

**ANNUAL TOWN MEETING
APRIL 25, 2007**

The adjourned Annual Town Meeting was called to order by the Moderator, Frances E. Botelho-Hoeg, at 7:15 p.m., at the Kingston Intermediate School, 65 Second Brook Street, Kingston, Massachusetts. She welcomed those present and led the Town Meeting in reciting the Pledge of Allegiance.

The Moderator advised that a quorum was present.

The vote checkers were: Hannah M. Creed, Nancy B. Delaney, Mary M. Leone, Diane M. Poirier, Diane T. Scully and Maureen E. Twohig. The doorkeepers were Priscilla W. Brackett and Harry E. Monks, Jr.

The sworn tellers were Paul L. Armstrong, Paul F. Basler, George A. Cappola, George D. Cravenho and Ronald A. Gleason.

On the motion of Joseph D. Kelleher, VOTED that the following non-resident and non-registered voter be allowed to enter and address the Town Meeting:

Mary DeGon

Mark S. Beaton moved to reconsider Article 12.

YES - 50; NO - 38

THE MOTION WAS CARRIED.

ARTICLE 12.

Mr. Beaton moved to amend by replacing the \$38,000 truck with 4 w/d and plow for the Street, Trees & Park Department with a \$20,000 truck and by reducing the total sum to be appropriated from \$124,000 to \$106,000.

Discussion followed.

A vote was taken on the motion of Mr. Beaton.

YES - 16; NO - 82

THE MOTION WAS NOT CARRIED.

On the motion of Mathew H. Hamilton, VOTED that the sum of \$124,000 be appropriated for the purposes of making capital improvements for several departments and to meet this appropriation that the sum of \$124,000 be transferred from the Stabilization Fund for the following capital equipment and project for the various Town Departments; and that all expenditures shall be under the respective departments:

<u>Item</u>	<u>Department</u>	<u>Cost</u>
Roof Replacement	Police Department	\$ 40,000
Marked Patrol Car (1)	Police Department	31,000
Truck with 4 w/d & Plow	Street, Trees & Parks	38,000
Brush Fire Truck	Fire Department	15,000
		<u>\$ 124,000</u>

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

ARTICLE 26. On the motion of Paul M. Gallagher, VOTED that the Town accept the provisions of M.G.L. c. 39, § 23D, for the Board of Selectmen, Conservation Commission, Board of Health, Zoning Board of Appeals and Planning Board, which provides that a member of a board, or committee or commission holding an adjudicatory hearing shall not be disqualified from voting in the manner solely due to the member's absence from one session of such hearing, provided that certain conditions are met; and provided further that such acceptance shall be applicable to all adjudicatory hearings opened on or after the effective date of the vote taken hereunder.

ARTICLE 27. Judythe J. Lewis moved that the Town amend the General By-Laws Chapter 2, Article 2. entitled Procedure at Town Meeting Section 2-2-1. Vote Admittance by deleting the last two sentences of that section so that it will provide as follows: "Section 2-2-1. Vote Admittance The check list shall be used in admitting voters to a town meeting, except that non-voters may be admitted to a defined and separate portion thereof, and non-voters may address the meeting if the meeting so votes."

John S. LaBrache moved to amend by restating the third sentence of that section and replacing 150 with 100.

Discussion followed.

Mark S. Beaton moved to further amend Mr. LaBrache's amendment so that Section 2-2-1. Vote Admittance shall read as follows:

2-2-1. Vote Admittance The check list shall be used in admitting voters to a town meeting, except that non-voters may be admitted to a defined and separate portion thereof, and non-voters may address the meeting if the meeting so votes. Not less than 100 voters shall be required as a quorum to pass upon appropriations, to act on the transfer of monies between accounts and on transfers from available funds in the treasury, to act on all zoning matters, and to increase the bonded indebtedness of the Town.

A vote was taken on the motion of Mr. Beaton.

THE MOTION WAS CARRIED.

On the motion of Judythe J. Lewis, as amended, VOTED that the Town amend the General By-Laws Chapter 2, Article 2. entitled Procedure at Town Meeting Section 2-2-1. Vote Admittance as follows:

2-2-1. Vote Admittance The check list shall be used in admitting voters to a town meeting, except that non-voters may be admitted to a defined and separate portion thereof, and non-voters may address the meeting if the meeting so votes. Not less than 100 voters shall be required as a quorum to pass upon appropriations, to act on the transfer of monies between accounts and on transfers from available funds in the treasury, to act on all zoning matters, and to increase the bonded indebtedness of the Town.

