



TOWN OF KINGSTON
BOARD OF SELECTMEN
OPEN SESSION MINUTES
ROOM 200/ZOOM
February 22, 2022

Chairman Kimberley Emberg called to order the meeting of the Board of Selectmen at 6:00 pm. Selectmen in attendance: Donald Alcombright, Jessica Kramer, Sheila Vaughn, and Richard Arruda.

Staff Present: Keith Hickey, Town Administrator, and Gloria Mitchell, Assistant Town Administrator.

Announcements Ms. Emberg read:

- Last week, we were advised by Counsel that a roll call vote is required if anyone is participating in the meeting remotely, whether that be a board member or a member of the public, so that all votes are clear and everyone who cannot physically see us knows what our votes are. Given that, as we have both a board member as well as members of the public participating remotely, all votes during this meeting will be through roll call.
- This meeting is being recorded by PACTV. 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.
- The Highway Department is still looking for snowplow contractors, although we are hoping to be nearing the end of the winter weather. Anyone interested in learning more, please call 781-585-0513.
- Koi Pond Estates, which is a new development in Kingston, has a lottery open for two affordable dwelling units. More information is available on our website, but a public information meeting will be via zoom on March 10th at 6:30 pm. The application deadline is April 4th. The Lottery will be via zoom on Friday, May 6th at 3 pm.

There are several dates to mark on your calendars:

- Nomination papers for town officials are available until March 2nd at the Town Clerk's Office on Friday, March 18th – Also, a reminder – the office closes at 11:30 am on Fridays, so be sure to come in before that.
- The Annual Town Elections are scheduled for Saturday, April 23rd, and all precincts vote at the Elementary School.
- The Annual Town Meeting is scheduled for Saturday, May 14th, and is anticipated to take place at the Intermediate School.

OPEN FORUM

Dorothy Patricia Harlow, 3 Pebble Lane, was present to speak about the recall in 2020. Ms. Harlow stated that she was impressed with the elderly at that time. Ms. Harlow expressed her concerns with what transpired at the February 8th BOS meeting to revise the hours at the Senior Center. She felt the Chairman of the Council on Aging was disrespected at that meeting. Ms. Harlow asked that the Board support the request to change the hours and investigate why the COA Chairman did not receive a copy of the document. She also addressed the Director of the COA, stating she was aware of the type of people she would be working with when she took the job.

Susan Sherman, 221 Main Street, thanked the Board for redoing the website. She requests that the website be tweaked to make it easier to find agendas. Ms. Sherman stated that she also wanted to show support for extending the hours at the Senior Center. She also feels the Director should be advocating for the seniors and can't believe that counsel would say that the "left, right, center" game is illegal.

Elaine Fiore, 60 Cole Street, President of the Friends of the Seniors. Ms. Fiore stated that the Friends did support the extension of the hours at the Senior Center. She recommended at least a trial run to see how many attend those hours.

ADDITIONAL ITEMS

SOI for MSBA Grant

The Facilities Director for the School District, Matt Durkee, stated that School District is requesting that the Selectmen grant permission for the Superintendent to submit a statement of interest for a grant from the Massachusetts School Building Authority (MSBA). This grant would fund roof, windows, and doors replacement at the Kingston Elementary School. The MSBA requires the Town's governing body to approve the School Department's grant application. The Facilities Director for Silver Lake Regional School District stated that since this is a Kingston School, the Town has to apply for the grant.

Ms. Vaughn-aye, Mr. Alcombright-aye, Ms. Vaughn-aye, Ms. Kramer-aye, and Mr. Arruda-aye, 5-0-0.

