

TOWN OF KINGSTON  
BOARD OF SELECTMEN

MINUTES  
September 2, 2008

Chairman Paul M. Gallagher opened the meeting of the Board of Selectmen held on September 2, 2008 at 7:00 p.m. in Room 200 at the Town House, 26 Evergreen Street, Kingston. Present were, Vice Chairman Sandra D. MacFarlane, Jean Landis-Naumann, Dennis N. Randall and Town Administrator Kevin R. Donovan. Mr. Beaton joined the meeting at 7:08 p.m.

The Chairman announced the Open Forum. Craig Dalton, Chairman of the Historical Commission came forward to request that the Board expedite the appointment of Winifred L. Avery, a former member of the Historical Commission, to fill the vacancy caused by the resignation of Sharon Collins-Hazley.

Upon motion made and seconded, following a discussion and a 4-0-0 vote, it was—

VOTED: To appoint Winifred L. Avery to the Historical Commission.

The Chairman announced that the Board would reopen the hearing on the application of Ruella's Inc. dba/Cancun Restaurant for an Alteration of Premises to its all alcoholic beverage license. Mr. Beaton recused himself from participating in the discussion and vote. Upon motion made by Mr. Randall and seconded by Ms. MacFarlane, following a discussion and a 4-0-0 vote, it was—

VOTED: To waive the reading of the public hearing notice.

Ezequiel Sandoval, Owner and Manager of Cancun Restaurant stated that the current seating in the restaurant was under the total allowed capacity of 207 which included 16 seats on the deck. Mr. Sandoval added that there would be a server assigned to the deck area at all times and the deck would also be monitored by the Management and the bartender. He stated the access and egress for the deck was approved the way it is being currently used.

Mr. Gallagher asked if anyone present was in favor or against the application and no one came forward.

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

VOTED: To close the public hearing.

Mrs. Landis-Naumann stated that the Kingston Fire Department did not require a second egress and felt one was sufficient. Mr. Gallagher stated that he did not feel there were adequate exits and did not support approving the request. Mr. Randall stated that he too did not support the request because there was not an adequate view of the area from the bar and that having only one exit was potentially unsafe. Ms. MacFarlane stated that application was very similar to an application that the Board had recently approved. She added that the Manager stated that someone would be assigned to be on the deck. Mrs. Landis-Naumann stated that many restaurants have private function rooms and the activities in the room cannot be viewed from the bar. She added that she felt that Cancun's application meets the definition detailed by the ABCC.

Mr. Gallagher advised that the applicant did not attend the first hearing and at the second hearing, the Board had questions that had not been addressed. He stated that he did not support the application because the deck access and egress was not safe enough for outside dining and it was not sufficient sight to monitor the activities.

A motion made by Mr. Randall and seconded by Mr. Gallagher, following a discussion and a 2-2 vote failed for lack of a majority and the matter was therefore deemed moot.

Mr. Gallagher and Mr. Randall voted in favor of denying the application and Mrs. Landis-Naumann and Ms. MacFarlane voted against denying the application.

The Board reviewed the Town Administrator's report. Items discussed were; the Finance Committees recommendation for Departments to submit a budget reflection a 5% reduction; Budget Advisory Committee meeting on September 18<sup>th</sup>; and the Fire Department's September 11<sup>th</sup> Remembrance Ceremony.

Mr. Donovan stated that a Selectman requested that he look into the ability of the Town to solicit bids to establish a price for the elderly and low income residents to purchase home heating oil. Mr. Donovan advised that it would be possible as long as no public funds could be used to coordinate the effort, it would be a private engagement between the vendor and the residents and the Town would have no interaction with the vendor and residents. He further announced that the Town's public address system CTY was being updated and residents could call in or log in to the Town's website to register their connection information.

Mr. Randall requested that the heating oil bid item be placed under Old Business to be addressed at a future meeting.

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

VOTED: To approve the minutes of the public session meeting on August 19, 2008.

Under Old Business, Ms. MacFarlane that she attended the Conservation Land Review Committee in which they discussed a maintenance plan for Camp Nekon and a draft would be presented to the Board of Selectmen in the future.

Mr. Beaton asked Mr. Donovan to follow up on the Route 44 land acquisition with Mass Highway. Upon motion made by Mr. Beaton and seconded by Mrs. Landis-Naumann, following a discussion and a 5-0-0 vote, it was—

VOTED: To send a letter to Mass Highway, Representative Calter and Senator Murray regarding the status of the Town's interest in the Route 44 land.

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

VOTED: To appoint Joseph Casna to the Rent Control Board and further; to accept the resignation of Sharon Collins-Hazley from the Historical Committee.

The Board reviewed the request of the Conservation Commission to authorize payment from the wetlands protection fund, of an invoice in the amount of \$1045 to review a wetland line for a property on Cole Avenue. Ms. MacFarlane stated that she would like to hold the matter until she received information that she requested from Conservation regarding the use of guaranteed deposit funds. Mrs. Landis-Naumann questioned where the guarantee deposit funds would come from and Ms. MacFarlane advised they came from the applicant. Mr. Randall added that it is the same principle as the Planning Board receiving the funds from the applicant. The Board agreed to address the matter at the next meeting.

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

VOTED: To grant permission to close the roadways in Kingston along Park Street and Landing Road on September 27, 2008 for the 7<sup>th</sup> Annual 2008 Duxbury Beach Triathlon.

The Board reviewed the warrant for the Special Town Meeting scheduled for October 1, 2008. Mr. Randall stated that he only had concern for the article for the special legislation for elected officials to only serve in one elected office. Mr. Beaton stated he would not be opposed to removing it and bringing it forward in the Spring due to the complexity of it. Upon motion made by Mr. Beaton and seconded by Mr. Randall, following a discussion and a 5-0-0 vote, it was—

VOTED: To remove article 4.

Mr. Gallagher read the list of warrant articles and announced that article 18, Affordable Housing Study had been withdrawn by the Community Preservation Committee.

Mrs. Landis-Naumann suggested opening the warrant to add an article to change the date of the Annual Town Election so that it did not fall during the school vacation week when turnout would be low. Mr. Beaton stated that the date had gone back and forth and no date was ever perfect. Mrs. Landis-Naumann suggested the first Saturday in May. Mr. Gallagher stated that they had to consider the impact that changing the date would have on the Clerk's office and suggested putting it off until Annual Town Meeting.

A motion to open the warrant to insert an article to change the date of the Annual Town Election failed on a 1 to 4 vote. Mrs. Landis-Naumann supported the motion, all other Selectmen did not support the motion.

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

VOTED: To remove the Swap Shop item from Old Business.

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

VOTED: To set the warrant.

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

VOTED: To adjourn at 7:55 p.m.

Respectfully Submitted:

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

