



TOWN OF KINGSTON
BOARD OF SELECTMEN
OPEN SESSION
TOWN HOUSE-26 EVERGREEN ST. ROOM 200 & VIA ZOOM
FEBRUARY 14, 2023

6:00 PM – CALL TO ORDER – ROOM 200

Chairman Kimberley Emberg called to order the meeting of the Board of Selectmen at 6:00 PM. Selectmen in attendance: Donald Alcombright, Sheila Vaughn, Jessica Kramer, and Tyler Bouchard.

Staff Present: Keith Hickey, Town Administrator; Gloria Mitchell, Assistant Town Administrator; Patricia Tucker, Assistant to the Town Administrator and the Board of Selectmen.

ANNOUNCEMENTS:

This meeting is being recorded by PACTV. Anyone intending to make an audio or video recording of this meeting should notify us at this time.

Financial assistance applications are available on the Town's website or by contacting the Selectmen's office.

There is a Republican vacancy on the Board of Registrars. Anyone interested in filling this appointment, please get in touch with the Selectmen's office.

Dogs must be registered by March 15 either online, via mail, or in person in the clerk's office. After March 15, there is a \$20 late fee.

Turtle Pine Village, located off Elm Street, will hold a drawing for two affordable housing units in late March. One unit is a cape-style 3-bedroom bathroom with 1,298 square feet and a sales price of \$288,300. The second unit is a new cottage-style colonial with two bedrooms, 1.5 baths, 1,344 square feet, and a sales price of \$258,900. There will be a virtual public Q&A workshop through Zoom on February 15 at 7 PM. Anyone interested in applying must do so by March 13. Additional information is available on the Town's website at kingstonma.gov. Anyone interested in applying, please do so as early as possible, as it is not recommended to wait until the deadline to apply.

The Annual Town Election is scheduled for Saturday, April 22, at the Kingston Elementary School, and all positions on the ballot are listed on the Town's website.

- Nominations are available now in the Town Clerk's office, and Thursday, March 2, is the last day to obtain nomination papers.
- The last day to register to vote in the Election is Saturday, April 1.

OPEN FORUM:

Tree Kuharich and Nathan Hedberg of 5 Post Court joined via Zoom to provide an update on the May Ave/Post Court proposed 40B. They wanted to remind the Board of the upcoming mediation and are asking the Board to extend its support by contacting town counsel.

APPOINTMENTS:

APPROVAL OF NEW COMMON VICTUALLER LICENSE

Ms. Emberg explained that the Board received a new common victualler license for Trainwreck Taco at Kingston Collection. All necessary paperwork and approvals have been received.

Motion by Mr. Alcombright, second by Mr. Bouchard, and a 5-0-0 vote,

VOTE: I move the Board of Selectmen to approve the common victualler licenses for Trainwreck Taco, contingent on final approval from the Board of Health.

COA ADVISORY BOARD REQUEST FOR APPROVAL OF BY-LAWS TO BRING TO TOWN MEETING FOR APPROVAL

This item agenda will not be heard this evening due to outstanding questions.

PUBLIC HEARING: REQUEST FROM EVERSOURCE ENERGY TO CONSTRUCT OR ERECT NEW TRANSMISSION LINES ACROSS PUBLIC WAYS

Ms. Emberg began with a short explanation of the project. The plans are to install an additional 115 kV line within the right of way between NSTAR's existing Carver substation and Kingston substation.

