

**SPECIAL TOWN MEETING
OCTOBER 20, 2004**

The Special Town Meeting scheduled to be held on October 20, 2004, at 7:00 p.m., was called to order by the Moderator, Frances E. Botelho-Hoeg, at 7:05 p.m. at the Kingston Intermediate School, 65 Second Brook Street, Kingston, Massachusetts.

Ms. Botelho-Hoeg welcomed those present. She led the Town Meeting in reciting the Pledge of Allegiance.

The vote checkers were: Christine M. Chipman, Hannah M. Creed, Nancy B. Delaney, Mary M. Leone, Patricia E. Scanlon, Diane T. Scully, Helen Claire Soares and Maureen E. Twohig. The doorkeepers were Donna M. Farrington and Harry E. Monks, Jr.

The sworn tellers were Paul L. Armstrong, Paul F. Basler and James C. Judge.

The Moderator stated that it was obvious that proper notice had been given and the reading of the warrant was waived. Ms. Botelho-Hoeg announced that there were over 100 voters present.

ARTICLE 8. 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 construct a storage facility to be located at the current Street, Trees & Parks Department location on Evergreen Street, or take any other action relative thereto.

THERE WAS NO MOTION MADE UNDER THIS ARTICLE.

Paul M. Gallagher moved to reconsider Article 6.

THE MOTION WAS CARRIED.

ARTICLE 6.

Paul M. Gallagher moved to amend by deleting the article in its entirety and replacing it with a new Article 6 as follows:

That the Town change the purpose of that portion of land as shown on Assessor's Map as appearing as Lot 27, Map 35, currently a portion of the parcel containing 13.18 acres and shown on a plan entitled "Municipal Complex Existing Site Plan", prepared by Catlin Architecture (based on a plan by Grady Consulting, LLC, dated October 12, 1998) dated September 24, 2004, scale 1"=50', currently under the care, custody, and control of the Board of Selectmen and held for general municipal purposes and designated specifically for use for the Municipal Complex, to the care, custody, and control of the Board of Selectmen and held for general municipal purposes and specifically designated for use for the construction and operation of a Senior Citizen Center, and further to appropriate the sum of \$143,294 from the Senior Citizen Center Stabilization Fund established at the 2004 Annual Town Meeting pursuant to the provisions of M.G.L. Chapter 40, Section 5B, as most recently amended by Chapter 46, Section 14 of the Acts of 2003, for the purposes of adding to a prior appropriation for architectural and engineering fees made under Article 1 of the April 2004 Special Town Meeting, and further to authorize the Board of Selectmen to purchase a parcel of land as appearing on

Assessor's Map 35, Lot 55 and containing 6.24 acres more or less, under such terms and conditions as the Board of Selectmen deem in the best interest of the Town, and to appropriate the sum of \$60,000 from the Senior Citizen Center Stabilization Fund established at the 2004 Annual Town Meeting pursuant to the provisions of M.G.L. Chapter 40, Section 5B, as most recently amended by Chapter 46, Section 14 of the Acts of 2003, for the purposes of acquiring additional land for the siting of a Senior Citizens Center, and to authorize the Board of Selectmen to take all necessary action for this purpose.

Pine duBois moved to postpone action on this article until Monday, November 15, 2004.

THE MOTION WAS NOT CARRIED.

A vote was taken on the amendment of Mr. Gallagher.

THE AMENDMENT WAS CARRIED.

On the motion of Paul M. Gallagher, as amended, VOTED that the Town change the purpose of that portion of land as shown on Assessor's Map as appearing as Lot 27, Map 35, currently a portion of the parcel containing 13.18 acres and shown on a plan entitled "Municipal Complex Existing Site Plan", prepared by Catlin Architecture (based on a plan by Grady Consulting, LLC, dated October 12, 1998) dated September 24, 2004, scale 1"=50', currently under the care, custody, and control of the Board of Selectmen and held for general municipal purposes and designated specifically for use for the Municipal Complex, to the care, custody, and control of the Board of Selectmen and held for general municipal purposes and specifically designated for use for the construction and operation of a Senior Citizen Center, and further to appropriate the sum of \$143,294 from the Senior Citizen Center Stabilization Fund established at the 2004 Annual Town Meeting pursuant to the provisions of M.G.L. Chapter 40, Section 5B, as most recently amended by Chapter 46, Section 14 of the Acts of 2003, for the purposes of adding to a prior appropriation for architectural and engineering fees made under Article 1 of the April 2004 Special Town Meeting, and further to authorize the Board of Selectmen to purchase a parcel of land as appearing on Assessor's Map 35, Lot 55 and containing 6.24 acres more or less, under such terms and conditions as the Board of Selectmen deem in the best interest of the Town, and to appropriate the sum of \$60,000 from the Senior Citizen Center Stabilization Fund established at the 2004 Annual Town Meeting pursuant to the provisions of M.G.L. Chapter 40, Section 5B, as most recently amended by Chapter 46, Section 14 of the Acts of 2003, for the purposes of acquiring additional land for the siting of a Senior Citizens Center, and to authorize the Board of Selectmen to take all necessary action for this purpose.

