



**COMMONWEALTH OF MASSACHUSETTS**  
**TOWN OF KINGSTON**  
**Warrant**  
**Annual Town Meeting**  
**And**  
**Annual Town Election**

To one of the Constables in the Town of Kingston, County of Plymouth and Commonwealth of Massachusetts,

**GREETINGS:**

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the Inhabitants of said Town qualified to vote in town affairs to meet at the Kingston Intermediate School, 65 Second Brook Street, on Saturday, April 4, 2009, at 9:15 a.m., then and there to act on the following articles:

**ARTICLE 1**

To hear and act upon the reports of the several Town Officers, Boards and Committees, or take any other action relative thereto.

**ARTICLE 2**

To see if the Town will vote to raise and appropriate or transfer from available funds in the treasury a sum of money to be expended to defray Town charges for Fiscal Year 2010, or take any action relative thereto.

**ARTICLE 3**

To see if the Town will vote to raise and appropriate, and to transfer from available funds in the treasury a sum of money to be expended pursuant to Massachusetts General Laws, chapter 44, section 53F ½, for expenditures of the Water Department, including those for the operation and maintenance, debt service, asset depreciation, costs, engineering services and capital costs, or take any other action relative thereto.

**ARTICLE 4**

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury a sum of money to be expended by the Board of Water Commissioners to continue the repair and replacement of water mains throughout the distribution system, or to take any other action relative thereto.

**ARTICLE 5**

To see if the Town will vote to raise and appropriate, and to transfer from available funds in the treasury a sum of money to be expended pursuant to Massachusetts General Laws, chapter 44, section 53F ½, for expenditures of the Sewer Department, including those for the operation and maintenance, debt service, betterment receipts, asset depreciation, costs, engineering services and capital costs, or take any other action relative thereto.

**ARTICLE 6**

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury a sum of money to be expended by the Board of Sewer Commissioners for certain equipment for the Sewer Department, or take any other action relative thereto.

### ***ARTICLE 7***

To see if the Town will vote to set the salaries of elected officers, effective July 1, 2009; and to effect those salaries, to raise and appropriate a sum of money therefore; and to authorize the Town Accountant to allocate such sums to the appropriate operating budgets, or take any other action relative thereto.

### ***ARTICLE 8***

To see if the Town will vote to amend the Wage & Personnel By-Law, including the classification and compensation schedules A. B. and C. contained therein, as printed in a document entitled, "Proposed Town of Kingston Wage & Personnel By-Law with FY 2010 Compensation Schedules;" and to raise and appropriate or transfer from available funds in the treasury such sums as must be expended to effect such adjustments; and to authorize the Town Accountant to allocate such sums to the appropriate operating budgets, or take any other action relative thereto.

### ***ARTICLE 9***

To see if the Town will vote to accept the recommendations of the Trustees of the Elizabeth B. Sampson Memorial Fund to appropriate a sum of money from the income of said fund to be expended for the purposes the Trustees recommend, or take any other action relative thereto.

### ***ARTICLE 10***

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury a sum of money to be expended for the capital equipment and capital projects for the various Town departments, and to trade or dispose of any used equipment of those departments in the best interest of the Town, or take any other action relative thereto.

### ***ARTICLE 11***

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury a sum of money to be expended for the purchase of equipment and for projects of the various Town departments; and to trade or dispose of any used equipment of those departments in the best interest of the Town, or take any other action relative thereto.

### ***ARTICLE 12***

(A) To see if the Town will vote to re-establish a revolving fund for recreation programs as provided in Massachusetts General Laws, chapter 44, section 53E ½:

That said programs to be supported with these funds in FY 2010 shall include but not be limited to gymnastics, cheerleading, karate, dance, various sports programs, arts and crafts, keyboard, babysitting, bumper bowling, ski lessons, golf, drama, baton twirling, junior garden club, tennis, cooking, sailing, Coast Guard boating safety course, summer programs, swimming lessons, basketball league, dog training, various instructional programs, special trips and events;

That funds deposited into this account shall include fees charged to individuals participating in a program, donations and gifts earmarked for said programs, and private sponsorship of programs and rental fees charged for the use of the Reed Community Building;

That the Recreation Commission shall authorize all expenditures of funds from this account. Funds will be used in direct support of the listed programs for the following items: supplies for the programs, contractual services required to present a program, administrative expenses required to run the program, wages of part-time staff for time spent running the program, repair of equipment used in a program, repair of facilities used for a program, rental of facilities and/or equipment used in a program;

And that the amount of the funds to be expended from this account in FY 2010 shall not exceed \$231,993.00, or take any other action relative thereto; and further

(B) To see if the Town will vote to re-establish a revolving fund for the maintenance of shellfish beds, as provided in Massachusetts General Laws, chapter 44, section 53E ½;

That funds deposited into this account shall include fees charged for the use of said beds.