Ms. Emberg read the public hearing notice:

Pursuant to the provisions of MGL Chapter 166, Section 22, the Board of Selectmen will hold a public hearing on the petition from NSTAR Electric d/b/a Eversource Energy to construct or erect new transmission lines across the Town of Kingston public ways. Said request to grant permission to construct, and a location for such a line with the necessary wires and cables therein, said line to be located, substantially as shown on the plans filed herewith dated November 17, 2022, across the following public way or ways of said Town of Kingston:

- Tall Timbers at a location approximately 120 feet northwesterly of its intersection with Elm Street.
- Deer Run Road at a location approximately 300 feet northwesterly of its intersection with Elm Street.
- Pine Hill Road at a location approximately 200 feet southeasterly of its intersection with Norman Street.
- Bog View Road at a location approximately 100 feet northwesterly of its intersection with Smith Fuller Way.
- Wapping Road (Rt. 106) at a location approximately 100 feet northeasterly of its intersection with Ring Road
- Foxworth Lane at a location approximately 1, 100 feet southerly of the intersection with Grove Street
- Foxworth Lane at a location approximately 800 feet southeasterly of the intersection with Grove Street
- Grove Street at a location approximately 600 feet easterly of Foxworth Lane
- Pembroke Street at a location approximately 1,100 feet northwesterly of Brooke Street

Said hearing will be held on Tuesday, February 14, 2023, at 6:00 PM at the Town House, Room 200, 26 Evergreen St., Kingston, MA.

Motion by Ms. Kramer, second by Mr. Alcombright, and a 5-0-0 vote, ~~COA~~

VOTE: I move the Board of Selectmen to open the public hearing.

Ms. Emberg opened up the discussion to the public.

Paul Vilela of 4 Tall Timbers Lane asked why that largest pole in the neighborhood and why is it such a large pole on his property. He expressed concerns about EMF from the transmissions and lack of communication from Eversource on the size of the poles.

Susan Sherman of 215 Main Street stated that she stands with the people of the neighborhood, she mentioned that Eversource has their staging area on Wapping Road, and she believes they abuse the privilege of using these roads by speeding.

Kevin Lanigan of 16 Smiths Fuller Way said he did not receive a notice of other meetings. He continued to say that the poles are rusty and are unsightly and that no safety issues have been discussed or resolved.

John Zigouras of 22 Fountain Knoll Lane was looking at his paperwork in the early stages when they were knocking on doors, and the neighborhood was told of the project, but the size was never mentioned, and he believes that the houses will decrease in value due to these poles.

Kristy Bennett of 20 Bog View Road called Eversource and was told the poles would be the same size, and she is concerned about EMF impacts.

Ms. Emberg asked if someone from Eversource could come up and address the concerns raised by the public.

Nick Forezano from Eversource spoke regarding EMF concerns and offered information regarding the measurements.

Ms. Emberg discussed that this is the first time they have come before the Selectmen and that the poles are not under the jurisdiction of the Selectmen.

Paul Gallagher of 8 Longview Drive needs clarification on how they have not asked for permission prior, and added that he was shocked by the rust and size of the pole.

Meghan Aconfora of Eversource spoke about the way Eversource handled this process. She stated that Eversource did outreach to an open house in 2019. Public Utilities had an open house by the State in May of 2022, with approval from the Department of public utilities.

Paul Vilela of 4 Tall Timbers Lane asked what testing was done before the project, and Eversource confirmed that they did calculations before and after it.

Ms. Vaughn asked why there was such a difference in the size of the poles. Mr. Forezano answered that the poles have to support the conductors.

Ms. Kramer asked why Eversource installed poles before getting permission for the lines. John Perring from Cornerstone stated that it is timing that they can only get permission with authorization from the State first and then the Town to approve the transmission lines.

Kristy Bennett of 20 Bog View Road asked why she was told the poles would be the same size as the existing poles and that they would be located further back, and John Perrin of Eversource disagrees with that statement and recalls the conversation with Ms. Bennett differently than she described.

Ms. Emberg asked if they should continue the public hearing and have Eversource speak to the residents. Mr. Hickey discussed the project's scope: to have transmission lines from pole to pole. The Board discussed how they would continue the discussion.

Ms. Vaughn asked what would happen if the Board voted no. Phil Barthel Eversource stated they would appeal to the State to get permission but that it would be a last resort.