VOTE: Resolved: Having convened in an open meeting on February 22, 2022, prior to the SOI submission closing date, the Board of Selectmen of Kingston, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated February 22, 2022, for the Board of Selectmen located at 26 Evergreen Street, Kingston, MA 02364 which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future

Priority 5 is checked off with the main focus on the roof, which has many leaks, water infiltration, and damage. The windows are also a serious concern due to age and energy usage. The focus is for replacement, renovation, and modernization of our pre-kindergarten – grade 2 school in Kingston; and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the Town of Kingston to filing an application for funding with the Massachusetts School Building Authority.

APPOINTMENTS

Joint Meeting with the Planning Board to Discuss MBTA Zoning

Ms. Emberg stated that the Board of Selectmen and Planning Board is meeting jointly to discuss the MBTA Zoning.

The Planning Board Chairman, Thomas Bouchard, reviewed the problems with the requirements in the proposed zoning from the MBTA, including very dense zoning within a certain distance of an MBTA Station. Many Towns will have a problem with this and may lose grant funds if not accepted by all Towns.

Valerie Massard, Town Planner, had recently attended a meeting with Mass Municipal Association regarding this issue. It took two hours to go over some of the regulations' mandates. Ms. Massard gave a presentation on the proposed zoning from the State's website and her recommendations which included a draft letter outlining the concerns of Kingston with the MBTA proposed zoning.

Ms. Vaughn was concerned with the number of new students brought into Town and with the contractors losing interest. Ms. Vaughn stated that the train station is not as busy as it used to be before COVID.

Zoning Enforcement Officer/Building Inspector Jason Silva stated that the team is working hard toward solutions and not worry about the issues. Mr. Bouchard noted that the Planning Board would like to

work with other communities to fight the proposed zoning from the MBTA. Ms. Massard recommended that the Selectmen send a joint letter not to support the request. Mr. Hickey stated that he would reach out to other South Shore Communities and School Districts for support.

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

VOTE: I move the Board of Selectmen to submit its comment by and through the joint letter being submitted by the Massachusetts Municipal Association and the Massachusetts Municipal Lawyers Association, as discussed this evening, and wait for final guidelines before taking further action on the draft guidelines for implementing zoning changes for the MBTA communities.

Consideration of Extending Senior Center Hours on Friday Afternoon

Ms. Emberg explained that there had been much discussion regarding this request to expand the hours the Senior Center is open to include Friday afternoons. The Council on Aging Director and Assistant Town Administrator have provided the Selectmen with a memo outlining the options available to the Selectmen when considering expanding the hours. Ms. Emberg read the hours of the Center pre-covid, and it was presented to the Selectmen at that time that the hours were temporary.

Mr. Alcombright read a statement: "We as a community should strive to offer the best and most accessible services we can to our residents, and when we can restore services cut due to COVID at minimal to no extra cost, it's not a question of why or how to me, only a question of when. Whether we have 2 people in the center or 100, the COA should be available to our seniors as much as possible."

Motion by Mr. Alcombright, second by Mr. Arruda, and a roll call vote of Ms. Emberg-aye, Mr. Alcombright-aye, Ms. Vaughn-aye, Ms. Kramer-aye, and Mr. Arruda-aye, 5-0-0.

VOTE: I move the Board of Selectmen follow option one titled "additional four hours of operation without financial impact on the budget" in our meeting packet, which restores hours to Monday, Wednesday, Thursday, and Friday to 8:30 -4:30 and Tuesday 8:30-7:30 effective no later than April 4th.

Ms. Vaughn stated she was in favor of the hours being extended.

Ms. Kramer stated that she values the opinion of the COA Board and their previous meeting vote was a split vote. Still, there was a unanimous vote in January. She also stated that they had heard the seniors.

ADDITIONAL ITEMS

Discussion of the Update to Manager on the American Legion Liquor License

Ms. Emberg explained that a request had been made for a change of Manager at the American Legion. Mr. Hickey stated that they are now in compliance.

Motion by Mr. Arruda, second by Mr. Alcombright, and a roll call vote of Ms. Emberg-aye, Mr. Alcombright-aye, Ms. Vaughn-aye, Ms. Kramer-aye, and Mr. Arruda-abstained, 4-0-1.

