



**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 2, 2011, at 9:00 a.m., then and there to act on the following articles:

ARTICLE 1 - Reports

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

***NOTE: The following Articles 2-5 relate to current Fiscal Year (FY2011) expenditures. These types of articles were formerly considered at a "special" town meeting which is not required for this purpose. Please refer to the article titles to note the effective fiscal year for the appropriation.**

ARTICLE 2 – FY2011 Collective Bargaining Agreement - Funding

To see if the Town will vote to raise and appropriate or transfer from available funds in the treasury a sum of money to fund salary increases and other cost-items resulting from a contract settlement with the International Brotherhood of Police Officers, Local 436 for FY2011, and to authorize the Town Accountant to allocate such sums to the appropriate operating budgets, or take any other action relative thereto.

Description: *Negotiations with the Patrol Officers Union is in progress. This article would fund any FY2011 costs associated with the collective bargaining agreement July 1, 2010 through June 30, 2013 should negotiations conclude by Town Meeting.*

ARTICLE 3 – FY2011 Budget Inter/Intra Departmental Transfers

To see if the Town will vote to transfer and appropriate from available funds in the treasury, including funds previously appropriated to other uses or so called "free cash" and retained earnings, a sum of money to supplement the FY 2011 appropriations and revenue sources for the operation of the Town of Kingston, or take any other action relative thereto.

Description: This article is needed to augment the current year (FY2011) budget for any anticipated shortfalls, such as the Snow and Ice Budget. The purpose is to transfer funds from one line item to another, or to transfer from free cash for appropriation to the budget through June 30, 2011, each transfer being a separate appropriation.

**ARTICLE 4 – FY2011 Septic Loan Administrative Expense Transfer from
Fund Balance of Septic Betterments**

To see if the Town will vote to transfer and appropriate \$5,000.00 from the Septic Betterment Fund Balance to the Septic Loan Administrative expense item for expenditure in FY2011, for the purpose of paying the Old Colony Planning Council for administering the septic loan program, or take any other action relative thereto.

Description: This article is to transfer existing and available funds from to the entity that administers the loan program on behalf of the Board of Health.

ARTICLE 5 – FY2011 Sampson Fund Appropriations

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 in FY2011 for the purposes the Trustees recommend, or take any other action relative thereto.

Description: The Sampson Fund Trustees meet annually to review project requests. Annual funding is approximately \$25,000, of which the Trustees have recommended funding (\$2,800) to defray the costs of the 2011 Memorial Day Parade as an additional item to projects funded at the 2010 Annual Town Meeting. Other projects will be funded under Article 24 for expenditure in FY2012.

****END of FY2011 (Current Fiscal Year) Articles****

**ARTICLE 6 –CITIZEN PETITION; Home Rule Petition - Amendment to Chapter 352 of the Acts of 2008;
Renewable Energy Enterprise Fund**

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for Special Legislation amending Chapter 352 of the Acts of 2008, an Act Authorizing the Town of Kingston to Install, Finance and Operate Wind Energy Facilities, in order to expand the type of funds to be deposited into the Town's enterprise fund and to allow the establishment of a loan and grant fund whereby a Committee appointed by the Board of Selectmen will adopt rules and regulations for the qualification of residents to borrow, or be granted, for renewable energy improvements to privately owned property, including but not limited to: Improvements and construction to advance energy conservation, construction of renewable energy generation projects, education to advance energy efficiency, and develop renewable energy projects to reduce the carbon footprint of Town of Kingston as a whole.

Funding for such program will come from the Renewable Energy Enterprise Fund.

Said Legislation to read as follows:

An Act Amending Chapter 352 of the Acts of 2008, An Act Authorizing the Town of Kingston to Install, Finance and Operate Wind Energy Facilities

Be it enacted by the Senate and the House of Representatives, in General Court assembled, and by the authority of the same as follows, provided, however, that the General Court may make clerical or

editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition:

Section 5 of Chapter 352 of the Acts of 2008 shall be replaced with the following:

Section 5. There shall be established in the Town of Kingston a renewable energy enterprise fund, to which the provisions of section 53F½ of chapter 44 of the General Laws shall apply, except as provided herein, for the receipt of all funds received by the Town in connection with the operation of any renewable energy facility which the Town is authorized by law to operate, including but not limited to the funds received for: the sale of actual energy produced; the sale of energy credits received; and the lease of the property upon which a facility is located, other than the proceeds of bonds or notes issued therefore (“Renewable Energy Receipts”). The Board of Selectmen shall annually appropriate fifty (50%) percent of the Renewable Energy Receipts to be used to pay costs of operation and maintenance of any renewable energy facilities, existing or to be created, on any town-owned property or facility including schools, to pay costs of future repairs, extensions, reconstruction, enlargements, additions and improvements thereto, and to pay the principal and interest on any bonds or notes issued therefore and to fund the loan and/or grant fund established under Section 5a of this Act. The remaining 50 % of the renewable energy receipts shall go into the general fund for any municipal purpose.

The Board of Selectmen shall be the appropriate local entity for the purposes of estimating the income and proposing a line-item budget for the enterprise fund. This budget may include amounts to be appropriated to a capital reserve fund to be established within the enterprise fund which may be expended for capital purposes of the enterprise, including the costs of extraordinary repairs, extensions, reconstruction, enlargements and additions to the alternative energy facilities, existing or to be created, on any town owned property or facility including schools. Funds appropriated to the capital reserve fund may accumulate from year to year. Any funds remaining in the enterprise fund, at the end of each fiscal year in excess of the amounts required to meet the obligations of the fund and the funding of the loan/grant fund as established under Section 5a. of this Act, other than amounts in the capital reserve fund, shall remain in the enterprise fund for allocation in any succeeding fiscal years and shall not be allocated to the General Fund.

The following Section 5a. shall be added to the Act:

Section 5a. There shall be established in the Town of Kingston a loan and grant fund from which citizens may apply to borrow funds or receive grants for renewable energy improvements to privately owned property, including but not limited to: energy conservation measures, alternative energy methods and operations, or development of such improvements as may be deemed appropriate by the “Committee” and in harmony with the intents and purposes of this act. The Board of Selectmen shall appoint a five (5) member “Committee” which shall be responsible for the administration of the grant & loan fund. Such appointments shall be made in the following manner: one member from the Finance Committee, one member from the Board of Selectmen, one member of the Green Energy Committee, one member of the Capital Committee, and one citizen at large, and in its discretion the Board of Selectmen may appoint one additional member who shall serve in an ex officio capacity (hereinafter the “Renewable Energy Grant & Loan Committee”). Each such member shall serve for a term of two years and may be reappointed at the discretion of the Board of Selectmen. The Renewable Energy Grant & Loan Committee shall adopt, following at least 14 days notice and a public hearing, rules and regulations consistent with the purpose and intent of this Act, establishing the qualifications for receipt of a loan or

a grant from the fund including the repayment terms of the loan and the operations and administration of the Committee.

Or take any action relative thereto.

Description: *It is anticipated that a motion to amend the article will be offered by the Petitioner to incorporate comments by Town Counsel as well as any consensus reached between the Green Energy Committee (GEC) and FinCom. The intent of the anticipated amendment is to direct 75% of the fund revenues, after payment to the wind turbine and solar developers for power generated, to the General Fund with the remaining 25% available in the Enterprise Fund for Town/School properties energy efficiency measures, equipment, and seek loan and grant opportunities for residents in partnership with a local bank or other entities.*

ARTICLE 7 –CITIZEN PETITION; Home Rule Petition to Amend Chapter 352 of the Acts of 2008; Renewable Energy Enterprise Fund

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for Special Legislation amending Chapter 352 of the Acts of 2008, an Act Authorizing the Town of Kingston to Install, Finance and Operate Wind Energy Facilities, in order to expand the type of funds to be deposited into the Town’s enterprise fund.

