



TOWN OF KINGSTON  
BOARD OF SELECTMEN  
OPEN SESSION MINUTES  
ROOM 200/ZOOM  
January 11, 2022

Chairman Kimberley Emberg called to order the meeting of the Board of Selectmen at 6:05 PM. Selectmen in attendance: Donald Alcombright, Jessica Kramer, and Richard Arruda. Ms. Emberg and Ms. Vaughn attended virtually.

Staff Present: Keith Hickey, Town Administrator, Gloria Mitchell, Assistant Town Administrator, Patricia Tucker, Assistant to the Town Administrator.

**Announcements** Ms. Emberg read:

- This meeting is being recorded by PACTV. To my knowledge, no one else is recording the meeting. However, per Massachusetts General Law Chapter 30A, Section 20f, you are welcome to record and transmit the meeting as long as you notify the Chairman so that the public can also be notified of the recording.
- Financial assistance applications are available on the Town's website or by calling the Selectmen's office.
- Nomination papers will be available in the Town Clerk's office tomorrow, Wednesday, January 12. Check the website, [www.kingstonma.gov](http://www.kingstonma.gov), for more information.
- The Highway Department is still seeking snow plow contractors to assist with snow removal. If you are interested in learning more about this opportunity, please call 781-585-0513.
- Also, a reminder that Monday is a holiday so that Town buildings will be closed.
- In February, a public meeting will be held for The Complete Streets Grant Program. Keep an eye on the website for updates, but we will notify everyone in one of our future meetings when we have the date scheduled for that public meeting.
- Members of the Board of Selectmen attended today's Council on Aging to discuss the hours in which the Council on Aging is open to the public. During the meeting, the Council On Aging Advisory Board voted to recommend that the Board of Selectmen return the hours to the pre-pandemic hours. The request is that the Senior Center is open again on Friday afternoon. The Board of Selectmen did not vote on this recommendation but will discuss this recommendation at a future meeting.

**OPEN FORUM**

John Michael Fontes of May 16 Avenue was in attendance to discuss the recent vote by the Board of Health regarding mandating masks for Town-owned buildings. Mr. Fontes had an issue that there was no public input during the meeting. He wanted to ask the Board of Selectmen to consider some action to improve interactions of Boards and Committees with the public, as he finds it concerning that votes are being made with no public input.

Ms. Emberg informed Mr. Fontes that the Board of Selectmen always allows public input, feedback, and questions and that the Board of Health is elected, and the Selectmen have no authority over them. Ms. Vaughn wanted to add that she was at the Board of Health meeting as well.

**APPOINTMENTS:**

Review of the Road Safety Audit of the intersection of Pembroke Street (Route 27) at Lake Street and Station Street

Mr. Hickey explained that Representatives from Old Colony Planning Committee are in attendance to review the study they completed on the Pembroke, Lake, and Station Street intersection. The Road Safety Audit being presented is in the meeting packet for review.

On behalf of Old Colony Planning, Ms. Mary Waldron was in person, Executive Director was in person, and Mr. Charles Kilmer, Assistant Director, and Transportation Program Manager, were virtual.

Mr. Charles Kilmer, Assistant Director and Transportation Program Manager, presented the PowerPoint presentation of the Road Safety Audit (RSA) of Pembroke Street at Lake Street and Station Street.

The presentation explained that the RSA is a formal safety performance examination of an existing or future road or intersection by an independent multidisciplinary team. The RSA was conducted on May 11, 2021, at which time participants were provided crash data and associated analyses. Of the data, safety issues were discussed, and potential countermeasures were noted.

Some of the following steps discussed were the implementation of short-term signage, developing a complete streets policy, and a prioritization plan.

Mr. Arruda asked that there be no mention of electronic signs when speaking of signage. Mr. Kilmer stated that it is a new technology of signage that enhances visibility if the Town chooses to do so.

Ms. Vaughn asked if there was a reason why there was not proper school speed limit in the area of the Silver Lake High School. When the Route 27 project was designed, the applicability of the High School was discussed. Superintendent of Streets, Mr. Paul Basler, stated that when the Rt 27 project happened the State felt it did not qualify as a school zone.