VOTE: I move the Board of Selectmen to approve the change of manager on the American Legion.

Request from Paul Curley to hold the 23rd Annual Best Buddies Challenge Cycling Event on June 4, 2022

Ms. Emberg explained that Paul Curley had sent a request to hold their 23rd Annual Best Buddies Challenge Cycling Event on June 4, 2022, through the streets of Kingston. Ms. Emberg gave a background of the organization and the bike ride route. The request was sent to the Police and Fire

Chief and the Superintendent of Streets, Trees, and Parks for review; their recommendations are in the meeting packet.

Motion by Mr. Alcombright, second by Mr. Arruda, and a roll call vote of Ms. Emberg-aye, Mr. Alcombright-aye, Ms. Vaughn-aye, Ms. Kramer-aye, and Mr. Arruda-aye, 5-0-0.

VOTE: I move the Board of Selectmen (approve/not approve) the request from Paul Curley to hold their 23rd Annual Best Buddies Challenge Cycling Event on June 4, 2022, according to the traffic control plan presented with the following conditions:

- Best Buddies successfully acquires the proper permits from MassDOT.
- Best Buddies contacts the Kingston Police Department for the scheduling of detail officers as outlined in the event's traffic plan.

Massachusetts Preservation Projects Fund Application for Powder House Project

A grant application in the amount of \$21,400 is being completed to finish the Kingston Powder House Historical Restoration Project. Mr. Hickey stated that the Facilities Manager has taken on the responsibility of this project and is applying for a grant to finish it. The Selectmen need to give the Town Administrator authorization to execute a contract and any other documents necessary to apply with the Massachusetts Historical Commission. Facilities Director Bradford Norman stated that the remaining funds have already been approved through the Community Preservation Committee and Town Meeting to complete this project.

Motion by Ms. Vaughn, second by Mr. Arruda, and a roll call vote of Ms. Emberg-aye, Mr. Alcombright-aye, Ms. Vaughn-aye, Ms. Kramer-aye, and Mr. Arruda-aye, 5-0-0.

VOTE: I move the Board of Selectmen hereby authorize Town Administrator Keith Hickey to execute a contract and any other documents necessary with Massachusetts Historical Commission for the Massachusetts Preservation Projects Fund application for the Powder House Historical Restoration Project.

Request to Allow to Deficit Spend in the Snow and Ice Budget

Ms. Emberg stated that the Highway Superintendent is requesting authorization to deficit spend the FY22 Snow and Ice budget. Mr. Basler anticipates with a normal second half of February through the end of the snow season, an over-expenditure of \$80,000. Mr. Hickey stated that there is a forecast in the near future of more snow and is concerned the amount may be more than \$80,000 by the time the town meeting comes. He recommends that the Selectmen approve the Superintendent to over expend the budget and request the additional funds at the town meeting. Street, Trees, and Parks Superintendent Paul Basler gave figures for this budget for the past few years. He will report weekly numbers to the Town Administrator for the Selectmen to be updated throughout the remainder of the winter season.

Motion by Mr. Alcombright, second by Ms. Vaughn, and a roll call vote of Ms. Emberg-aye, Mr. Alcombright-aye, Ms. Vaughn-aye, Ms. Kramer-aye, and Mr. Arruda-aye, 5-0-0.

MOVE: I move the Board of Selectmen to approve that according to MGL Chapter 44, Section 31D, the request from the Superintendent of Streets, Trees and Parks, Paul Basler, to allow the Department to deficit spend in the Snow and Ice Budget for the remainder of the FY22 Winter season.

Acceptance of Hiring of CDL/Laborer for Streets, Trees, and Parks Department

Ms. Emberg stated that due to a promotion within the Streets, Trees, and Parks Department, after following the recruitment process, Streets, Trees, and Parks is recommending the Board of Selectmen appoint Andrew Napolitan to the position of CDL/Laborer.

