



TOWN OF KINGSTON
BOARD OF SELECTMEN
OPEN SESSION
MINUTES
TOWN HOUSE-26 EVERGREEN ST. ROOM 200 & VIA ZOOM
July 30, 2024

6:00 p.m. – CALL TO ORDER – ROOM 200

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

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.
- Financial Assistance Applications are available on the town's website or by calling the Selectmen's Office.
- Please check our website for any additional events or notices www.kingstonma.gov
- Due to a recent resignation from the Kingston School Committee, the Kingston School Committee and Board of Selectmen are seeking candidates interested in filling the open seat until the next town election in the Spring of 2025.

Interested candidates must submit a letter of consideration and qualifications no later than August 21st at 4:00 PM. Please submit your information by mail to:

Town of Kingston
Board of Selectmen
26 Evergreen Street
Kingston, MA 02364

or by email to PTucker@KingstonMA.gov

All candidates will be interviewed at a joint Kingston School Committee/Board of Selectmen Meeting on Tuesday, August 27th at 6:00 pm.

OPEN FORUM:

Laura Casey-Pupek from the Police Department was in attendance to inform everyone that the National Night out is on Tuesday, August 13th at the Silver Lake Regional Middle School beginning at 4:30pm.

Bob Ketter was in attendance to let everyone know that the Veteran's Memorial is complete. They are using an alternative water source for the irrigation. There are water trucks on Town House parking lot to water the plantings.

Sheila Vaughn attended virtually to state that The MassEducate and MassReconnect programs were just signed into legislation and it allows all Massachusetts residents who have not yet earned a bachelor's degree to attend a Massachusetts community college for free.

APPOINTMENTS:

Recognition of Promotional Transfer to Police Detective for Heath Howell

Mr. Crone began by saying that Patrolman Heath Howell was recently promoted to the Position of Detective with the

Kingston Police Department. The position was effective on July 1st.

Mr. Crone introduced Chief Holmes who would like to ceremoniously recognize and congratulate Detective Howell. Chief Holmes said a few words about Heath Howell and then Detective Heath Howell was sworn in at the meeting by the Town Clerk, Paul Gallagher.

6:00 P.M. Dangerous Dog Hearing

Mr. Crone began by saying that an email was forwarded on July 16th from the Police Chief that was from Animal Control Officer Joanna Boudreau requesting a dangerous dog hearing after receiving multiple calls regarding dog bites from April 4, 2024, May 4, 2024, and July 14, 2024.

Mr. Crone introduced Attorney Steve Chaplin who explained the process to the Board and individuals.

Jenna Goldstein the dog owner was in attendance to speak and provided packets to the Board of pictures of her property.

Ms. Goldstein was sworn in by Attorney Chaplin.

Atty Chaplin reviewed that a 13-page document that Ms. Goldstein handed out and it was submitted into evidence. Atty Chaplin also went through the packet that Ms. Goldstein received by the Town confirming that she reviewed all the documents.

Ms. Goldstein addressed the Board:

- Factually inaccurate, one of the reports on April 5th it was noted there was three dogs but she only had 2 dogs.
- There were delivery instructions, regarding the dogs on each delivery.
- After the 1st incident order, a delivery box and a sign was erected to deliver the packages into that, and delivery instructions, were not followed.

Attorney Chaplin made a note of a few items to which Ms. Goldstein addressed:

- Dogs were not licensed, and the first incident and it was an oversight on Ms. Goldsteins part.
- The younger of the 2 dogs the rabies vaccination had expired.
- Fines assessed by Animal Control were paid in full.
- These attacks were not provoked however they came onto the property.

Ms. Emberg asked if there were other instances regarding these dogs and Ms. Goldstien stated no.

Ms. Goldstein addressed the measures taken so far

- spray painted the delivery box bright yellow.
- Additional signage, insurance policy requested,
- 5.5 ft picket fence with cover,
- they will hopefully be neutered soon,
- spoke to training companies.
- fencing went up about a week and a half ago.

Attorney Chaplin called upon the interpreter and Attorney Chaplin swore in the Interpreter as well as Nelson Rocha

Nelson Rocha through an interpreter discussed the July 14 incident and the note that was in the packet which he read which stated the dogs were locked in. He went onto say that it is just he and his wife here in the US and he has been working as a delivery man and he is now scared to do his job. Mr. Rocha stated that he didn't receive a phone call from anyone asking how he was doing and doesn't wish this on anyone else.

Animal Control Officer's Joanna Boudreau discussed the situation to which Ms. Boudreau stated that the signage was not adequate, after a long conversation with Ms. Goldstein the fence is a concern.

