

**ANNUAL TOWN MEETING  
APRIL 2, 2011**

The Annual Town Meeting was called to order by the Moderator, Janet M. Wallace, at 9:10 a.m., at the Kingston Intermediate School, 65 Second Brook Street, Kingston, Massachusetts. The Moderator welcomed those present and announced there was a quorum of 102 voters present. She declared that the warrant had been properly posted.

The vote checkers were: Priscilla W. Brackett, Christine M. Chipman, Hannah M. Creed, Lynn M. Flood, Roberta G. Reed, Patricia E. Scanlon, Diane T. Scully and Maureen E. Twohig. The doorkeepers were Nancy B. Delaney, Donna M. Farrington and Janet H. Holmes.

The sworn tellers were Paul L. Armstrong, Paul F. Basler and Lynne Welsh. Town Clerk Mary Lou Murzyn was sworn in as Deputy Moderator for Article 57.

Scout Leader Richard S. Eldridge presented and posted the Colors. Ms. Wallace then recognized Michael P. Murzyn to lead the Town Meeting body in reciting the Pledge of Allegiance.

Sergeant Michael P. Murzyn is a Kingston resident and a member of the Massachusetts National Guard with 12 years of service. He is a 1999 graduate of Silver Lake High School.

Upon graduation from the Lake, Michael completed basic training and advanced individual training at Fort Jackson, South Carolina. He was originally assigned to the 379<sup>th</sup> Engineering Company (CSE) in Bourne.

In January 2003, the 379<sup>th</sup> Engineering Company Guard unit was activated. Michael was deployed to Kuwait in support of Operation Enduring Freedom and Operation Iraqi Freedom. Upon his return stateside in October 2003, he was awarded a Meritorious Achievement Medal for initiative and technical ability and two Global War on Terrorism Medals.

In 2010, Michael volunteered for a second deployment - this time with the 1060<sup>th</sup> Transportation Company based in Framingham. Stationed in Kuwait, this unit's mission was in support of Operation Iraqi Freedom/New Dawn and included operational convoys into Iraq for the purpose of removing military equipment.

Michael and the 1060<sup>th</sup> Transportation Company returned home to Massachusetts this past Christmas Eve. Michael was warmly thanked with a round of applause for his service to our country and for leading us in the Pledge.

The Moderator asked for a moment of silence in memory of all Kingston residents and the following former Town officials or employees who passed away in 2010:

Yvonne M. Borsari  
Helen K. Gavin  
David J. Hanson  
Elsie L. Merry  
Roy L. McLean (2009)

Ms. Wallace recognized County Treasurer Thomas J. O'Brien and Superintendent of Schools John J. Tuffy, both in attendance for today's meeting. Next, Linda M. Felix, Director of the Council of Aging, addressed the Town Meeting body. She recognized and thanked the Senior Center Building Committee for the beautiful new center and described the activities and luncheons available. Ms. Felix invited everyone to come and visit.

Representative Thomas J. Calter, III, was called upon and gave a state of the state address. Representative Calter began by thanking the Finance Committee and Board of Selectmen for the jobs they do. He stated that FY12 would be the toughest yet, since there were no additional revenues available to ease the budget. Currently, there is a \$1.8 billion dollar structural deficit and cuts are the only way to balance the budget. He was encouraged that the state is \$1 billion dollars ahead in anticipated revenues; the unemployment rate has dropped to 8.2%; and we are doing better than most states in the country with an AA bond rating. Representative Calter was comfortable in saying that better days were coming.

Ms. Wallace then explained the rules of this meeting as contained in *Town Meeting Time* and waived the reading of the warrant.

