

**ANNUAL TOWN MEETING
APRIL 7, 2008**

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 announced there was a quorum of 127 voters present.

The vote checkers were: Janet L. Bergeron, Priscilla W. Brackett, Hannah M. Creed, Lynn M. Flood, Mary M. Leone, Roberta G. Reed and Maureen E. Twohig. The doorkeepers were Nancy B. Delaney and Martha A. Rashleigh. Diane T. Scully served as an assistant.

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

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

Jonathan Silverstein, Town Counsel
Andrew Brydges, KEMA, Inc.

The Moderator announced we would resume discussion on Article 13 and take each item separately.

ARTICLE 13.

Mathew H. Hamilton moved that \$279,000 be borrowed for a catch basin cleaner for the Streets, Trees & Parks Department; and to meet this appropriation, the Treasurer with the approval of the Board of Selectmen, be authorized to borrow \$279,000 under the provisions of M.G.L. chapter 44 or any other enabling authority; and that the expenditure be under the Streets, Trees & Parks Department.

Discussion followed.

Mark S. Beaton moved the question.

THE MOTION WAS CARRIED.

On the motion of Mathew H. Hamilton, VOTED that \$279,000 be borrowed for a catch basin cleaner for the Streets, Trees & Parks Department; and to meet this appropriation, the Treasurer with the approval of the Board of Selectmen, be authorized to borrow \$279,000 under the provisions of M.G.L. chapter 44 or any other enabling authority; and that the expenditure be under the Streets, Trees & Parks Department.

YES - 143; NO - 11

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

It is noted for the record that Robert R. Kostka was sworn as teller for the counting of the vote on the catch basin

cleaner. He replaced Paul F. Basler, who is the Superintendent of Streets, Trees & Parks.

Mathew H. Hamilton moved that \$50,000 be transferred from the Stabilization Fund for a feasibility study and that the expenditure be under the direction of the Police Station Study Committee.

Ronald A. Gleason moved to amend by reducing the amount from \$50,000 to \$15,000.

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

YES - 65; NO - 82

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

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

ON VOICE VOTE, THE MODERATOR DECLARED THE MOTION WAS NOT CARRIED SINCE IT DID NOT MEET THE 2/3 REQUIREMENT.

Mathew H. Hamilton moved that \$66,000 be transferred from the Stabilization Fund for two marked patrol cars and that the expenditure be under the direction of the Police Department.

Mark S. Beaton moved to table.

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

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

Mathew H. Hamilton moved that \$30,000 be transferred from the Stabilization Fund to refurbish brush truck and that the expenditure be under the direction of the Fire Department.

John P. Creed moved to table.

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

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

Mathew H. Hamilton moved that \$45,000 be transferred from the Stabilization Fund for a marked car and that the expenditure be under the direction of the Fire Department.

Kenneth G. Moalli moved to table.

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

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

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.

THERE WAS NO MOTION MADE UNDER THIS ARTICLE.

ARTICLE 15. On the motion of Jean M. Landis-Naumann, VOTED UNANIMOUSLY 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 2009 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 2009 shall not exceed \$160,000.00; 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 2009 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 2009 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 2009 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 2009 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. On the motion of John S. LaBrache, VOTED that the Town appropriate or reserve from Fiscal Year 2009 Community Preservation Fund annual revenues, or other available funds as specified, the amounts recommended by the Community Preservation Committee for Open Space Reserve, Historic Resources Reserve, Community Housing Reserve, administrative expenses, community preservation projects and other expenses in Fiscal Year 2009, with each item to be considered separately as follows:

On the motion of John S. LaBrache, VOTED that the Town appropriate or reserve from Fiscal Year 2009 Community Preservation Fund estimated annual revenue amounts as follows:

Reserve: Open Space \$78,500

On the motion of John S. LaBrache, VOTED that the Town appropriate or reserve from Fiscal Year 2009 Community Preservation Fund estimated annual revenue amounts as follows:

Reserve: Historic Resources \$78,500

On the motion of John S. LaBrache, VOTED that the Town appropriate or reserve from Fiscal Year 2009 Community Preservation Fund estimated annual revenue amounts as follows:

Reserve: Community Housing \$78,500

On the motion of John S. LaBrache, VOTED that the Town appropriate or reserve from Fiscal Year 2009 Community Preservation Fund estimated annual revenue amounts as follows:

Appropriate: Administrative Expenses Personal Services
\$2,000

On the motion of John S. LaBrache, VOTED that the Town appropriate or reserve from Fiscal Year 2009 Community Preservation Fund estimated annual revenue amounts as follows:

Appropriate: Administrative Expenses Expenses \$37,250

On the motion of John S. LaBrache, VOTED further that the Town appropriate \$181,278 from the Community Preservation Historic Resources Reserve fund and \$465,982 from the Community Preservation Fund balance for the following projects. And further, that the expenditures be under the supervision of the respective departments or organizations as follows:

On the motion of John S. LaBrache, VOTED that the Town appropriate \$619,260 for the preservation of a Building and that the expenditure be under the supervision of the Frederic C. Adams Heritage Center Development Committee.

