

**ANNUAL TOWN MEETING  
APRIL 3, 2006**

The adjourned Annual Town Meeting 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. She welcomed those present and led the Town Meeting in reciting the Pledge of Allegiance.

The vote checkers were: Carol A. Carrera, Christine M. Chipman, Hannah M. Creed, Nancy B. Delaney, Lynn M. Flood, Mary M. Leone, Diane M. Poirier and Maureen E. Twohig. The doorkeepers were Donna M. Farrington and Harry E. Monks, Jr.

The sworn tellers were Paul L. Armstrong and Paul F. Basler.

The Moderator announced we would begin with Article 14.

ARTICLE 14. 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.

THE MODERATOR DECLARED NO QUORUM PRESENT.  
THERE WAS NO ACTION TAKEN AT THIS TIME.

ARTICLE 15. On the motion of Paul M. Gallagher, VOTED that the Town re-establish a revolving fund for the operation of recreation programs; re-establish a revolving fund for the maintenance of shellfish beds; and 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 2007 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 2007 shall not exceed \$150,000.00; 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;

That said expenditures to be supported with these funds in FY 2007 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 2007 shall not exceed \$2,000.00, unless additional limits are approved by the Board of Selectmen and the Finance Committee; and further

(C) 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 and sewer connection permits;

That said expenditures to be supported with these funds in FY 2007 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 2007 shall not exceed \$50,000.00, unless additional limits are approved by the Board of Selectmen and the Finance Committee.

FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.

ARTICLE 16. 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 added to the Stabilization Fund, or take any other action relative thereto.

THERE WAS NO MOTION MADE UNDER THIS ARTICLE.

ARTICLE 17. To see if the Town will vote to raise and appropriate or transfer from available funds in the treasury a sum of money to provide a program of drug and alcohol education in the Kingston school system, or take any other action relative thereto.

THE MODERATOR DECLARED NO QUORUM PRESENT.  
THERE WAS NO ACTION TAKEN AT THIS TIME.

ARTICLE 18. Paul M. Gallagher 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 special act to read as follows:

*AN ACT RELATIVE TO THE POSITION OF APPOINTED TREASURER-COLLECTOR  
IN 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 section 1B of chapter 41 of the General Laws or any other general or special law to the contrary, there is hereby created the office of treasurer-collector of the town of Kingston, subject to section 2 of this act, to be appointed by the board of selectmen for a term not to exceed three years. A vacancy in the office of treasurer-collector shall be filled in a like manner for the unexpired term. Said treasurer-collector shall have all the powers and duties vested in the offices of treasurer and collector as set forth in the General Laws.

Section 2: The term of office of the incumbent town collector and treasurer holding office as of the effective date of this act shall cease and terminate on the date of the 2008 annual town election, or upon a precedent vacating of office. Any appointment made to fill such a vacancy shall also terminate on the date of the 2008 annual town election. The duties, responsibilities and authority of the town treasurer and town collector shall at that time, by operation of law, be transferred to the office of treasurer-collector created under section 1 of this act.

Section 3: This act shall be submitted to the voters of the Town of Kingston for acceptance in the form of the following question, which shall be placed on the ballot for the annual town election to be held in the year 2007:

"Shall an act passed by the general court in the year 2006, entitled 'An Act relative to the position of treasurer-collector in the Town of Kingston' be accepted, a fair and concise summary of which appears below?"

The above-referenced Act will create a new position, treasurer-collector of the Town, to be appointed by the Board of Selectmen for a term not to exceed three years. The new position will be established as of the date of the 2008 Annual Town Election, at which time the elected positions of town treasurer and town collector will be abolished.

If a majority of the votes cast in answer to said question is in the affirmative, sections 1 and 2 of this act shall take effect, and said office shall be created and become appointed in accordance with the provisions of this act.

Section 4: Section 3 of this act shall take effect upon passage.

Joseph D. Kelleher read a prepared statement on behalf of Town Treasurer John S. LaBrache, who was unable to attend tonight's meeting.

Considerable discussion followed.

TOWN GOVERNMENT STUDY COMMITTEE RECOMMENDED  
FAVORABLE ACTION.

FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.

THE MOTION WAS CARRIED.

Seven rose to question the Moderator's call of the voice vote.

YES - 50; NO - 61

THE MOTION WAS NOT CARRIED.

