



TOWN OF KINGSTON
BOARD OF SELECTMEN
OPEN SESSION
MINUTES
TOWN HOUSE-26 EVERGREEN ST. ROOM 200 & VIA ZOOM
AUGUST 15, 2023

5:30 PM – CALL TO ORDER – ROOM 200

Chairman Kimberley Emberg called to order the meeting of the Board of Selectmen at 6:05 PM—selectmen in attendance: Donald Alcombright, Sheila Vaughn, Tyler Bouchard, and Eric Crone.

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 recorded by PACTV. Anyone intending to make an audio or video recording of this meeting should notify the Chair at this time.

Financial Assistance Applications are available on the Town's website or by calling the Selectmen's Office.

The following Boards/Committees are looking for volunteers. Please reach out to the Board of Selectmen's office for more information.

- Council on Aging Board
- Finance Committee
- Capital Planning Committee
- Community Preservation Committee
- Cultural Commission
- Ichabod Washburn Fund Trustees
- Rent Control Board
- Old Colony Elder Services Board of Directors
- The Meals on Wheels Program is looking for volunteers

Upcoming Events

- Music in the Park at Gray's Beach – Pickpockets will play tonight, and Adam Frates and Friends will play on August 29.
- Kingston Farmer's Market – The Farmers Market is held at Gray's Beach on the first Sunday of the month through September.
- The Kingston Police Department will host the annual National Night Out event at Silver Lake Middle School from 4:30–7:30 PM. The event will include pony rides, public safety vehicles, a K-9 demonstration, food, and more. The event is free of charge, and all are welcome.
- A History of Kingston Schools Exhibit will be at the Adams Center from August 16th-August 31st. Please see the Library Website for more information.
- Antique Radios Talk with Expert Ross Hochstasser is on August 9 at the Adams Center.
- Agricultural Fair is on September 10 at the Town House.
- The Fall Town Meeting is on Tuesday, October 24, 2023, at 7 PM at the Kingston Intermediate School.
- Brush Chipping at the Transfer Station is the 3rd Saturday of the month until October.

OPEN FORUM:

No one was in attendance for an open forum.

APPOINTMENTS:

RECOGNIZE JOSEPH FAVALORO FOR HIS YEARS OF SERVICE TO THE TOWN

Ms. Emberg handed the meeting over to Austin Sennett of the Council on Aging Advisory Board, who, in turn, introduced State Representative Kathleen LaNatra who spoke about Mr. Joe Favaloro's remarkable dedication to the Town.

Mr. Joe Favaloro spoke of how humbled he is by this honor.

Austin Sennett spoke on behalf of the Council on Aging Advisory Board and spoke to how cherished Mr. Favaloro is for all he has done and read how he is "Not an Average Joe" and that he is a dedicated, competent, valued, and trusted leader.

Ms. Emberg presented a plaque and thanked Joe for his service to the community, and the Council on Advisory Board gave him a gift.

There were several residents in the audience, along with Joe's family, to recognize him as he leaves the Council on Aging Advisory Board.

APPOINTMENT TO COUNCIL ON AGING ADVISORY BOARD

The Council Advisory Aging Board called their meeting order.

Ms. Emberg asked for a recommendation from the Advisory Board in the audience.

Mr. Sennett asked his Board for nomination, and the Advisory Board voted in favor of recommending Kathleen Studley as a member of the Council on Aging Advisory Board.

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

VOTE: I move the Board of Selectmen to appoint Kathleen Studley to the Council on Aging Advisory Board effective immediately until June 30, 2025.

The Board of Selectmen took a five-minute recess.

CONSIDERATION OF AN UPDATED HOST COMMUNITY AGREEMENT AND REQUEST FOR A NEW COMMUNITY HOST AGREEMENT FOR CULTIVATION AND DELIVERY

Ms. Emberg explained that Elevated Roots is requesting that the Board review an amended HCA for retail sales as well as they are seeking Board approval on two new Host Community Agreements: the first for cultivation and the second for delivery.

It was noted that Elevated Roots received Planning Board approval on the cultivation portion of their building when their retail establishment was approved. They are looking for HCA for growing and delivery.

Town Counsel, Attorney Elizabeth Lydon, discussed that the impact fees are retroactively now on the prior year of town expenses and explained the changes in legislation regarding municipalities' ability to charge fees, or lack thereof.

