



TOWN OF KINGSTON
BOARD OF SELECTMEN
OPEN SESSION
MINUTES

TOWN HOUSE-26 EVERGREEN ST. ROOM 200 & VIA ZOOM
SEPTEMBER 24, 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: 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. There is an opening on Wage and Personnel Board.
- Kingston Open Space is seeking two new members as well.
- Please check our website for any additional events or notices www.kingstonma.gov
- Due to a recent opening on the Board of Assessors, the Board of Assessors 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 October 3rd 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 Board of Assessors/Board of Selectmen Meeting on Tuesday, October 8th at 6:00 pm.

OPEN FORUM:

Mr. Crone discussed the process for tonight's meeting regarding unaccepted roads. Mr. Crone asked all those in attendance that came to speak to this topic will be heard during open forum, at that point once open forum is over the Board will discuss.

John Wheble of 21 Jones River Drive stated that the Agricultural Fair will be taking place on Sunday afternoon, and it begins at 1pm on the Town House lawn.

Elaine Fiore, Sewer Commissioner, spoke about the report of the Town Administrator that is in the Boards packet to which she said the information is premature. Ms. Fiore stated there is a public hearing on Wednesday from 5-6:30pm to discuss.

Scott Bishop of 158 Main Street was in attendance with several questions regarding the plowing of private roads. Some of his questions regarding this new policy were, why is this coming into effect and how will this affect emergency services?

Mary Lou O'Halloran spoke on behalf of her mother who lives at 9 Adams Ave, she discussed that there is a rock that is too close to the road and would like her mother to be plowed.

Alannah Dibona of 7 Adams Ave discussed that there is a shrub adjacent to the plows and if the plows need 14 feet of passage that rock that is located at 5 Adams Ave. doesn't make sense for a distance issue.

Violet Berry of 1 Meadowbrook Ave stated she purchased her home in 1960, and that the Selectmen at that time agreed to plow and maintain the road. Ms. Berry would like that honored.

Paul Brokmeier, of 9 Stagecoach Drive, requested three estimates and the price to fix the road and it will cost approximately \$28,500. What is the process with dealing with Streets, Trees and Parks and what can they do to help.

Wilder Parkhurst of 20 Stagecoach, trying to help and do his part in the community, and help fix the issues on his street.

Victor Hult of 25 Stagecoach Drive asked why he was not notified, his street is a unique situation where a water main break at the beginning of the year is creating Sink holes,

Maria Berry of 1 Meadowbrook Road, for years, the Town helped with the road.

John Cocco of 113 Country Club Way discussed the nonstop conflict between the Town and the developer and feels that this is an issue between the developer and the Town at the expense of the residents.

Richard Azulay of 12 Cobb Ave resident for 60 years, came to the Selectmen 48 years ago who agreed to plow the road. Receiving the notice, is shocking and wanted to know why they were not notified in April.

Mary Ellen Krzyzewski of 24 Cobb Ave has a brother who lives with her and needs her road plowed.

APPOINTMENTS:

Request by Residents of Unaccepted Roads to Continue Winter Maintenance

Mr. Crone discussed that the Board has received a lot of feedback on this.

Ms. Emberg provided some history in regard to the topic. Ms. Emberg started by saying she joined the Board in 2020 and the conversation began well before she joined. Massachusetts State Law does not allow you legally to remove snow and ice on private roads and when it happened it was happening illegally, until the Town adopted Mass General Law chapter 90 section 6C, which is a policy for plowing of private roads as long as they fit specifications determined by the road commissioners which are the Selectmen. Due to the size of trucks being used by private snow plows they can't fit through some more of these narrow private roads.

Ms. Emberg continued to say that she understands, how this feels sudden, but the Board voted on this in August of 2023, and they voted not to put it into place until April of 2024 because we wanted to give everyone a year to make whatever changes or modifications they needed. Ms. Emberg apologized that notifications didn't go out prior. Ms. Emberg went on to say that in August of 2023 they discussed a bylaw change that was on the town meeting warrant that they tried to put a bylaw into place that would give people that live on private roads a process to get their roads accepted by the town once your road is accepted they town can maintain, that by law did not pass at town meeting.

Mr. Basler, policy started over the last 5 years, the plows are getting damaged and then need to be fixed. Minimal upgrades on private ways need to be at a minimal standard.

The Board discussed options with a possible, a one-time waiver with requirements crystal clear so residents understand, and discussed how they will move forward for this year with the possibility to waive certain criteria to allow streets to be plowed.

The Board discussed in length and decided that they will request more information from Mr. Hickey and Mr. Basler for the cost and legal analysis on the ramifications if they continue or stop plowing. This will be addressed at the next board meeting.

The Board took a 5-minute recess.

The meeting was called back to order at 7:22pm.

Appointment of Holly Nighelli as Interim Director of Elder Affairs

Mr. Crone discussed that due to the recent resignation of the Director of Elder Affairs Mary Beth Lawton. There is a vacancy, until the hiring process is completed, there is a recommendation to appoint Holly Nighelli as the Interim until a Director is hired.

Motion by Ms. Emborg, seconded by Mr. Alcombright and a 4-0-0 vote, (Mr. Bouchard was not seated at the table for the vote)

VOTE: I move the Board of Selectmen appoint Holly Nighelli as the Interim Director of Elder Affairs at a Grade 12, Step 1.

