



TOWN OF KINGSTON
BOARD OF SELECTMEN
OPEN SESSION
MINUTES
TOWN HOUSE-26 EVERGREEN ST. ROOM 200 & VIA ZOOM
APRIL 9, 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, Sheila Vaughn, Tyler Bouchard, and Eric Crone.

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

ANNOUNCEMENTS:

- This meeting is being recorded by The Local Seen. Anyone intending to make an audio or video recording of this meeting should notify the Chair at this time.
- As of Monday, March 25th, you will be able to watch past recorded meetings online within 48 hours at the Local Seen's YouTube channel.
- Financial Assistance Applications are available on the town's website or by calling the Selectmen's Office.
- April 11th there is a swearing-in ceremony for the new Police Chief Brian Holmes at Kingston Intermediate School beginning at 6pm.
- The Agricultural Commission is sponsoring the following events:
 - Raising Goats Presentation at the Senior Center on Tuesday, April 16th at 7pm.
 - Presentation on Blue Stem Natives at the Senior Center on Tuesday, April 30th at 7pm.
 - Native Plant Order and Delivery – Shop online at bluestemnatives.com between May 14-May 28th. Orders can be picked up at the Highway Barn on Saturday, June 1st.
- Upcoming Events at the Library:
 - Kingston Public Library Archives to Host Open House on Wed, Apr. 17 at 6 p.m.
 - Kingston Public Library Archives to Host Exhibit Talk on Sat, Apr. 20 at 2 p.m.
 - Kingston Public Library Archives to Host Local History Interest Group on Thu, Apr. 25 at 7 p.m.
- The parking lot at the Ah-Dee-Nah is still closed until about May 15th.
- Kingston Farmers Market begins on May 5th and will run on the 1st Sunday of each month through October from 10am-2pm at Gray's Beach.
- The Annual Town Meeting is scheduled for Saturday, May 11th.
- The Annual Town Election is scheduled for Saturday, May 18th.
- Back in August a new policy for the plowing of public ways was adopted. This will be uploaded to the website.
- For anyone interested in volunteering, there are several vacancies on various committees and boards. To see a complete list of the openings, please visit our website at kingstonma.gov.

OPEN FORUM:

There was no one in attendance for open forum.

APPOINTMENTS:

Review and Approve Changes in the General By-Law for Codification Confirmation

Ms. Emberg introduced Town Clerk Paul Gallagher to review the proposed modifications to the Town bylaws. Mr. Gallagher stated that we have contracted with the General Code for the Codification of our General By-Laws. Funding was approved in 2019.

The purpose of codification is to highlight errors, inconsistencies, updating outdated references to publication and Mass General Laws and other issues that may affect the accuracy, clarity and enforceability of the Code.

Codification is suggested every 5-10 years. Kingston has not had a codification since April of 1994. The Town Clerk had been responsible for updating the document post town meetings that had approved By-Law changes by the Attorney General.

The review and recommendations provide Editorial and Legal Analysis. Mr. Gallagher stated the process was extensive and time-consuming, he continued to say that they are at the final stages before we complete the final draft. All departments and committees that have had any recommendations beyond numbering and grammar correction have been notified and each approved the suggested changes. The Board of Selectmen approval is pending.

With the approvals we can move forward to a Final Draft that can be presented at the Annual Town Meeting on May 11. Once complete we will have access to a fully codified product with search capability. The final will include all Approvals from the AG as of the last Special Town Meeting held in October of 2023.

Mr. Gallagher stated that It will be a great pleasure to have this special project completed and look forward to working with General Code in the future. General Code will provide free access to online training.

Mr. Gallagher would like this reviewed and signed off on tonight.

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

VOTE: I move the Board of Selectmen approve the changes to the bylaws presented this evening recommended by General Code as part of the recodification process and request the Town Administrator include a warrant article in the 2024 Annual Town Meeting warrant for voter consideration.

6:00 PM Continuation of Public Hearing: Petition from Verizon New England Inc. and NSTAR Electric Company dba Eversource Energy, proposing to place new facilities on Maple Street

Ms. Emberg discussed that the public hearing was opened last meeting. Ms. Emberg stated that Verizon New England Inc. and NSTAR Electric Company dba Eversource Energy, is seeking to install one mid span pole on Maple Street. proposing to place new facilities – Pole 119/1.5 on Maple Street.

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

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

Ms. Emberg asked that there are 2 poles on the map now and one proposed are any of the poles coming down, is this a replacement or additional.

