

TOWN OF KINGSTON
BOARD OF SELECTMEN

MINUTES
October 9, 2007

Chairman Mark S. Beaton opened the meeting of the Board of Selectmen held on October 9, 2007 at 7:00 pm in Room 200 at the Town House, 26 Evergreen Street, Kingston. Present were Vice Chairman Sandra D. MacFarlane Paul M. Gallagher, Joseph D. Kelleher, Jean Landis-Naumann and Town Administrator Kevin R. Donovan.

State Representative Thomas Calter was in attendance and made a presentation of a ceremonial check in the amount of \$600,000 as the incentive payment to the Town for the passage of the Smart Growth Zoning at the Annual Town Meeting. Also present were Representatives from Town Departments, Boards and Committees who were also recognized for their work associated with the passage and certification of the By-Law. Treasurer John LaBrache accepted the check on behalf of the Town.

The Chairman announced the Open Forum and no one present requested to speak at Open Forum.

The Chairman read the public hearing notice for the Classification of Property for Tax Purposes. Present were members of the Board of Assessors; Chairman William Twohig, Anne Dunn and William Martin.

Mr. Twohig stated that the Board of Assessors was recommending that all properties in the Town be classified at the same rate using a factor of one. Upon motion made and seconded, following a discussion and a 5-0-0 vote, it was—

VOTED: To accept the recommendation for a classification factor of one for all properties in Town.

The Chairman stated that the Board had requested that issues on the Agreement proposed by the Conant Group and the Town be clarified by Town Counsel and Attorney Jeffrey. Attorney Jeffrey was present and detailed the changes that were agreed upon to include; amend the purchase and sales agreement for \$765,000 funds to be payable to the Town after the sell-out of phase I; a License Agreement to allow for the remediation of the contamination present on the Fire Station property prior to the closing and the delivery of a performance bond equal to the full amount of the contract price to remediate the property.

Mr. Beaton stated that under Section 4, the Town would be protected in that should the property be sold before it is developed by Mr. Conant, only the permitted project would be allowed to be built on the property.

Upon motion made and seconded, following a discussion and a 5-0-0 vote, it was—

VOTED: To approve the amendments to the Purchase and Sales Agreement, to enter into a License Agreement and the Release and Indemnification Agreement for the remediation of the contamination at the Fire Station property.

Mr. Kelleher requested that matters under Old Business that have been resolved be removed from the listing. Mr. Donovan agreed to remove Pilgrim Re-licensing and the purchase of the Winthrop Street Bog. Mr. Donovan further advised that the matter of the performance evaluations would be considered during the time provided for by the Wage and Personnel By-

Law. Mr. Beaton suggested making contact again with the State on the Route 44 Land Acquisition.

Ms. MacFarlane stated that she had attended a meeting of the Casino Task Force at the Lakeville Library and provided a written report¹ of what transpired at the meeting. She stated that she would take the Board's comments back to the Task Force on October 17th.

Mr. Kelleher stated that he would go on record that he was against the casino and gambling and thought there should be another alternative to raise funds besides casino revenue and raising taxes. He stated that the north shore did a better job at attracting industry development. Mrs. Landis-Naumann stated that she agreed with Mr. Kelleher and further that new sources of revenue were needed, with businesses offering living wages.

Ms. MacFarlane reported that Representative Pacheco from Raynham was present at the meeting and challenged the group to find alternative sources of revenue. Mr. Gallagher stated that he was disheartened to hear Rep. Pacheco's challenge to the group. Mr. Beaton stated that it seemed there was a consensus that gambling would not solve revenue problems. Mr. Gallagher added that lottery sales were suffering.

Upon motion made and seconded, following a discussion and a 5-0-0 vote, it was—

VOTED: Not to support casino gambling at this time.

Mr. Gallagher questioned Ms. MacFarlane whether the Town of Middleborough was a member of the Task Force. Ms. MacFarlane stated that the group felt it would be counter-productive and not appropriate at this time and intended to include Middleborough when the hearings were held. Mr. Beaton stated that they should be up front with Middleborough and discuss with Middleborough how the casino would impact the region. Members of the Board expressed their interest in having Middleborough included now, when the group was collecting information. Upon motion made and seconded, following a discussion and a 5-0-0 vote, it was—

VOTED: To amend the previous motion to not support casino gambling to also recommend that Middleborough be included in the Task Force.

The Board reviewed the Town Administrator's report. Items discussed were; FY09 Budget process, attendance at an Administrator's meeting to discuss the Plymouth County Health Insurance Plan, the Special Town Meeting run-through meeting, the employee health and fitness seminar, Cable TV License renewal process, Financial Officers meeting and the Entergy annual siren test.

Mr. Beaton stated that Article 2 for the STM had been reviewed by Counsel and the language that had been questioned by the Board had been revised to establish the Stabilization Fund for the "purposes of satisfying expenses subsequent to the issuance of occupancy permits in the 40R District". Mr. Gallagher stated that he just wanted to be sure that the funds were safely held during the three year period to obtain occupancy permits in case the project did not go forward and the money would have to be returned to the State.

¹ The report submitted by Ms. MacFarlane is attached hereto and incorporated by reference.

Mrs. Landis-Naumann reminded everyone that the article required a quorum of 100 and a vote of 2/3 to move money in and out of the Stabilization Fund, an action that is not taken lightly.

Upon motion made and seconded, following a discussion and a 5-0-0 vote, it was—

VOTED: To assign the motion to Mr. Gallagher and support the motion as re-written.

The Board reviewed the offer of a donation of a truck weighing scale for use at the Transfer Station. Mr. Gallagher stated that he did not know enough about it. He further stated that he did not want to accept a gift that might possibly be construed in a negative way. Mr. Beaton stated that Superintendent Basler would use it and it appears to be an expensive scale and if it couldn't be used we could sell it for cash and suggested that they take the donation. He further stated that Mary O'Donnell offered it some time ago. Ms. MacFarlane stated that when she read the letter it didn't matter who donated it and if it could be used they should accept it. Upon motion made and seconded, following a discussion and a 5-0-0 vote, it was—

VOTED: To accept the donation of a truck scale from Mary O'Donnell valued at \$55,000.

Upon motion made and seconded, following a discussion and a 5-0-0 vote, it was—

VOTED: To hire Susan April as Archivist as recommended by Sia Stewart, Library Director and to appoint Douglas Billings to the Technology Advisory Committee and Bruce Bird to the Counsel on Aging.

Mr. Beaton suggested tabling the comments for the Village at Crescent Street project until more information is received. The Board concurred.

Mr. Beaton requested that the Board, consider changing the name of the Secure Energy Future Committee to the Green Energy Committee because the name was too cumbersome. Upon motion made and seconded, following a discussion and a 5-0-0 vote, it was—

VOTED: To change the name of the Secure Energy Future Committee to the Green Energy Committee.

Upon motion made and seconded, following a discussion and a 5-0-0 roll-call vote, it was—

VOTED: To enter into executive session² for the purpose of discussing pending litigation and not return to public session.

Respectfully Submitted:

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

² The public session adjourned at 8:05 p.m. and the executive session adjourned at 8:15 p.m.