Said Legislation to read as follows:

An Act Amending Chapter 352 of the Acts of 2008, An Act Authorizing the Town of Kingston to Install, Finance and Operate Wind Energy Facilities

Be it enacted by the Senate and the House of Representatives, in General Court assembled, and by the authority of the same as follows, provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition:

Section 5 of Chapter 352 of the Acts of 2008 shall be replaced with the following:

Section 5. There shall be established in the Town of Kingston a renewable energy enterprise fund, to which the provisions of section 53F½ of chapter 44 of the General Laws shall apply, except as provided herein, for the receipt of all funds received by the Town in connection with the operation of any renewable energy facility which the Town is authorized by law to operate, including but not limited to the funds received for: the sale of actual energy produced; the sale of energy credits received; and the lease of the property upon which a facility is located, other than the proceeds of bonds or notes issued therefore after payment of all amounts due under any third party power purchase agreements (“Renewable Energy Receipts”). At the close of each fiscal year, any revenue remaining shall be deposited into the General Fund for any municipal purpose but only after payments to any third party power purchase agreements are made as well as payments for expenses or bond payments incurred for the reconfiguration of the Transfer Station which shall be done in order to accommodate more recycling, including but not limited to, permitting, design and construction.

The Board of Selectmen shall be the appropriate local entity for the purposes of estimating the income and proposing a line-item budget for the enterprise fund to pay third party power purchase agreements

Or take any action relative thereto.

Description: *The Petitioner will present this article. Essentially, by the terms of this article, after payment to the wind turbine and solar developers for power generated, and payment for any bonds/expenses associated with the proposed Transfer Station reconfiguration, 100% of the remaining revenues to be deposited in the General Fund.*

ARTICLE 8 -FY2012 Renewable Energy Enterprise Fund Budget

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 Renewable Energy Enterprise Fund, or take any other action relative thereto.

Description: *This is the budget (accounting) article for the Enterprise Fund. Funds will be appropriated from NSTAR reimbursements received in 2012 to pay the wind and solar developers, via the Town's power purchase agreements (PPAs), for all power generated from the renewable energy projects located on the Town's capped landfill that is sold back to the "grid." The Wind Turbine project is expected to become operational in January 2012, and the solar installation in April 2012.*

ARTICLE 9- FY2012 Wastewater Enterprise Fund Budget

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 Wastewater 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.

Description: *This article is the Wastewater Department Budget.*

ARTICLE 10 - FY2012 Wastewater Department Surplus Revenue Appropriation

To see if the Town will vote to appropriate from Wastewater Surplus Revenue a sum of money to provide for certain improvements to the Wastewater Treatment Facility and equipment under the direction of the Sewer Commissioners, or take any other action relative thereto.

Description: *This article appropriates the Enterprise Fund Retained Earnings/Surplus Revenues (similar to Free Cash) for certain projects and/or purchases to be reported at Town Meeting.*

ARTICLE 11 - FY2012 Wastewater Department Surplus Revenue Appropriation; Land Acquisition

To see if the Town will vote to authorize the Sewer Commissioners to purchase and/or acquire land on certain parcel(s) of land, said land to be under the direction of the Wastewater Department for the purpose of future departmental projects and to meet this appropriation, if needed, a sum of funds be appropriated from Wastewater Surplus Revenue, and further that the Board of Selectmen and/or Sewer Commissioners is authorized to file on behalf of the Town of Kingston any applications for grant funds and/or receive gifts of any kind in any way connected with the scope of this acquisition, or take any other action relative thereto.

Description: *The Sewer Commissioners are seeking approval to move forward with acquiring land for the future expansion of the Wastewater Facility.*

ARTICLE 12 - FY2012 Water Department Enterprise Fund Budget

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.

Description: *This article is the Water Department Budget.*

ARTICLE 13 – FY2012 Water Department Capital Funding

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 for certain equipment including the repair and replacement of water mains throughout the distribution system, or take any other action relative thereto.

Description: *This article will provide funding for any equipment recommended under the Capital Plan and for the continued repairs and replacement of water mains if needed for FY2012.*

ARTICLE 14 –FY2012 Elected Officers Compensation

To see if the Town will vote to set the salaries of elected officers, effective July 1, 2011; 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.

Description: *This article provides for the funding for the annual salary of the following elected officials: Treasurer, Tax Collector, Town Clerk, and the annual stipends for Moderator and the Chairman and members of the following: Board of Selectmen, Board of Health, Board of Assessors, Water Commissioners, Planning Board, Sewer Commissioners.*

ARTICLE 15 – FY2012 Wage and Personnel By-Law; Amendments and Compensation Schedule

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 2012 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.

Description: *This article provides for the classification and FY2012 compensation schedules of municipal employees who are not covered by a collective bargaining agreement or employment contract. Please visit the Town's website to view the current By-Law:*

http://www.kingstonmass.org/filestorage/52/Wage_and_Personnel_Manual_09.pdf

ARTICLE 16 - FY2012 Collective Bargaining Agreements

To see if the Town will vote to raise and appropriate or transfer from available funds in the treasury a sum of money to fund salary increases and other cost-items resulting from contract settlements with union personnel, or take any other action relative thereto.

Description: *There are currently three municipal collective bargaining units with contracts expiring on June 30, 2011 that may require a funding appropriation to accompany ratification by the BOS.*

Negotiations are currently in progress. Funding for the “potential” settlements is not included in the FY2012 proposed budget under Article 17.

ARTICLE 17 – FY2012 Budget

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 2012, or take any action relative thereto.

Description: *This is the omnibus budget article. At the recommendation of FinCom, the BOS voted on 3/1/11 to propose deferral at the April Town Meeting, of any FY2012 financial articles funded by the General Fund, to a suggested continued date of June 6, 2011.*

ARTICLE 18– FY2012 Capital Equipment/Project Funding

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.

Description: *The Capital Planning Committee will report on items proposed to be funded and funding sources.*

ARTICLE 19 –FY2012 Transfer to Other Post Employment Benefits (OPEB) Health Insurance Liability Fund

To see if the Town will vote to transfer and appropriate a sum or sums, including so called Free Cash to the Other Post Employment Benefits (OPEB) Health Insurance Liability Fund for the purpose of funding future financial obligations of the Town for health insurance benefits of retirees, or take any action relative thereto.

Description: *This fund was established at the 2010 Annual Town Meeting; however, no appropriation was made. The Governmental Accounting Standards Board (GASB) established GASB 45 in July 2004. GASB 45 is an accounting and financial reporting provision requiring government employers to measure and report the liabilities associated with other (than pension) postemployment benefits (OPEB). This does not apply to private employers. GASB 45 was implemented because of the growing concern over the potential magnitude of government employer obligations for post-employment benefits. The Town is required to conduct bi-annual actuarial reviews of retiree benefits. While the Town currently is at a pay-as-you-go status, GASB 45 recommends that the funds accrue in the period of an active employee rather than the future cash flow/liability at retirement. The recommended annual funding as of the last Report is 1,679,814.00; however a small percentage of that is requested for FY2012. Bond rating agencies and our Auditors look favorably at an annual appropriation.*

ARTICLE 20 - FY2012 Gray’s Beach Park; Stormwater Management Project

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 Recreation Commission for construction and reconstruction of catch basins and drainage improvements, including all costs incidental or related thereto, at Gray’s Beach Park, or take any other action relative thereto.

Description: *For Construction of low impact development storm water management measures, drainage improvements, and reduction of beach erosion at the 6.5 acre Gray’s Beach Park, Assessor’s Map 59, Lot in Kingston. MA. Work shall only include areas up-gradient of the high tide line (HTL). The current*

drainage on Gray's Beach has been tremendously undermined by the extensive weather and continuous storm run-off over the past few years. The continuous beach erosion is creating the current pipe across the beach to be exposed causing a safety hazard. The catch basin on the beach has already been compromised and repaired temporarily by the Town of Kingston's Streets, Trees, and Parks dept.

The proposed funding for the project is the balance of "debt excluded" funds from a 1999 municipal purpose loan that remains on the Town's books. Such funds may only be used for similar projects with the same borrowing duration. A ballot question will need to be voted, as a contingency for the project approval, to transfer and use those same debt excluded funds for this project, which will also be debt excluded/exempted from Proposition 2 ½, thus no increase to the tax payer.