Motion by Mr. Bouchard, second by Mr. Alcombright, and a 5-0-0 vote,

VOTE: I move the Board of Selectmen to continue the public hearing of the request of NSTAR Electric d/b/a Eversource to construct or erect transmission lines across the Town of Kingston Public Ways as stated in the public hearing notice until February 28, 2023, at 6 PM

The Board took a two-minute recess.

DISCUSSION ON SENIOR TAX WORK OFF AND VETERANS WORK OFF PROGRAM

Ms. Emberg explained that currently, the Town offers a Senior and Veteran's tax work-off program for \$750. In the packet is a memo from the Town Administrator outlining options available to the Selectmen to see if they want to increase the benefit offered to senior and veteran tax work-off participants.

Mr. Hickey said this is an excellent resource for departments, and there is an opportunity to expand this program out of the 11 communities researched; they range up to \$1,500.

Ms. Kramer asked if the Town had any issues finding work for the seniors, and Mr. Hickey said there was not.

Motion by Ms. Vaughn, second by Mr. Alcombright, and a 5-0-0 vote,

VOTE: I move the Board of Selectmen's support proposing a warrant article at the 2023 Annual Town Meeting to increase the senior and veteran tax work-off benefit to \$1,000.

ADDITIONAL ITEMS:

DISCUSSION OF COMBINING THE POSITIONS OF TREASURER AND COLLECTOR

Ms. Emberg explained that this discussion is regarding combining the elected Treasurer and Tax Collector positions into one elected Treasurer/Tax Collector position. The Massachusetts Department of Revenue recommended this change in their 2010 Financial Review and the Collins Report. Current Treasurer Carl Pike and Tax Collector Ken Moalli support combining the positions. Mr. Hickey discussed that he spoke with Town Counsel, and the packet has updated information. Mr. Hickey discussed that this conversation had happened a few times and has failed, and his suggestion is to, in step one, combine the position and have it elected and then, after a few years, change this to appointed. Ms. Kramer believes that if the positions are combined and not appointed, you are risking the Town by consolidating power. As appointing allows the Town to vet the individuals, she believes the best option is to appoint and combine.

Ms. Vaughn states that if we believe that one person could do the job, it gives a look that one job is not full-time. Mr. Hickey wanted to discuss this to see if the Board is interested. They have a staffing plan that would be brought back to the Board for review, and there would not be an increase in cost. Mr. Moalli stated that he thought this should be an appointed position. The only way it will work is if one person holds both positions. Mr. Moalli spoke to the positions, and if elected, he could make the job run well with additional staff. Ms. Emberg discussed amendments prepared for the Town Meeting if the Town Meeting body needs help moving to have other written amendments prepared in case.

Ms. Kramer is concerned that it is assumed that Mr. Moalli will win the Treasurer position. The Board discussed at length the different scenarios of the timing of the appointed and elected position.

Mr. Bouchard thinks it is very important to make this appointment so that there is more control over who is hired for those positions, allowing for more than a resident to be hired.

This item will be discussed at a future meeting.

RECONSIDERATION OF THE NUMBER OF COMMITTEE MEMBERS ON THE KINGSTON 300TH COMMITTEE

Ms. Emberg explained that at November 29, 2022, Board of Selectmen Meeting, the Board established a 300th Committee that included fourteen committee members. C u r r e n t l y , here are four committee members, so the Committee cannot meet because there are not enough members appointed to meet the quorum requirements. The current committee members are requesting that the Selectmen reduce the number of committee members to seven to allow for a meeting to be scheduled. If additional people are interested in joining the Committee in the future, the 300th Committee will request the Board increase the size of the Committee. Ms. Emberg suggested that if the Board sets a minimum but not maximum, there would be no need to meet again to increase the number, should more people express interest in being appointed and quorum would no longer be an issue.

Motion by Ms. Vaughn, second by Ms. Kramer, and a 5-0-0 vote,

VOTE: I move the Board of Selectmen to amend, not amend, the number of committee members of the 300th Committee to a minimum of five members.

