

**SPECIAL TOWN MEETING
OCTOBER 22, 2007**

The Special Town Meeting scheduled to be held on October 22, 2007, at 7:00 p.m., was called to order by the Moderator, Frances E. Botelho-Hoeg, at 7:07 p.m. at the Kingston Intermediate School, 65 Second Brook Street, Kingston, Massachusetts. The Moderator welcomed those present. She led the Town Meeting in reciting the Pledge of Allegiance.

The Moderator stated that it was obvious that proper notice had been given and the reading of the warrant was waived.

The vote checkers were: Priscilla W. Brackett, Hannah M. Creed, Nancy B. Delaney, Lynn M. Flood, Mary M. Leone, Martha A. Rashleigh, Diane T. Scully and Maureen E. Twohig. The doorkeepers were Donna M. Farrington and Roberta Reed.

The sworn tellers were Paul L. Armstrong, Paul F. Basler, and James C. Judge. In honor of Mr. Armstrong's birthday, the Town Meeting sang "Happy Birthday!"

On the motion of Mark S. Beaton, VOTED that the following non-residents and non-registered residents be allowed to enter and address the Town Meeting:

Kathleen O'Donnell, Town Counsel
Mark R. Reich, Town Counsel
Kevin R. Donovan, Town Administrator
Joan Paquette, Town Accountant
Thomas Bott, Town Planner
Robert T. Heath, Fire Chief
Lloyd Geisinger, Thorndike Development Company
Robert Davis, Esq., Goulston and Storrs
Randy Hart, VHB Traffic Engineers
Joseph Mangi, VHB Traffic Engineers
Ann Bingham, Esq.
Jennifer DiRico
Frank DiRico
Deborah Strymish
David Strymish
William Abbott, Esq.
David Abbott, Esq.
Steve Gans, Esq.

ARTICLE 1. Mark S. Beaton moved that the Town authorize the Board of Selectmen to petition the General Court for a special act providing that legislation be adopted as set forth in the warrant; 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 be authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

Dennis N. Randall moved to table this article until the next special or annual town meeting.

YES 66; NO - 251

THE MOTION WAS NOT CARRIED SINCE
IT DID NOT MEET THE 2/3 REQUIREMENT.

Michelle A. Vitagliano moved the question.

THE MOTION WAS CARRIED.

On the motion of Mark S. Beaton, VOTED that the Town authorize the Board of Selectmen to petition the General Court for a special act providing that legislation be adopted as set forth in the warrant; 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 be authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

Said legislation to read as follows:

AN ACT AUTHORIZING THE DEPARTMENT OF HIGHWAYS AND THE TOWN OF KINGSTON TO EXCHANGE CERTAIN PARCELS OF LAND

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. Upon completion of its review and its approval of the plans for the construction of a ramp in the town of Kingston to provide access from public ways serving the Kingston MBTA Station and land in Kingston and Plymouth in the vicinity thereof to state highway route 3, southbound, the department of highways, hereinafter referred to as the "department," shall notify the board of selectmen of the town of Kingston. The notice shall include one or more plans depicting (1) the layout of the ramp, (2) the extension of Cranberry road as approved by the town of Kingston planning board as provided in section 3 and (3) necessary easements, both construction and permanent, within the boundaries of the town's land described as parcels 1,2,3 and 5 on the plan identified in said section 3. Neither the layout of the ramp, the extension of Cranberry road nor the easements shall require the relocation of the town's existing sewer treatment and recycling facilities.

SECTION 2. Notwithstanding any general or special law to the contrary, the department, following its acquisition of the land and the easements described in section 3, shall convey to the town for municipal purposes, the portion of land owned by the department shown as parcel 6 on plan located south of the layout of the ramp no longer required for highway purposes. The parcel shall not be less than 30,000 square feet, shall be contiguous to parcel 4 and shall be described in the notice given to the board of selectmen under section 1.