Sandra D. MacFarlane moved that the following non-residents and non-registered residents be allowed to enter and address the Town Meeting:

Jason R. Talerman, Town Counsel  
Jill R. Myers, Town Administrator  
Joan Paquette, Town Accountant  
John J. Tuffy, Superintendent of Schools  
Robert T. Heath, Fire Chief  
Thomas Bott, Town Planner  
Norman P. Tucker, Jones River Village  
Historical Society

And further:

That at the recommendation of the Finance Committee and concurrence of the Board of Selectmen the following Articles shall be postponed: Articles 2, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 22, 40, 41, 45, 46 and 58 and that all articles not postponed shall be presented in the order in which they appear on the warrant and provided further, that all postponed articles shall be heard in their order following the conclusion of other business of this Town Meeting or at an adjourned session thereof, tentatively scheduled for June 6, 2011.

Fred D. Svenson, Jr. moved to amend the opening motion to remove Article 46 from being postponed to the June 6<sup>th</sup> continued Town Meeting.

FINANCE COMMITTEE RECOMMENDED  
UNFAVORABLE ACTION ON MOTION.

THE MOTION WAS CARRIED.

On the motion of Sandra D. MacFarlane, as amended, VOTED that the following non-residents and non-registered residents be allowed to enter and address the Town Meeting:

Jason R. Talerman, Town Counsel  
 Jill R. Myers, Town Administrator  
 Joan Paquette, Town Accountant  
 John J. Tuffy, Superintendent of Schools  
 Robert T. Heath, Fire Chief  
 Thomas Bott, Town Planner  
 Norman P. Tucker, Jones River Village  
 Historical Society

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ARTICLE 1. On the motion of Sandra D. MacFarlane, VOTED UNANIMOUSLY that the Town accept the reports of the various Town Officers, Boards and Committees as printed in the Annual Town Report.

ARTICLE 3. (FY2011) On the motion of Dennis N. Randall, VOTED UNANIMOUSLY that the Town appropriate the sum of \$490,551.61 to supplement the appropriations to FY11 Operating Budgets, and to meet this appropriation the following sums be transferred from unexpended appropriations:

FROM: ACCOUNT NAME	ACCOUNT #	AMOUNT
Selectmen Encumbrance	01122-57950	10,274.03
Legal Encumbrance	01151-57950	11,575.24
Care of Muni-Encumbrance	01192-57950	13,587.07
Highway Encumbrance	01422-57950	1,193.88
COA Encumbrance	01541-57950	1,094.65
Employee Benefits Encumbrance	01910-57950	21,883.83
Tax Title	01158-52312	2,000.00
Art. 10 ATM 4/5/10 K-9 Car Ins. Proc.	01210-78064	632.41
Solid Waste Rubbish Removal	01433-52296	<u>15,000.00</u>
Sub-Total:		\$ 77,241.11
Account Transfers		77,241.11
Free Cash		<u>413,310.50</u>
Total:		\$490,551.61

and to authorize the Town Accountant to allocate such sums to the operating budgets as follows:

TO: ACCOUNT NAME	ACCOUNT #	AMOUNT
Treasurer Certification Stipend	01145-51138	120,00
Town Clerk W & P	01161-51112	2,079.00
Town Clerk Sick Buy-Back	01161-51151	2,226.88
Police-Overtime	01210-51131	39,905.44
Police Dispatcher Overtime	01210-51135	32,360.60

Fire Overtime	01220-51131	34,972.28
	01423-	
Snow & Ice as of 3/2/11	51131/58872	303,887.41
Veterans Benefits	01543-57772	<u>75,000.00</u>
		\$490,551.61

FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.  
(UNANIMOUS VOTE)

ARTICLE 4. (FY2011) On the motion of Joseph F. Casna, Jr., VOTED UNANIMOUSLY that the Town transfer and appropriate the sum of \$5,000 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.

FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.  
(UNANIMOUS VOTE)

ARTICLE 5. (FY2011) On the motion of John S. LaBrache, VOTED UNANIMOUSLY that the sum of \$2,800.00 be appropriated from the Elizabeth B. Sampson Memorial Fund for expenditure in FY2011 for the Memorial Day Parade and that the expenditure shall be under the supervision of the Board of Selectmen.

FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.  
(UNANIMOUS VOTE)

Ms. Wallace indicated that Articles 6 and 7 both addressed the Renewable Energy Enterprise Fund and she would allow latitude in debate between both articles. Article 6 would then be taken up for a vote and Article 7 would follow.