Ms. Vaughn asked about grants and the time frame, and Mr. Kilmer stated that it could take years.

Mr. Basler added that Complete Streets grants could not be used as this is a numbered route, and it doesn't qualify.

Motion by Mr. Alcombright, second by Mr. Arruda and a 5-0-0 vote, by roll call vote

VOTE: I move the Board of Selectmen to accept the Road Safety Audit of the intersection of Pembroke Street (Route 27) at Lake Street and Station Street.

#### **Approval of New Common Victualer License**

Ms. Emberg explained that we received a new common victualler license for a restaurant located at the Kington Collection. Except for the Board of Health, who has not completed the final inspection, all departments support issuing the license.

- a. Jalens LLC

Mr. Jesse Jimenez addressed the Board by stating he has a location in the Town of Middleboro Jalens Café, which is a Latin American Style establishment, he is hoping to open as soon as possible.

Motion by Mr. Alcombright, second by Ms. Kramer and a 5-0-0 vote, by roll call vote

VOTE: I move the Board of Selectmen to approve the common victualler licenses for Jalens LLC, contingent on final approval from the Board of Health.

#### **Approval to Authorize the Town Administrator to sign the Local Affordable Unit (LAU) Application for the Jones River Estates Subdivision**

Ms. Emberg explained that this agenda item was tabled from the December 28 Board meeting to allow the developer to provide additional information on the proposed affordable housing units.

Town Planner, Ms. Valerie Massard was in attendance to answer any questions and start by saying the developer has met its requirements. After reviewing the square footage, it has to do with the area above the garage not being finished, and the housing footage is the same.

Ms. Kramer asked if the affordable unit could be complete by adding the additional 4<sup>th</sup> bedroom by adding a wall. Ms. Kramer would like to have a 4-bedroom available as a courtesy.

Ms. Katharine Kaplan of SEB Housing was in attendance to explain that two bedrooms are usually affordable, the three bedrooms are very desirable, and a 4<sup>th</sup> bedroom is an exception. It was also added that the three-bedroom affordable being offered is bigger than what is usually in the lottery.

Motion by Mr. Alcombright, second by Mr. Arruda and a 4-1-0 vote, roll call vote, Ms. Kramer, voted against

VOTE: I move the Board of Selectmen authorize the Town Administrator to sign the LAU Application for Jones River Estates subdivision.

### **Public Hearing for Earth Removal Permit at 11 Wapping Road**

Ms. Emberg explained that the public hearing was initially scheduled for the December 28, 2021, Board of Selectmen's meeting which was continued to this evening's meeting to allow the applicant to provide additional information for staff to review. The Building and Planning Departments have reviewed the permit application and find the revised application and supporting documentation acceptable. Ms. Emberg asked that Ms. Massard speak to this item.

Ms. Massard stated that the last set of plans were incomplete, that plans have been updated. This is a standalone lot with reasonable stabilization plans with a series of recommendations from staff.

Mr. Paul Sheerin, the applicant, was in attendance, and Austin Charier of McKenzie Engineering virtually answered all questions. This was filed due to the amount of earth being removed. They have adequately addressed any comments from the staff. The route the trucks would leave Kingston would be by down Main Street, which can be changed.

Ms. Susan Sherman of 215 Main Street asked if the dirt was going to Raynham as stated in the application. She believes there is no reason to drive down Main Street. She would like the Selectmen to prohibit this.

The Board discussed what roads would be taken. They discussed tabling this discussion to the next meeting to determine the amount that was already excavated and the remaining amount that is going to be removed.

Motion by Ms. Kramer, second by Mr. Arruda and a 5-0-0 vote, by roll call vote

VOTE: I move the Board of Selectmen to continue this public hearing to January 18, 2022, at 6 PM.