ARTICLE 21 – Stormwater Management Phase II Permit; Update

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 expend for professional services to update the Town's Phase II Stormwater Management Permit as required by the Federal Clean Water Act for the National Pollutant Discharge Elimination System (NPDES), or take any other action relative thereto.

Description: *Funding will be used to file an updated Notice of Intent for the NPDES General Permit, and an update of the Stormwater Management Plan (SWMP), both of which will be required in FY2012 (Fall 2011) year after EPA finalizes the new permit regulations.*

ARTICLE 22 – FY2012 Equipment Purchases

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.

Description: *Any projects/purchases will be presented with recommended funding sources at Town Meeting.*

ARTICLE 23 – General By-Law Amendment; Permanent Building Committee

To see if the Town will vote to amend the Town of Kingston General By-Laws, Chapter 4, Town Officers, Boards and Committees, Article 9., Permanent Building Committee, Section 4-9-2., by deleting this Section and adding in substitution the following:

4-9-2. Purpose Said Committee will be created for the purposes of making recommendations and reports to the Town's Chief Procurement Officer or Board of Selectmen for renovations, use, repairs, maintenance, construction and reconstruction of buildings and land in the Town of Kingston, excluding school buildings and excepting projects for which other entities are established by law or town meeting to perform such duties. In preparing such reports and recommendations, the Committee shall be vested with the non-exclusive authority to inspect buildings and land; and to review plans, proposals, bids and specifications. The Chief Procurement Officer and/or Board of Selectmen may delegate other duties to the Committee as may be necessary in the discharge of the Committee's duties.

And by adding the following new Sections:

4-9-3. Annual Report The Committee shall prepare an annual report outlining all projects, reports and recommendations undertaken during the prior year and submit the report to the Town Meeting for review. The report shall also include an outline and recommendation for all anticipated projects and future funding.

4-9-4. Permanent Building Committee Budget In order to facilitate any necessary duties contemplated under this By-law, the Town shall establish a separate line item for "Permanent Building Plan Budget", under the budgetary line item for "Care of Municipal Property." Use of funds included in the Permanent Building Plan line item requires a written request made by the Permanent Building Committee and the approval of the Chief Procurement Officer or Board of Selectmen.

Or take any action relative thereto.

Description: *The purpose of the article is to expand the duties of the Permanent Building Committee to provide recommendations for renovations, repairs, and maintenance of municipal buildings, and to establish a dedicated line item for building maintenance projects in the BOS Care of Municipal Property budget.*

ARTICLE 24 – FY2012 Sampson Fund Appropriations

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.

Description: *This article appropriates interest-earned revenue from the Trust fund for FY2012. Approximately \$21,540 was funded for FY2012 for 12 programs/projects. Total fund balance is \$657,954.00 after the FY2012 project awards.*

ARTICLE 25 – Rescind Special Stabilization Fund for Senior Center

To see if the Town will vote to rescind the Senior Center Stabilization Fund, or take any other action relative thereto.

Description: *The senior center construction stabilization fund was established by Article 17 of the Annual Town Meeting held 4/6/04, and transferred \$203,294.00 from the Senior Center Reserve for appropriation to that new Stabilization fund. The money was appropriated under article 6 STM 10/20/04. \$143,294.00 was added to a prior appropriation for architect and engineering for the Senior Center and \$60,000.00 for acquiring additional land for the Senior Center. Since then no funds have been appropriated into the Senior Center Stabilization fund, the balance is \$0 and is no longer needed.*

ARTICLE 26 – Acceptance of Deed in Lieu of Tax Foreclosure

To see if the Town will vote to authorize the Board of Selectmen to accept a deed in lieu of tax foreclosure, pursuant to G.L. c.60, §77C, conveying fee title to all or portions of the parcels of real estate owned by Armstrong Construction Corp., P.O. Box 3145, Plymouth, MA 02360, Assessors' Map 67, Lot 93, as located on Mazzilli Avenue; said land to be conveyed to the Town free and clear of any liens or encumbrances, and upon conveyance to the Town, to be held for general municipal purposes or for disposition thereof, by sale or otherwise. Furthermore, to authorize the Board of Selectmen to undertake any act or to execute any document necessary to consummate this transaction, in accordance with the provisions of G.L. c.60, §77C, or take any other action relative thereto.

Description: *The property owner is offering the land in lieu of payment of back taxes, which is allowed per State law. This will avoid the Town expense of the tax title process and associated costs, as well as expedite the process.*

ARTICLE 27- Acceptance of Deed in Lieu of Tax Foreclosure

To see if the Town will vote to authorize the Board of Selectmen to accept a deed in lieu of tax foreclosure, pursuant to G.L. c.60, §77C, conveying fee title to all or portions of the parcels of real estate owned by Robert J & Henriette Armstrong, P.O. Box 3145, Plymouth, MA 02361, Assessors' Map 17, Lot 56, as located on Pembroke Street; said land to be conveyed to the Town free and clear of any liens or encumbrances, and upon conveyance to the Town, to be held for general municipal purposes or for disposition thereof, by sale or otherwise. Furthermore, to authorize the Board of Selectmen to undertake any act or to execute any document necessary to consummate this transaction, in accordance with the provisions of G.L. c.60, §77C, or take any other action relative thereto.

Description: *The property owner is offering the land in lieu of payment of back taxes, which is allowed per State law. This will avoid the Town expense of the tax title process and associated costs, as well as expedite the process.*

ARTICLE 28 - FY2012 Chapter 90 Funds

To see if the Town will vote to appropriate a sum of money to be expended in anticipation of the reimbursement authorized for the State's share of the cost of work to be done under Chapter 90 of the General Laws, or take any action relative thereto.

Description: *The Town's estimated amount of Chapter 90 State Aid for FY2012 is \$425,751.00.*

ARTICLE 29 -FY2012 Re-establish Revolving Funds

(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 2012 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 2012 shall not exceed \$250,000.00, 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 2012 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 2012 shall not exceed \$4,000.00 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, sheet metal, and sewer connection permits;

That said expenditures to be supported with these funds in FY 2012 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 2012 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.

Description: *A revolving fund is a fund or account whose income (such as user or program fees) remains available to finance its continuing operations or activities. It requires annual authorization.*

ARTICLE 30 –FY2012 Community Preservation Committee Administrative Budget

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2012 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 2012, or take any other action relative thereto.

Description: *This is the FY2012 administrative budget funded by Community Preservation Act funds.*

ARTICLE 31 -FY2012 Community Preservation Fund Appropriations

To see if the Town will vote to appropriate from the Community Preservation Fund 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 2012 Budgeted Reserve for general Community Preservation Act purposes, or take any other action relative thereto.

Description: This is the article that distributes funds to each category including reserves. The proposed projects will be voted below as separate articles in the effort to have more information available to Town Meeting participants prior to the Annual Town Meeting.

ARTICLE 32 -FY2012 Community Preservation Fund Appropriations - Bradford House

To see if the Town will vote to appropriate from the Community Preservation Fund a sum of money from the Fund Balance reserved for Historic Preservation for the second phase of the previously authorized historic preservation of the Major John Bradford House, located at 50 Landing Road, Kingston, MA, said historic preservation to be conducted consistent with existing restrictions on the property and under the guidance and supervision of the Jones River Village Historical Society, or take any other action relative thereto.

Description: This request is for funding for the second and final year of historic preservation and restoration of the Major John Bradford House. This work will address interior issues; plaster and paint analyses, plaster repair and painting, as well as exterior work at the west elevation of the house. The Major John Bradford house dates back to 1714 and in 2006 was accepted for inclusion in the National Register of Historic Places by the National Park Service, Department of Interior.

ARTICLE 33 -FY2012 Community Preservation Fund Appropriations – Hall Property

To see if the Town will vote to appropriate from the Community Preservation Fund a sum of money for the cost of engineering and surveying required for potential recreational activities on the so-called Hall property, which was previously purchased and restricted under the Community Preservation Act, said engineering and surveying to be done under the guidance and supervision of the Kingston Recreation Commission, or take any other action relative thereto.

