



TOWN OF KINGSTON
BOARD OF SELECTMEN
OPEN SESSION
MINUTES
TOWN HOUSE-26 EVERGREEN ST. ROOM 200 & VIA ZOOM
August 27, 2024

6:00 p.m. – CALL TO ORDER – ROOM 200

Chairman Eric Crone called to order the meeting of the Board of Selectmen at 6:01 p.m.—selectmen in attendance: Tyler Bouchard, Kimberley Emberg, and Donald Alcombright

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.
- For anyone interested in volunteering, there are several vacancies on various boards and committees. Please check the website for a listing.
- Please check our website for any additional events or notices www.kingstonma.gov

Mr. Alcombright noted that mosquito spraying will begin tonight.

Mr. Hickey also mentioned that he had a conversation with the Health Agent, and they are reviewing the status of EEE and if there are any field closings it will be voted at a Board of Health meeting.

OPEN FORUM:

There was no one in attendance for open forum.

APPOINTMENTS:

Declaration of Suicide Prevention Month, September 2024

Mr. Crone stated that Teresa Kourtz and Jennie Babcock from Plymouth County Suicide Prevention Coalition are here to request that the Selectmen declare September as Suicide prevention month. Mr. Crone noted that the Proclamation has been included in the Board packet.

Motion by Ms. Emberg, seconded by Mr. Alcombright and a 4-0-0 vote,

VOTE: I move the Board of Selectmen declare September 2024, as Suicide Prevention Month.

Joint Meeting Kingston School Committee to Interview Interested Candidates to Fill an Opening on the Kingston School Committee

Mr. Crone stated that School Committee member Tim Lewis resigned from the Kingston School Committee leaving a vacancy, and this joint meeting is to appoint someone for the committee until the next annual election.

The Kingston School Committee opened their meeting.

Mr. Crone went over the process which each candidate will speak to the Board and then questions can be asked of each of them.

Ms. Vaughn introduced herself and provided her background to which she has been involved with the Town for the last 13 years, 9 of which were on the Kingston School Committee.

Mr. Litif introduced himself and provided his background which he said he attended multiple meetings last year regarding the budget, and he would like to get more involved.

Ms. Arieta asked of each candidate when did your interest start with the school committee.

Mr. Litif stated it was during the budget discussions last year, he wants to start somewhere, and feels the school has the biggest impact.

Ms. Vaughn got into the school committee prior to having kids and loved the position and built it into her life.

Mr. Bouchard asked if you were chosen elections coming up would it be your intention to run at the election.

Mr. Litif stated he is not committing at this point to a three-year term, if he finds that he makes an impact over the next few months he will consider running for election.

Ms. Vaughn stated if she is chosen, she would run for the three-year seat.

Mr. Crone asked of Ms. Vaughn about her time spent on the Pilgrim Area Collaborative which is made up of various school committees in the area, and asked if she was the chair, Ms. Vaughn stated she was the chair for a number of years and helped with their strategic plan.

Mr. Crone asked Mr. Litif asked if he had any experience on a committee, and he answered no.

Ms. Coleman asked what you would see as your priority of something that you cannot cut.

Ms. Vaughn, don't cut teachers, curriculum or music or art. She listens to the administration on their needs.

Mr. Litif he would not cut teachers.

Ms. Emberg asked as the boss of the administration, in a year that is set to be difficult, are you ok with saying no to the administration.

Ms. Vaughn answered she is not afraid to say no, and it is difficult.

Mr. Litif is not afraid to say no.

The Board briefly discussed along with the Kingston School Committee.

Motion by Ms. Coleman, seconded by Mr. Shekane and an 8-0-0 vote,

VOTE: I move the Board of Selectmen appoint Sheila Vaughn as a member of the Kingston School Committee effective immediately until the next Annual Town Election.

The Board along with the Kingston School Committee thanked Mr. Litif for putting his name in for this position and asked that he consider volunteering for another vacant board/committee.

The Kingston School Committee ended their meeting.

The Board took a two-minute recess.

Discussion and Possible Vote to Amend Host Community Agreements Between the Town of Kingston and Elevated Roots, Elevated Cultivation and Elevated Delivery

Mr. Crone stated that due to recent changes in state law related to recreational marijuana facilities, the Host Community Agreement (HCA) between the Town and Elevated Roots, Elevated Cultivation and Elevated Delivery needs to be amended.

The Board had limited discussion, Mr. Hickey mentioned that they are a good corporate neighbor, and it is a good business to have in Kingston, Counsel for the Town and Elevated Rooms have reviewed the amended agreements and agree with what has been presented to the Board for consideration. Town Council Elizabeth Lydon included a summary of proposed

changes for the Board's review.

Percentage of the sale of retail and growing the town's revenue has increased as Elevated Roots has expanded.

Motion by Ms. Emberg, seconded by Mr. Bouchard and a 4-0-0 vote,

VOTE: I move the Board of Selectmen approve the amended Host Community Agreements between the Town of Kingston and Elevated Roots, Elevated Cultivation and Elevated Delivery as presented and authorize the Town Administrator on behalf of the Town.