On the motion of John P. Creed, VOTED to waive the reading of the entire motion on the floor.

ARTICLE 6. Mark S. Beaton moved Article 6 as printed and published in the Town Meeting handout as follows:

That the Town 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 opportunities 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"). Following payment of all amounts due under third party power purchase agreements established pursuant to the general authorizations of this Act, twenty-five (25%) percent of the remaining Renewable Energy Receipts shall be reserved 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 opportunities and/or grant fund established under Section 5a of this Act. The remaining seventy five percent (75%) of the Renewable Energy Receipts shall be deposited 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 opportunities/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 opportunities for loans and a grant fund from which citizens may apply for 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 opportunities 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 Opportunities 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 Opportunities 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 grant(s) from the fund including but not limited to grants for interest and processing fees which may be associated with renewable energy loans issued by various third party lenders and governing the operations and administration of the Committee. (BY PETITION)

FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.  
(3-2 VOTE)

There was considerable discussion.

Paul M. Gallagher raised a point of order and questioned if Article 6 is voted, would there be an opportunity to reconsider it, and what then happens to Article 7? The Moderator explained that the Town Meeting body can vote both articles and then there would be conflicting articles.

Paul M. Gallagher then moved to amend in Section 5., the second paragraph, by adding after the words "year to year" the following language: "provided however that the 25% of funds to be reserved, as aforesaid, shall not exceed \$100,000 per year; nor shall the total amount of said fund exceed \$500,000 at the end of any fiscal year. Any funds in excess of such amounts shall be deposited in the General Fund."

Discussion continued.

Peter J. Boncek moved the amendment.

THE AMENDMENT WAS CARRIED.

A vote was taken on the amendment of Mr. Gallagher, including a friendly amendment to change in Section 5a. the

reference to "Capital Committee" to "Capital Planning Committee".

THE AMENDMENT WAS CARRIED.

There was further discussion on the article.

Cynthia A. Fitzgerald moved the question.

THE MOTION WAS CARRIED UNANIMOUSLY.

On the motion of Mark S. Beaton, as amended, VOTED that the Town 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 opportunities 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"). Following payment

of all amounts due under third party power purchase agreements established pursuant to the general authorizations of this Act, twenty-five (25%) percent of the remaining Renewable Energy Receipts shall be reserved 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 opportunities and/or grant fund established under Section 5a of this Act. The remaining seventy five percent (75%) of the Renewable Energy Receipts shall be deposited 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, provided however that the 25% of funds to be reserved, as aforesaid, shall not exceed \$100,000 per year; nor shall the total amount of said fund exceed \$500,000 at the end of any fiscal year. Any funds in excess of such amounts shall be deposited in the General Fund. 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 opportunities/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 opportunities for loans and a grant fund from which citizens may apply for 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 opportunities 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 Planning 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 Opportunities 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 Opportunities 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 grant(s) from the fund including but not limited to grants for interest and processing fees which may be associated with renewable energy loans issued by various third party lenders and governing the operations and administration of the Committee. (BY PETITION)

YES - 111; NO - 63

ARTICLE 7. Elaine A. Fiore moved Article 7 as printed and published in the Town Meeting handout as follows:

That the Town 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 as shown on a Plan entitled

"Transfer Station Reconfiguration Plan", dated March 25, 2011, as may be amended, 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. (BY PETITION)

FINANCE COMMITTEE RECOMMENDED UNFAVORABLE ACTION.

Discussion followed.

Cynthia A. Fitzgerald moved the question.

THE MOTION WAS CARRIED.

John P. Creed was sworn in as a teller for this article replacing Mr. Basler.

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

YES - 58; NO - 106

THE MOTION WAS NOT CARRIED.

Mark S. Beaton moved to reconsider Article 6.

THE MOTION WAS NOT CARRIED.

Pine duBois moved to reconsider Article 7.

THE MOTION WAS NOT CARRIED.

At 11:50 a.m., the Moderator called for a brief recess. The meeting resumed at 12:01 p.m.