Ms. Boudreau showed a picture of the electrical fence boundaries to the Board and the recommendations are in the packet from Animal Control. These recommendations are

- Neutered
- Liability Insurance no less than \$100,000

- Construct a suitable structure
- Muzzled when they are taken off property and a leash no longer than 3 feet

Ms. Emberg asked about the amount of the liability insurance Ms. Boudreau stated that the suggestion in the Mass GL is \$100,000.

Attorney Chaplin explained what a Nuisance Dog vs a Dangerous Dog is.

"Nuisance dog", a dog that: (i) by excessive barking or other disturbance, is a source of annoyance to a sick person residing in the vicinity; or (ii) by excessive barking, causing damage or other interference, a reasonable person would find such behavior disruptive to one's quiet and peaceful enjoyment; or (iii) has threatened or attacked livestock, a domestic animal or a person, but such threat or attack was not a grossly disproportionate reaction under all the circumstances.

"Dangerous dog", a dog that either: (i) without justification, attacks a person or domestic animal causing physical injury or death; or (ii) behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to a person or to a domestic or owned animal.

Mr. Bouchard feels like this is a dangerous dog, and an issue with the dog owner and believes they shouldn't be inviting individuals onto your property and things need to be in place.

Mr. Alcombright asked about moving the electronic fence, as an extra measure, to which Ms. Goldstein stated that can easily be adjusted.

Motion by Ms. Emberg, seconded by Mr. Bouchard and a 2-3-0 (Mr. Crone and Ms. Emberg voted for)

VOTE: I move the Board of Selectmen deem dogs Hank and Bert be deemed Nuisance dogs.

The Board debated prior to the vote.

Motion by Mr. Alcombright, seconded by Mr. Bouchard and a 3-2-0, (Mr. Crone and Ms. Emberg voted against)

VOTE: I move the Board of Selectmen to deem dogs Hank and Bert be deemed Dangerous dogs.

Motion by Mr. Bouchard, seconded by Ms. Bateman and a 3-2-0, (Mr. Crone and Ms. Emberg voted against)

VOTE: I move the owner of the two dogs shall be required to take action on items #2, #4 and #6 as written in the statute.

(ii) that the dog be confined to the premises of the keeper of the dog; provided, however, that "confined" shall mean securely confined indoors or confined outdoors in a securely enclosed and locked pen or dog run area upon the premises of the owner or keeper; provided further, that such pen or dog run shall have a secure roof and, if such enclosure has no floor secured to the sides thereof, the sides shall be embedded into the ground for not less than 2 feet; and provided further, that within the confines of such pen or dog run, a dog house or proper shelter from the elements shall be provided to protect the dog;

(iv) that the owner or keeper of the dog provide proof of insurance in an amount not less than \$100,000 insuring the owner or keeper against any claim, loss, damage or injury to persons, domestic animals or property resulting from the acts, whether intentional or unintentional, of the dog or proof that reasonable efforts were made to obtain such insurance if a policy has not been issued; provided, however, that if a policy of insurance has been issued, the owner or keeper shall produce such policy upon request of the hearing authority or a justice of the district court; and provided further, that if a policy has not been issued the owner or keeper shall produce proof of efforts to obtain such insurance;

(vi) that unless an owner or keeper of the dog provides evidence that a veterinarian is of the opinion the dog is

unfit for alterations because of a medical condition, the owner or keeper of the dog shall cause the dog to be altered so that the dog shall not be reproductively intact; or

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

VOTE: I move the conditions be met with satisfaction of Animal Control officer, September 30, 2024, with the ability of the ACO to issue an extension

Review and Possible Approval of Police Chief FY25 Goals and Review of His First Three Months as Police Chief

Mr. Crone introduced Chief Holmes.

Chief Holmes stated he will make every effort to make these goals happen with the support staff that is here to support him tonight.

The list is within the Board packet, Mr. Crone asked the Board if they have any questions.

Ms. Emberg likes the comment regarding fiscal responsibility to seek alternate funding sources for items, because this year will be tight for everyone, and she appreciates the sentiment.

Motion by Mr. Alcombright, seconded by Mr. Bouchard and a 4-0-1 vote, (Ms. Bateman abstained)

VOTE: I move the Board of Selectmen approve the FY25 Police Chief goals as presented

Request to use ARPA Funds for the Purchase of a File Server, Port Card and Supporting Licenses for the Police Department to Record Calls from the State 911 System

Mr. Crone passed this to Chief Holmes who stated that the Police Department was notified that State 911 will no longer be providing the ability to record calls on their 911 system. This change will require the Kingston Police Department to purchase a server, analog card and supporting licenses at a total cost of \$16,278.10.