AMEND SHELLFISH REGULATIONS

Ms. Emberg explained that Shellfish Constable Joe Zlogar recommends that the 2023 shellfish license fees remain the same as in 2022. The Administration requests Kingston veterans to receive a discount as non-resident veterans currently do. Non-resident veterans pay the fee of a resident, and we ask that resident veterans pay the price of the lower age group in which they are.

- Residents 70 years or older – FREE
- Residents 62-69 years old - \$15.00
- Residents 14-61 years old - \$40.00
- Resident Veteran 70 years or older – FREE, must provide proof.
- Resident Veteran 62-69 years old – FREE, must provide proof.
- Resident Veteran 14-61 years old - \$15.00, must provide proof.
- Non-Residents - \$100.00
- Non-resident Veterans follow the same pay schedule as residents and must provide proof.

Motion by Ms. Vaughn, second by Mr. Alcombright, and a 5-0-0 vote,

VOTE: I move the Board of Selectmen to approve the changes to the Shellfish Regulations for 2023, as presented.

Ms. Emberg explained shellfish licenses will be on sale starting March 1, 2023 in the Selectment's office. All information will be uploaded to the Selectmen's and Harbormaster pages with 2023 details.

RECOMMENDATION FROM RECREATION COMMISSION FOR BEACH STICKER FEES

At a recent meeting, Ms. Emberg explained that the Recreation Commission voted to recommend beach sticker rates for 2023. The recommendation of the Recreation Commission was presented as follows

Residents \$20

Non- Residents \$40

Seniors (62+) and Veterans - \$5 fee reduction

An additional \$5 for the mailing option will remain the same.

Motion by Mr. Bouchard, second by Mr. Alcombright, and a 5-0-0 vote,

VOTE: I move the Board of Selectmen to approve the recommendation from the Recreation Commission for the 2023 Beach Sticker fees, as presented this evening.

APPROVAL OF VACATION CARRYOVER

Ms. Emberg explained that the Town Administrator's contract allows him to carry over two weeks and is being asked to carry another week. The Board had a minimal discussion.

Motion by Ms. Vaughn, second by Mr. Bouchard, and a 5-0-0 vote,

VOTE: I move the Board of Selectmen to approve the request from the Town Administrator to carry over the additional five vacation days.

DISCUSSION ON TOWN ADMINISTRATOR BY-LAW

Ms. Emberg said they asked the Town Administrator to draft a Town Administrator by-law. Legal counsel provided the proposed by-law and outlined the responsibilities of the Administrator, something that currently does not exist.

The Board discussed some of the items, such as the authority of new hires, that the Town Administrator would notify the Board at each meeting rather than having the new hire wait until a meeting for the Board to approve.

Ms. Kramer believes the Board should handle the policies, and the Town Administrator should handle the management of the policies.

Ms. Emberg made some comments on grammatical comments, along with adding the under-negotiation section under a policy of the Board of Selectmen.

Motion by Ms. Kramer, second by Mr. Alcombright, and a 5-0-0 vote,

VOTE: I move the Board of Selectmen to approve the included proposed Town Administrator by-law on the 2023 Annual Town Meeting warrant with the amendment to remove the notice on the hiring.

ACCEPTANCE OF DONATION

Ms. Emberg explained that the Veteran's Department requests that the Board of Selectmen accept several donations.

Motion by Ms. Vaughn, second by Mr. Bouchard, and a 5-0-0 vote,

VOTE: I move the Board of Selectmen to accept the following donations to the Veteran's Services Department.

\$100 donation from Rui and JoAnn Santos

\$200 donation from an anonymous donor

REQUEST TO AUTHORIZE THE HIRING OF TOWN EMPLOYEE

Ms. Emberg explained that after resignations within the Department, the position of CDL/Laborer in the Streets, Trees, and Parks Department has been vacant. The Highway Superintendent was recruited for the job, and after interviews,

Mr. Basler requested the hiring of Robert Brown to fill the position of CDL/Laborer.

