



TOWN OF KINGSTON
BOARD OF SELECTMEN
OPEN SESSION
MINUTES
TOWN HOUSE-26 EVERGREEN ST. ROOM 200 & VIA ZOOM
January 16, 2024

6:00 p.m. – CALL TO ORDER – ROOM 200

Chairman Kimberley Emberg called to order the meeting of the Board of Selectmen at 6:00 p.m.—selectmen in attendance: Donald Alcombright (virtual), Sheila Vaughn, Tyler Bouchard, and Eric Crone.

Staff Present: Keith Hickey, Town Administrator; and Patricia Tucker, Assistant to Town Administrator.

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.
- For anyone interested in volunteering, we have several vacancies on various committees and boards. To see a complete list of the openings, please visit our website at kingstonma.gov.
- The Town of Kingston is looking for 20 plow drivers for the upcoming winter season. We have increased our rates this year and also are offering a \$750 insurance stipend for qualified contractors. Please contact the Highway Department at 781-585-0513 for details and paperwork.
- Dog licenses are available in the Clerk's Office. There is a \$20 late fee after March 15th.
- On January 29th the Health Agent is holding a SERV Safe class in Room 200. Pre-registration is required.
- As a reminder:
 - Town Meeting is May 4, 2024
 - Town Election is May 18, 2024

Ms. Emberg called the meeting to order via roll call vote as Mr. Alcombright is attending via zoom.

OPEN FORUM:

Maureen Elwood of 7 Harvest Drive was in attendance via zoom she is a member of the COA Advisory Board, and she was in attend to invite the Board of Selectmen to the café and see how things are going at the Senior Center

Pine duBois of Jones River Watershed Association and Jones River Landing wanted to share with the Board that there is excellent drone footage that was taken from the flood on Saturday. She talked about the sea level rise and the need for a more active role during that time, by first responders.

Mr. Hickey added that if anybody is watching tonight and sees a hazard in the roadway to call the police and dispatch will let them know.

APPOINTMENTS:

Continuation of Public Hearing for Earth Removal Permit for PK Realty Trust for Off Route 44

Ms. Emberg explained that this was first heard on December 19th and that PK -PK Realty Trust is requesting a permit for earth removal.

Motion by Ms. Vaughn, seconded by Mr. Bouchard and a 5-0-0 vote, by roll call vote,
VOTE: I move the Board of Selectmen to open the public hearing

Mr. Hickey discussed that the applicant provided a check last Thursday for a Peer review, and he is asking the Board to continue the public hearing to provide the time to have this started, it was added that there is no guarantee the peer review will be completed at the next meeting date.

Motion by Mr. Bouchard, seconded by Mr. Crone and a 5-0-0 vote, by roll call vote,
VOTE: I move the Board of Selectmen to continue the public hearing until February 13, 2024, at 6:15 p.m.

Attorney Rob D'Ambruoso who is stepping in to assist Attorney Angley tonight asked if they would be included in the selection of the peer review company. Mr. Hickey added that the Town will be deciding on the company from the Town's Peer review list.

Attorney D'Ambruoso added that Attorney Angley suggested three firms and Mr. Hickey stated they will take that into consideration when deciding.

Appeal of Council on Aging Advisory Board's Decision

Ms. Emberg explained that on November 16th an incident occurred at the Senior Center involving member Diane Mola and COA Director Mary Beth Lawton. After the incident, Ms. Mola was informed she had been suspended by Ms. Lawton for one month. Ms. Mola requested an appeal to the COA Advisory Board of the COA Director's decision to suspend. After testimony and deliberation, the COA Advisory Board voted 6-1-0 to modify the 30 day suspension to a permanent suspensions. Mola is exercising that right tonight.

Caty Starr, the chair of the COA Advisory Board opened their meeting at 6:15pm by roll call vote.

Ms. Emberg discussed the backup that was provided to the Board and asked if anyone had questions.

Mr. Crone added that if the Advisory Board decided and acted within the scope of their ability, they should uphold the decision. Mr. Bouchard believes a lifetime ban is out of line and extremely aggressive. He has sympathy for both sides and thinks it should be overturned.

Ms. Vaughn thinks it is a very difficult decision and is not sure about the ripple effect of this action and asked if it would make the environment bad for a long period of time. She asked if it is that bad if this individual walks into the senior center that everyone will be unhappy. Ms. Vaughn believes that this individual should be given time to change, and if they don't change then at that point suspend them.

Mr. Alcombright struggles with the lifetime ban, from a high level, and asked what the reason was to bump from 30 days to lifetime.

Ms. Starr stated they had three takeaways after the COA Advisory Board meeting, prior to the lunch Ms. Mola asked to come in and she was asked not to and she came in anyway, Ms. Lawton provided her with a compromise and then at that time Ms. Mola made the comment. During the hearing Mr. Hickey stated that if he had known that Ms. Mola was going to act in the manner the way she did when she returned to the lunch, he had would not have allowed her back in.

Mr. Bouchard asked why Ms. Starr voted against the ban, and she stated that the individuals who voted for it are those that are in the center a lot, and see what goes on, daily.

Ms. Emberg stated that the COA Advisory Board acted within their jurisdiction under their Code of Conduct

Ms. Emberg asked if anyone had been banned from the Senior Center before and if Ms. Mola has received any warnings prior to this incident.

Ms. Lawton stated one gentleman was banned multiple times for 30 days and then he was banned for a lifetime, but that was prior to her as the director.

Ms. Fiore called a point of order as Ms. Mola was not in attendance and Ms. Fiore believed that if the person the Board is talking about is not here, the discussion of Ms. Mola should not be entertained. Ms. Emberg asked if Ms. Fiore was requesting that the Board continue the hearing to a future date but Ms. Fiore said no. Ms. Emberg said that while she will keep any speakers

to the questions being asked, this is a properly posted meeting that Ms. Mola was welcome to attend so her absence is not in fact a point of order.”