Description; This request is to cover the expenses relating to preliminary engineering on the recently purchased Town-owned land known as the “Hall Property”, formerly owned by George W. Hall, Jr. Shown on Assessors Map 25 lot 20, consisting of 42.96 acres. It was purchased for conservation as well as recreation. It is proposed that the land can be used as playing fields, parking, and a secondary means of access via the west portion of the property onto Brookdale Street.

ARTICLE 34 -FY2012 Community Preservation Fund Appropriations – Surprise Hose House

To see if the town will vote to appropriate from the Community Preservation Fund a sum of money for the historic preservation of the Surprise Hose House, said historic preservation to be conducted under the guidance and supervision of the Board of Selectmen; and to authorize the Selectmen to accept and/or grant a Historic Preservation Restriction on the Property as required under G.L. c. 44B, or take any other action relative thereto.

Description: This request is for funds to restore the 1888 Surprise Hose House located at 235 Main Street. This building has been a Town facility, housing the Fire department since 1888. A Fire Department vehicle was housed there until 1975. It is also the center showpiece for the Annual Luminary Display held each year, this display and celebration has grown to a Town wide event bringing hundreds of people together during the Holiday Season

ARTICLE 35 -FY2012 Community Preservation Fund Appropriations - Holmes Boatshed Restoration

To see if the town will vote to appropriate from the Community Preservation Fund a sum of money for the previously authorized historic preservation of the Holmes Boatshed located at the Holmes / Watson Boatyard, located at 39 Landing Road, Kingston, MA, said historic preservation to be conducted in a manner consistent with existing restrictions on the property and under the guidance and supervision of the Jones River Landing Environmental Heritage center, or take any other action relative thereto.

Description: *This request is for funding for the historic preservation and restoration of the Holmes boatshed located at the Holmes/Watson boatyard. The Holmes boatshed is one of three buildings that have occupied the ½ acre property on Landing Road dating back to the 1700's. In 2009, Kingston awarded a CPA grant for the restoration of the Watson boatshed, which has just been completed.*

ARTICLE 36 -FY2012 Community Preservation Fund Appropriations - Triphammer Park

To see if the town will vote to appropriate from the Community Preservation fund a sum of money for the installation of a wooden pavilion at Triphammer Park to create and further recreational opportunities as previously authorized and as is consistent with the restriction on this property, said installation to be conducted under the guidance and supervision of the Jones River Watershed Association, or take any other action relative thereto.

Description: *This request is for funds for installation of a wooden pavilion at Triphammer Park site. The structure will be an important feature on this new conservation/recreation property located on Wapping Road. The pavilion will provide a structured memorial for viewing by all who visit the site; and will enhance the recreational activities planned at the Park.*

ARTICLE 37 -FY2012 Community Preservation Fund Appropriations -Archaeological Survey for Calista Farm and Hall Properties

To see if the town will vote to appropriate from the Community Preservation Fund a sum of money for an archaeological survey necessary for historical preservation of artifacts on the Calista Farm and Hall properties, both of which have been previously purchased and restricted under the Community Preservation Act, said study to be under the supervision of the Kingston Historical Commission, or take any other action relative thereto.

Description: *Two recent purchases of land by Kingston with CPC funds provide the town with opportunities for recreation, conservation, and preservation. The Calista property is proposed for mainly passive recreational use. The Hall Property was purchased with the idea that part of the land could be used for expansion of the town's playing complex, with the possibility of a second access road from the west, as well as open space/conservation. Both of these properties harbor a wealth of archaeological information. It is the purpose of this request to contract an archaeological survey consultant to conduct an intensive survey of both properties.*

ARTICLE 38 -FY2012 Community Preservation Fund Appropriations – Town Wharf Restoration

To see if the town will vote to appropriate from the Community Preservation Fund a sum of money for a study necessary for the historical preservation and restoration of the Kingston Town Wharf, said study to be conducted under the supervision of the Board of Selectmen, or take any other action relative thereto.

Description: *The Town Wharf is the center piece for all maritime activities in the Town of Kingston. The Wharf dates back to the 1700's and the stone wharf was enlarged in the 1930's as a WPA project. The*

Wharf has badly deteriorated through the years and deterioration is accelerating with increase in demand and stress on its capacity. The funds from this request will be used for an engineering study in the first step of the restoration of the Wharf.

ARTICLE 39 -FY2012 Community Preservation Fund Appropriations – Baclaju Catboat

To see if the town will vote to appropriate from the Community Preservation Fund a sum of money for the historic preservation of the 1895 George Shiverick Catboat known as Baclaju; and to authorize the Selectmen to accept and/or grant a Historic Preservation Restriction on the Boat as required under G.L. c 44B, or take any other action relative thereto.

Description: *This request is to fund the historic preservation, restoration, and rehabilitation of the George Shiverick Catboat known as Baclaju. George Shiverick was a well known ship builder. In 1895, he established his own boat shop along the Jones River in Kingston. One of his largest boats is thought to be the sloop Vireo designed and built for President Franklin D. Roosevelt. In, 1895, Shiverick designed and built his first catboat and over the next twenty- five years, the fleet of Shiverick built “Cats” grew to over twenty-five craft. Today, there only eight such boats that are known to be in existence. The Baclaju is one of those eight.*

ARTICLE 40 – Transfer to Stabilization

To see if the Town will vote to transfer and appropriate a sum or sums, including so called Free Cash to the Stabilization Fund Account, or take any action relative thereto.

Description: *This article serves to transfer any balances remaining from FY 2010 Free Cash to the Stabilization fund. The balance in Stabilization as of 12/31/2010 is \$1,298,416.78; next update will be in mid April for balances as of 03/31/2011.*

ARTICLE 41 – FY2012 Transfer to Tax Levy

To see if the Town will vote to transfer and appropriate a sum or sums, including so called Free Cash to reduce the FY2012 Tax Levy, or take any action relative thereto.

Description: *This article was recommended by FinCom to transfer any surplus revenues or Free Cash remaining by the time this article is heard, in order to reduce the tax levy.*

ARTICLE 42– Local Option Acceptance; Meals Sales Tax

To see if the Town will vote to accept Chapter 64L, Section 2 (a) of the Massachusetts General Laws, which provides for an excise of .75% (less than one percent) on the sale of meals within the Town, with the intention that the proceeds from the tax may be appropriated for deposit into a Stabilization Fund that may be created for capital purchases or for expenses related to capital purchases, or take any other action relative thereto.

Description: *If approved, it is anticipated that the Town will received \$230,000 in annual revenues. The intention is to direct such funds for capital purchases.*

ARTICLE 43 – Capital Purchases Stabilization Fund

To see if the Town will vote to establish a new Stabilization Fund pursuant to G.L. c. 40, Section 5B, said fund being established for the sole purpose of making capital purchases or for expenses related to capital purchases, or take any other action relative thereto.

Description: *If the Meals Sales Tax is approved under the previous article, this Article will establish a Stabilization fund that may receive the Meals Sales Tax revenue so that it may be earmarked for expenditure on capital purchase and related expenses.*

ARTICLE 44– Local Acceptance - Municipal Early Retirement Incentive (ERI) Plan

To see if the Town will vote to accept the Town’s Plan for the Municipal Early Retirement Incentive (ERI), as required by Section 66 of Chapter 188 of the Acts of 2010 providing for an Early Retirement Initiative program, or take any other action relative thereto.

Description: *This program is part of the Governor’s municipal relief act providing certain incentives for an early retirement program for municipal employees. It provides for eligible employees to forgo any accrued sick or vacation pay, as well as limitations for filling the vacancies created by the ERI. The Town’s Plan was approved by PERAC (Retirement Board) and is available for review on the Town’s website http://www.kingstonmass.org/filestorage/40/940/8650/Kingston_ERI_Plan_FY12.pdf and on file with the Town Clerk. Currently one employee has provided a letter of intent to participate. This will provide for future costs savings to the Town.*

ARTICLE 45– Home Rule Petition; Creation of a Combined, Appointed Treasurer-Collector

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation creating the combined, appointed position of Treasurer-Collector in the form set forth below; provided that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of the petition, or take any other action thereon or in relative thereto.

