that the Board allow the use of the Town Green, the Faunce School and to close a portion of Green Street for the Festival being held on September 18th from 10:00 a.m. to 5:00 p.m.

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

VOTED: To permit the use of the Town Green, Faunce School and to close a portion of Green Street on September 18th from 10:00 a.m. to 5:00 p.m. as long as said use involves no expense on the part of the Town

Ms. Myers stated that the cost for Police Details that may be required were to be paid by the organizers of the Festival.

Frances Botelho-Hoeg came forward and stated that a petition of 104 residents was collected to request the Board not to send its recommendation of approval of the Elm Street Design plan to MDOT. Mrs. Hoeg stated that the Board should consider retaining the single lane bridge, the traffic lights were needed to keep traffic flowing at a safe speed and to allow those turning left off of Brook Street on to Elm to turn safely, and that Elm Street was designated as a Scenic Road and MGL c40, Section 15 had not been followed. She further stated that she this matter had not been heard by the Planning Board. Mrs. Hoeg advised that the comment period ended on July 15th and the Board had plenty of time to hold a meeting and hear public comments before making a decision.

Mr. Beaton stated that the matter is a topic to be discussed under the agenda item for the Town Administrator's Report. Representative Thomas Calter was present and came forward and offered to request MDOT to allow the Board until the July 20th meeting to take its vote on the recommendation for the Elm Street Bridge that is still under design review.

Ms. MacFarlane stated that the bridge was in need of repair and three million dollars being funded at no cost to the Town was significant.

Louis Blackman, 35 Elm Street came forward and requested the Board to take its time in moving forward on the bridge. Rep. Calter stated that he met with Mr. Blackman several times and that the Board could not take its time on this matter because it was under the Accelerated Bridge Program. He further stated that the new design would incorporate a beam from the old bridge for aesthetics and if the work is not done, the Town would be looking at jersey barriers to close the road for safety purposes. He also stated that there would be a matching cost to the Town of \$600,000. Ms. MacFarlane clarified that the cost of the project was split 80%/20% Federal and State funds, but no cost to the Town except for any easements needed.

Mr. Randall stated that the State has been very cooperative when asked to make design changes to the 25% design that had been presented at two public hearings.

Ken Stevens of 217 Main Street stated that he agreed with Mrs. Hoeg's comments and that traffic counts have not been done since 1998 when traffic counts on Main Street showed 3900 vehicle trips per day.

Ms. MacFarlane stated that she was ending discussion and that it would be brought forward on the July 20th agenda.

Glen Priolo of Wapping Road came forward and stated he wanted to get some answers regarding the status of the driveway work for his property. Ms. MacFarlane stated that a letter would be coming to him to explain what the Town would provide under the contract for the project. She further stated that the Board was doing its best to work with the nine aggrieved residents to resolve issues but funding was questionable.

Mr. Beaton advised that the letter contained information that an eight foot apron would be provided per the contract at the end of Mr. Priolo's driveway. Mr. Priolo stated he was promised that the entire driveway would be replaced and Mr. Beaton stated that Mr. Priolo was given misinformation and a lengthy discussion ensued. Mr. Priolo demeanor was confrontational and he used obscenities when addressing the Board.

Mr. Randall stated this was not an appropriate use of Open Forum and that the Town was doing the best it could to work with Mr. Priolo. Mr. Priolo stated that the project was at the end of the paving and would be finished in a month and the Board had voted 5-0 to make him whole. Ms. MacFarlane stated the Board was working diligently and asked Mr. Priolo to be patient. Mr. Beaton reiterated that the letter stated the contractor would provide an eight foot apron.

No other persons came forward for Open Forum.

Richard Kleiman was recognized representing the O'Donnell Realty Trust in its request to enter into a Memorandum of Understanding to explore a public/private partnership for the development and management of a Wind Turbine on the O'Donnell site. He stated benefits to the Town to include payments in lieu of taxes and creation of jobs. Mr. Kleiman advised that partnering with the Town gave the opportunity for more than one turbine to be sited, and without the Town's net metering capability the project would not be viable. He requested the Board to support the (revised) MOU which would provide for the hiring of an expert consultant, funded by the property owner/Trust to explore the best way to address the project, confirm legality with State agencies, and move to a permanent agreement.