Don Voner of Verizon was in attendance, this is reconductoring project to add an additional pole being requested.

Ms. Emberg stated that at the last meeting the residents were concerned by the number of poles. Ms. Emberg asked if the Board said no, what would happen. Mr. Voner stated he would respectfully request a continuance rather than a denial.

Mr. Hickey asked Mr. Voner to go back to Eversource and ask if they could replace the pole without the addition of one.

Paul Basler, Superintendent of Streets, Trees & Parks stated that there have been double poles on Main Street for a year and the Town has not heard back from Eversource as to when these will be cleaned up. Mr. Basler is asking the Board to have Representatives from Eversource come before the Board prior to a vote on this to have all the Town's questions answered regarding Maple Street as well as Main Street.

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

VOTE: I move the Board of Selectmen to continue the public hearing Tuesday, April 23, 2024, at 6pm.

Discussion of Compliance with November 27, 2023, Order of the Selectmen. Discussion Regarding Possible Enforcement Action

Ms. Emberg stated as the Board discussed at the November 21, 2023, Board meeting, the Board voted Wren a nuisance dog and provided six conditions the owner Matthew Frazier was to comply with, within 60 days. On February 1, 2024, Mr. Frazier contacted Animal Control to inform them that conditions 1 & 2 were complied with. On March 11, 2024, Mr. Frazier contacted Animal Control asking for an additional 30 days to give himself time to rehome Wren. The owner was in the process of rehoming the dog.

Mr. Frasier was in attendance and stated he is continuing to find a good home for his dog.

Mr. Hickey spoke with resident Mike O'Connell who is affiliated with rehoming dogs of similar breeds as Wren who is confident, he can rehome the dog but needs more time. Town Counsel advised that if the Board voted to have the court render a decision, and it was answered it could take some time, and hopefully that would take at least 2 weeks which would allow Mr. Frasier time to continue to rehome the dog. Mr. Hickey suggested this option and expressed his hope these two processes work concurrently to allow the time for Mr. Frasier to rehome.

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

VOTE: I move the Board of Selectmen authorize counsel to file a lawsuit in district court to enforce the Selectmen's decision against the owner

Joint Meeting with Capital Planning for a Proposed Capital Plan

Ms. Emberg discussed that that the Chair of the Capital Planning Committee Heath Emberg to present their recommended FY25 Capital Improvement Plan.

Mr. Emberg discussed that there are no new projects and reviewed a few projects that were not moved.

Mr. Emberg reviewed the FY25-FY29 Summary of Capital Requests that were in the meeting packet. He discussed that the price of these projects is continuing to increase from year to year.

Mr. Hickey discussed the vehicle replacements for Streets, Trees and Parks and that there is 3.5-million-dollar free cash to start it has been around the 3 million range for the last 3 years with the increasing price of these trucks he supports this request to purchase.

Mr. Basler stated he understands it's a big ask but he doesn't have the money to repair these trucks anymore, there are serious concerns about maintaining the roads in future storms.

Ms. Emberg asked about Project 6 and if \$50,000 is enough for engineering, Mr. Basler said it is something they didn't have prior.

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

VOTE: I move the Board of Selectmen accept the Fiscal Year 2025 Capital Improvement Plan presented this evening by the Capital Planning Committee and move the supporting warrant articles to the Town Meeting Warrant.

ADDITIONAL ITEMS:

Review and Possible Board Vote of 2024 Annual Town Meeting Warrant Articles

Ms. Emberg asked Mr. Hickey to walk through the warrant. The supporting documentation is within the packet. Along with the supporting documentation is a copy of the draft Annual Town Meeting warrant that reflects the votes taken on April 3rd by the Finance Committee. This also reflects Town Counsel updates.

Article 1 – Prior Years' Bills (Mr. Alcombright will move the question at Town Meeting)

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

VOTE: I move the Board of Selectmen recommend approval of Article 1.

Article 2 – Close Smart Growth Stabilization Fund (Mr. Crone will move the question at Town Meeting)

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

VOTE: I move the Board of Selectmen recommend approval of Article 2.

Article 3 – Supplemental FY24 Town Departmental Budgets (Ms. Emberg will move the question at Town Meeting)

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

VOTE: I move the Board of Selectmen recommend approval of Article 3.

Article 4 – FY24 Wastewater Closure of unexpected Articles (Wastewater Article)

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

VOTE: I move the Board of Selectmen recommend approval of Article 4.

Article 5 – Community Preservation Committee – Opachinski Irrigation Wells (FY24 funded project, CPC Article)

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

VOTE: I move the Board of Selectmen recommend approval of Article 5.