Ms. Emberg stated she asked the Chief a number of questions prior to the meeting which she read them to the Board, one of which was when he was notified of the 911 system that they were no longer recording and Chief Holmes stated it was 30 days ago. Another question from Ms. Emberg was about additional funding sources and Chief Holmes stated there is no other funding sources at this time.

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

VOTE: I move the Board of Selectmen approve the use of local ARPA funds for the acquisition of a server, licenses and port card in the amount of \$16,278.10.

Request to use ARPA Funds for the Purchase of Ten Handguns and Ten Portable Radios

Mr. Crone stated that this item is not moving forward tonight.

Revise Part-Time Police Officer Detail Rate

Mr. Crone stated that the part time police officer detail rate has been \$30 per hour for the past 18+ years. Chief Holmes is recommending increasing the rate to attract more part-time officers to fill details.

Chief Holmes discussed the recommended rate is \$73.62 per hour, which is equivalent to a full-time patrolman's detail rate per hour. Part Time patrolmen are not interested in taking shifts for \$30 an hour. This does not cost the Town of Kingston as most are private companies requesting the details.

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

VOTE: I move the Board of Selectmen approve a police detail rate of \$73.62 per hour for part time officers effective July 17, 2024

The Board took a 3-minute recess.

7:00 PM - Presentation from Old Colony Planning on State and Local Road Improvement Priorities

Ms. Massard introduced Jim Fitzgerald who began the Power Point presentation that is in the meeting packet. Margot E.

Schoenfelder, PE, AICP, Senior Project Manager at Environmental Partners (a consultant for DPW/Planning) was also in attendance and presented the presentation as well.

They presented a townwide traffic safety study with prioritized recommendations for both State and Town roads for the Board's consideration/acceptance. The study has been done with input from a variety of sources and with direction from town staff, including OCPC data and studies and crash data, the Selectmen's public survey, and other resources

The agenda of the PowerPoint:

- Overview
 - Nearly 80 miles of roadway owned & maintained by the Town
 - Chapter 90 funding has remained static since 2016 despite increasing maintenance & construction costs
 - Accessing outside funding sources has become increasingly important
- Overview Goals
 - Provide framework for prioritizing infrastructure improvements in Town
 - Put Town in better position to secure funding for & prioritize improvements on Town-owned facilities
 - Identify key projects on state-owned facilities to advocate for improvements by MassDOT
- Overview Scope
 - Quantitative review of existing transportation infrastructure & future conditions
 - Key network gaps & connections for non-motorists
 - Safety concerns
 - Planned facilities
 - Projected climate change impacts
 - Identify proposed projects to improve conditions for those who walk, roll, bike, & drive in Kingston
 - Establish methodology for prioritizing investments
 - Identify scopes & order-of-magnitude costs for top-priority projects
- Existing Conditions
- Proposed Projects
 - Pedestrians (sidewalks, curb ramps, crosswalks)
 - Bicyclist (bike lanes)
 - Motorists (intersection redesign, signage)
- Proposed Project Identification
 - Address safety issues in high-crash areas
 - Provide connectivity to key destinations & planned facilities
 - Proactively increase resiliency of infrastructure in areas prone to climate change impacts
 - Building off previous efforts:
 - Roadway Safety Audits (RSAs)
 - Complete Streets Prioritization Plan
 - MassDOT ADA Improvements Plan
 - Road Concerns & Improvements Recommended by Public
 - OCPC Kingston Historic District Traffic Study
- Prioritization Criteria (ranking and point information is within the packet)
 - Project improves ADA accessibility
 - Project provides traffic calming
 - Project addresses hazardous intersection identified by the public
 - Project addresses high crash rate
 - Total possible points
- Factors:
 - ROW availability
 - Utility conflicts
 - Potential environmental impacts
 - Required coordination with other agencies
 - Alignment with Town's Open Space & Recreation Plan
 - Alignment with Town's Complete Streets Prioritization Plan

- Alignment with Road Safety Audit
- Top-Priority Projects on Town Roads
 - Main Street Rt 106
 - Green Street at Kingston Public Library
 - Pembroke Street Rt 27 at Lake Street/Station Street
 - Pembroke Street at Grove Street
 - Lake Street
- Top-Priority Projects on State Road
 - Main Street at Summer Street/Linden Street
 - Main Street at Spring Street/Pleasant Street
 - Main Street at Howlands Lane
 - Summer Street at Green Street
 - Main Street at Landing Road
- Next Steps
 - Advance conceptual designs & opinions of probable construction cost for top 10 projects
 - Document methodology and recommendations in report
 - Provide update to the Board

Mr. Hickey wanted to make sure that everyone knew that these are not funded for new projects and not for maintenance. Ms. Massard is really excited about these projects and is looking for the Boards support. Ms. Massard stated the Town does not have engineering funds at this time for these projects and when applying for most grants you cannot move forward without engineering completed. Ms. Massard touched upon future funding sources.