ARTICLE 20. (FY2012) On the motion of Kenneth G. Moalli, VOTED UNANIMOUSLY that the sum of \$175,000 be appropriated for the purpose of construction and reconstruction of catch basins and drainage improvements, including all costs incidental or related thereto, at Gray's Beach Park and to meet this appropriation \$175,000 shall be transferred from the unexpended proceeds of the Town's Municipal Purpose Loan of 1999 Bonds dated November 15, 1999 (which unexpended proceeds relate to such bonds authorized by the May 3, 1997, vote of the Town under Article 18); and that the Recreation Commission be authorized to expend funds and take any other action necessary to carry out this project; provided, however that vote taken under this article shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by G.L. c59, Sec 21C (Proposition 2½) amount required to pay the principal of and interest on the portion of the Town's Municipal Purpose Loan of 1999 Bonds dated November 15, 1999, the unexpended proceeds of which are being transferred under this vote to the project.

FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.

(5-1 VOTE)

ON VOICE VOTE, THE MODERATOR DECLARED THE MOTION WAS CARRIED UNANIMOUSLY.

ARTICLE 21. (FY2011) On the motion of Maureen A. Thomas, VOTED UNANIMOUSLY that the sum of \$25,000 be transferred from the FY2011 Solid Waste Rubbish Removal Account 01433-52296 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).

FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.

Peter J. Boncek moved to reconsider the opening motion to bring forward Article 62.

THE MOTION WAS NOT CARRIED.

ARTICLE 23. Joseph F. Casna, Jr. moved Article 23 as printed and published in the Town Meeting handout as follows:

To amend the Town of Kingston General By-Laws, Chapter 4, Town Officers, Boards and Committees, Article 9., Permanent Building Committee, by deleting Section 4-9-2. in its entirety and replacing it as follows, so that the amended By-Law reads as printed in the warrant:

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 further, by adding to Article 9. 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.

FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.  
(UNANIMOUS VOTE)

Discussion ensued.

John P. Creed moved the question.

THE MOTION WAS CARRIED.

On the motion of Joseph F. Casna, Jr., VOTED UNANIMOUSLY that the Town amend the Town of Kingston General By-Laws, Chapter 4, Town Officers, Boards and Committees, Article 9., Permanent Building Committee, by deleting Section 4-9-2. in its entirety and replacing it as follows, so that the amended By-Law reads as printed in the warrant:

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.

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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.

ARTICLE 24. (FY2012) On the motion of John S. LaBrache, VOTED UNANIMOUSLY that the sum of \$21,540.00 be appropriated for Sampson Fund expenditures for FY 2012 and to meet this appropriation the sum of \$18,287.09 be appropriated from the Elizabeth B. Sampson Memorial Fund and further that the unexpended balances of prior years appropriations from the Sampson Fund, totaling \$3,252.91 be transferred from the following accounts for Fiscal Year 2011:

Article 9, 2009 ATM	\$ 5.57
Article 6, 2010 ATM	<u>\$3,247.34</u>
	\$3,252.91

And, further, that the expenditures be under the supervision of the departments or organizations as follows:

<b>Dept./Organization</b>	<b>Purpose</b>	<b>Amount</b>
Town Clerk	CART	\$1,000
Recreation	Family Movie Night	1,000
Recreation	Joy of Music	466
Luminary	Luminary Expense	3,000
Garden Club	Downtown Beautification	1,750
Police Dept.	National Night Out	3,100
KES/KIS	Destination Imagination	3,000
JRVHS	Exhibition Case	1,000
Library	Early Readers Program	1,600
Police Dept.	Rape Aggression Defense Class	1,884
Police Dept.	Helmet Microphones Special	1,240
Police Dept.	Operations Group	2,500
	K-9 Narcotics Training	

FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.

ARTICLE 25. On the motion of Dennis N. Randall, VOTED UNANIMOUSLY to rescind the Senior Center Stabilization Fund.

FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.

ARTICLE 26. On the motion of John S. LaBrache, VOTED 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.

FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.