Article 6 – FY25 General Fund Operating Budget

There was no vote on this Article this evening and Finance Committee has yet to vote on a final budget number for recommendation for the Warrant.

Article 7 – FY25 Water Department Enterprise Budget and Retained Earnings Appropriations (Water Article)

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

VOTE: I move the Board of Selectmen recommend approval of Article 7.

Article 8 – Water Department Request for Eminent Domain (Water Article)

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

VOTE: I move the Board of Selectmen recommend approval of Article 8.

Article 9 – FY25 Wastewater Department Enterprise Budget and Surplus Revenue Appropriations (Wastewater Article)

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

VOTE: I move the Board of Selectmen recommend approval of Article 9.

Article 10 – FY25 Renewable Energy Enterprise Budget (Ms. Vaughn will move the question at Town Meeting)

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

VOTE: I move the Board of Selectmen recommend approval of Article 10.

Article 11 – Revolving Funds

There was no vote on this Article this evening.

Article 12 – Establish a Board of Health Revolving Fund (Mr. Alcombright will move the question at Town Meeting)

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

VOTE: I move the Board of Selectmen recommend approval of Article 12.

Article 13 – FY25 Transfer to Employment Liability Reserve Fund (Mr. Bouchard will move the question at Town Meeting)

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

VOTE: I move the Board of Selectmen recommend approval of Article 13.

Article 14 – Transfer to Other Post-Employment (OPEB) Health Insurance Liability Fund (Finance Committee Article)

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

VOTE: I move the Board of Selectmen recommend approval of Article 14.

Article 15 – Transfer to Stabilization Fund (Finance Committee Article)

Motion by Mr. Crone, seconded by Mr. Alcombright, and a 5-0-0 vote,
VOTE: I move the Board of Selectmen recommend approval of Article 15.

Article 16 – Transfer to Capital Stabilization Fund (Finance Committee Article)

Motion by Mr. Crone, seconded by Mr. Alcombright, and a 5-0-0 vote,
VOTE: I move the Board of Selectmen recommend approval of Article 16.

Article 17 – Transfer to Municipal Building Insurance Fund (Finance Committee Article)

Motion by Mr. Crone, seconded by Mr. Bouchard, and a 5-0-0 vote,
VOTE: I move the Board of Selectmen recommend approval of Article 17.

Article 18 – Close Opioid Settlement Stabilization Fund (Mr. Crone will move the question at Town Meeting)

Motion by Mr. Crone, seconded by Mr. Bouchard, and a 5-0-0 vote,
VOTE: I move the Board of Selectmen recommend approval of Article 18.

Article 19 – FY25 Capital Equipment Project Funding (Capital Planning Article)

Motion by Mr. Crone, seconded by Mr. Bouchard, and a 5-0-0 vote,
VOTE: I move the Board of Selectmen recommend approval of all 14 projects within Article 19.

Article 20 – FY25 Equipment Purchase/Project funding

There was no vote on this Article this evening as the Board requested additional information regarding some of the projects within the article.

Article 21 – FY25 Sampson Fund Appropriations (Town Treasurer Article)

Motion by Mr. Crone, seconded by Mr. Bouchard, and a 5-0-0 vote,
VOTE: I move the Board of Selectmen recommend approval of Article 21.

Article 22 – Community Preservation Committee Budget/Fund Appropriations/ Projects (CPC Article)

Ms. Emberg asked for clarification regarding the tennis courts as the draft warrant language includes the Tennis Courts at the Reed as well as at Gray's Beach but had reservations voting as presented as the Capital Planning Committee only discussed and voted on the tennis court project at the Reed.

Motion by Mr. Crone, seconded by Mr. Bouchard, and a 4-0-1 vote, (Ms. Emberg abstained)
VOTE: I move the Board of Selectmen recommend approval of Article 22 all projects.

Article 23 – FY25 Elected Officials Compensation (Finance Committee Article)

Motion by Mr. Crone, seconded by Mr. Bouchard, and a 5-0-0 vote,
VOTE: I move the Board of Selectmen recommend approval of Article 23.

Article 24 – FY25 Wage and Personnel Bylaw (Wage and Personnel Article)

Motion by Mr. Crone, seconded by Mr. Bouchard, and a 5-0-0 vote,
VOTE: I move the Board of Selectmen recommend approval of Article 24.