Mr. Basler stated that these are all great idea, but the Town needs money to do maintenance on the current roads. There was a brief discussion regarding funding needed maintenance and new projects, the Board were appreciative of the information before them.

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

VOTE: I move the Board to accept the State and Local Road Improvement Priorities Report presented the evening.

Vote to Approve the Issuance and Details of Loans (Loan Nos. CWP-22-33 and CWP-23-33-A) from the Massachusetts Clean Water Trust, and sign related closing Documents

Mr. Crone explained that as part of the issuance of long-term debt for the Wastewater leaching fields approved at the 2023 Annual Town Meeting, the Board of Selectmen must approve a motion approving the issuance of financings from the Massachusetts Clean Water Trust and sign the closing Certificate and Notes.

Mr. Hickey spoke to that this is the funding documents the leaching fields that were approved at the 2023 Town Meeting and require Board of Selectmen signatures.

Ms. Emberg stated she had hesitation regarding Town and County and wanted it clarified that they will not be forced to tie into the existing system. Mr. Hickey stated he does not believe that the Sewer Commission has any interest to mandate the connection.

Motion by Mr. Alcombright, seconded by Mr. Bouchard and a 4-0-1 vote, (Ms. Emberg voted against)

VOTE: I move the Board of Selectmen approve Issuance and Details of Loans (Loan Nos. CWP-22-33 and CWP-23-33-A) from the Massachusetts Clean Water Trust, and sign related closing Documents pay costs of designing, constructing, equipping, and furnishing leaching fields.

Request for One Day Liquor License from Hilltop Athletic Association

Mr. Crone explained that Ken Moalli from the Hilltop Athletic Association has submitted a request for a One Day Liquor License for an annual softball charity tournament that will be taking place on August 24, 2024, 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 for the last few years for the same event. All accompanying paperwork has been received.

There were no comments from the Board.

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

VOTE: I move the Board of Selectmen approve the request from Hilltop Athletic Association for a One Day Liquor License for a softball charity tournament taking place on August 24, 2024, at the Opachinski Field Complex from 9:00 am to 5:00 pm.

ADDITIONAL ITEMS:

Appointment of Equipment Operator Position with Streets, Trees and Park

Mr. Crone explained that due to the resignation of the previous equipment operator, the position is vacant. After the recruitment process Paul Basler is recommending the hiring of Adam Doucette to the position.

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

VOTE: I move the Board of Selectmen appoint Adam Doucette to the position of Heavy Equipment Operator a Grade, 5 Step 6 nonexempt position as part of Kingston Town Employee Union – Labor with Streets, Trees, and Parks with an anticipated start date of August 12, 2024, consistent with the terms in the offer letter.

Appointment of Planning Board Associate Member

Mr. Crone explained that due to the resignation of the Planning Board Alternate, there was a vacancy. David Gleason submitted a volunteer form, and the Planning Board reviewed and voted unanimously to recommend the appointment of Mr. Gleason.

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

VOTE: I move the Board of Selectmen appoint David Gleason as the Planning Board Associate Member effective immediately through June 30 2025.

Approve and Sign Warrant for State Primary Election on September 3, 2024

Mr. Crone explained that the Town Clerk is requesting the Board approve and sign the warrant for the State Primary election being held on September 3, 2024.

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

VOTE: I move the Board of Selectmen to authorize the posting of the State Primary Election Warrant to be held on September 3, 2024.

Request from Silver Lake School Board to Amend ARPA Allocations for HVAC Improvements

Mr. Crone explained that the Board of Selectmen previously authorized ARPA funding for Kingston's share of two Silver Lake HVAC projects. The School Department has bid out both projects and is ready to award the projects. One of the projects, the Silver Lake High School HS Café HVAC bid was more than expected. Kingston's share of the excess bid is \$99,362.78. The second school HVAC project came in under budget by \$262,980 which would allow Kingston to cover the café project overage, which the Town Administrator recommends.