### **ADDITIONAL ITEMS:**

#### **Acceptance of hiring of Heavy Motor Equipment Operator**

Due to a transfer hire, Ms. Emberg stated that a vacancy for the Heavy Equipment Operator within Streets, Trees, and Parks Department. After following the recruitment process, the Superintendent of Streets Trees and Parks is recommending the Board of Selectmen appoint Christopher Young to the position.

Mr. Basler said a few words on behalf of this hiring and in favor of hiring Mr. Young.

Motion by Ms. Kramer, second by Mr. Alcombright and a 5-0-0 vote, by roll call vote

VOTE: I move the Board of Selectmen appoint Christopher Young into the full-time Heavy Equipment Operator within Streets, Trees, and Parks Department, a Grade L4, Step 5, a non-exempt position as part of the Kingston Town Employee Union – Labor within the Streets Trees and Parks Department with an anticipated start date of January 24, 2022, subject to the following condition:

- Satisfactory CORI Check

#### **Approval of Change for an existing Common Victualer License**

Ms. Emberg explained that the Town received an application to change the name on an existing common victualer license for Brothers Roast Beef. The current name on the license is Brothers Roast Beef. The applicant requests to change the name to Xhulia Devishi ER XU, Inc. dba Brother's Roast Beef.

Motion by Ms. Vaughn, second by Mr. Alcombright and a 5-0-0 vote, by roll call vote

VOTE: I move the Board of Selectmen approve the name change in the common victualer license to Xhulia Devishi ER XU Inc dba Brother's Roast Beef.

#### **Appoint Selectmen Representative for the Kingston Business Association**

Ms. Emberg explained that this item is not being moved tonight.

#### **Review Options of Annual Evaluation Forms of the Town Administrator**

Ms. Emberg explained that included in the Board materials are three examples of evaluations forms that could be used in the Town Administrator's annual evaluation. However, although the Board has reviewed, no vote was made on which one to use. Per the Town Administrator's contract, the TA performance will be evaluated annually in April.

The Board briefly discussed the three forms and then voted.

Motion by Mr. Alcombright, second by Mr. Arruda and a 5-0-0 vote, by roll call vote

VOTE: I move the Board of Selectmen to use the evaluation form marked as A to evaluate Town Administrator Hickey.

#### **Discussion on Delegating Employee Disciplinary Authority for all Employees Not Considered Department Heads from the Board of Selectmen to the Town Administrator**

Mr. Hickey explained that he requested the Board consider delegating their disciplinary responsibilities to the Town Administrator. The request is made primarily to allow the disciplinary process, if needed, to be as efficient as possible for the employee and employer. The request did not include Department Heads. Discipline for those positions would remain with the Selectmen.

Mr. Hickey researched and stated that he found with Legal Counsel and the Town Clerk that there has not been any authority regarding employee disciplinary action to the TA. He is looking to get something in place.

The Board briefly discussed.

Motion by Mr. Arruda, second by Ms. Kramer and a 2-3-0 vote, by roll call vote (Mr. Alcombright, Ms. Emberg, and Ms. Kramer voted against)

VOTE: I move the Board of Selectmen to delegate the discipline of all town employees, excluding Department Heads, up to but not including termination.

It was discussed that in the interest of the person being reviewed on disciplinary action for the sake of privacy, the Board would discuss in executive session unless the employees requested an open session. Mr. Hickey stated that the minutes would be released but redacted.

The Board discussed in length that this vote does not include police, fire, or the schools.

Motion by Mr. Alcombright, second by Ms. Kramer and a 3-2-0 vote, by roll call vote (Mr. Arruda and Ms. Vaughn voted against)

VOTE: I move the Board of Selectmen to delegate the discipline of all town employees, excluding Department Heads, up to and including termination.

### **Acceptance of Donation**

Ms. Emberg explained that Animal Control and Veterans' Services are requesting that the Board accept the following donations:

Motion by Ms. Kramer, second by Mr. Alcombright and a 5-0-0 vote, by roll call vote

VOTE: I move the Board of Selectmen accepts the following donations:

- \$1,000 from Dick Powderly, owner of A Dogs World Unleashed Dog Day Care to Animal Control:
- \$50.00 donation in gift cards from Janet Holmes to the Veterans' Department:
- Countless dozens of eggs for distribution to Veterans from the Maribett Farm and the Santos Family Farm.