6:15PM Public Hearing: Petition from Verizon New England Inc. and NSTAR Electric Company dba Eversource Energy, proposing to place new facilities on Atwood and Spruce

Mr. Crone 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.

Mr. Crone read the public hearing notice.

Public Hearing Notice

Notice is hereby given that the Kingston Board of Selectmen will hold a public hearing on the Petition W/O# 16742219 from NSTAR Electric Company dba Eversource Energy, requesting permission to locate underground cables, conduits, manholes, including the necessary sustaining and protecting fixtures, in under, along and across the following public way or ways:

Install one (1) new handhole 16/H5 and 58' +/- of PVC conduit to customer installed handhole on Atwood Street and Spruce Street.

The hearing shall take place on Tuesday, August 27, 2024, and the meeting will begin at 6:15 p.m. in Room 200 at the Town House, 26 Evergreen Street, Kingston, MA. People interested are invited to attend and be heard in this matter.

Motion by Mr. Alcombright, seconded by Mr. Bouchard and a 4-0-0 vote,

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

Julie Longa from Eversource was online and Mr. Hickey asked on behalf of Mr. Basler why is this not going on private property and not the roadway and if they already have electricity why is this needed.

Ms. Longa stated the reason is to provide underground service to the customer at 23 Spruce Street, which is in the right of way. They need the power from the pole, to run the conduit to the house.

Ms. Emberg stated that there have been issues with Eversource that have negatively impact residents and neighborhoods. Ms. Emberg wanted to confirm that residents of the neighborhood were notified of this, and Ms. Tucker added that the abutter notifications were mailed on July 30th.

The Board decided to continue the hearing until all questions can be answered.

Motion by Ms. Emberg, seconded by Mr. Bouchard and a 4-0-0 vote,

VOTE: I move the Board of Selectmen continue the public hearing until September 10th at 6:15PM

Request for Multiple One Day Liquor License from Paul Schiele of 42nd Brewing Co. for the Weir Family Christmas Tree Farm

Mr. Crone stated that Paul Schiele of 42nd Brewing Co for multiple One Day Liquor Licenses for a Christmas Tree Festival at Weir's Christmas Tree Farm 57 Pembroke Street on November 29th, November 30th, December 1st, December 7th,

December 8th, December 14th, and December 15th from 10am-5:30pm. The application has been reviewed and signed by the Police and Fire Chief’s and all documentation has been received.

Motion by Mr. Bouchard, seconded by Mr. Alcombright and a 4-0-0 vote,
VOTE: I move the Board of Selectmen approve the request for om Brewery 44 for a One Day Liquor License for a Christmas Tree Festival at Weir’s Christmas Tree Farm 57 Pembroke Street on November 29th, November 30th, December 1st, December 7th, December 8th, December 14th, and December 15th from 10:00 am-5:30 pm.

ADDITIONAL ITEMS:

Acceptance of a Donation to the Conservation Department

Mr. Crone explained The Conservation Department received and is requesting the Board to accept a donation of \$100 to be used toward Silver Lake Sanctuary trail maintenance.

Motion by Ms. Emberg, seconded by Mr. Bouchard and a 4-0-0 vote,
VOTE: I move the Board of Selectmen accept a donation from James & Mara Adams of \$100 for Silver Lake Sanctuary trail maintenance.

Ms. Emberg added that there are open seats on the Open Space Committee if anyone is interested.

Request to Use ARPA Funds for Costs Associated with Fiber Optic Relocation and the Purchase of School Zone Sign Costs

Mr. Crone explained that the Town Administrator is requesting authorization to expend ARPA funds for the following purposes:

Fiber Optic Relocation Including Police Detail Costs	\$11,026.60
School Zone Signage Costs	<u>48,573.18</u>
Total	<u>\$59,599.78</u>

Mr. Hickey explained that initially on the agenda there was an item to discuss and present a school zone for the Silver Lake campus to the Board, the documentation has been sent to the traffic consultant engineer for their comment. They were not able to provide the information back prior to this meeting so that item will be pushed to the next agenda. The vote for tonight will not include School Zone Signage costs.

Motion by Mr. Alcombright, seconded by Mr. Bouchard and a 4-0-0 vote,
VOTE: I move the Board of Selectmen approve the use of ARPA Funds for costs associated with fiber optic relocation.

Discussion and Possible Vote to Establish a No Jake Brake Zone on a Portion of Main Street

Mr. Crone stated that this request is to establish a “No Jake Brake Zone” on a section of Main Street.
Mr. Hickey stated there was a request for a no jake brake zone and he contacted Old Colony Planning Commission about the request and received a copy of an email received from MassDOT.
Chief Holmes believes that he can enforce the jake brake noise, under Chapter 90 section 16 – Harsh and objectional noises and he read from the section.

The language from Mass DOT was as follows:

“We get this question frequently. MassDOT as a policy does not post signs on our highways restricting the use of truck engine braking (“Jake Brakes”). We also discourage local cities and towns that inquire about this issue from installing such signs on their streets and roads as well because such signs would be in conflict with current federal commercial motor vehicle standards.