	Kingston ARPA Funds <u>Approved</u>	Kingston's Share of <u>Approved Bids</u>	<u>Surplus/(Deficit)</u>
HVAC Middle/High Schools	\$ 871,094.00	\$ 718,828.50	\$ 152,265.50
HVAC school cafeteria	<u>188,175.00</u>	<u>291,352.80</u>	<u>(99,362.78)</u>
	\$ 1,059,269.00	\$ 1,010,181.30	\$ 52,902.72

Surplus amount is incorrect in the graph, so the Board reviewed and updated the vote.

\$103,177.80

49087.70 surplus

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

VOTE: I move the Board of Selectmen approve the transfer of ARPA 103,177.80 from the High School/Middle School project to the Silver Lake High School HS Café HVAC.

Return of Unexpended ARPA Funds From Town House and Council on Aging Fire Suppression System Improvements

Mr. Crone explained that the Selectmen approved the use of ARPA funds for fire suppression system improvements at the Town House and COA. There is an unexpended balance of \$5,006.77 that the Facilities Department is returning for a future need.

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

VOTE: I move the Board of Selectmen approve the return of unexpended ARPA funds of \$5,006.77 from the fire suppression system improvements projects.

Review and Possible Approval of Town Administrator FY25 Goals and Objectives

Mr. Crone explained that included in your Board materials are the FY25 Town Administrator goals and objectives proposed by the Town Administrator.

Mr. Hickey stated as part of his evaluation. The Goals and objectives were modified since the last meeting these were discussed. Mr. Hickey discussed training opportunities that were addressed at the last meeting.

There were no comments from the Board, other than it was addressed that Mr. Hickey will come back quarterly to discuss.

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

VOTE: I move the Board of Selectmen approve the FY25 Town Administrator Goals and Objectives as presented

Appointment of MBTA Advisory Board Designee

Mr. Crone explained that the Executive Director of the MBTA Advisory Board sent a letter to Chairman Crone to inform Kingston that a designee needs to be appointed. Currently the Town has designated Keith Hickey, Town Administrator, as its representative. The Selectmen can appoint another designee or decide to keep the Town Administrator, to act on behalf of Kingston.

Mr. Hickey is happy to continue if the Board

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

VOTE: I move the Board of Selectmen appoint Keith Hickey as the designee for the Town of Kingston to the MBTA Advisory Board effective immediately.

Open Session Meeting Minutes

Ms. Emberg commented that on the 18th minutes, regarding the tax title properties and at the time of the discussion Department Heads still had question about them and she would like to capture that in the minutes. Also, with the tax title conversation candidates were asked how they would get started and both candidates answered appropriately.

Ms. Emberg continued with the July 2nd minutes on the bottom of page 2 under the discussion of year end transfer the sentence should be updated reference that it is required by the bylaw to have Capital Planning review.

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

VOTE: I move the Board of Selectmen to accept the open session meeting minutes of June 18, 2024, July 2, 2024, and July 16, 2024, as amended.

TOWN ADMINISTRATOR'S REPORT:

Mr. Hickey read from his report.

Financial Updates

- The FY24 expenditures have been closed. Unexpended appropriations for the year totaled \$505,000 that will be closed into Free Cash.

Project Updates

- The Kingston Veteran Memorial work group met July 23rd to discuss plans to water the plants and sod surrounding the Veterans Memorial. The group has decided to contract with Joe Casna to provide an 8,000-gallon water trailer, parking in the parking spaces on the side of the Town House. The trailer will be connected to a pump that will provide sufficient pressure and supply to accomplish the needs of a newly sodded lawn and the plantings as well. We will continue to use the Casna water as long as necessary. The water will be obtained from areas outside of town.

The Committee discussed installing a well but felt the supply would likely come from an aquifer associated with the town for no particular gain. The sprinkler system that has been used on the Town House property has been in place since the building opened in 2003. Because of the added patio and walkways there are fewer sprinkler heads in operation with the memorial in place than before the project.

Personnel Update

- Firefighter/Paramedic David Decenzo resigned effective July 12th.

Miscellaneous Updates

- This year's Police National Night Out is scheduled for Tuesday, August 13th.

Ms. Emberg mentioned that as a reminder after the discussion tonight regarding roads that the Board approved the Plowing Policy last year and that if you are on a private road and the road is not in an acceptable condition it will not be plowed.

SELECTMEN COMMENTS:

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

The meeting was adjourned at 9:05 PM

Respectfully submitted,

Patricia Tucker
Assistant to the Town Administrator/Board of Selectmen