On the motion of John S. LaBrache, VOTED that the Town appropriate \$19,000 for an archaeological study and that the expenditure be under the supervision of the Jones River Village Historical Society.

On the motion of John S. LaBrache, VOTED that the Town appropriate \$9,000 for the preservation of Annual Town Reports and that the expenditure be under the supervision of the Town Clerk.

On the motion of John S. LaBrache, VOTED further that the Town authorize the Board of Selectmen to acquire land on River Street, owned by Winslow L. and Barbara A. Allen, described on Assessors' Map 37, Lot 44-2 consisting of 1.25 acres, and shown on a plan entitled "Plan of Land in Kingston, Massachusetts and dated August 2, 2004, for Open Space", and to enter into all agreements and take all related actions necessary or appropriate to carry out said acquisition, and, as funding therefor, that the Town appropriate the sum of \$185,000 from the Community Preservation Open Space Reserve Fund for such purposes.

John P. Creed moved to take Article 36 out of order.

THE MOTION WAS CARRIED.

ARTICLE 36. Paul M. Gallagher moved that the Town amend the Zoning Map of the Town of Kingston by changing the classification of use of certain parcels of land by changing from Residential 40 (R40) to Commercial/Industrial (CI) lots located on Wapping Road and shown on Assessor's Map 52 as Lots 6,7,8,9, and on Assessor's Map 42, Lot 8. (BY PETITION)

PLANNING BOARD RECOMMENDED FAVORABLE ACTION.

Discussion followed.

Richard E. Kenney moved the question.

THE MOTION WAS NOT CARRIED.

There was additional discussion, questions and answers.

Mauro Mazzilli moved the question.

THE MOTION WAS CARRIED.

On the motion of Paul M. Gallagher, VOTED that the Town amend the Zoning Map of the Town of Kingston by changing the classification of use of certain parcels of land by changing from Residential 40 (R40) to Commercial/Industrial (CI) lots located on Wapping Road and shown on Assessor's Map 52 as Lots 6,7,8,9, and on Assessor's Map 42, Lot 8. (BY PETITION)

YES - 139; NO - 56

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

Robert R. Kostka moved to reconsider Article 6.

THE MOTION WAS NOT CARRIED.

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

YES - 40; NO - 85

THE MOTION WAS NOT CARRIED.

John C. Veracka, Jr. moved to take Article 34 out of order.

THE MOTION WAS NOT CARRIED.

A motion was made to reconsider Article 36.

THE MOTION WAS NOT CARRIED.

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 for the Wage and Personnel Board to engage a consultant for the purpose of updating the Municipal Position Rating Manual, or take any other action relative thereto.

THERE WAS NO MOTION MADE UNDER THIS ARTICLE.

ARTICLE 18. On the motion of Paul M. Gallagher, VOTED that the Town amend the General By-Laws Chapter 10-Animal Control, Article 2 Regulation of Dogs, Section 10-2-5. Licenses Required by deleting the section in its entirety and inserting in place thereof the following:

Section 10-2-5. Licenses Required All dogs six months of age or older shall be licensed with the Town Clerk on

January 1 of each year. By March 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 March 15. Whoever keeps an unlicensed dog in violation of this by-law after April 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.

ARTICLE 19. On the motion of Sandra D. MacFarlane, VOTED UNANIMOUSLY that the Town amend the Zoning By-Laws Section 3.1. by adding the words "Residential-80 District (R-80)", at the end of the list of designated districts.

PLANNING BOARD RECOMMENDED FAVORABLE ACTION.

ARTICLE 20. On the motion of Mark S. Beaton, VOTED UNANIMOUSLY that the Town amend the Town of Kingston Zoning By-Laws in Section 4.16. Wind Turbine Overlay District, Section 4.16.10.6. **Compliance Documents** by amending the sections referenced in sub items as follows:

- a) by deleting the number 8.3. in subsection (a) thereof and replacing it with the number 4.16.8.3.; and
- b) by deleting the number 3.3. in subsection (b) thereof and replacing it with the number 4.16.3.3.; and
- c) by deleting the number 6.3. in subsection (d) thereof and replacing it with the number 4.16.6.3.