Since a quorum for money matters was now present, the Moderator returned to Article 14.

ARTICLE 14. On the motion of Jean M. Landis-Naumann, VOTED UNANIMOUSLY that the sum of \$2,400 be appropriated for the following equipment and projects of the various Town Departments; and to meet this appropriation the sum of \$2,400 be transferred from the Stabilization Fund; and that all expenditures shall be under the respective departments:

<u>Item</u>	<u>Department</u>	<u>Cost</u>
Election Booths	Town Clerk	\$2,400

FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.

David D. Fitzgerald moved to reconsider Article 18.

THE MOTION WAS NOT CARRIED.

ARTICLE 19. 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.

Said special act to read as follows:

*AN ACT AUTHORIZING THE TOWN OF KINGSTON TO ESTABLISH A  
DEPARTMENT OF PUBLIC WORKS AND A BOARD OF PUBLIC WORKS.*

*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 any general or  
special law to the contrary there is hereby established in the  
Town of Kingston, a department of public works, to be governed  
by a board of public works, consisting of five elected  
members. Upon the qualification of the members of the board  
of public works as provided in section 3 of this act, the  
board of public works shall have all the powers and duties now*

or from time to time vested by general law, special act, by-law or regulation in the following boards, departments and offices, or in boards, departments and offices having corresponding powers and duties in said town, to wit: -road commissioners, surveyors of highways, superintendent of streets, water commissioners, sewer commissioners, park commissioners, cemetery commissioners, tree warden, moth superintendent and forestry department, and such boards, departments and offices shall thereupon be abolished and the terms of the elected and appointed officials holding such offices shall be terminated. No contracts or liabilities then in force shall be affected by such abolition, but the board of public works shall in all respects be the lawful successor of the boards, departments and offices so abolished.

The board of public works shall have such additional powers with respect to the furnishing of engineering services, the collection and disposal of garbage and refuse, and the performance of such duties of any other boards, departments and offices of the town as may be reasonably related to the duties and responsibilities of a board of public works, as the town, may, from time to time, by by-law provide, any other provisions of law to the contrary notwithstanding.

*Section 2:* The board of public works and the board of selectmen shall appoint and fix the compensation of a superintendent of public works, who shall exercise and perform, under the supervision and direction of the board of public works, such powers, rights, and duties transferred to it from time to time. The superintendent shall be responsible for the efficient exercise and performance of such powers, rights and duties. The superintendent shall serve at the pleasure of the board of public works and the board of selectmen, and said boards may establish an employment contract with the superintendent for the salary, fringe benefits and other conditions of employment, including but not limited to, severance pay, relocation expenses, reimbursement for expenses incurred in the performance of his duties or office, liability insurance, conditions of discipline, termination, dismissal, and reappointment, performance standards and leave. The superintendent shall be specifically fitted by education, training and experience to perform the duties of said office. The superintendent shall give to the town a bond with a surety company authorized to transact business in the commonwealth as surety, for the faithful performance of his or her duties, in such sum and upon the conditions as the board may require, and shall, subject to the approval of the board of public works and board of selectmen, appoint such assistants, agents and employees as the exercise and performance of his or her powers, rights and duties may require. The superintendent shall keep full and complete records of the doings of the office and render to the board annually and as often as it may require a full report of all operations under his or her control during the period reported upon and make a synopsis of such reports for publication. The superintendent shall keep the board fully advised as to the needs of the town within the scope of his or her duties, and shall furnish to the board each year upon its request a carefully prepared and detailed estimate in writing of the appropriations required during the next succeeding fiscal year for the proper exercise and performance of all said powers, rights and duties.

*Section 3:* This act shall take effect at the first fiscal year beginning July 1<sup>st</sup> after its passage. During the transitional period from the effective date of this act until board of

public commissioners are elected and qualified at the first annual town election thereafter, as provided in this section, the board of public works shall be comprised of: the two sewer commissioners serving on the effective date of this act who have the most remaining time on their respective terms of office; the two water commissioners serving on the effective date of this act who have the most remaining time on their respective terms of office; and a fifth commissioner to be appointed jointly by the board of selectmen and the board of public works commissioners as set forth in this section, all of whom shall, before entering upon their official duties under this section, be sworn to the faithful performance thereof. Vacancies in the office of board of public works commissioner occurring during the transitional period between the effective date of this act and the first annual election thereafter shall be filled by joint appointment of the board of selectmen and the board of public works commissioners appointed in accordance with this section. The board of selectmen and board of public works commissioners as set forth with this section may appoint a temporary superintendent of public works, subject to appropriation, to serve until such time as a permanent superintendent may be hired in accordance with section 2 of this act.