Ms. Emberg asked the Town Administrator if they should be concerned with anything related to these requests. Mr. Hickey added that they had received all their proper licenses through the State.

Ms. Vaughn stated she believes that Elevated Roots have been good neighbors to the Town, and she is in favor of this.

Mr. Crone asked about reimbursable expenses, and Attorney Lydon explained that they are now retroactive. Mr. Crone expressed his frustration that communities allowed for businesses within communities under one set of legislation and then new legislation was enacted after the fact.

Each of the HCA's Kingston will be reimbursed for allowable expenses up to 3% of Elevated Roots' gross sales from the facility. Those expenses must be tracked by the Town and submitted for reimbursement by Elevated Roots.

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

VOTE: I move to approve the amended Host Community Agreement between the Town of Kingston and Elevated Roots as presented related to retail sales of marijuana.

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

VOTE: I move to approve the Host Community Agreement between the Town of Kingston and Elevated Roots,

as presented, related to the cultivation of marijuana.

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

VOTE: I move to approve the Host Community Agreement between the Town of Kingston and Elevated Roots, as presented, related to the delivery of marijuana.

REQUEST BY EVERSOURCE TO ENTER INTO A LICENSE AGREEMENT FOR ONE PARKING SPACE IN THE LIBRARY PARKING LOT

Ms. Emberg explained that before the Board is a license agreement between the Town and Eversource allowing Eversource to place a transformer in the Library parking lot.

Town Counsel has drafted the agreement, and Eversource has agreed to the terms. The Library Trustees reviewed the request and did not vote in opposition to the Board issuing the license agreement.

Ryan Earle of Eversource attended to answer any questions from the Board. Mr. Earle mentioned that at the Library Trust meeting, they asked that Eversource plant arborvitaes be planted along the transformer.

Theresa Feuersanger of Eversource was also in attendance, and it was discussed that there would be no sound from the transformer. Some residents had concerns regarding Library events, which would only take up one space.

Ms. Emberg thinks this should go before Town Meeting before the license agreement before the Board tonight.

Eversource stated that they typically follow this process. Mr. Crone expressed similar concerns.

Superintendent of Streets, Trees, and Parks Paul Basler attended virtually and stated he is in favor of this and will help residents in storm situations.

The representatives from Eversource explained that

the license agreement gives the ability to construct now and noted that granting a permanent easement must go before Town Meeting for consideration and if denied, a license agreement could be continued and revoked at any time.

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

VOTE: I move to approve the request from Eversource to enter into a License Agreement to construct and maintain a transformer to be located in the Library parking lot abutting Green Street.

REVIEW PROPOSED CHANGES TO CHAPTER 3 OF THE TOWN BYLAWS - TITLED FINANCE COMMITTEE AND BUDGET PROCESS

Ms. Emberg explained that this is a draft change proposed by the Town Administrator for Chapter 3. The proposed changes have been reviewed by the Finance Director, who supports the proposed changes.

Mr. Hickey explained that, in summary, the proposed changes eliminate the Budget Advisory Board and replace the Board with a mandatory joint meeting of the Board of Selectmen, Kingston School Committees, Finance Committee, and Capital Planning Committee to establish the parameters for the upcoming year's budget for the Town and School departments.

Mr. Hickey stated that if the Board supports moving forward with proposed changes to Chapter 3, the Town Administrator will present the changes to the Finance Committee for their review. A final version of Chapter 3 will be given to the Selectmen to be considered for inclusion on the Special Town Meeting warrant.

Ms. Emberg agrees with this conceptually, and she has some minor edits that she said she would send to the Town Administrator for consideration.

Mr. Crone added that one of the problems he sees with the Budget Advisory Board is the timing for schools, as the State does not have its budgets in time which delays the school committee budget.

Mr. Hickey stated that there was a discussion regarding moving the Town Meeting date to the spring to help with the budgets for the schools. Ms. Emberg requested the Board consider changing the election date to fall after the Town Meeting date as well, while everyone is considering the annual timeline.

Mr. Hickey also stated that this is not a final document, and if the Board supported this idea, he could provide the idea and draft to the committees they favored.

APPROVAL OF NEW COMMON VICTUALLER LICENSE

Ms. Emberg explained that a new common victualler license application for Suji's Kitchen has been submitted. The new restaurant will be located in the Kingston Collection food court. All appropriate departments have reviewed and supported the license being issued.