### **Consideration of Financial Assistance Application**

Ms. Emberg explained that two residents had submitted Financial Assistance Applications asking for help to pay monthly expenses.

Ms. Vaughn discussed that she reviewed the applications and recommended the Board vote favorably.

Motion by Mr. Alcombright, second by Mr. Arruda and a 5-0-0 vote, by roll call vote

VOTE: I move the Board of Selectmen approves the following Financial Assistance Applications:

- Application submitted in the amount of \$1,600.00 from the Arthur F. Wadsworth Charity Fund:
- Application submitted in the amount of \$3,432 from the Arthur F. Wadsworth Charity Fund.

### **Open Annual Town Meeting Warrant**

Mr. Hickey stated that opening the warrant indicates the start date that the Town or citizen petitioned warrant articles can be added to the Annual Town Meeting Warrant. The warrant is scheduled to close on February 8, 2022. Anyone who would like to submit a citizen petitioned article must be received by the Town Clerk at the close of business of February 8, 2022, at 6:00 PM.

Motion by Mr. Alcombright, second by M. Kramer and a 5-0-0 vote, by roll call vote

VOTE: I move the Board of Selectmen open the 2022 Annual Town Meeting Warrant at 8:00 AM on January 12, 2022

### Town Administrator Update

Mr. Hickey presented his update to the Board:

### Financial Updates

- With the Selectmen voting to move the proposed FY23 budget to the Finance Committee, information will be provided to Fin Comm to update their budget books shortly.

- Kingston School Committee presented the budget at their meeting last night.
- The Capital Planning Committee will discuss the proposed FY23 Capital Improvement Plan at their January 12 meeting. Saturday, January 29, the committee will tour the reviewed requests.

Project Updates

- The new online permitting software project continues to move forward. The Building Commissioner believes the software will be available to the public sometime in February. This software will allow customers to apply for building permits online. The software will be expanded to offer permits issued by the Board of Health and the Planning and Zoning Boards.

COVID Updates

- The Board of Health held a vaccination clinic scheduled for January 7 had to be canceled due to illness. A clinic was held on Saturday, January 8. I will update the Board at your meeting on the total vaccinations given.
- Covid rates have continued to climb in Kingston since the first of the year.

December 27 <sup>th</sup>	176
December 30 <sup>th</sup>	268
January 6 <sup>th</sup>	366
January 10 <sup>th</sup>	524

Miscellaneous Updates

- The representatives from the Wallkill, New York, at the Kingston Collection had a discussion to discuss the process and overall community reaction of the redevelopment of a portion of the Kingston Collection property with apartments. Wallkill is currently beginning to consider the same type of redevelopment in their community.

It was discussed that there is no update on the Turbine being taken down.

**MEETING MINUTES:**

Motion by Mr. Alcombright, second by Mr. Arruda and a 5-0-0 vote, by roll call vote

VOTE: I move the Board of Selectmen to approve November 30, 2021, December 14, 2021, and December 29, 2021, Open Session Meeting Minutes.

**SELECTMEN COMMENTS:**

Mr. Alcombright would like to have an agenda item to discuss the website content at a future meeting. Ms. Vaughn added that the mask mandate for the schools was extended to February 28, 2022. She said she was still unhappy with the Board of Health meeting and was not able speak at the meeting.

Adjourn.

Motion by Ms. Vaughn, second by Ms. Kramer and a 5-0-0 vote,

VOTE: I move to adjourn

The meeting adjourned at 8:29 PM.

Respectfully submitted,



Patricia Tucker  
Assistant to the Town Administrator/Board of Selectmen

Documents used at the meeting:

Agenda  
Agenda Addendum  
Road Safety Audit  
LAU for Jones River  
Earth Removal Information  
Hiring information  
New/Existing Common Victualer License  
Annual Evaluation Forms  
Donations  
Financial Applications  
Town Administrator Report