ARTICLE 28. To see if the Town will vote to amend the General By-Laws Chapter 2, Article 2 entitled Procedure at Town Meeting Section 2-2-2. Order of Business by deleting this section in its entirety and replacing it with a new section as follows: "Section 2-2-2. Order of Business Article 1 of the Annual Town Meeting warrant shall provide for the hearing of and acting upon the reports of the Town and Article 2 of the

Annual Town Meeting warrant shall be to provide for the defraying of Town charges for the upcoming fiscal year; thereafter all other articles, and all articles at a Special Town Meeting, will be acted upon in the order determined by a lottery conducted by the Town Moderator. The Town Meeting may take articles other than Articles 1 or 2 of the Annual Town Meeting warrant, out of order by a 2/3rds vote or a determination by the Moderator in the best interests of the Town."

THERE WAS NO MOTION MADE UNDER THIS ARTICLE.

ARTICLE 29. On the motion of Joseph F. Casna, Jr., VOTED that the Town authorize the Board of Selectmen, in consultation with the Board of Health, to enter into an Intermunicipal Agreement with one or more other governmental units to provide public health services which the Board of Health is authorized to perform, in accordance with the provisions of M.G.L. chapter 40, section 4A.

ARTICLE 30. On the motion of John S. LaBrache, VOTED that the Town rescind the un-issued debt of the Town authorized by the vote under Article 12 of the April 2, 2005 Annual Town Meeting in the amount of \$ 329.00, for the purpose of fire equipment.

ARTICLE 31. Mark S. Beaton moved that the Town authorize the Board of Selectmen to sell and convey the parcel, located at 6 Maple Avenue, as shown on the Assessors' Map 45, Lot 62, containing .38 acres, more or less, and known as the Maple Avenue School, on such terms and conditions as the Board of Selectmen shall determine appropriate.

CAPITAL PLANNING COMMITTEE RECOMMENDED UNFAVORABLE ACTION.

HISTORICAL COMMISSION RECOMMENDED UNFAVORABLE ACTION.

FINANCE COMMITTEE RECOMMENDED UNFAVORABLE ACTION.

THE MOTION WAS NOT CARRIED.

ARTICLE 32. On the motion of Mark S. Beaton, VOTED that the Town authorize the Board of Selectmen to sell and convey a parcel of land, located at 23 Green Street, as shown on the Assessors' Map 46, Lot 6, containing 15,400 square feet, more or less, and as shown on a Plan of Land prepared by South Shore Survey Consultants, Inc., 167-R Summer Street, Kingston, Massachusetts, dated March 2, 2007, and known as the Old Town House, on such terms and conditions as the Board of Selectmen shall determine appropriate.

ARTICLE 33. Jean M. Landis-Naumann moved that the Town amend the General By-Laws Chapter 12, Article 2. entitled **Prohibited Earth Removal** by inserting after the words "Article 4 (a)" in the last sentence the following: "and Article 4 (b);" and further to amend Chapter 12, Article 4. entitled **Exemptions** by deleting from Article 4 (b) the words "1,000 cubic yards" and inserting in place thereof the following words "5,000 cubic yards".

Robert R. Kostka moved to table action on this article.

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

ARTICLE 34. To see if the Town will vote to amend the General By-Laws Chapter 4, Article 7. entitled **Wage and Personnel**

Board, Section 4-7-1. Composition and Term of Office by deleting the text of this section in its entirety and inserting in place thereof the following: "The duties of the Wage and Personnel Board shall be vested in the Board of Selectmen; and the term of any appointed member of the Wage and Personnel Board serving as of the effective date of this By-Law shall cease and the position be abolished." Or take any other action relative thereto.

THERE WAS NO MOTION MADE UNDER THIS ARTICLE.

ARTICLE 35. To see if the Town will vote to amend the General By-Laws, Chapter 4, Article 10. entitled **Council on Aging** by deleting Section 4-10-2. Purpose in its entirety, and by inserting in place thereof the following:

4-10-2. Purpose Said Council shall be established for the purpose of approving all programs and activities designed to meet the problems of the aging in coordination with programs of the department of elder affairs established under section 16 of Chapter 6A of the General Laws.

And further, by inserting the following new sections:

4-10-3. The Council shall assist the Director of the Council on Aging in setting a budget for each fiscal year.