Ms. Lawton stated there is no documentation of any previous incidents involving Ms. Mola, and she received no verbal or written warning prior to that incident

Motion by Mr. Bouchard, seconded by Ms. Vaughn and a 1-4-0 vote, by roll call vote, (Mr. Bouchard was in favor, all others oppose)

VOTE: I move the Board of Selectmen amend the permanent suspension Diane Mola to the original 30 days

Mr. Crone believes this is not strong enough and it should be at least a year.

The Board discussed the motion and going back to the original 30 days suspension and the concern of ending it today.

Motion by Mr. Crone, seconded by Ms. Emberg, and a 2-3-0 vote, by roll call vote, (Mr. Crone and Ms. Emberg were in favor)

VOTE: I move the Board of Selectmen to uphold the permanent suspension of Diane Mola.

Motion by Mr. Alcombright, seconded by Mr. Vaughn and a 2-3-0 vote, by roll call vote, (Mr. Alcombright and Ms. Vaughn were in favor)

VOTE: I move the Board of Selectmen amend the permanent suspension Diane Mola to one year from date of the occurrence.

Motion by Ms. Vaughn, seconded by Mr. Bouchard and a 2-3-0 vote, by roll call vote, (Ms. Vaughn and Mr. Bouchard in favor)

VOTE: I move the Board of Selectmen amend the permanent suspension Diane Mola to six months from the date of incidence which was November 16th.

Motion by Mr. Crone, seconded by Mr. Alcombright and a 2-3-0 vote, by roll call vote, (Mr. Crone and Mr. Alcombright were in favor)

VOTE: I move the Board of Selectmen amend the permanent suspension of Diane Mola through January 1, 2025

Mr. Hickey added that if someone at the Council on Aging sees a violation of the code of conduct it needs to be documented.

It was discussed that the COA Advisory Board may want to consider updating their code of conduct and consider an appeal process on permanent suspensions, for example applying for a reconsideration of the permanent suspension after a year

Motion by Ms. Emberg, seconded by Mr. Crone and a 5-0-0 vote, by roll call vote,

VOTE: I move to reconsider the vote of the Board of Selectmen amend the permanent suspension Diane Mola to through January 1, 2025

Motion by Ms. Emberg, seconded by Mr. Crone and a 3-2-0 vote, by roll call vote, (Ms. Emberg, Mr. Alcombright and Mr. Crone were in favor)

VOTE: I move the Board of Selectmen amend the permanent suspension Diane Mola to through January 1, 2025

Any suggested changes to the language of the rules and regulations should be sent to Ms. Starr and Ms. Lawton

Consideration of Amendment of the Public Health Collaborative Inter-Municipal Agreement for the Public Health Excellence for Shared Services Grant

Ms. Emberg explained that this is an amendment agreement for the existing grant that removes language that the program will continue after the grant funding is exhausted.

Mr. Hickey explained the document that is in the packet in detail.

Motion by Mr. Bouchard, seconded by Mr. Crone and a 5-0-0 vote, by roll call vote,

VOTE: I move the Board of approve the amended Public Health Collaborative Inter-Municipal Agreement for the Public Health Excellence for Shared Services Grant.

Approval of New Common Victualler License

Ms. Emberg explained that a new common victualler license application for Guloseimas Brasil has been submitted. The new restaurant will be in the Kingston Collection food court and has been reviewed by the appropriate departments.

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

VOTE: I move the Board of Selectmen approve the common Victualler license for Guloseimas Brasil, contingent on final approval by the Board of Health.

ADDITIONAL ITEMS:

Approval of Annual Licenses

Ms. Emberg explained that Perry Lima Café at Kingston Collection was approved at the end of 2023, and we received their annual license for 2024 late.

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

VOTE: I move the Board of Selectmen approve the annual license for Perry Lima Cafe.

Police Chief Search Update and Next Steps

Mr. Bouchard explained that the Police Chief Search working group has narrowed down the candidates down to two, who will move forward to the Assessment center which is scheduled to take place next week.

Meeting Minutes

Open Session Meeting Minutes: December 19, 2023, and January 2, 2024

Motion by Ms. Vaughn, seconded by Mr. Bouchard and a 4-0-1 vote, by roll call vote, Ms. Emberg abstained.

VOTE: I move the Board of Selectmen to accept the open session meeting minutes of December 19, 2023, and January 2, 2024.

TOWN ADMINISTRATOR'S REPORT:

Mr. Hickey read from his report:

Financial Updates

- As part of the Governor's 9-C budget adjustments, funding for Kingston coastal stormwater mitigation has been reduced from \$25,000 to \$12,500.
- The Capital Planning Committee will begin reviewing the proposed Capital Improvement Plan on January 18th.
- The Finance Committee will begin reviewing some of the smaller departments in the FY25 proposed budget beginning January 24th.

SELECTMEN COMMENTS:

- The Senior Center have invited Mr. Crone and Mr. Alcombright to the Senior Center to teach a class on technology but no dates have been finalized yet
- The annual MMA conference is this weekend.
- The Annual Town Report is due this week for those committees who have not submitted.

Motion by Ms. Vaughn, seconded by Mr. Bouchard and a 5-0-0 vote,
VOTE: I move to adjourn

The meeting was adjourned at 7:17 p.m.

NEXT REGULAR MEETING:

January 30, 2024

Respectfully submitted,

Patricia Tucker
Assistant to the Town Administrator/Board of Selectmen

Documents used at the meeting:

Agenda
Agenda Addendum
Public Health Agreement
Common Victualler License
License Renewal
Report of the Town Administrator
Minutes