YES - 113; NO - 18

THE MOTION WAS CARRIED SINCE IT MET
THE 2/3 REQUIREMENT.

ARTICLE 9. On the motion of Joseph D. Kelleher, VOTED that the Town raise and appropriate the sum of \$26,200.00 to meet the terms of an Agreement By and Between the Town of Kingston and the International Association of Fire Fighters,

Local 2337 for FY 2005, and to authorize the Town Accountant to allocate such sums to the appropriate operating budgets.

FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.

ARTICLE 10. On the motion of Craig N. Dalton, VOTED that the Town accept Sections 3-7, inclusive, of Chapter 44B of the General Laws, otherwise known as the Community Preservation Act, by approving a surcharge on real property for the purposes permitted by said Act and as detailed in the Warrant, and provided further that this question be placed before the voters at the 2005 Annual Town Election.

The details of said warrant article read as follows:

Including the acquisition, creation and preservation of open space; the acquisition, rehabilitation, preservation and restoration of historic resources; the creation, preservation and support of community housing and the rehabilitation and restoration of such open space and community housing that is acquired or created as provided under said Act; that the amount of surcharge on real property shall be three (3)% of the annual real estate tax levy against real property; that the first surcharge will be applicable to FY 2006; that the Town hereby accepts the following exemptions of said Act; property owned and occupied as a domicile by any person who qualifies for low income housing or low or moderate income senior housing in the Town as defined in Section 2 of said Act, and \$100,000 of the value of each taxable parcel of residential real property. A taxpayer receiving a regular property tax abatement or exemption will also receive a pro rata reduction in the surcharge. This is subject to a majority vote on a ballot question at the next regular town election.

ARTICLE 11. On the motion of Joseph D. Kelleher, VOTED UNANIMOUSLY that the Town authorize the Board of Selectmen to grant to Verizon New England, Inc., and NSTAR Electric Company, their successors and assigns, or any licensee from them (hereinafter referred to as the "Grantees"), the perpetual, non-exclusive right and easement to locate, relocate, erect, install, operate, maintain, patrol, inspect, repair, replace, alter, change the location of, or remove transformers, fittings, braces, supports, street light standards and fixtures, and other apparatus equipment and fixtures deemed necessary for the purposes of transmission of electricity, along, upon and over that certain parcel of Town owned land, namely; Gray's Beach Road, Kingston, Massachusetts. For description see deed recorded with the Plymouth County Registry of Deeds in Book 1724, Page 494.

ARTICLE 12. Brian G. McWilliams moved that the Town appropriate the sum of \$20,761.00 to provide shelving and computer upgrades at the Library, and to meet this appropriation the sum of \$6,601.00 be transferred from Article 17 of the May 8, 2000 Annual Town Meeting and the sum of \$14,160 be raised and appropriated.

Jean Landis Naumann moved to amend by deleting the motion in its entirety and replacing it as follows:

That the Town raise and appropriate the sum of \$3,445.00 to provide for updating computer virus problems at the Library.

A vote was taken on the amendment of Ms. Naumann.

YES - 44; NO - 37

THE AMENDMENT WAS CARRIED.

On the motion of Mr. McWilliams, as amended, VOTED that the Town raise and appropriate the sum of \$3,445.00 to provide for updating computer virus problems at the Library.

ARTICLE 13. On the motion of Joseph D. Kelleher, VOTED that the Town raise and appropriate the sum of \$28,000.00 to purchase a surplus fire pumper for use by the Fire Department.

CAPITAL PLANNING COMMITTEE RECOMMENDED FAVORABLE ACTION.

FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.

ARTICLE 14. On the motion of Garry F. Monahan, VOTED that the Town amend Chapter 20, entitled "Sewer By-Law" of the Town of Kingston General By-Laws, by inserting a new section as follows:

Article 3. Connection Fee Apportionment

The Board of Sewer Commissioners shall, at the request of the owner of the land so charged, apportion the sewer connection fee or unpaid balances thereof charged under said Board's Connection Fee Policy, adopted on September 9, 2003, and as may be amended from time to time, into such number of equal portions to be paid annually with interest thereon, not exceeding thirty, as is determined by said Board or as is requested by the owner, as the case may be.

All of the sewer connection fee or the first portion of the sewer connection fee, plus one year's interest on the amount of the sewer connection fee remaining unpaid, shall be due and payable prior to the issuance of the sewer connection fee permit. If the sewer connection fee is apportioned in accordance with this by-law, the Board of Sewer Commissioners shall add to the annual sewer charges for each year thereafter one of said portions and one year's interest on the amount of the sewer connection fee remaining unpaid until all such portions shall have been so added. Interest charged pursuant to this by-law shall be equal to the rate of interest assessed for betterments under chapter 180 of the Acts of 1999. Notwithstanding a prior apportionment, the owner of the land so charged may pay the entire unpaid balance plus interest accrued thereon at any time before it is due and payable.

All charges under the Connection Fee Policy shall constitute a charge for the use of common sewers pursuant to G.L. c.83, §16, and a lien shall be established by operation of law on any overdue charges in accordance with G.L.c. 83, § 16A-16F and may be collected as set forth therein.

The Board of Sewer Commissioners may adopt regulations, as it deems necessary, for the purpose of implementing this by-law.

ARTICLE 15. On the motion of Pine duBois, VOTED that the Town raise and appropriate the sum of \$3,400.01, which amount is equivalent to the taxes paid by the Jones River Marine Ecology Center for Fiscal Year 2004, to be provided

to the Center pursuant to a grant agreement for activities relating to natural resource preservation constituting the public purposes of support and stimulation.

FINANCE COMMITTEE RECOMMENDED UNFAVORABLE ACTION.

ARTICLE 16. To see if the Town will vote to amend Chapter 10 entitled "Animal Control" of the Town of Kingston General By-Laws, by adding a new sentence to the end of Article 10-1-1. Restraint of Dogs as follows: "No person shall own or keep in the Town any dog which by biting, excessive barking, howling or in any manner disturbs the quiet of the public."

THERE WAS NO MOTION MADE UNDER THIS ARTICLE.

On the motion of Edmund J. King, Jr., VOTED to adjourn without day.

There were 33 voters from Precinct 1, 35 voters from Precinct 2, 34 voters from Precinct 3, and 60 voters from Precinct 4, for a total of 162 voters.

Adjournment was at 9:05 p.m.

Respectfully submitted,

Mary Lou Murzyn, CMC/AAE/CMMC
Town Clerk

SUMMARY OF SPECIAL TOWN MEETING:

Article Number	Summary	Vote
1	Transfer - FY05 Operating Budget	34,082.00
	Transfer - FY05 Operating Budget	3,898.00
	Appropriate - FY05 Operating Budget	37,102.00
	Transfer - FY05 Operating Budget	4,000.00
2	Chapter 90	254,138.00
3	Change of Purpose and Conveyance - Map 43, Lot 49 (19 West Avenue)	VOTED
4	Easement Plan - Pembroke Street	VOTED
5	Land Conveyance - Davis, et al v. Town of Kingston	NO MOTION
6	Change of Purpose Senior Citizen Center	VOTED
	Appropriation - Purchase/Engineering	203,294.00
7	Legislation - DPW	DEFEATED
8	Storage Facility - Highway Dept.	NO MOTION
9	Contract Agreement - IAOFF	26,200.00
10	Community Preservation Act - Ballot Question	VOTED
11	Utility Easement - Gray's Beach Road	VOTED
12	Library - Computer Virus Update	3,445.00
13	Fire Department - Pumper	28,000.00
14	Amend By-Laws C. 20 by adding Article 3 "Connection Fee Apportionment"	VOTED
15	Grant Agreement FY04 - Jones River Marine Ecology Center	3,400.01
16	Amend By-Laws Article 10-1-1. by adding "excessive barking" language	NO MOTION