PLANNING BOARD RECOMMENDED FAVORABLE ACTION.

ARTICLE 21. On the motion of Debra J. Mueller, VOTED UNANIMOUSLY that the Town amend the General By-Laws Chapter 15, entitled "Penalty and Enforcement", Section 15-2-2. By-laws Enforceable by Non-Criminal Disposition with regard to Chapter 10 and the leash law by deleting the reference to "Chapter 10-KINGSTON LEASH LAW; Dog Officer" in its entirety and replacing it as follows:

Chapter 10-KINGSTON LEASH LAW; Animal Control Officer, or his/her designee

ARTICLE 22. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money in the treasury for the purpose of providing electrical power to the Town Green, and all costs incidental thereto, or take any other action relative thereto.

THERE WAS NO MOTION MADE UNDER THIS ARTICLE.

ARTICLE 23. To see if the Town will vote to raise and appropriate or transfer from available funds in the treasury a sum of money to prepare for demolition and demolish the Old Maple Avenue School located on Maple Street, and all costs incidental thereto, or take any other action relative thereto.

THERE WAS NO MOTION MADE UNDER THIS ARTICLE.

ARTICLE 24. Ronald A. Gleason moved that the Town raise and appropriate \$35,000.00 to be administered by the Permanent Building Committee, for the purposes of funding capital improvements or repairs to town buildings.

FINANCE COMMITTEE RECOMMENDED UNFAVORABLE ACTION.

THE MOTION WAS NOT CARRIED.

ARTICLE 25. On the motion of Paul M. Gallagher, VOTED UNANIMOUSLY that the Town authorize the Board of Selectmen to grant to Karl and Sonya Feitelberg of 127 Lake Street, Kingston, Massachusetts, the perpetual, non-exclusive right and easement to maintain, inspect, repair, replace, alter, change the locations of, or remove a stone wall over that portion of a certain parcel of Town owned land, namely in front of 127 Lake Street, as shown on Assessors' Map 21, Lot 2, which portion is shown on a plan entitled "Plot Plan, Lake Street, Kingston, Massachusetts" dated October 31, 2007, and prepared by Robert C. Bailey Company, Land Surveyors, 199 Plymouth Street, Pembroke, Massachusetts 02359, on file with the Town Clerk.

ARTICLE 26. Mark S. Beaton moved that the Town authorize the Board of Selectmen to request special legislation 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 is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

Elaine A. Fiore moved to amend by deleting in Section 1. the words "its wastewater treatment facility on Cranberry Road in said Kingston, and other".

THE AMENDMENT WAS CARRIED.

Discussion followed.

Mauro Mazzilli moved the question.

THE MOTION WAS NOT CARRIED.

There followed further discussion.

Kenneth G. Moalli moved the question.

THE MOTION WAS CARRIED.

On the motion of Mark S. Beaton, as amended, VOTED that the Town authorize the Board of Selectmen to request special legislation 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 is hereby 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 TOWN OF KINGSTON TO INSTALL, FINANCE AND OPERATE WIND ENERGY FACILITIES

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 any general or special law to the contrary, the Town of Kingston is hereby authorized to design and install wind energy facilities at such sites as approved by the Town, to prepare and improve said sites, to acquire all equipment necessary for said wind energy facilities, to make improvements and extraordinary repairs to said facilities, and to pay all other costs incidental and related thereto.

Section 2. The Town of Kingston is hereby authorized to issue from time to time bonds or notes in order to finance all or a portion of the costs of the wind energy facilities project authorized pursuant to section I of this act. Notwithstanding any provisions of chapter 44 of the General Laws to the contrary, the maturities of any such bonds issued by the Town of Kingston hereunder either shall be arranged so that for each issue the annual combined payments of principal and interest payable in each year, commencing with the first year in which a principal payment is required, shall be as nearly equal as practical in the opinion of the town treasurer, or shall be arranged in accordance with a schedule providing for a more rapid amortization of principal. The first payment of principal of each issue of bonds or of any temporary notes issued in anticipation of the bonds shall be not later than five years from the estimated date of commencement of regular operation of the wind energy facilities financed thereby, as determined by the town treasurer and the last payment of principal of the bonds shall be not later than 25 years from the date of the bonds. Indebtedness incurred under this act shall not be included in determining the limit of indebtedness of the town under section 10 of said chapter 44 but, except as otherwise provided herein, shall be subject to the provisions of said chapter 44.