4-10-4. The Council shall be responsible for all employees, except the Director of the Council on Aging who is responsible to the Town Administrator. The Town Administrator, based on written recommendations from the Council, will review the Director's performance on an annual basis.

Or take any other action relative thereto.

THERE WAS NO MOTION MADE UNDER THIS ARTICLE.

ARTICLE 36. Ronald L. C. Maribett 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.

Said legislation to read as follows:

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 the provisions of section 1B (a) and section 87 of chapter 164 of the General Laws, and G.L. c. 40, § 4A, or of any other general or special law to the contrary, the Town of Kingston is hereby authorized to sell or contract electricity generated from wind turbines under the care and control of the Town of Kingston in accordance with the provisions of chapter 30B.

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

Laurie G. Cleveland moved to table action on this article.

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

ARTICLE 38. To see if the Town will vote to authorize the Board of Selectmen to lease a portion of the land as shown on Assessors' Map 66, Lot 50 and Map 75, Lot 11 for the construction and operation of a wind turbine, on such terms and conditions as the Board of Selectmen deem appropriate, provided that such lease shall be for a term not to exceed twenty years; and provided further to instruct the Board of Selectmen, if necessary, to petition the General Court for enactment of special legislation to exempt any such lease from the provisions of G.L. Chapter 30B, or take any other action relative thereto.

THERE WAS NO MOTION MADE UNDER THIS ARTICLE.

ARTICLE 39. To see if the Town will vote to raise and appropriate or transfer from available funds in the treasury a sum of money for the Kingston Secure Energy Futures Committee to engage the services of a consultant for the purposes of securing a financial wind feasibility study, or take any other action relative thereto.

THERE WAS NO MOTION MADE UNDER THIS ARTICLE.

ARTICLE 40. Susan M. Farrell moved that the Town amend the Zoning Map of the Town of Kingston by changing the classification of use of a certain parcel of land from a Residential-20 District (R20) to 3A Design District (3ADD). Said parcel being located at 151 Main Street and shown on the Kingston Assessor's Map 57 as Lot 25. (By Petition)

Discussion followed.

PLANNING BOARD RECOMMENDED FAVORABLE ACTION.

BOARD OF SELECTMEN RECOMMENDED UNFAVORABLE ACTION.

YES - 58; NO - 46

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

ARTICLE 41. On the motion of Russell Meiggs, VOTED UNANIMOUSLY that the Town amend the Zoning By-Laws, Chapter 5.0. Intensity of Use Regulations, in Section 5.5.1.18. under Section 5.5. entitled "Mobile Home Parks", by deleting in the third sentence the referenced maximum dimensions "eight (8) feet" by "twelve (12) feet" and replacing with "eight (8) feet" by "twenty (20) feet". (By Petition)

PLANNING BOARD RECOMMENDED FAVORABLE ACTION.

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

ARTICLE 42. To see if the Town will vote to authorize the Honorable Board of Selectmen to convene a Special Town Meeting no later than 120 days nor less than 60 days subsequent to the close of this Spring Annual Meeting. Said Special Town Meeting to be expressly convened, and limited to, the purpose of discussing and voting upon any and all articles that come timely and correctly before said Special Town Meeting

pertaining to, relating to or in any applicable manner to Massachusetts General Laws, Chapter 40R and any and all other rules, regulations or directives relating to Chapter 40R, or take any other action relative thereto. (Petition)

THERE WAS NO MOTION MADE UNDER THIS ARTICLE.

ARTICLE 43. Judythe J. Lewis moved that the Town amend the amount of the surcharge imposed on real property under the Community Preservation Act, M.G.L. c. 44B et seq., which Act was accepted by the October 20, 2004 Special Town Meeting and by the voters of the Town at the April 23, 2005 Annual Town Election, by reducing the surcharge on the real estate tax levy on real property from 3% to 2%; provided further, that in accordance with the Community Preservation Act, the amendment to the surcharge will not take effect until approval by the voters at the 2008 Annual Town Election.

THE MOTION WAS NOT CARRIED.

ARTICLE 44. On the motion of Joseph J. Rebello, VOTED that the Town amend the General By-Laws, Chapter 6 entitled **Public Peace and Safety** Article 5. **Numbering of Buildings** by adding a new subsection to read as follows:

6-5-5. Identification of Service Entrances

In all commercial buildings, every business or tenant service entrance exterior doorway or emergency exit used as an access doorway shall be clearly identified. Identification shall include the name of the business or tenant and the words "Service Entrance". The exterior doors shall be clearly marked in block style letters at least three (3) inches in height. Letters shall be of a color that contrasts with the color of the door.