Quarterly Update with Police Chief Brian Holmes

Police Chief, Brian Holmes was in attendance to provide a quarterly update of the Department to the Board. Here are the topics which were discussed:

1. Budgetary request for training and staff will be addressed with the Board at a future meeting.
2. Update on Staffing
3. FY26 Budget - Increases in staffing and the development of personnel
4. Incidents of note
 - Radio issues
 - KFD incident on Pembroke St reviewed.
 - Concession stand matter; town's insurer involved, under investigation.
 - Silver lake tragedy - Police presence, DA comfort dog program support
 - SRO program at Sacred Heart
 - ALICE drills were done today. They were comprehensive and proactive
 - Main St detail update
 - Continued partnership with COA
5. Infrastructure items
6. Dog incidents
 - Hearing request for next incident pending.
7. Clinician grant
8. Comfort dog program
9. Warrant articles to be submitted

There were no questions from the Board.

Request for Proposed Supplemental FY25 Police Department Budget

Mr. Crone discussed that the Police Chief is requesting a supplemental budget for the FY25 Police Departments budget. The Board Packet had a breakdown of the supplemental request totaling \$201,116, the slides were shown on screen for

everyone to see the details. The detailed information was provided in the packet which broke down the Chief's request.

The Board discussed ARPA funding and Finance Director Kathleen Barrette discussed that ARPA supplemental funds are not a definite number, and she will hear this week on funding.

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

VOTE: I move the Board of Selectmen to approve the proposed supplemental FY25 Police Department budget request in the amount of \$201,116 and request the Town Administrator include a warrant article on the Special Town Meeting Warrant.

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 proposed capital FY25 Purchases in the amount of \$149,000 and request the Town Administrator include a warrant article on the Special Town Meeting Warrant.

Request for One Day Liquor License from The Bartending Service of New England for a Wedding at First Parish Church

Mr. Crone stated that Brianna Fuller of The Bartending Service of New England is requesting a One Day Liquor License for a wedding to be held at the First Parish on October 8th from 2:00pm – 6:00pm. The application has been reviewed and signed by the Police and Fire Chief's and all documentation has been received.

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

VOTE: I move the Board of Selectmen approve the request from The Bartending Service of New England for a Wedding at First Parish Church, 223 Main Street, Kingston on October 7, 2024, from 2:00pm – 6:00pm

ADDITIONAL ITEMS:

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

Mr. Crone stated that this topic was on the August 27th meeting, and it was agreed that the topic would be voted on when there was a full board.

The Town Administrator contacted Old Colony Planning Commission about the request and they do not agree.

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. Comments from Chief Holmes have been included in the Board materials and it is noted that this excludes emergency response vehicles.

Ms. Emberg discussed her research regarding brakes, engines, brakes, exhaust brakes and air brakes are three different types of brakes. They all work differently they all create a certain level of noise. A jake brake is an engine brake which the drivers flip a switch to activate, and then it makes the sound which people are trying to avoid.

Ms. Emberg does not support the signage that would be placed and feels they don't support the sentiment the Board wants to achieve.

Mr. Bouchard asked the Chief for his professional opinion, and would you expect this to have a positive effect. Chief Holmes there is no harm in enforcing this.

Jennifer Cushman of 273 Main Street stated that cars need to slow down.

Mr. Alcombright believes that this is a safety issue and Ms. Bateman asked the Chief if this is a safety issue and he feels is not.

Ms. Emberg asked what we are talking and why.

Motion by Ms. Emberg, seconded by Mr. Alcombright and a 2-3-0 vote, (Ms. Emberg and Mr. Alcombright voted yes)
VOTE: I move the Board of Selectmen do not approve a No Jake Exhaust Zone on Main Street

Motion by Ms. Bateman, seconded by Mr. Bouchard and a 3-2-0 vote, (Ms. Emberg and Mr. Alcombright voted against)
VOTE: I move the Board of Selectmen approve a Quiet Zone, No Engine Brake No Exhaust Break on Main Street from the intersection of Main and Evergreen Street to the intersection of Main and Brook Street, excluding emergency response vehicles.

Request to Update Council on Aging Code of Conduct and Standards of Behavior

Ms. Emberg discussed that the COA had an individual removed as they violated the code of conduct, and then they were suspended permanently, they appealed and at that time the Board had asked them to adjust their bylaw to include an appeal process. Adjust their bylaw for an appeal process.

The Board briefly discussed and there were not additional comments.

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

VOTE: I move I move the Board of Selectmen approve revised Council on Aging Code of Conduct and Standards of Behavior as proposed.

Open Session Meeting Minutes – September 10, 2024

There was no discussion.

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

VOTE: I move the Board of Selectmen approve the open session meeting minutes of September 10, 2024, as amended in the packet.

TOWN ADMINISTRATOR'S REPORT:

Mr. Crone read from Mr. Hickeys read from his report:

Financial Updates

- The Sewer Commissioners are meeting Tuesday, 24th and will have a public hearing on Wednesday, October 2nd.

Project Updates

- The Water Department expects the Main Street water main project to begin again during the week of September 23rd.
- Admins from all town departments have been trained to enter accounts payable invoices into MUNIS, the financial software used by the Town.

Miscellaneous Updates

- Wage and Personnel Committee have approved the addition of a Building Commissioner position into their bylaw. That proposed bylaw change will be included on the Special Town Meeting warrant.

SELECTMEN COMMENTS:

Ms. Emberg wanted to reiterate that the plowing policy was not meant in anyway to be a surprise, and it will be addressed at the October 8th meeting.

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

VOTE: I move to adjourn

The meeting was adjourned at 8:16 PM

Respectfully submitted,

Patricia Tucker
Assistant to the Town Administrator/Board of Selectmen