An Act Relative to the Position of Appointed Treasurer-Collector in the Town of Kingston.

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the Office of Treasurer-Collector for the Town of Kingston is hereby established. The Treasurer-Collector shall have all the powers, perform the duties and be subject to the liabilities and penalties now or hereafter conferred and imposed by law on town Treasurers and town Collectors of Taxes. Said Treasurer-Collector shall be appointed, and may be removed, by the Board of Selectmen of said town. The Board of Selectmen may establish an employment contract with the Treasurer-Collector for salary, fringe benefits and other conditions of employment, including but not limited to, severance pay, reimbursement for expense incurred in the performance of the duties of office, liability insurance, conditions of discipline, termination dismissal, reappointment, performance standards and leave.

SECTION 2. Notwithstanding the provisions of section one, upon the effective date of this act, the positions of elected town Treasurer and elected Tax Collector shall be abolished and the terms of the officers holding said offices shall be terminated. Thereafter, appointments to the position of Treasurer-Collector shall be made in accordance with the provisions of section 1 of this act.

SECTION 3. This act shall take effect upon its passage.

Description: *This article provides for the creation of combined Treasurer-Collector position appointed by the Board of Selectmen, eliminating the two elected positions of Treasurer and Collector. The action is effective immediately upon approval. However, in order to provide for succession and transitional planning for combining the two positions, and the recruitment, the BOS has discretion to make a*

temporary/interim appointment, including the incumbents serving temporarily until a date established by the BOS. The recommendation for the appointed status was made by the Department of Revenue (DOR) in its Financial Management Review of Kingston Report of May 2010 under Recommendation #3. The Report is available on the Town's website:
http://www.kingstonmass.org/filestorage/40/940/8650/DOR_Financial_Mgt_Review_Report_May_2010.pdf

ARTICLE 46 –Home Rule Petition - NSTAR Interconnection

To see if the Town will vote to petition the General Court to the end that legislation be adopted precisely as follows. The General Court may make clerical or editorial changes of form only to the bill unless the selectmen approve amendments to the bill before enactment by the General Court.

AN ACT RELATIVE TO THE TOWN OF KINGSTON

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding any general or special law, rule, order or tariff to the contrary, and provided that the division of green communities has determined that the town of Kingston qualifies as a green community under section 10 of chapter 25A of the general laws, the following provisions shall apply:

(a) NSTAR Electric Company (“NSTAR”) shall not impose on interconnecting customers within the town of Kingston any excluded costs arising from the interconnection of renewable energy generation facilities. For purposes of this section, “excluded costs” shall mean all fees or costs relating to the interconnection application process and interconnection study process, as well as fees or costs relating to distribution system upgrades to accommodate such facilities and the operations and maintenance carrying charges on the incremental costs associated with serving such interconnecting customers. Nothing herein shall prevent NSTAR from recovering from the interconnecting customer excluded costs to the extent such costs cause NSTAR’s aggregate annual return on equity for distribution service to fall below eight and one-half percent. Further, this section shall not apply to costs arising from the interconnection of renewable energy generation facilities that commence operation after the aggregate generating capacity of renewable energy generation facilities in the town of Kingston has reached thirty megawatts. For purposes of this section, “renewable energy generation facilities” shall mean Class I renewable generating sources within the meaning of section 11F(c) of section 25A of the general laws, as amended from time to time by the General Court or as supplemented by the department of public utilities pursuant to section 11F(f) of said section 25A.

(b) With respect to proposed renewable energy generation facilities in the town of Kingston, NSTAR shall complete its detailed interconnection study (if needed) and deliver an executable interconnection service agreement within ninety days following submission of a complete interconnection application (or such shorter period of time as may be provided by tariff).

(c) With respect to each proposed renewable energy generation facility in the town of Kingston that is not eligible to be a net metering facility, NSTAR shall, if requested by the project proponent, enter into a power purchase agreement with a term of at least fifteen years from the date of commencement of commercial operation for purchase of all electricity generated by such facility and, if requested by the project proponent, all renewable energy certificates generated by such facility, at a reasonable price and on reasonable terms. For purposes of this subsection, “reasonable price” shall mean a price that is both
(i) within twenty percent of the price paid by a distribution company for electricity (and, if applicable,

renewable energy certificates) generated by a renewable energy facility pursuant to a power purchase agreement approved by the department of public utilities within the twelve months prior to the project proponent's request and (ii) sufficient to permit a reasonable rate of return on the project. In the event that NSTAR and the project proponent fail to negotiate such power purchase agreement within sixty days following the project proponent's request, the department of public utilities, upon the petition of either NSTAR or the project proponent, shall within ninety days following the filing of such petition, determine a reasonable price and reasonable terms and order NSTAR to enter into a power purchase agreement on such terms.

(d) For purposes of subsection (f) of section 139 of chapter 164 of the general laws, as amended by section 29 of chapter 359 of the acts of 2010, the maximum amount of generating capacity eligible for net metering by the town of Kingston shall be 10 megawatts per facility.

SECTION 2. This act shall take effect upon its passage.

Or take any other action relative thereto.

***Description:** The purpose of the article is to expand renewable energy opportunities for the Town. It removes certain limitations imposed with interconnection agreements to provide for fee exemptions and imposes timelines for NSTAR's review of any Town project interconnection application. It also removes the limit of 10 MW of renewable energy projects per municipality to 10 MW per facility in a municipality.*

ARTICLE 47 -General By-Laws Amendment; Open Meeting Law; Agricultural Commission

To see if the Town will vote to amend Kingston General By-Laws, Chapter 4, Article 14 Section 4-14-3; by adding the underlined language and deleting the struck-through language, as shown below:

4-14-3. Requirements for a quorum The Agricultural Commission shall not meet or conduct business without the presence of a majority of the members of the Agricultural Commission, except to postpone a meeting to a later date certain. The non-voting associate members of the Agricultural Commission, if any, shall not count towards the quorum requirement. The Agricultural Commission shall comply with the provisions of the Open Meeting Law, ~~G.L.c.39 § 23B~~ as may be amended. Or take any other action relative thereto.

***Description:** This deletes the outdated, specific citation of the statutory reference to the Open Meeting Law so that an amendment does not need to be offered every time the statute is amended.*

ARTICLE 48 - General By-Laws Amendment; Open Meeting Law-Community Preservation Committee

To see if the Town will vote to amend Kingston General By-laws, Chapter 4, Article 13, Section 4-13-3; by adding the underlined language and deleting the struck-through language, as shown below:

4-13-3. Requirement for a quorum and cost estimates The Community Preservation Committee shall comply with the provisions of the Open Meeting Law ~~G.L.c. 39, Section 23B~~ as may be amended.

The committee will not meet or conduct business without the presence of a majority of the members of the Community Preservation Committee, except to postpone a meeting until a later date certain. The Community Preservation Committee shall approve its actions by majority vote. Recommendations to the Town Meeting shall include the Committee's anticipated costs.

Or take any other action relative thereto.

Description: This deletes the outdated, specific citation of the statutory reference to the Open Meeting Law so that an amendment does not need to be offered every time the statute is amended.

ARTICLE 49 -General By-Laws Amendment; Precious Metals

To see if the Town will vote to amend Kingston General By-laws **Chapter 5 LICENSING AND REGULATION OF BUSINESS, Article 3. Dealers in Precious Metals**, by adding the underlined language and deleting the struck-through language, as shown below:

5-3-4. Waiting Period for Sale or Alteration No item, described in this section purchased or received shall be sold or altered in appearance, form, or substance until a period of at least ~~fifteen (15)~~ **thirty (30)** days from the date of its purchase except when such period is waived by the Chief of Police or his designee, **and available for inspection by the Police Department. All items shall be digitally photographed-**

5-3-5. Daily Report of Purchases to Police Every licensee shall make out and deliver to the Chief of Police each day a legible and correct list containing an accurate description of all precious metals purchased during the preceding business day, name and address from whom purchased **and, MA driver's license or identification card photographed or copied of the individual selling the items,** the prices paid therefor, the time when such articles were purchased and the respective number of such items.