Section 4: At the first annual town election after the effective date of this act, board of public works commissioners shall be elected as follows, one to serve for a one year term, two for two year terms and two for three year terms, and thereafter when the term of any member expires, his or her successor shall be elected to serve for three years. Vacancies in the office of board of public works commissioner shall be filled by joint appointment of the board of selectmen and the board of public works commissioners in accordance with G.L. c.41, §11, or by special election in accordance with G.L. c.41, §10, at the discretion of the Board of Selectmen. In all cases the members shall serve until their successors are elected and qualified. The members of the board of public works shall after each annual election select one member to act as chairman and one member to act as vice chairman for the ensuing year, provided, however, that the board may reorganize at any time during the year at the discretion of the board.

There followed lengthy presentations both pro and con.

TOWN GOVERNMENT STUDY COMMITTEE RECOMMENDED  
BY A 2-1 VOTE UNFAVORABLE ACTION.

FINANCE COMMITTEE RECOMMENDED UNFAVORABLE ACTION.

THE MOTION WAS NOT CARRIED.

ARTICLE 17. On the motion of Jonathan D. Neal, VOTED that the Town appropriate the sum of \$13,094 to offer a drug and alcohol program in Grades K-6; and to meet this appropriation the sum of \$13,094 be transferred from the Stabilization Fund, and to be under the direction of the Police Chief.

FINANCE COMMITTEE RECOMMENDED UNFAVORABLE ACTION.

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

ARTICLE 20. To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2007 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 2007; and further 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 2007 Budgeted Reserve for general Community Preservation Act purposes; and further to appropriate from the Community Preservation Fund a sum or sums of money for Community Preservation projects or purposes as recommended by the Community Preservation Committee; or take any other action in relation thereto.

THERE WAS NO MOTION MADE UNDER THIS ARTICLE.

ARTICLE 21. On the motion of Joseph D. Kelleher, VOTED that the Town disband the Town Hall Building Committee established pursuant to Article 1 of the June 20, 2000, Special Town Meeting, with the thanks of the Town.

FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.

ARTICLE 22. On the motion of Sandra D. MacFarlane, VOTED that the Town amend the General By-Laws, Chapter 10, entitled "Animal Control", Section 10-2-3. License Fees by deleting the entire subsection "A. Dog License, and replacing it with a new subsection as follows: "A. Dog License Notwithstanding the provisions of Sections 139 and 173 of Chapter 140, the fees for dog licenses shall be ten dollars (\$10.00) for altered males and spayed females and twenty dollars (\$20.00) for unaltered males and unspayed females, to become effective April 1, 2007."

And further, to amend Section 10-2-5. License Required by deleting this section in its entirety and replacing it with a new section as follows: "10-2-5. License Required All dogs six months of age or older shall be licensed with the Town Clerk on April 1 of each year. By June 15 of each year, the Town Clerk shall cause a notice to be sent to the owner or keeper of record of any unlicensed dog. In addition to the license fee established by this by-law, said owner or keeper shall be subject to an additional charge of \$20.00 for each dog licensed after June 15. Whoever keeps an unlicensed dog in violation of this by-law after July 1 shall be subject to a fine of \$ 25. This by-law may be enforced by the animal control officer or any police officer of the Town."

And further, to amend Section 15-2-2. of the General By-Laws with regard to penalties for violation of Chapter 10, by deleting the fine listed for "Unlicensed Dog-Each penalty increased by" and inserting in place thereof a fine of \$25.00.

FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.

ARTICLE 23. On the motion of Joseph D. Kelleher, VOTED that the Town rescind the un-issued debt authorized by the vote under Article 1 of the June 7, 1999 Special Town Meeting, in the amount of \$17,083 for the purpose of acquiring land and for the construction of wastewater treatment and disposal facilities and the un-issued debt authorized by the vote under Article 6 of the October 7, 2002 Special Town Meeting, in the amount of \$400,000 for painting the Smith Lane and Elm Street Water Tanks.

FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.

ARTICLE 24. On the motion of Olavo B. DeMacedo, VOTED 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: Elm Street, Kingston, Massachusetts, as shown on Assessors' Map 79, Lot 8. For description, see deed recorded with the Plymouth County Registry of Deeds in Book 7269, Page 22.

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

Ms. Botelho-Hoeg thanked the Finance Committee and the Board of Selectmen for their efforts and hard work. She also thanked the voters, who sat through the two sessions of this town meeting. Ms. Botelho-Hoeg noted the importance of this form of government. She hoped more people would participate in the future.

ARTICLE 25. On the motion of William B. Martin, VOTED that the Town reduce the rate of interest that accrues on property taxes deferred by eligible seniors under G. L. chapter 59, section 5, clause 41A from 8% to 6%, with such reduced rate to apply to taxes assessed for any fiscal year beginning on or after July 1, 2006.

FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.

Ms. Botelho-Hoeg expressed additional thanks to the Town Clerk and her staff as well as the checkers and tellers.

On the motion of Robert R. Kostka, VOTED to adjourn both the Special Town Meeting and the Annual Town Meeting without day.

There were 39 voters from Precinct 1, 26 voters from Precinct 2, 43 voters from Precinct 3, and 25 voters from Precinct 4, for a total of 133 voters.

Adjournment was at 9:31 p.m.

Respectfully submitted,

Mary Lou Murzyn, CMC/AAE/CMMC  
Town Clerk

**SUMMARY OF 2006 ANNUAL TOWN MEETING:**

<b>Article</b>	<b>Date</b>	<b>Summary</b>	<b>Vote</b>
1	4/1/06	Report of Town Officers	VOTED
2	4/1/06	Budget	31,230,001.00
		Raised/Appropriated	\$29,515,316
		Transfer/Free Cash	1,275,645
		Transfer/Water Revenue	145,080
		Transfer/Waste Water Revenue	136,486
		Transfer/Septic Loan	40,864
		Transfer/Stabilization	116,610
3	4/1/06	Water Enterprise Fund	1,384,507.00
4	4/1/06	Water - I-86 Well	150,000.00
5	4/1/06	Water - Purchase of Water Meters	150,000.00
6	4/1/06	Water - Borrow Water Mains	NO QUORUM
7	4/1/06	Sewer Enterprise Fund	3,179,162.00
		Sewer Betterments	740,481.00
		MWPAT	1,340,260.00
		Tax Levy	232,559.00
		Waste Water Enterprise Revenue	865,862.00
8	4/1/06	Sewer - Plant Improvements	120,000.00
9	4/1/06	Sewer - Borrow - Extend Sewer System	NO QUORUM
10	4/1/06	Salaries of Elected Officials	9,725.00
11	4/1/06	Wage & Personnel Board	40,000.00
		Raised/Appropriated	\$34,790
		Transfer/Water Revenue	3,012
		Transfer/Waste Water Revenue	2,198
12	4/1/06	Elizabeth B. Sampson Fund	12,787.61
		Transfer/Unexpended Balances	2,447.39
13	4/1/06	Transfer - Capital Equipment	107,800.00
14	4/3/06	Transfer - Departmental Equipment	2,400.00
15	4/3/06	Revolving Fund - Recreation Commission	VOTED
		Revolving Fund - Shellfish Beds	
		Revolving Fund - Inspectors	
16	4/3/06	Transfer - Stabilization Fund	NO MOTION
17	4/3/06	Transfer - "Dare" Program	13,094.00
18	4/3/06	Special Legislation - Appointed Treasurer/Collector	DEFEATED
19	4/3/06	Special Legislation - Department/Board of Public Works	DEFEATED
20	4/3/06	Community Preservation Committee Report	NO MOTION
21	4/3/06	Disband Town Hall Building Committee	VOTED
22	4/3/06	Amend By-Laws C. 10, Sections 10-2-3. and 10-2-5. and C. 15, Section 15-2-2.	VOTED
23	4/3/06	Rescind Un-issued Debt	VOTED
24	4/3/06	Grant Easement - Map 79, Lot 8	VOTED
25	4/3/06	G.L. c. 59, Section 5, Clause 41A reduce interest rate from 8% to 6%	VOTED