Mr. Beaton stated that the Town's Wind Turbine and Solar would be procured with an RFP and the O'Donnell Realty Trust could put in a bid. Mr. Beaton stated that both the Town and the Trust had received approval from the Planning Board for the separate projects at the same meeting.

Mr. Randall stated that the revised agreement was not available until 3:30 p.m. that afternoon and he was not comfortable with the Town being the operator on paper of a Wind Turbine owned by someone else. Mr. Beaton advised that the MOU would give the time needed to gather more information.

Attorney Howard Guggenheim came forward representing O'Donnell Realty Trust and advised that this was a fully envisioned public/private partnership to facilitate the best use of the land for the benefit of all and decision need to be made. He stated the MOU was a non-binding agreement to explore the terms and goals being pursued.

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

VOTED: To authorize the Town Administrator to sign the MOU with O'Donnell Realty Trust.

Mr. Beaton stated that he had questions regarding the use of the Adams Library Building since millions of dollars have been invested in the restoration. Ms. Myers advised that the Heritage Center Development Committee would be present at the Board's meeting on July 20th. Mr. Beaton advised that he wanted to see a management plan for the building.

The Board reviewed the minutes of the June 29, 2010 meeting and upon motion made by Mr. Casna and seconded by Mr. Beaton following a discussion and a 5-0-0 vote, it was—

VOTED: To approve the minutes of the June 29, 2010 public and executive session meeting.

The Board reviewed the Town Administrator's report. Items discussed were; the Elm Street Bridge Project and request by MDOT for a letter of support, the Calista property Self-Help Fund application being submitted for Grant Funding and request for the Board to support the effort. 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 a letter of support for the Calista Property Self-Help Fund Grant Application.

Ms. Myers noted that the new Open Meeting Law was in effect and the Town Clerk had distributed information. The Report is posted on the Town's website. Mr. Beaton announced that the fuel consumption report showed a 7.4% decrease in fuel consumption for the month of June. Ms. Myers reported that the Governor signed the budget and since Kingston did excellent job forecasting, there was potentially \$200,000 surplus revenue which may be needed if there was mid-year 9C cuts.

Under old business, Mr. Casna stated that the Board deferred lifting the hiring freeze to fill the second position at the Highway Dept. until the State budget was approved and the impact to the Town was determined. Mr. Casna said that since there was no impact he suggested moving forward. Ms. MacFarlane said she wanted to hear from Mr. Basler as to whether they could wait a year to fill the position. She added that she supported lifting the freeze for the Laborer but not the Foreman.

A motion may by Mr. Casna and seconded by Mr. Beaton to lift the hiring freeze for a position at the Highway Dept., failed on a 1-4-0 vote. Mr. Casna supported the motion; all other Selectmen opposed the motion.

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

VOTED: To appoint John LaBrache to the Community Preservation Committee, Robert Short as Assistant Harbormaster/Deputy Shellfish Constable, and Verna Dalton removed as the Cultural Council's representative to the Heritage Center Development Committee and appoint as the citizen-at-large instead.

The Board reviewed the site plan for 160 Summer Street to change and enlarge a pump station building at Summer Hill Plaza to house a business. Ms. Myers stated that any comments would be forwarded to the Building Inspector. Upon motion made by Mr. Casna and seconded by Mr. Randall, following a discussion and a 5-0-0 vote, it was—

VOTED: To offer no comments on the plan and to support the change of use and expansion of the property.

The Board reviewed the request of Maureen Thomas to use Wetland Protection Funds to pay \$422.10 for her mileage reimbursement. Upon motion made by Mr. Beaton and seconded by Mr. Casna, following a discussion and a 5-0-0 vote, it was—

VOTED: To approve the request.

Mr. Randall requested that the Board explore the threshold for declaring a heat emergency and being proactive in opening a cooling center when the temperature is above 95 degrees. Ms. Myers stated that she would notify the Kingston Emergency Management Agency through the Fire Chief as the Director.

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

VOTED: To enter into executive session¹ to discuss pending or potential litigation and not return to public session.

Respectfully Submitted,

Nancy M. Howlett

¹ The public session adjourned at 8:50 p.m. and the executive session adjourned at 9:01 p.m.