SECTION 3. (a) Notwithstanding any general or special law to the contrary, the board of selectmen of the town of Kingston, upon receipt of the notice required under section 1 and, as requested by the department, shall either convey by deed to the department or release the town's interest in, and the department shall acquire by the deed, eminent domain or otherwise, the land required for the ramp to be laid out as a state highway in the following described parcels of land owned by the town: not more than 1.95 acres of the town's land described as parcel 1,2 and 3 on that plan of land entitled "Plan of Land Parcels in Kingston Massachusetts to be Exchanged between the Town of Kingston and the Massachusetts Department of Highways," dated August 6, 2007. The deed or release shall also include such easements in parcels 1, 2, 3 and 5 as the

department requires in connection with the construction and operation of the ramp. (b) The department, in accordance with Section 7A of chapter 81 of the General Laws, on behalf of the town of Kingston, shall alter Cranberry road to create its extension as approved by the planning board of the town of Kingston as a roadway to the ramp. The extension shall be located within parcels 2 and 5 as shown on the plan. (c) The extension of Cranberry road shall be designed and constructed in accordance with the design standards adopted under the town of Kingston smart growth zoning by-law and approved by the planning board of the town of Kingston.

SECTION 4. The board of selectmen of the town of Kingston shall apply for the permits and approvals required from the department of environmental protection to use the lands described in section 3 for the purposes provided in sections 1 and 3.

SECTION 5. Notwithstanding any general or special law to the contrary, upon completion of the ramp in accordance with the approvals issued by the department, the department shall notify the town of the completion and shall take control of and operate the ramp as part of the department's highway system.

SECTION 6. The plan referred to in Section 3 shall be kept on file with the chief engineer of the department and the town administrator of the town of Kingston.

SECTION 7. This act shall take effect upon its passage.

YES 270; NO - 64

THE MOTION WAS CARRIED.

Andrew W. Davis moved to reconsider Article 1.

THE MOTION WAS NOT CARRIED.

ARTICLE 2. On the motion of Paul M. Gallagher, VOTED that the Town establish a Stabilization Fund, for the purposes of satisfying expenses subsequent to the issuance of occupancy permits in the 40R District, and that the sum of \$600,000.00 be appropriated from funds received from the Commonwealth of Massachusetts as the Town's Incentive Payment under G.L. chapter 40R and deposited into the Stabilization Fund designated for the Smart Growth Zoning District, in accordance with the provisions of M.G.L. chapter 40, section 5B, and further that no appropriation may be made from said Stabilization Fund until FY 2011.

FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.

ON VOICE VOTE, THE MODERATOR DECLARED THE MOTION WAS CARRIED AND MET THE 2/3 REQUIREMENT.

Cynthia A. Fitzgerald questioned the quorum. After a count of the house, the tellers reported that there were 242 voters present.

ARTICLE 3. On the motion of Joseph D. Kelleher, VOTED that the Town appropriate the sum of \$325,079.00 to be expended in anticipation of reimbursement authorized for the State's share of the cost of work to be done under Chapter 90 of the General Laws.

FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.

ARTICLE 4. On the motion of Mathew H. Hamilton, VOTED UNANIMOUSLY to amend the vote taken under Article 12 of the April 11, 2007, session of the Annual Town Meeting by striking the words "Brush Fire Truck Fire Department \$15,000" under the Capital Plan and substituting the words "Emergency Repairs to Ladder 1 Fire Department \$13,000 and Brush Truck Fire Department \$2,000"; and that all expenditures shall be under the respective department.

CAPITAL PLANNING COMMITTEE RECOMMENDED FAVORABLE ACTION.

FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.

ARTICLE 5. Sandra D. MacFarlane moved to amend the Zoning By-Laws in Section 4.4. Residential-20 District (R20) by adding a new Section 4.4.4.10. to read as follows:

4.4.4.10. Conversion or re-use by a purchaser from the Town of a building formerly built, owned and/or used as a municipal building, to or for one or more of the following uses: Office, Executive or Administrative; Artist Studio and/or Gallery.