Motion by Ms. Vaughn, second by Mr. Alcombright, and a 5-0-0 vote,

VOTE: I move the Board of Selectmen to appoint Robert Brown, to the position of CDL/Laborer, a Grade L3, Step 3, a nonexempt position as part of the Kingston Town Employee Union – Labor, with the Street, Trees, and Parks Department, with an anticipated start date of February 21, 2023, with the following conditions:

1. Provision of the necessary identification forms to satisfy the requirements of the U.S. Immigration Reform Act.
2. Satisfactory CORI check.
3. Satisfactory letter from your primary care physician that you can perform the functions of the position based on the attached job description.
4. Successful completion of a six-month probationary period.

TOWN ADMINISTRATOR'S REPORT:

TOWN ADMINISTRATOR REPORT - FEBRUARY 14, 2023

Mr. Hickey read from his report:

- The Conservation Commission had a bid opening for the Elm Street Stormwater BMP construction project (BMP= Best Management Practices). Ten bids were received, ranging from \$544k to \$707k. Pending a review of references, the low bidder was CC Construction, a local company performing work all over eastern M.A., with several recent jobs exceeding the scale of this one. CC Construction was also the contractor that installed the Brook Street BMPs in 2018. Construction work is expected to start sometime this spring, with all work needing to be completed by mid-June. The bridge will close Elm Street on days when in-road work is performed. Notice, signage, and police details will be provided. Any questions should be directed towards the Conservation Department.
- Mr. Hickey attended a Mayflower Municipal Health Group meeting on February 9, where they discussed the FY24 health insurance rate adjustments. The Steering Committee voted to recommend to the General Board a 4.5% increase on all Traditional/Rate Saver/Benchmark plans and a 2.25% increase on the Qualified High deductible health plans (HDHP), with an estimated surplus draw of \$5,150,000.
- Dispatcher Matthew Chorzewski has submitted his resignation to become a full-time police officer in New Hampshire.
- The Kingston Health Department will host a COVID clinic at the Kingston Senior Center on Wednesday, February 15, from 5:00–7:00 PM. Anyone five years and older is eligible to be vaccinated at no cost.
- The repairs from the water damage at the Town House from a broken fire suppression pipe should be completed by March 1. Carpeting has been ordered but will take two weeks for delivery. All other repairs will be completed before the carpet installation.
- OCPC study on the intersection of Maple Street. Mr. Hickey would like to submit something to the Town in June, as it is prone to more traffic in the summer. Installing a stop sign is under the jurisdiction of the Selectmen.
- Ms. Kramer asked about an update on the playground. Mr. Hickey said that he will reach out to the Recreation Director.

MEETING MINUTES:

There are no minutes for approval.

SELECTMEN COMMENTS:

All Town buildings are closed on Monday due to the holiday.

Ms. Emberg went to the school's budget meeting as there was an increase in their budget.

There was a discussion of a joint meeting with the School Committee and the Board of Selectmen; Ms. Emberg asked that Finance Committee attend if that meeting does occur.

Ms. Vaughn discussed the swatting incident that happened in Duxbury.

Motion by Mr. Bouchard, second by Mr. Alcombright, and a 5-0-0 vote,

VOTE: I move to adjourn
The meeting adjourned at 8:33 PM.

Respectfully submitted,

Patricia Tucker
Assistant to the Town Administrator/Board of Selectmen

Documents used at the meeting:

Agenda
Agenda Addendum
Common Victualler License
COA Advisory Board By-Laws
Public Hearing Information
Senior Tax Work-Off Backup
Combining Tax Collector and Treasurer information
Shellfish Regulations
Donations
Vacation Carryover
Beach Sticker Recommendation
Town Administrator By-Law
Report of the Town Administrator