ARTICLE 45. To see if the Town will vote to amend the Residential-40 (R-40) portion of the Town of Kingston Zoning By-Laws by changing Section 4.3.2.1.a. by inserting a new subsection 4.3.2.1.a.3. so that the new section shall read: 3. In addition to the minimum lot size regulations of Section 5.0., Intensity of Use Regulations, there shall be an additional acre for each horse, cow or other large animal. Or take any other action relative thereto. (Petition)

THERE WAS NO MOTION MADE UNDER THIS ARTICLE.

ARTICLE 46. To see if the Town will vote to amend the Residential-80 (R-80) portion of the Town of Kingston Zoning By-Laws by changing Section 4.14.2.1.(A) by inserting a new subsection 4.14.2.1.(A) 3. so that the new section shall read: 3. In addition to the minimum lot size regulations of Section 5.0., Intensity of Use Regulations, there shall be an additional acre for each horse, cow or other large animal. Or take any other action relative thereto. (Petition)

THERE WAS NO MOTION MADE UNDER THIS ARTICLE.

ARTICLE 47. On the motion of Daune B. Frey, VOTED UNANIMOUSLY that the Town authorize the Heritage Center Development Committee to accept any state, federal or private grants for the restoration of the Frederic C. Adams Library to be used with any funds appropriated from the Community Preservation Fund as the Town's match to said grant requirements.

FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.

ARTICLE 48. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$3,500 to contract with the South Shore Women's Resource Center for domestic violence intervention and prevention service for its residents, or take any other action relative thereto. (Petition)

THERE WAS NO MOTION MADE UNDER THIS ARTICLE.

ARTICLE 49. To see if the Town will vote to accept the roadways known as Round Hill Road, Mulberry Drive, Wolf Pond Road, Continental Court and Autumn Lane as shown on a plan entitled "As-Built Plan, Roads, Drainage & Retention Basins, 'Village at Russell Pond' Kingston, Massachusetts" dated February 15, 1998 and February 6, 2006; revised December 22, 2006, prepared by CCR Associates, Civil Engineers and Land Surveyors and recorded in Plymouth Registry of Deeds, Book 33, Pages 865-871, Book 336, Page 1169 and Book 37, Page 259, and as formally laid out by the Board of Selectmen, or take any other action relative thereto. (Petition)

THERE WAS NO MOTION MADE UNDER THIS ARTICLE.

ARTICLE 50. To see if the Town will vote pursuant to G.L. Chapter 40R and 769 CMR 59.00 et seq. to amend the Town of Kingston Zoning By-Laws by adding a new section 4.15. "1021 Kingston's Place Smart Growth District" and by amending the Town of Kingston's Zoning Map to include in the 1021 Kingston's Place Smart Growth District the land consisting of Assessor's Map 75, Lots 27, 31 and 32.

And by adding to the list of the Zoning Districts in Section 3.1. of the Zoning By-Laws reference to "1021 Kingston's Place Smart Growth District." Or take any action relative thereto. (Petition)

THERE WAS NO MOTION MADE UNDER THIS ARTICLE.

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

There were 36 voters from Precinct 1, 33 voters from Precinct 2, 24 voters from Precinct 3, and 40 voters from Precinct 4, for a total of 133 voters.

Adjournment was at 9:40 p.m.

Respectfully submitted,

Mary Lou Murzyn, MMC/CMMC
Town Clerk

SUMMARY OF 2007 ANNUAL TOWN MEETING:

Article	Date	Summary	Vote
1	4/9/07	Report of Town Officers	VOTED
2	4/9/07	Budget	33,314,136.00*
		Raised/Appropriated	\$32,007,247
		Transfer/Free Cash	942,515
		Transfer/Water Revenue	169,386
		Transfer/Waste Water Revenue	154,124
		Transfer/Septic Loan	40,864
		Subject to Override*	1,592,800