Article 25 – Council on Aging – Needs Assessment for Age/Dementia Friendly Kingston (COA Advisory Board Article)

Motion by Mr. Crone, seconded by Mr. Bouchard, and a 5-0-0 vote,
VOTE: I move the Board of Selectmen recommend approval of Article 25.

Article 26 – Increase Property Tax Exemption for Seniors & Veterans (Mr. Crone will move the question at Town Meeting)

Motion by Mr. Crone, seconded by Mr. Bouchard, and a 5-0-0 vote,
VOTE: I move the Board of Selectmen recommend approval of Article 26.

Article 27 – Rescind Borrowing Authorization for Cold Storage Building (Mr. Bouchard will move the question at Town

Meeting)

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

VOTE: I move the Board of Selectmen recommend approval of Article 27.

Article 28 – Waterways Improvement Funds Appropriation (Waterfront Committee Article)

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

VOTE: I move the Board of Selectmen recommend approval of Article 28.

Article 29 – Adopt Changes to General Bylaws and Article 30 – Renumber General Bylaws (Ms. Emberg will move the question at Town Meeting)

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

VOTE: I move the Board of Selectmen recommend approval of Article 29 and Article 30

Article 31 – Amend Penalty and Enforcement Bylaw Updating Leash Law Fines (Ms. Vaughn will move the question at Town Meeting)

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

VOTE: I move the Board of Selectmen recommend approval of Article 31.

Article 32 – Designate Authorized Officer to Negotiate and Execute Solar PILOT Agreements (Board of Assessors Article)

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

VOTE: I move the Board of Selectmen recommend approval of Article 32.

Article 33 – Approve and Authorize the Acquisition of Easements (Sewer Commissioners will move the question at Town Meeting)

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

VOTE: I move the Board of Selectmen recommend approval of Article 33.

Article 34 – Establish an Attached Accessory Housing Unit Bylaw (Planning Board Article)

There was no vote on this Article this evening.

Mr. Hickey discussed the proposed FY25 Budget Changes to Date through April 9, 2024.

- Admin Assistant in Planning, to be part time in FY25
- Agricultural Comm – Increased programming
- Selectmen – Eliminate Procurement Officer Position, add \$10,000
- IT – Increase – Firewall for Fiber, Dual Authentication, Outsource OT
- IT – Decrease the budget by Eliminating IT Manager Position.

Mr. Hickey will present the recommended changes to the Finance Committee next week.

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

VOTE: I move to support the Town Administrator's recommendation to adjust the Selectmen's recommended budget of \$116,796, per our discussion.

Appointment of Water Foreman

Ms. Emberg stated that the position of Water Foreman is vacant due to a resignation. After the recruitment process Water Superintendent Chris Veracka is recommending the hiring of Michael Williams to the position. This is a Grade 9, Step 2, nonexempt position as part of the Kingston Town Employee Union – Labor with the Water Department. Ms. Emberg provided clarity on one question she had which was this position requires a good deal of specific certifications and Mr. Hickey spoke with the Water Superintendent who stated that the candidate has met all the necessary requirements of the position.

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

VOTE: I move the Board of Selectmen appoint Michael Williams, to the position of Water Foreman, Grade 9, Step 2, Full Time position as part of the Kingston Town Employee Union – Labor, with the Water Department with an anticipated start date of April 29, 2024, consistent with the terms of the offer letter.

Meeting Minutes

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

VOTE: I move the Board of Selectmen approve the open session meeting minutes from February 15, 2024, and March 26, 2024, as amended in the packet.

TOWN ADMINISTRATOR'S REPORT:

Mr. Hickey read from his report:

Financial Updates

- The Finance Committee next meets on April 17th where they expect to finish reviewing the Town and School budgets and take final votes.

Project Updates

- The concrete for boat ramp project was anticipated to be poured over the past weekend. Bids to supply concrete for the parking lot and spreading and finishing the concrete parking lot have also been advertised.

Personnel Update

- William Koppang has been hired as a call firefighter.

Miscellaneous Updates

- There are no miscellaneous updates this week.

SELECTMEN COMMENTS:

Ms. Emberg asked if anyone had Selectmen comments and there were none.

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

VOTE: I move to adjourn

The meeting was adjourned at 8:41pm

Respectfully submitted,

Patricia Tucker

Assistant to the Town Administrator/Board of Selectmen

Minutes Approved at the June 18, 2024 Meeting

Documents used at the meeting:

Agenda

Agenda Addendum

By-Law Codification

Public Hearing Information

Town Meeting Warrant

Appointment Information for Water Forman
Minutes
Town Administrator Report