Engine braking requirements for commercial vehicles are set by the US DOT, and engine braking systems are now mandatory equipment on newer commercial vehicles. For these reasons, it is our understanding
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that MassDOT cannot legally post signs restricting the use of engine braking on our Interstates or other highways. Nor, as we understand it, can the Legislature or municipal governments enact any laws, ordinances, or restrictions limiting the use of engine braking on any streets or highways within Massachusetts. Even if signs were installed in spite of this, the braking restrictions would not be enforceable by police. Chapter 85, Section 2 of the MGL gives towns the authority to post certain traffic control devices on town ways without MassDOT approval as long as they are consistent with the department's current manual on uniform traffic control devices. There is no official sign of this nature in MassDOT's, or the federal manual (MUTCD), so the sign would be non-standard."

However, Police Chief, Brian Holmes does not agree with MassDOT's opinion. Chief Holmes would enforce the No Jake Brake Zone under the existing noise ordinance. Chief Holmes provided written comment regarding this that has been added to the Board materials.

Ms. Emberg stated that she feels what MassDOT stated contradicts what Chief Holmes is stating and Chief Holmes agreed. The equipment is legal however the noise is not legal per MGL Chapter 90 Section 16.

Mr. Alcombright is against this as he feels the driver's safety is more important than noise level.

Mr. Bouchard asked Chief Holmes if he supports this, and he does.

Ms. Emberg asked about the signs that would be erected on Main Street and Mr. Hickey said that one would be placed on each stretch of the road.

Ms. Emberg suggested that it could be a 2-2 vote, and they may want to have a full board on the vote.

The Board discussed and this item will be added to the September 24th Board agenda.

TOWN ADMINISTRATOR'S REPORT:

Mr. Hickey read from his report:

Financial Updates

- Recently, Governor Healy signed legislation named the HERO Act. The legislation allows community local control for additional property tax exemptions for property owners who qualify as a veteran.

If approved by Town Meeting, one of the options would increase the amount of the tax exemption granted to veterans on their domiciles annually by a cost-of-living adjustment (COLA) determined by the Department of Revenue (DOR) based on the consumer price index. This would work like the annual COLA adjustment determined by DOR that is already a local option for certain senior exemption amounts and financial means standards.

This year the COLA Adjustment was 3.4%. That would bring a \$1,000 Veteran exemption to \$1,034 Each year the exemption would increase by the COLA adjustment.

A second option allows the current exemption to increase up to 100% of the current amount of the tax exemption granted to veterans on their domiciles. Currently a total disabled veteran receives a \$1,000 exemption. A partially disabled veteran receives a \$400 exemption.

To implement, the city or town must vote to accept the statute and establish the additional exemption percentage before the July 1 beginning of the fiscal year that percentage will first apply. The voted percentage will continue to apply in subsequent years unless and until another percentage is voted before the July 1 beginning of a later fiscal year.

If the current exemption amounts doubled, for example, approximately \$100,000 of the tax levy would shift to the remaining taxpayers. An increase of 50% of the current exemption amounts would shift \$50,000 of the tax levy to the remaining taxpayers.

The Board of Assessors will be discussing the legislative changes at their August 27th meeting.

Project Updates

- I watched a portion of the August 13th Water Commission meeting where the Commissioners discussed their proposed funding request for a new well on the former Kelleher property. The Water Commissioners intend to bring an article forward at the Fall Town Meeting for preliminary costs associated with locating and drilling a new well but will be waiting until the 2025 Annual Town Meeting to request funding to drill the new well.
- Town and School Dept. staff met to discuss establishing a School Zone for the Silver Lake campus. A placeholder has been included for the August 27th agenda for the Board to consider accepting the recommendation of creating a school zone.
- The new Wastewater Department leaching field construction remains well ahead of schedule.
- The Facilities and Planning Departments have been working to create a consistent Town of Kingston sign that would be placed along the road at town borders, Below is one of the signs that was presented to the Planning Board to their comment.

Personnel Update

- Streets, Trees, and Parks Superintendent Paul Basler has notified the Town of his intent to retire November 1, 2024.

Miscellaneous Updates

- Conservation Agent Matt Pennella and I are met with the Brockton Mayor on Friday, August 23rd to discuss Brockton's withdrawal of water from Silver Lake. Conservation Agent Pennella made me aware of the water level in Silver Lake and expressed concern about the impacts of excess water withdrawal from the lake from Brockton. We are meeting to discuss Kingston's concerns.

Ms. Emberg asked about the detour on Main Street near the schools as tomorrow is the first day of school. Mr. Hickey discussed with the Water Superintendent, and the Police and Fire Chief's as well as the principals. There will be police officers to help with traffic and there will be some delays, but they will do their best.

SELECTMEN COMMENTS:

Ms. Emberg noted that there is early voting at the Faunce School and to check the website for the times.

Motion by Ms. Emberg, seconded by Ms. Bouchard n and a 4-0-0 vote,
VOTE: I move to adjourn

The meeting was adjourned at 7:29PM

Respectfully submitted,

Patricia Tucker
Assistant to the Town Administrator/Board of Selectmen