5-3-6. Log of Purchases Every keeper of a shop licensed as provided in this article shall put in some suitable and conspicuous place on his shop a sign having his name and occupation legibly described there on and shall keep a book in which shall be written in English, at the time of every purchase, a description of the precious metal **item** so purchased, the name, age, and residence of the person from whom purchased **-logged on a sequentially numbered form with and** the day and hour when such purchase was made. Such book and all articles purchased shall at all times be available for the inspection of the Chief of Police or his designee.

Or take any other action in relation thereto.

Description: These changes were requested by the Kingston Police Department and voted by the BOS as conditions to the licenses to provide added protection to Kingston consumers.

ARTICLE 50 - General By-Laws Amendment; Leash Law Penalties

To see if the Town will vote to amend Kingston General By-Laws Chapter 10, Animal Control, Article 1. Leash Law, Section 10-1-5 Penalties, by adding the underlined language and deleting the struck-through language, as follows:

2nd offense – fifty dollars (\$50.00) and ~~fifty dollars (\$50.00)~~ **one hundred (\$100.00) dollars** for each and every subsequent offense per calendar day.

and

Kingston General By-Laws Chapter 15, PENALTY AND ENFORCEMENT, Article 2; Section 15-2-2., Chapter 10 – Kingston Leash Law; Animal Control Officer, or his/her designee

Each subsequent offense per calendar day ~~\$50.00~~ **\$100.00**

Or take any other action relative thereto.

Description: Updated penalty fees as recommended by the Animal Control Officer (ACO).

ARTICLE 51 - General By-Laws Amendment; Water Department Fine Schedule

To see if the Town will vote to amend Kingston General By-laws Chapter 15 PENALTY AND ENFORCEMENT, Article 2; WATER DEPARTMENT RULES AND REGULATIONS by adding the underlined language and deleting the struck-through language, as follows:

WATER DEPARTMENT RULES AND REGULATIONS;
Board of Water Commissioners or its designee

Fine Schedule

Existing

Unauthorized Turning of Water	_____	
Department Curb Stops or Gates	_____	\$200.00 per day
Unauthorized Attachment to a Hydrant	_____	\$200.00 per day
Installation of Device to By Pass Meter	_____	\$300.00 per day
Tampering with Metering Device	_____	\$300.00 per day
Failure to Repair Service Pipe Leak	_____	\$20 per day
Attach Underground Irrigation System	_____	\$300.00 per day

~~To Municipal Water~~

~~Each day that a violation exists shall be treated as a separate violation~~

Replace with:

1. Whoever unlawfully and intentionally injures, or suffers to be injured, a water meter belonging to the Town of Kingston Water Department or prevents such meter from duly registering the quantity of water supplied to it or hinders or interferes with its proper action or just registration, or attaches a pipe to a main or pipe belonging to the Town of Kingston Water Department without consent, unless it passes through a meter supplied by the Town of Kingston Water Department shall be punished by a fine of triple the amount of damages sustained thereby or \$1,000.00, whichever is greater, or by imprisonment for not more than one year, or both. Damages shall include the value of the water used and the cost of labor and equipment repair and replacement.
2. Failure to Repair a Service Pipe Leak \$20.00 per day
3. Unauthorized Turning on or off of Water Department Curb Stops or Gates \$300.00 per violation
4. Attach Underground Irrigation System to municipal water \$300.00 per day

Or take any other action relative thereto.

Description: The amendments are offered by the Water Commissioners and in response to recent State law changes.

**ARTICLE 52 – Amendment to the Zoning By-Laws;
Location of Flood Plains in Flood Plain Overlay District**

To see if the Town will vote to amend the Zoning By-Laws, Article 3.2. Location of Districts, Section 3.2.2., by adding the underlined language and deleting the struck-through language, as shown below to reflect changes in FEMA Flood Maps:

3.2.2. The general boundaries of the Flood Plain District are shown ~~in~~ on the current Kingston Flood Insurance Rate Map (FIRM), ~~dated July 2, 1992, as Zones A, A1-30.~~ The exact boundaries of the District are defined by the one hundred (100) year water surface elevations shown on the FIRMs and further defined by the Flood Profiles contained in the current Flood Insurance study, ~~dated February 5, 1985.~~ The floodway boundaries are delineated on the current Kingston Flood Boundary Floodway Map (FBFM), ~~dated August 5, 1985,~~ and further defined by the Floodway Data Tables contained in the Flood Insurance Study. These ~~two~~ maps, as well as the accompanying Study, are incorporated herein by reference and are filed with the office of the Town Clerk, Planning Board, Inspector of Buildings and Conservation Commission.

Or take any other action relative thereto.

Description: *The amendments are proposed to remove references to dates so that the By-Law remains current to reflect the materials on file.*

**ARTICLE 53– Amendment to the Zoning By-Law;
Location of Flood Plains in Flood Plain Overlay District**

To see if the Town will vote to amend the Zoning By-Laws, Section 4.12. Flood Plain Overlay District, to reflect changes in FEMA Flood Maps by adding the underlined language and deleting the struck-through language, as shown below:

4.12.1.2. The Flood Plain Overlay District is established as an overlay district to all other districts. All development, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the requirements of the Massachusetts State Building Code pertaining to construction in the flood plains and with the following:

- Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR ~~2102.0, Flood Resistant Construction~~ Appendix 120.G);
- Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- Inland Wetlands Restriction, DEP (currently 302 CMR 6.00);
- Coastal Wetlands Restriction, DEP (currently 302 CMR 4.00);
- Minimum Requirements for the Subsurface Disposal Sanitary Sewage, DEP (currently 310 CMR 15, Title 5)

4.12.3.2. Located within the Floodplain Overlay District are areas designated as coastal high hazard areas (V Zones – as designated on FEMA flood insurance maps). Since these areas are extremely hazardous due to high velocity waters from tidal and storm surges, all new construction shall be

landward of the reach of the velocity zone and be in accordance with paragraph 4.12.2. ~~In addition, the following provisions shall apply to all existing residential structures located within the V zones:~~

~~a. All existing residences, which propose to increase living space, shall comply with the Massachusetts State Building Code and FEMA regulations and shall connect to the sewer system as soon as it becomes available.~~

4.12.3.3.

a. Floodway Data. ~~In Zone A, A1-30, and AE,~~ A Zones (A, AE, AH, AO, AR, A99) along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

4.12.3.4.

a. In ~~zones A1-30 and AE,~~ A Zones (A, AE, AH, AO, AR, A99) along watercourses that have a regulatory floodway designated on the Kingston FIRM encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

b. Man-made alteration of sand dunes are prohibited within ~~Zones V1-30, VE, and V~~ V Zones (V, VE) which would increase potential flood damage.

d. Placement of underground storage tanks for fuel is prohibited in A Zones and V Zones.

4.12.3.5. Notify, in a riverine situation, the following of any alteration or relocation of a watercourse:

-- Adjacent Communities

-- NFIP State Coordinator

Massachusetts ~~Office of Water Resources~~ Department of Conservation and Recreation/Floodplain Management

~~100 Cambridge Street~~ 251 Causeway Street Suite 800

Boston, MA ~~02202~~ 02114-2104

Ph. 617-626-1406

-- NFIP Program ~~Specialist~~

FEMA Region I, ~~Room 462~~

~~J.W. McCormack Post Office & Courthouse~~ 99 High Street 6th Floor

Boston, MA ~~02109~~ 02110

Ph. 617-956-7506

Or take any other action relative thereto.