Section 3. Notwithstanding any general or special law to the contrary, the Town of Kingston is hereby authorized to operate any wind energy facilities installed pursuant to section 1 of this act, to sell any electricity generated from such facilities and to sell any other marketable products resulting from its generation of wind energy at such facilities or from its generation of any type of renewable energy at any renewable energy facility which the town is authorized by law to operate including electronic certificates created to represent the "generation attributes" (as such term is defined under 225 CMR 14.02) of each megawatt hour of energy generated by the wind energy facilities or any such other renewable energy producing facilities. The Board of Selectmen of the Town of Kingston may enter into one or more contracts on behalf of the Town of Kingston for the sale of electricity and energy facilities with such parties and upon such terms and conditions as the Board of Selectmen determine to be in the best interests of the Town of Kingston.

Section 4. The Town of Kingston shall procure any services required for the design, installation, improvement, repair and operation of the wind energy facilities authorized pursuant to this act, and the acquisition of any equipment necessary in connection therewith, in accordance with the procurement requirements of chapter 30B of the General Laws, and the Town of Kingston may procure any such services and equipment together as one procurement or as separate procurements thereunder.

Section 5. There shall be established in the Town of Kingston a wind facilities enterprise fund, to which the provisions of section 53F1/2 of chapter 44 of the General Laws shall apply, except as provided herein, for the receipt of all revenues from the operation of the wind energy facilities authorized pursuant to this act and from any other renewable energy producing facilities which the Town is authorized by law to operate and all moneys received for the benefit of the wind energy facilities and any such other renewable energy facilities, other than the proceeds of bonds or notes issued therefore. Such receipts shall be used to pay costs of operation and maintenance of the wind energy facilities and any such other renewable energy facilities, 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. The Board of Selectmen shall be the "appropriate local entity" for purposes of estimating the income and proposing a line-item budget for the enterprise. Such budget may include amounts to be appropriated to a capital reserve fund to be established within said 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 wind energy facilities; funds appropriated to the capital reserve fund may accumulate from year to year, subject to appropriation by the Town. Any funds remaining in said enterprise fund, at the end of each fiscal year in excess of the amounts required to meet the obligations of the fund, other than amounts in the capital reserve fund, and which would otherwise be treated as surplus revenue pursuant to the provisions of section 53 F ½ of chapter 44 of the General Laws, shall be returned to the general fund of the Town, without any further action of the town, and shall be available for appropriation for any municipal purpose.

Section 6. This act shall take effect upon its passage.

YES - 83; NO - 24

THE MOTION WAS CARRIED.

ARTICLE 27. On the motion of Jean M. Landis-Naumann, VOTED UNANIMOUSLY that the Town authorize the Board of Selectmen to sign a five year extension of the Intermunicipal Agreement relative to the South Shore Recycling Cooperative, effective July 1, 2008.

FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.

ARTICLE 28. To see if the Town will vote to amend the General By-Laws by adding a new Chapter as follows:

CHAPTER 24

DESIGN CONTROL and/or CARE OF MUNICIPAL BUILDINGS

ARTICLE 1. SUSTAINABLE DESIGN STANDARDS

24.1.1. Purpose

Development and construction practices are significant contributors to the depletion of natural resources and a major cause of air and water pollution, solid waste, deforestation, toxic wastes, health hazards, global warming, and other negative consequences. Green building measures applied to the design, construction and maintenance of buildings would achieve the following goals:

- 1) To encourage resource conservation;
- 2) To reduce the waste generated by construction projects;
- 3) To increase energy efficiency; and
- 4) To promote the health and productivity of residents, workers, and visitors to the Town.

24.1.2. Goal

The Town of Kingston desires to model environmentally sensitive building design in its own facilities to meet LEED standards as set forth below. The Leadership in Energy and Environmental Design (LEED) Green Building Rating System and Certification is a nationally recognized standard for excellence in facility design and has multiple levels of certification. Green design and construction decisions made by the Town of Kingston in the construction and remodeling of municipal buildings can result in significant cost savings to the Town over the life of the building.

24.1.3. Design Standards

- All new municipal buildings over 5,000 square feet in size, will be designed, contracted and built to achieve the LEED Silver certification level, and to strive for a higher level of certification (either Gold or Platinum) whenever project resources and conditions permit.
- All future significant renovations of existing municipal buildings, whether occupied or unoccupied (as defined by the Zoning and/or State Building Codes) will be designed, contracted and built to include as many principles of the LEED program as project resources and conditions permit.
- No building permit shall be applied for by the Town with regard to the construction of a new municipal building over 5,000 square feet in size or the significant renovation of an existing municipal building until an architect or designer has certified that the LEED standards are being addressed in the plans or specifications. The certification shall be submitted to the Building Department for verification.