That said expenditures to be supported with these funds in FY 2010 shall include but not be limited to the maintenance and seeding of the shellfish beds in Kingston Bay. Provided further that the Harbormaster/Shellfish Constable, with the approval of the Waterfront Committee, shall authorize all expenditures of funds from this account;

And that the amount of the funds to be expended from this account in FY 2010 shall not exceed \$2,000.00 unless additional limits are approved by the Board of Selectmen and the Finance Committee, or take any other action relative thereto; and further

(C) To see if the Town will vote to re-establish a revolving fund for the operation of the Inspectors in the Building Department as provided in Massachusetts General Laws, chapter 44, section 53E ½;

That funds deposited into this account shall include fees charged for plumbing, gas, electrical and sewer connection permits;

That said expenditures to be supported with these funds in FY 2010 shall include but not be limited to direct support for staff stipends and wages for inspectors, mileage reimbursement, cost of related inspection equipment including meters, tools and safety gear and necessary forms and supplies;

That the Inspector of Buildings and Town Administrator shall authorize all expenditures of funds from this account;

And that the amount of the funds to be expended from this account in FY 2010 shall not exceed \$50,000.00, unless additional limits are approved by the Board of Selectmen and the Finance Committee, or take any other action relative thereto.

(D) To see if the Town will vote to establish a revolving fund for the operation of the Harbormaster and Waterfront Department as provided in Massachusetts General Laws, chapter 44, section 53E ½;

That funds deposited into this account shall include fees charged for mooring fees and waterfront fees;

That said expenditures to be supported with these funds in FY 2010 shall include but not be limited to direct support for staff wages and expenses necessary for the operation of the department;

That the Harbormaster and Town Administrator shall authorize all expenditures of funds from this account;

And that the amount of funds to be expended from this account in FY 2010 shall not exceed \$42,320.00 unless additional limits are approved by the Board of Selectmen and the Finance Committee, or take any other action relative thereto.

### ***ARTICLE 13***

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2010 Community Preservation budget and to appropriate from the Community Preservation Fund estimated annual revenues a sum of money to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2010; and further to reserve for future appropriation a sum of money from the Community Preservation Fund estimated annual revenues for open space, historic resources, and community housing purposes, as well as a sum of money to be placed in the 2010 Budgeted Reserve for general Community Preservation Act purposes, or take any other action in relation thereto.

### ***ARTICLE 14***

To see if the Town will vote to set the charge for each demand issued by the collector of taxes a fee of \$30.00 to be added to and collected as part of the tax, as authorized by M.G.L. chapter 60, section 15 effective as of July 1, 2009, or take any other action relative thereto.

## **ARTICLE 15**

To see if the Town will vote to amend the General By-Laws, Chapter 19 entitled HARBOR REGULATIONS by adding Article 2. Demarcation of Kingston Bay Waterways, as follows:

### **Article 2. Demarcation of Kingston Bay Waterways**

The Town of Kingston shall demarcate without prejudice all Kingston Bay water, waterways or channels suitable for navigation, with at least 5 foot of depth at mean low water, with aids to navigation approved for use by, and in accordance with, United States Coast Guard regulations. Aids to navigation shall be in place seasonally from May 1<sup>st</sup> to October 15<sup>th</sup> annually at a minimum.

Or take any other action relative thereto. (Petition)

## **ARTICLE 16**

To see if the Town will vote to amend the General By-Laws, “**Chapter 4, Article 2**” entitled **Collector of Taxes** by adding a new section as follows:

4-2-4. The Collector of Taxes shall maintain a lockbox for the collection of amounts due to the Town.

Or take any other action relative thereto.

## **ARTICLE 17**

To see if the Town will vote to amend the General By-Laws, **Chapter 20** entitled **SEWER BY-LAW** by deleting **Article 1. Service Connection** in its entirety and replacing it with the following:

### **Article 1. Service Connection**

Property owners shall be required to connect their buildings to the Town’s sewer system within six (6) months of sewer service becoming available for such connection, or in such manner as provided by Board of Health regulations relating to the connection of buildings to the Town sewer system. Said connection to be in accordance with any and all regulations promulgated by the Board of Sewer Commissioners.

Or take any other action relative thereto.

## **ARTICLE 18**

To see if the Town will vote to amend the General By-Laws, **Chapter 2** entitled **TOWN MEETING**, by striking the first sentence in **Article 3. Annual Town Election** and replacing it with the following new sentence:

“The annual election of such officers and the determination of matters of law as are required to be elected or determined by ballot shall be held on the first Saturday of May.”

Or take any other action relative thereto.

## **ARTICLE 19**

That the Town amend the amount of the surcharge imposed on real property under the Community Preservation Act, M.G.L. c. 44B et seq., which Act was accepted by the October 20, 2004 Special Town Meeting and by the voters of the Town at the April 23, 2005 Annual Town Election, by reducing the surcharge on real estate tax levy on real property from 3% to 1%; provided further, that in accordance with the Community Preservation Act, the amendment to the surcharge will not take effect until approval by the voters at the 2009 Annual Town Election, or take any other action relative thereto. (Petition)

## **ARTICLE 20**

To see if the Town will eliminate the amount of the surcharge imposed on real property under the Community Preservation Act, M.G.L. c. 44B, et seq., which Act was accepted by the October 20, 2004