Description: *The purpose of the amendments is to update the By-Law as well as incorporate required information from the Department of Conservation and Recreation/Floodplain Management.*

The Town's Zoning By-Laws are available on the Town's website:

http://www.kingstonmass.org/filestorage/52/Complete_Zoning_By-Laws.pdf

ARTICLE 54– Zoning By-Laws Amendments; Correction

To see if the Town will vote to amend the Town of Kingston Zoning By-Laws, Section 4.17. Large-Scale Ground-Mounted Photovoltaic Installations Overlay District, Subsection 4.17.3.9.1. Setbacks by adding the underlined language and deleting the struck-through language shown below -regarding side and rear yard setbacks- by striking the word “front” in each subsection and replacing it with the word “side” and “rear” respectively so that the revised section will read:

- (b) Side yard: Each side yard shall have a depth at least 15 feet; provided, however, that where the lot abuts a Conservation-Recreation or Residential district, the ~~front~~ side yard shall not be less than 50 feet.
- (c) Rear yard: The rear yard depth shall be at least 25 feet; provided, however, that where the lot abuts a Conservation-Recreation or Residential district, the ~~front~~ rear yard shall not be less than 50 feet.

Or to take any other action relative thereto.

***Description:** Corrections reflect inconsistencies in the language as provided in the State’s Model By-Law, previously approved, with no substantive changes.*

ARTICLE 55 – Zoning By-Law Amendments; Wind Spires

To see if the Town will vote to amend the Town of Kingston Zoning By-Laws by adding a new Section 4.18. Small Wind Energy Systems that would allow the Building Inspector to permit wind turbines not to exceed sixty feet in height on parcels of less than 90,000 square feet or wind turbines not to exceed 160 feet in height on parcels of 90,000 square feet or more.

4.18 Small Wind Energy Systems

4.18.1. Purposes:

The purposes of this section 4.18 are to provide a permitting process for small wind energy systems (SWES) so that they can be utilized in a cost-effective, efficient and timely manner to reduce the consumption of utility-supplied electricity; to integrate these systems into the community in a manner that minimizes their impact on the character of neighborhoods, on property values and on the scenic, historic and environmental resources of the Town; and to protect health and safety, while allowing wind energy technologies to be utilized. For the purpose of this by-law Small Wind Energy Systems (SWES) are units that carry a nameplate rating of 50 kW or less. This by-law shall apply to any SWES that will exceed the height limitations of the zoning by-law section 5 intensity schedule.

4.18.2. Permit Requirement:

4.18.a. Small wind energy systems that comply with the requirements of this Section may be allowed by permit from the building department in accordance with the requirements set forth herein. The building department may grant a permit only if the application complies with the provisions of this bylaw and is consistent with the applicable criteria for granting permits. The building inspector may waive or adjust any of the requirements outlined below, consistent with the purposes of this Section, except for the special requirements for the reduction of setbacks in 4.18.3.c.3. below.

4.18.b. An existing site plan shall be modified if applicable or if no existing site plan is available a new plan shall be prepared to scale by a registered land surveyor or licensed civil engineer showing the location of the proposed SWES and any associated buildings or appurtenances,

distances to all property lines and abutting residences, existing and proposed structures, existing and proposed elevations, above ground utility lines, any other significant features or appurtenances, any measures designed to mitigate the impacts of the SWES, and at the discretion of the building inspector:

4.18.b.1. Existing conditions and Proposed Improvement Maps including, without limitation, the following scaled information for both existing conditions and proposed improvements: locus map; adjacent streets and ways; lot boundaries; location and names of adjacent properties; easements and restrictions; land use districts; overlay districts (if any) ; topography including contours; wetlands; water bodies; watercourses; and areas subject to flooding; soil types; vegetation; farmland; trails; structures; and unique natural site features including screening, fencing, and plantings; open space or recreational areas; lighting; natural and man-made drainage infrastructure; vehicular circulation; signs; building plans and elevations; and other information required by the building inspector to properly evaluate the proposal.

4.18.b.2. Design features which will integrate the proposed SWES into the existing landscape, maintain neighborhood character, enhance aesthetic assets and screen objectionable features from neighbors and roadways; and control measures to prevent erosion and sedimentation during and after construction and to specify the sequence of grading and construction activities, location of temporary control measures and final stabilization of the site.

4.18.b.3. If the land will be developed in more than one phase, a comprehensive plan for an entire property showing intended future development.

4.18.c. Any submittals required in this subsection 4.18.2.a. may be waived if in the opinion of the building inspector the materials submitted are sufficient for the building inspector to make a decision.

4.18.3. Design Setbacks:

4.18.3.a. Tower Height:

On parcels of less than 90,000 square feet, the tower height shall not exceed 60 feet. For parcels of 90,000 square feet or more, the tower height shall not exceed 160 feet. For the purposes of this Section, tower height shall be measured from the existing grade to the upper most extension of the structure.

4.18.3.b. Fall Zone:

The fall zone is defined as a circular area equal to the height of the entire SWES measured from the top of the foundation to the point of greatest vertical extension.

4.18.3.c. Setbacks:

4.18.3.c.1. The minimum horizontal distance from the base of the tower structure to any property line or road right-of-way shall be the tower height plus 10 feet.

4.18.3.c.2. No part of the SWES, excluding guy wire and anchors, may extend closer to the property boundaries than the setback for the applicable zoning district.

4.18.3.c.3. The SWES shall be a minimum of three times its tower height from existing abutting residences.

4.18.3.c.4. The building inspector may reduce the above setback distances for the SWES in the course of his review of the application, consistent with the requirements of public health, safety, and welfare and the purposes of this section. If the setback distances are reduced to less than the height of the tower from abutting property such reduction shall only be permitted if the affected abutting property owner(s) executes a recorded easement allowing the fall zone to extend onto such abutting property.

4.18.3.d. Access:

All small wind energy systems shall be designed and maintained to securely prevent unauthorized access to any climbing apparatus.

4.18.3.e. Color and Finish:

A non-reflective exterior color designed to blend with the surrounding is encouraged. No commercial advertising, designs, decorations, or writing other than the manufacturer's standard identification shall be visible at or beyond the property line.

4.18.3.f. Visual Impact:

The applicant shall demonstrate through project site planning and proposed mitigation that the SWES minimizes impacts on the visual character of the surrounding neighborhoods and the community. This may include, but not be limited to, information regarding site selection, turbine design or appearance, buffering, screening, or lighting. All electrical conduits shall be underground.

4.18.3.g. Noise:

Small wind energy systems shall comply with the Massachusetts noise regulation (310 CMR 7.10)

4.18.3.h. Compliance with FAA Standards:

All SWES towers shall also comply with applicable FAA regulations.

4.18.4. General Requirements:

4.18.4.a. Construction:

The construction, operation, maintenance and removal of wind facilities shall be consistent with all other applicable Town, State and federal requirements, including all applicable health, safety, construction, environmental, electrical, communication and aviation requirements.

4.18.4.b. Operation and maintenance:

An application for a permit shall include a plan for the general procedures for safe and effective operation and maintenance of the facility.

4.18.4.c. Compliance with State Building Code:

Building permit applications for small wind energy systems shall comply with the state building code and all applicable electrical codes.

4.18.4.d. Utility Notification:

No small wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off grid systems shall be exempt from this requirement.

4.18.5. Abandonment and Removal:

4.18.5.a. Abandonment:

A SWES shall be considered to be abandoned if it is not operated for a period of two years, or if it is designated a safety hazard by the building inspector. If the building inspector determines that a SWES is abandoned, the owner shall be required to physically remove the SWES within 90 days of written notice from the building inspector. The owner shall have the right to respond to the written notice of abandonment within 30 days of such notice. If the owner can provide information demonstrating the SWES has not been abandoned, the building inspector may withdraw the notice of abandonment. If the owner fails to remove the SWES in accordance with the requirements of this Section after 90 days of such notice and the building inspector has not withdrawn such notice, the Town shall have the authority to enter the property and physically remove the facility at the owner's expense.

4.18.5.b. Removal:

"Physically Remove" shall include but not be limited to:

4.18.5.b.1. Removal of SWES, any equipment shelters, and security barriers from the subject property.