ARTICLE 27. On the motion of John S. LaBrache, VOTED UNANIMOUSLY 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.

FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.

ARTICLE 28. (FY 2012) On the motion of Joseph F. Casna, Jr., VOTED UNANIMOUSLY that the Town appropriate \$425,220 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.

FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.  
(UNANIMOUS VOTE)

ARTICLE 29. (FY2012) On the motion of Richard J. Arruda, VOTED UNANIMOUSLY that the Town (a) re-establish a revolving fund for the operation of recreation programs; (b) re-establish a revolving fund for the maintenance of shellfish beds, and (c) re-establish a revolving fund for the operation of the inspectors in the Building Department as provided in General Laws, chapter 44, section 53E ½, all as detailed as printed in the Warrant for the Annual Town Meeting, as follows:

(A) 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; and further

(B) 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;



ARTICLE 31. (FY2012) On the motion of Kenneth G. Moalli, VOTED UNANIMOUSLY that the Town reserve from Fiscal Year 2012 Community Preservation Fund estimated annual revenue amounts as follows:

Reserve:

Open Space	\$71,000
Historic Resources	\$71,000
Community Housing	<u>\$71,000</u>
Total Reserves	\$213,000

FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.

ARTICLE 32. (FY2012) On the motion of Kenneth G. Moalli, VOTED UNANIMOUSLY that the sum of \$22,000 be appropriated from the Community Preservation Fund, from the Fund Balance reserved for Historic Preservation, for the second phase of the previously authorized historic preservation for the Major John Bradford House consistent with existing restrictions on the Property and under the guidance and supervision of the Jones River Village Historical Society.

FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.

ARTICLE 33. (FY2012) On the motion of Kenneth G. Moalli, VOTED UNANIMOUSLY that the sum of \$50,000 be appropriated from the Community Preservation Fund, from the undesignated fund balance, for the cost of engineering and surveying for potential recreational activities on the Hall Property, consistent with existing restrictions on the Property, said engineering and surveying to be done under the guidance and supervision of the Kingston Recreation Commission.

FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.

(4-1 VOTE)

ARTICLE 34. (FY2012) On the motion of Kenneth G. Moalli, VOTED UNANIMOUSLY that the sum of \$31,500 be appropriated from the Community Preservation Fund, from the Fund Balance reserved for Historic Preservation for the historic preservation of the Surprise Hose House to be conducted under the guidance and supervision of the Board of Selectmen; and further that such appropriation is contingent upon a requirement that the Selectmen accept and/or grant a historic preservation restriction over the property meeting the requirements of G.L. c. 184 and G.L. c. 44B.

FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.

ARTICLE 35. (FY2012) Kenneth G. Moalli moved that the sum of \$42,250 be appropriated from the Community Preservation Fund, from the Undesignated Fund Balance for the historic preservation of the Holmes/Watson Boatyard, consistent with the existing restrictions on the Property and under the guidance and supervision of the Jones River Landing Environmental Heritage Center.

FINANCE COMMITTEE RECOMMENDED UNFAVORABLE ACTION.

Discussion followed.

Paul R. Ricci moved the question.

THE MOTION WAS CARRIED.

On the motion of Kenneth G. Moalli, VOTED that the sum of \$42,250 be appropriated from the Community Preservation Fund, from the Undesignated Fund Balance for the historic preservation of the Holmes/Watson Boatyard, consistent with the existing restrictions on the Property and under the guidance and supervision of the Jones River Landing Environmental Heritage Center.

YES - 72; NO - 41

On the motion of Paul M. Gallagher, VOTED to adjourn this meeting to Monday, April 4, 2011, at 7:00 p.m., at the Kingston Intermediate School, 65 Second Brook Street.

YES - 80; NO - 45

There were 53 voters from Precinct 1, 68 voters from Precinct 2, 41 voters from Precinct 3 and 53 voters from Precinct 4, for a total of 215 voters.

Adjournment was at 1:36 p.m.

Respectfully submitted,

Mary Lou Murzyn, MMC/CMMC  
Town Clerk