PLANNING BOARD RECOMMENDED FAVORABLE ACTION.

Discussion followed.

A. Daniel Sapir moved the question. His motion was ruled out of order by the Moderator.

Discussion continued.

A vote was taken on the motion of Ms. MacFarlane.

YES 16; NO - 195

THE MOTION DID NOT CARRY SINCE IT DID NOT MEET THE 2/3 REQUIREMENT.

ARTICLE 6. On the motion of John S. LaBrache, VOTED UNANIMOUSLY that the Town rescind the un-issued debt of the Town authorized by the vote under Article 6 of the October 7, 2002 Special Town Meeting in the amount of \$400,000.00 for the purpose of painting Water Tanks, Article 3 of the June 20, 2000 Special Town Meeting in the amount of \$122,000.00 for the purpose of Water Storage Facility, and Article 1 of the May 1, 1999 Special Town Meeting in the amount of \$191,000.00 for the closure of the Town Landfill.

ARTICLE 7. On the motion of Judythe J. Lewis, VOTED that the Town amend the General By-Laws, Chapter 3 entitled FINANCE COMMITTEE AND BUDGET PROCESS, Article 1. Finance Committee, in Section 3-1-1. Composition by striking the first sentence as follows: "There shall be nine members constituting the Finance Committee." and substituting the following new sentence: "There shall be seven members constituting the Finance Committee."

ARTICLE 8. On the motion of Elaine A. Fiore, VOTED UNANIMOUSLY that the Town amend the vote passed April 11, 2007 under Article 7 of the warrant for the 2007 Annual Town Meeting, which vote appropriated and authorized a borrowing of \$450,000 for the purpose of financing the design, engineering and construction of extensions to the Town sewer system within

the area of the approved Facilities Plan, and as amended by the Sewer Commission, said Plan on file in the Office of the Town Clerk, to provide that all of such \$450,000 appropriation shall be met by a transfer of sewer betterment funds rather than by borrowing.

FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.

ARTICLE 9. To see if the Town will vote to accept as a public way the portions of Hillcrest Road, as heretofore laid out by the Board of Selectmen and shown on a plan entitled "Plan of Hillcrest Road in Kingston, Mass.", dated December 8, 1961, prepared by Delano & Keith Surveyors, a copy of which is on file with the Town Clerk, and further to authorize the Board of Selectmen to acquire, on behalf of the Town, by purchase, gift, or eminent domain, easements to use said portions for all purposes for which public ways are used in the Town of Kingston, and all associated drainage and other easements, or to take any other action relative thereto.

THERE WAS NO MOTION MADE UNDER THIS ARTICLE.

On the motion of Paul M. Gallagher, VOTED to adjourn without day.

There were 95 voters from Precinct 1, 147 voters from Precinct 2, 66 voters from Precinct 3, and 60 voters from Precinct 4, for a total of 368 voters.

Adjournment was at 8:19 p.m.

Respectfully submitted,

Mary Lou Murzyn, MMC/CMMC
Town Clerk

SUMMARY OF SPECIAL TOWN MEETING:

Article Number	Summary	Vote
1	Legislation for Exchange of Certain Parcels of Land (Construction of Highway Ramp)	VOTED
2	Establish Smart Growth Stabilization Fund	600,000.00
3	Chapter 90	325,079.00
4	Amend Capital Plan - Article 12 of 2007 Annual Town Meeting	VOTED
5	Amend Zoning By-Laws by adding a new Section 4.4.4.10.	DEFEATED
6	Rescind Un-Issued Debt (\$713,000.00)	VOTED
7	Amend General By-Laws Section 3-1-1. (Reduce Membership of Finance Committee)	VOTED
8	Appropriate and Amend Funding Source under Article 7 of 2007 Annual Town Meeting from Borrowing to Transfer	450,000.00
9	Street Acceptance - Portions of Hillcrest Road	NO MOTION