4.18.5.b.2. Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations.

4.18.5.b.3. Restoring the location of the SWES to its natural condition, except that any landscaping and grading shall remain in the after-condition.

Or to take any other action relative thereto.

Description: This article was offered by the Green Energy Committee (GEC) to allow for wind spires and small wind turbines to be properly sited. The Planning Board Hearing on this article is scheduled for March 28, 2011.

ARTICLE 56 – CITIZEN PETITION; By-Law Amendment – Limit Multiple Elected Office Holding

To see if the Town will amend its General By-Laws by adding a new Section 4-15-1 under Chapter 4 thereof, as follows:

Article 15: Multiple Offices

4-15-1. Multiple Elected Offices. No person shall serve in more than one elected office for the Town of Kingston, provided that, if any person holds two or more elected offices as of the date of the passage of this, said person shall be permitted to serve out the present terms of such office.

Or take any other action relative thereto.

Description: The Petitioner indicted that a motion will be offered to amend the article to correct the By-Law insertion point, as well clarify applicability, and the effective date.

ARTICLE 57– CITIZEN PETITION; By-Law Amendment – Limit Multiple Office Holding; Elected Officials Serving as Appointed Finance Committee Members

To see if the Town will amend its General By-Laws by adding a new Section 4-15-2 under Chapter 4 thereof, as follows:

Article 15: Multiple Offices

4-15-2. Finance Committee. No person serving in elected office for the Town of Kingston may serve on, or be appointed to, the Finance Committee.

Or take any other action relative thereto.

Description: The Petitioner notes this is part of Recommendation #5 of the DOR Financial Management Review of May 2010.

http://www.kingstonmass.org/filestorage/40/940/8650/DOR_Financial_Mgt_Review_Report_May_2010.pdf

ARTICLE 58- CITIZEN PETITION; By-Laws Amendment; Collector of Taxes Lockbox

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.

Description: *The Petitioner indicted that a motion will be offered to amend the article based on Town Counsel's comments to clarify a "lock box or other such service." The Lockbox (versus a "drop box") is an automated/electronic remittance processing service affiliated with a banking institution, which may process real estate, water, sewer, and excise bills.*

ARTICLE 59 – CITIZEN PETITION; Town Government Study Committee

To see if the Town will vote to endorse the Selectmen's creation of a Town Government Study Committee as presently constituted and authorize the Committee to present their report to the Annual Town Meeting in 2012 for any subsequent action by Town Meeting, or to take any other action relative thereto.

Description: *The BOS created the Town Government Study Committee in November 2009. Currently the Committee consists of 9 members serving for the duration of the Committee.*

ARTICLE 60 – CITIZEN PETITION; Reducing the Speed Limit on All Scenic Roads

Let the Town of Kingston consider the merits of reducing the speed limit on all Scenic Roads to 25 MPH unless otherwise posted.

Description: *The Petition was inserted as received. The Petitioner may offer a motion to clarify the intent of article. Please refer to the Town's General By-Laws for more information on Scenic Routes: <http://www.kingstonmass.org/filestorage/52/GBL E-Copy as of 4-5-10.pdf>*

ARTICLE 61 – Transfer Station Reconfiguration Project

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 reconfiguration at the Transfer Station located at 10 Cranberry Road, Kingston, Assessor Map 75 Lot 11, including all costs incidental or related thereto, said reconfiguration to be under the guidance and supervision of the Superintendent of the Streets, Trees, and Parks Department, or take any other action relative thereto.

Description: *Starting January 1, 2015 it is anticipated that the cost of disposing of solid waste will be increasing as the Town's agreement with SEMASS is due to expire. Based on last year's tonnage/disposal costs and forecasted disposal market rates, the solid waste budget would need to be increased annually by \$ 230,000. It is anticipated that reconfiguration of the Transfer Station will increase recycling and thus work to avoid the impact of any disposal cost increase.*

The project is estimated to cost \$1,400,000. The proposed funding for this project will be a debt excluded borrowing. A ballot question will have to be voted on to use these funds, which will be debt excluded/exempted from Proposition 2 ½.

ARTICLE 62 – Maple Avenue School Environmental Assessment Study and Demolition

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury a sum of money for activities associated with the Maple Avenue School property located at 6 Maple Avenue, Map 45 Lot 62, including the environmental assessment of the building and its contents, and its demolition, as well as any administrative expenses with respect thereto, or take any other action relative thereto.

Description: In 2003, the Maple Ave. School suffered major damage due to a steam pipe leak over a weekend period. At that time, the two offices that were housed in the building, Sewer Dept. and KEMA, were relocated to other sites. A Town Meeting article was not supported for the sale of the property because of its potential use for expansion of the Police Station and parking lot. Other efforts to raise the building were not funded. The building is in a severe state of deterioration and is a safety issue to the neighborhood as well as esthetically unpleasant. This article will fund the demolition of the building after an assessment identifies potentially hazardous materials so that the demolition and disposal can proceed in an appropriate manner to guard the safety of the public.

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 23rd day of April, 2011 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:

For One (1) Year:

One (1) Moderator
One (1) Recreation Commissioner (Vacancy)

Each for Three (3) Years:

One (1) Town Clerk
Two (2) Selectmen
One (1) Assessor
One (1) Town Treasurer
Two (2) Elementary School Committee Members
Two (2) Library Trustees
One (1) Silver Lake Regional School Committee Member
Two (2) Board of Health Members
One (1) Water Commissioner
Two (2) Recreation Commissioners
One (1) Sewer Commissioner

For Five Years:

One (1) Planning Board Member
One (1) Housing Authority Member

And to vote "Yes" or "No" on the following questions:

- 1) "Shall the Town of Kingston be allowed to exempt from the provisions of proposition two and one half, so called, the amounts required to pay for the bond issued in order to construct and reconstruct catch basins and drainage improvements including all costs incidental or related thereto, at Gray's Beach Park?"

- 2) "Shall the Town of Kingston be allowed to exempt from the provisions of proposition two and one half, so called, the amounts required to pay for the bond issued in order to reconfigure the Transfer Station, including all costs incidental or related thereto?"

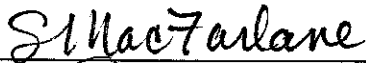
And you are directed to serve this Warrant by posting attested copies at the Kingston Public Library, at the Reed Community Building, at the Kingston Elementary School, at the Kingston Intermediate School, and at the main entrance to the Town House, the polling places of the precincts in said Town, seven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

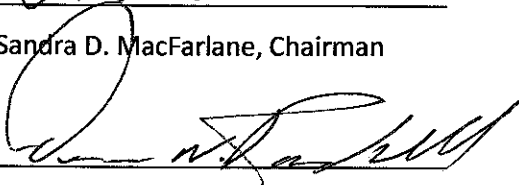
GIVEN under our hands this 15 th day of March in the year of our Lord Two Thousand Eleven, the Independence of the United States of America the Two Hundred Thirty Fifth and the Two Hundred Eighty Fifth Anniversary of the Incorporation of the Town of Kingston.

Official Signature Page on File in the Office of the Board of Selectmen & Town Clerk

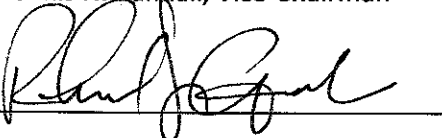
BOARD OF SELECTMEN



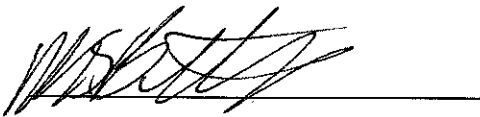
Sandra D. MacFarlane, Chairman



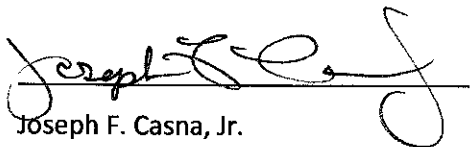
Dennis N. Randall, Vice-Chairman



Richard J. Arruda



Mark S. Beaton



Joseph F. Casna, Jr.