Motion by Ms. Vaughn, seconded by Mr. Crone, and a 5-0-0 vote,

VOTE: I move to approve the common victualler license for Suji's Kitchen, contingent on final approval by the Board of Health.

REQUEST FOR A ONE-DAY LIQUOR LICENSE FROM HILLTOP ATHLETIC ASSOCIATION

Ms. Emberg explained that Ken Moalli from the Hilltop Athletic Association had submitted a request for a One Day Liquor License for an annual softball charity tournament that will be taking place on August 19, 2023, at the Opachinski Field Complex. The Recreation Commission has approved the use of the facility for this event. The Selectmen approved a one-day liquor license last year for the same event. All accompanying paperwork has been received except the Bartender Server Training Certificates.

Motion by Mr. Crone, seconded by Mr. Alcombright, and a 5-0-0 vote,

VOTE: I move the Board of Selectmen to approve the request from Hilltop Athletic Association for a One Day Liquor License for a softball charity tournament taking place on August 19, 2023, at the Opachinski Field Complex from 8:00 AM to 6:00 PM, contingent upon receiving the TIPS Certifications.

ADDITIONAL ITEMS:

ANNUAL REAPPOINTMENT TO ZONING BOARD OF APPEALS

Ms. Emberg explained that Brian Woods has requested to be reappointed to the Zoning Board of Adjustment as an associate member.

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

VOTE I move the Board of Selectmen to appoint Brian Woods to the Zoning Board of Appeals as an Associate Member effective immediately until June 30, 2024.

DISCUSSION ON THE FUTURE NEED FOR ASSISTANT TOWN ADMINISTRATOR POSITION

Ms. Emberg explained that this item will be discussed at the September 12th meeting.

MEETING MINUTES:

TOWN ADMINISTRATOR'S REPORT:

REPORT OF THE TOWN ADMINISTRATOR - AUGUST 15, 2023

Mr. Hickey read from his report.

Financial Updates

Below are the anticipated warrant articles for the October Special Town Meeting.

- Wastewater Leaching Fields
- Wage and Personnel
- FY24 Transfer to Employment Liability Reserve Fund
- FY24 Police Chief Search
- Pedestrian Improvements at Evergreen/Main/Pembroke
- Opachinski Fields/Drainage Improvements
- Amend General Bylaw Chapter 3 – Finance Committee and Budget Process
- Amend the Regional Agreement Between Silver Lake and Kingston School Department

Notes:

- The Wage and Personnel article would fund the annual Wage and Personnel salary adjustments shortfall.
- The Transfer to Employment Liability is to cover the expected cost of end-of-employment accrued vacation and sick leave payouts.
- The Pedestrian Improvement article is proposed to cover the project shortfall. The amount has yet to be finalized. If the Board does not want to use Free Cash to fund the shortfall, Planning Board community benefit fees and Chapter 90 funds would be used to fund the shortfall.

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Project Updates

- Phase 2 of the Playground Project is expected to begin on August 16. The anticipated timeframe for this portion of work is no longer than two weeks, weather permitting. This final phase includes the installation of the 2-5 structure and a few more pieces of equipment, as well as the Poured In Place rubber material.

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Personnel Update

- There are no personnel updates this week.
- The Police Lieutenants have submitted a Representation Petition to the Massachusetts Department of Labor Relations as the first step to forming a union.

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Miscellaneous Updates

- MassDOT will hold a public hearing on Wednesday evening, August 23rd to discuss their proposed project to retrofit sidewalk access from the street to be ADA-compliant. Kingston is one of nine communities that will benefit from this project. All the proposed improvements in Kingston would be on Route 3A. The project is scheduled to begin in the winter of 2024/25.

SELECTMEN COMMENTS:

There were no comments by the Board.

Ms. Emberg explained that the Board will attend the School Committee meeting via Google Meet.

Motion by Mr. Bouchard, second by Mr. Crone, and a 5-0-0 vote,
VOTE: I move to adjourn and reconvene in room 203 and online.

The meeting adjourned at 7:01 PM.

NEXT REGULAR MEETING:

AUGUST 29, 2023

Respectfully submitted,

Patricia Tucker
Assistant to the Town Administrator/Board of Selectmen

Documents used at the meeting:

Agenda
Agenda Addendum
Appointment Information
Host Community Agreement
Chapter 3 Town Bylaw

One Day Liquor License
Common Victualler Application
Report of the Town Administrator