Special Town Meeting and by the voters of the Town at the April 23, 2005 Annual Town Election, by eliminating the surcharge on real estate tax levy on real property; provided further, that in accordance with the Community Preservation Act, the amendment to the surcharge will not take effect until approval by the voters at the 2010 Annual Town Election, or take any other action relative thereto. (Petition)

**ARTICLE 21**

To see if the Town will vote to amend the Zoning By-Law Chapter 4.0. entitled Use Regulations, Section 4.15. 1021 Kingston’s Place Smart Growth District by inserting a new section **4.15.4.48. PRESERVED WOODLANDS** as follows:

**4.15.4.48. PRESERVED WOODLANDS** - Areas located within the Conservation/Recreation subdistrict, adjacent to Smelt Brook, Raboth Road, and/or adjacent properties. These Preserved Woodlands shall mostly include existing tree canopy, but may also include stormwater infrastructure and cleared areas for underground utilities, trails, grading, and/or wildlife habitat. Portions of the Preserved Woodlands may be Future Open Space. No road other than that for municipal use, utilities, fire protection, or open space recreation access shall be permitted within or across a preserved woodland area or through an open space buffer.”

Or take any other action relative thereto.

**ARTICLE 22**

To see if the Town will vote to amend the Zoning By-Law Chapter 4.0. entitled Use Regulations, Section 4.15. 1021 Kingston’s Place Smart Growth District by inserting a new **Section 4.15.11.4. Open Space Buffer**, as follows:

**4.15.11.4. Open Space Buffer.** Development shall be designed taking into account the open space buffer along Smelt Brook and Raboth Road, within the Conservation/ Recreation sub-district designated on the Zoning Map. No road other than that for municipal use, utilities, fire protection, or open space recreation access shall be permitted within or across a preserved woodland area or through an open space buffer.

Or take any other action relative thereto.

**ARTICLE 23**

To see if the Town will vote to amend the General By-Laws, Chapter 3 FINANCE COMMITTEE AND BUDGET PROCESS, in Article 1. **Finance Committee**, under Section 3-1-1. entitled Composition, by adding to the end of that section, the following sentence:

“The Finance Committee shall be composed of individuals having independence from the day-to-day operations of the town; and who shall not simultaneously hold any other elected or appointed town position.”

Or take any other action relative thereto. (Petition)

**ARTICLE 24**

To see if the Town will vote to amend the General By-Laws, Chapter 4 TOWN OFFICERS, BOARDS AND COMMITTEES, in Article 8. **Capital Planning Committee**, under Section 4-8-1. entitled Composition and Term of Office, by adding to the end of that section, the following sentence:

“The 5-member Capital Planning Committee shall be composed of individuals having independence from the day-to-day operations of the town; and who shall not simultaneously hold any other elected or appointed town position.”

Or take any other action relative thereto. (Petition)

**ARTICLE 25**

To see if the Town will vote to authorize the Board of Selectmen to declare surplus and offer for sale, the parcels of land identified as appearing on Assessors' Map 66, Lot 39, containing .72 acres and located on Thomas Street, and Map 66, Lot 34, containing .32 acres and located on Thomas Street, or take any other action relative thereto. (Petition)

AND, to transact any other business which may legally come before the meeting.

FURTHER, you are hereby required to notify and warn the Inhabitants of the Town, qualified to vote in elections to meet in the adjourned session at the Kingston Elementary School, 150 Main Street, Kingston, Massachusetts for Precincts One, Two and Three and at the Town House, 26 Evergreen Street, Kingston, Massachusetts for Precinct Four, on Saturday, the Twenty-Fifth Day of April, 2009 from 8:00 a.m., until 6:00 p.m., for the following purposes:

To choose all necessary Town Officials chosen by one ballot as follows:

One (1) Moderator  
**For One (1) Year**

Two (2) Selectmen  
One (1) Assessor

One (1) Elementary School Committee Member  
Two (2) Library Trustees  
One (1) Silver Lake Regional School Committee Member  
One (1) Board of Health Member  
One (1) Water Commissioner  
Two (2) Recreation Commissioners  
One (1) Sewer Commissioner  
**Each for Three (3) Years**

One (1) Planning Board Member  
**For Five Years**

And you are directed to serve this Warrant by posting attested copies at the Kingston Public Library, at the Reed Community Building, at the Kingston Elementary School, at the Kingston Intermediate School, and at the main entrance to the Town House, the polling places of the precincts in said Town, seven (7) days at least before the time of holding said meeting.

HEREOF fail not and make due return of this Warrant with your doings thereon to the Town Clerk at the time and place of meeting aforesaid.

GIVEN under our hands this 17th day of March in the year of our Lord Two Thousand Nine, the Independence of the United States of America the Two Hundred Thirty Third and the Two Hundred Eighty Third Anniversary of the Incorporation of the Town of Kingston.

**BOARD OF SELECTMEN**

\_\_\_\_\_  
Paul M. Gallagher, Chairman

\_\_\_\_\_  
Sandra D. MacFarlane, Vice-Chairman

\_\_\_\_\_  
Mark S. Beaton

\_\_\_\_\_  
Jean Landis-Naumann

\_\_\_\_\_  
Dennis N. Randall