Motion by Ms. Vaughn, second by Mr. Alcombright, and a roll call vote of Ms. Emberg-aye, Mr. Alcombright-aye, Ms. Vaughn-aye, Ms. Kramer-aye, and Mr. Arruda-aye, 5-0-0.

VOTE: I move the Board of Selectmen to appoint Andrew Napolitan into the position of CDL/Laborer with Streets, Trees, and Parks, a Grade L3, Step 1 nonexempt position within KTEU Labor with an anticipated start date of February 28, 2022, subject to the following conditions:

- Provision of the necessary identification forms to satisfy the requirements of the US Immigration Reform Act.
- Satisfactory results from a Town-appointed physician stating you can perform the functions of the position based on the description in the posting you applied to, including drug screening.
- Satisfactory CORI check.

Request Selectmen's Approval for Refinance of Private Home Through the Department of Housing and Community Development Mortgage Home

Ms. Emberg stated that an owner of a property acquired through the lottery system for low-income properties is requesting to refinance it and need the approval of the Board of Selectmen to do this.

Motion by Mr. Alcombright, second by Ms. Vaughn, and a roll call vote of Ms. Emberg-aye, Mr. Alcombright-aye, Ms. Vaughn-aye, Ms. Kramer-aye, and Mr. Arruda-aye, 5-0-0.

VOTE: I move the Board of Selectmen to approve the request from Amanda St. Andrews to refinance his home located at 10 Christmas Tree Lane, Kingston, Massachusetts, with the following stipulations and to give the Town Administrator the authority to sign the letter:

- That the loan be at a fixed rate and the principal loan amount should not exceed \$247,000.00; and
- Obtaining prior written approval from the Department of Housing and Community Development.

Acceptance of Animal Control Donation

Ms. Emberg stated that a generous donation had been made to Animal Control.

Motion by Mr. Alcombright, second by Ms. Vaughn, and a roll call vote of Ms. Emberg-aye, Mr. Alcombright-aye, Ms. Vaughn-aye, Ms. Kramer-aye, and Mr. Arruda-aye, 5-0-0.

VOTE: I move the Board of Selectmen to accept the following donation:

- \$200 donation from Mac Marty Inc.

Reappointments To Rent Control and Housing Authority

Yearly appointments that expired in 2021 are looking to be reappointed and are requesting to continue to serve.

Motion by Ms. Vaughn, second by Mr. Alcombright, and a roll call vote of Ms. Emberg-aye, Mr. Alcombright-aye, Ms. Vaughn-aye, Ms. Kramer-aye, and Mr. Arruda-aye, 5-0-0.

VOTE: I move the Board of Selectmen to reappoint David Gavigan to Rent Control Board effective through June 30, 2024.

Motion by Ms. Vaughn, second by Mr. Alcombright, and a roll call vote of Ms. Emberg-aye, Mr. Alcombright-aye, Ms. Vaughn-aye, Ms. Kramer-aye, and Mr. Arruda-aye, 5-0-0.

VOTE: I move the Board of Selectmen to reappoint James Meau Housing Authority effective through June 30, 2026.

Request to Authorize Town Administrator Approve, Finalize and Submit American Rescue Plan Act Funding Requests to Plymouth County - Rescue Plan Act Funding Requests to Plymouth County

Mr. Hickey requested that the Board table this item until the March 8th meeting. The Board agreed to move the item to that agenda.

Request to Authorize Board of Selectmen Chair to Sign Closing Documents for the Purchase of Property off Winthrop Street

In preparation for the closing of the Winthrop Street property, town counsel has requested the Selectmen vote to give the Board Chair authority to sign all closing documents on behalf of the Town.

Motion by Mr. Alcombright, second by Ms. Vaughn, and a roll call vote of Ms. Emberg-aye, Mr. Alcombright-aye, Ms. Vaughn-aye, Ms. Kramer-aye, and Mr. Arruda-aye, 5-0-0.