3	4/9/07	Water Enterprise Fund	1,361,594.00
4	4/9/07	Water - I-86 Well	700,000.00
5	4/9/07	Water - Borrow Water Meters	250,000.00
6	4/11/07	Sewer Enterprise Fund	3,461,380.00
		Sewer Betterments	929,660.00
		MWPAT	1,328,827.00
		Tax Levy	234,280.00
		Waste Water Revenue	925,320.00
		Waste Water Surplus Revenue	43,293.00
7	4/11/07	Sewer - Borrow - Extend Sewer System	450,000.00
8	4/11/07	Sewer - Plant Improvements	182,000.00
9	4/11/07	Salaries of Elected Officials	7,165.00
10	4/11/07	Wage & Personnel Board	39,700.00
11	4/11/07	Elizabeth B. Sampson Fund	33,143.39
		Transfer/Unexpended Balances	3,511.61
12	4/11/07	Transfer - Capital Equipment	124,000.00
13	4/11/07	Transfer - Departmental Equipment	45,203.00
14	4/11/07	Revolving Fund - Recreation Programs	VOTED
		Revolving Fund - Shellfish Beds	VOTED
		Revolving Fund - Inspectors	VOTED
15	4/11/07	Amend Zoning By-Laws - Add Section 4.15. "1021 Kingston's Place Smart Growth District"	VOTED
16	4/11/07	Transfer of Land - Map 75, Lot 11 (Cranberry Road)	OUT OF ORDER
17	4/11/07	Transfer of Land - Map 60, Lot 50 and Map 75, Lot 11 (Construction of roadway between Cranberry Road and Marion Drive)	OUT OF ORDER
18	4/11/07	Contract Agreement - IAFF #2337	49,630.00
19	4/11/07	Authorization under c. 41, sec. 110A	VOTED
20	4/11/07	Amend By-Laws c. 15, Section 15-2-2.	VOTED
21	4/11/07	Community Preservation Historic Resources Reserve Fund and Community Preservation Fund	40,392.00
22	4/11/07	G.L. c. 59, section 5, clause 41A reduce interest rate from 8% to 6%	252,941.00
			VOTED
23	4/11/07	Borrow - NPDES	322,750.00
24	4/11/07	Accept Section 1 of Chapter 137 of Acts of 2003 (Town employees in military service)	VOTED
25	4/11/07	Accept M.G.L. c. 59, sec. 5L (Property tax payment deferral)	VOTED
26	4/25/07	Accept M.G.L. c. 39, sec. 23D (OML/Adjudicatory Hearings)	VOTED
27	4/25/07	Amend By-Laws c. 2, Section 2-2-1.	VOTED
28	4/25/07	Amend By-Laws c. 2, Section 2-2-2.	NO MOTION
29	4/25/07	Board of Health - Intermunicipal Agreement	VOTED
30	4/25/07	Rescind Un-issued Debt	VOTED
31	4/25/07	Authorize Selectmen to Sell Maple Avenue School	DEFEATED
32	4/25/07	Authorize Selectmen to Sell Old Town House	VOTED
33	4/25/07	Amend By-Laws c. 12, Articles 2 and 4	TABLED
34	4/25/07	Amend By-Laws c. 4, Article 7 (Wage & Personnel Board)	NO MOTION
35	4/25/07	Amend By-Laws c. 4, Article 10 (Council on Aging)	NO MOTION
36	4/25/07	Petition for Special Act - Wind Turbine Electricity	TABLED
37	4/11/07	Amend Zoning By-Laws - Add Section 4.16. "Wind Turbine Overlay District"; and amend Section 3.2.1.	VOTED
38	4/25/07	Lease of Land - Map 66, Lot 50 and Map 75, Lot 11	NO MOTION
39	4/25/07	Consultant - Kingston Secure Energy Futures Committee	NO MOTION
40	4/25/07	Amend Zoning Map - Map 57, Lot 25	DEFEATED
41	4/25/07	Amend Zoning By-Laws, c. 5.0, Section 5.5.1.18	VOTED
42	4/25/07	Petitioned article for call of Special Town Meeting (Chapter 40R)	NO MOTION
43	4/25/07	Amend CPA Surcharge	DEFEATED
44	4/25/07	Amend By-Laws, c. 6 - Add Section 6-5-5. (Numbering of Buildings)	VOTED
45	4/25/07	Amend Zoning By-Laws, Section 4.3.2.1.a.	NO MOTION

46	4/25/07	Amend Zoning By-Laws, Section 4.14.2.1.(A)	NO MOTION
47	4/25/07	Frederic C. Adams Library - Grant Match	VOTED
48	4/25/07	South Shore Women's Resource Center	NO MOTION
49	4/25/07	Street Acceptance - Village at Russell Pond	NO MOTION
50	4/25/07	Amend Zoning By-Laws - Add New Section 4.15.	NO MOTION
51	4/11/07	G.L. c. 59, Section 5, Clause 41C increase exemption from \$500 to \$1000	VOTED

*Budget subject to ballot override questions.