Move: I move the Board of Selectmen to authorize the Board of Selectmen Chair to sign closing documents for the purchase of property off of Winthrop Street.

Town Administrator Update

Mr. Hickey gave his condolences to the driver's family involved in an accident with a Transfer Station driver that unfortunately passed away from her injuries. The Transfer Station employee suffered some minor injuries.

Mr. Hickey reviewed his report, which included:

Financial Updates

Below are the projects that have been approved to date by the Community Preservation Committee and will appear in a warrant article at the May Town Meeting.

- Gaga Pit Construction at Gray's Beach – Eagle Scout Project/Recreation
- Kiosks and Signs for Conservation Properties – Conservation Commission
- Old Burying Ground Grave Restoration/Preservation – Historical Commission
- New Sail for Baclaju – Jones River Village Historical Society
- Opachinski B2 Restoration – Recreation Department
- Gray's Beach Park Playground Rebuild – Recreation Department

Project Updates

- Staff received a revised list of thickly settled roads from Old Colony Planning Council on February 14th. The list will be reviewed by staff with any last changes submitted to Old Colony. I would expect to present the list at a Selectmen's meeting in March.

COVID Updates

- The Board of Health will be discussing the mask mandate at their February 24th meeting. The number of COVID cases on February 17th was 77.

Miscellaneous Updates

- The closing for the conservation property off Winthrop Street is scheduled for March 4th.

- The Governor recently approved legislation to extend remote participation in public meetings until July 15, 2022. This extension is responsive to many concerns of municipalities that have utilized virtual meetings to conduct important business during the pandemic.

The recently approved legislation also allows the select board/board of selectmen, in consultation and with approval of the town moderator, to reduce quorum at town meeting held during the pandemic, so long as it is not less than 10% of the number otherwise required and establishes a 7-day notice requirement for consideration by the Board and a 10-day notice requirement to the Attorney General after a vote to reduce the quorum. I have shared the information I received with Town Moderator Sean O'Brien.

Mr. Hickey gave information regarding a fatal fire that happened over the weekend due to a candle and offered condolences to the family. Support is also available to the Firefighters that had responded to the call.

SELECTMEN COMMENTS

Ms. Vaughn thanked all that reached out to her regarding her father-in-law's passing away.

Ms. Emberg stated that letters are being sent out to members of the Police Station Building Committee to ask them if they want to remain on the committee. Ms. Emberg noted that the Board also has to set the Town Administrator's goals.

Mr. Arruda stated he would be away for a month and appreciated everyone's support.

Adjourn

Motion by Mr. Arruda, second by Mr. Alcombright, and a roll call vote of Ms. Emberg-aye, Mr. Alcombright-aye, Ms. Vaughn-aye, Ms. Kramer-aye, and Mr. Arruda-aye, 5-0-0.

VOTE: I move to adjourn.

The meeting adjourned at 8:04 pm.

Respectfully submitted,

Gloria L. Mitchell

Gloria L. Mitchell
Assistant Town Administrator

Approved: May 3, 2022

Documents used at the meeting:

Agenda

Agenda Addendum

Powerpoint presentation re: MBTA Requirements

Memo from Town Planner re: Assessment of MBTA Requirements

Memo from Director of Elder Affairs and Assistant Town Administrator re: Senior Center hours

Emails from COA Board Members re: Senior Center hours

Letter from Friends of Seniors re: Senior Center Hours

Request for Best Buddies Road Race

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Powderhouse Project Grant Documents

Documents and pictures regarding Grant for KES Roof, Windows & Doors Replacement

Letter re: 10 Christmas Tree Lane

Quitclaim Deed re: 10 Christmas Tree Lane

Resume & Offer Letter re: Hiring of CDL/Laborer

Letters & emails re: reappointments

Report of the Town Administrator

Draft Minute of 1/25/22