- The Board of Selectmen may approve exemptions to the design standard requirements established by this By-Law when it deems appropriate.

THERE WAS NO MOTION MADE UNDER THIS ARTICLE.

ARTICLE 29. To see if the Town will vote to authorize the Board of Selectmen to petition the state Board of Building Regulations and Standards to amend the State Building Code to require that all buildings constructed in the Town of Kingston must adhere to Leadership in Energy and Environmental Design (LEED) Standards, or take any other action relative thereto.

THERE WAS NO MOTION MADE UNDER THIS ARTICLE.

ARTICLE 30. Brian W. Spires moved that the Town amend the Town of Kingston's Zoning Map by expanding the Wind Turbine Overlay District to include a parcel lying along the town line separating Kingston from Plymouth and containing 3,150 square feet being identified on the Assessor's Map 100 as Lot 3-1, said parcel as shown on a plan on file with the Kingston Town Clerk.

PLANNING BOARD RECOMMENDED FAVORABLE ACTION.

There was discussion, questions and answers.

Mauro Mazzilli moved the question.

THE MOTION WAS CARRIED.

On the motion of BRIAN W. SPIRES, VOTED that the Town amend the Town of Kingston's Zoning Map by expanding the Wind Turbine Overlay District to include a parcel lying along the town line separating Kingston from Plymouth and containing 3,150 square feet being identified on the Assessor's Map 100 as Lot 3-1, said parcel as shown on a plan on file with the Kingston Town Clerk.

YES - 77; NO - 16

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

Fred D. Svenson, Jr. moved to adjourn this meeting to Tuesday, April 8, 2008, at 7:00 p.m., at the Kingston Intermediate School, 65 Second Brook Street.

Paul M. Gallagher questioned the quorum. After a count of the house, the tellers reported that there were 105 voters present.

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

THE MOTION WAS NOT CARRIED.

ARTICLE 31. Jean M. Landis-Naumann moved that the Town amend the General By-Laws by adding a new Chapter entitled "Chapter 23 RIGHT TO FARM", the text of which as is appears in the warrant.

Pine duBois moved to amend Section 23-2-2. by adding in the third bullet after the word "commodities" the following: "but not water".

Pine duBois further moved to amend Section 23-3-1. in the second sentence by putting a period after the word "day" and deleting the words "and shall include in the attendant incidental noise, odors, dust and fumes associated with normally accepted agricultural practices."

After discussion, Ms. duBois withdrew the proposed amendment to Section 23-3-1.

A vote was taken on the amendment to Section 23-2-2. of Ms. duBois.

THE AMENDMENT WAS CARRIED.

On the motion of Jean M. Landis-Naumann, as amended, VOTED that the Town amend the General By-Laws by adding a new Chapter entitled "Chapter 23 RIGHT TO FARM", the text of which as is appears in the warrant, as follows:

CHAPTER 23 RIGHT TO FARM

Article 1. Purpose and Intent

23-1-1. Purpose and Intent The purpose and intent of this By-Law is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth of Massachusetts under Article 97 of the Constitution of the Commonwealth of Massachusetts, and all state statutes and regulations thereunder including but not limited to General Laws Chapter 40A, § 3 (1); Chapter 90, § 9, Chapter 111, § 125A and Chapter 128, § 1A. We, the citizens of Kingston, restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution, ("Home Rule Amendment").

23-1-2. Pursuit of Agriculture This General By-Law encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmland within the Town of Kingston by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies. This By-Law shall apply to all jurisdictional areas within the Town.

Article 2. Definitions

23-2-1. Farm The word "farm" shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of commercial agricultural, or accessory thereto.

23-2-2. Farming or Agriculture The words "farming" or "agriculture" or their derivatives shall include, but not limited to the following:

- farming in all its branches and the cultivation and tillage of the soil;

- dairying;
- production, cultivation, growing, and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities but not water;
- growing and harvesting of forest products upon forest land, and any other forest or lumbering operations;
- raising of livestock including horses;
- keeping of horses as a commercial enterprise; and keeping and raising of poultry, swine, cattle, ratties (such as emus, ostriches and rheas) and camelids (such as llamas and camels), and other domesticated animals for food or other agricultural purposes, including bees and fur-bearing animals.

23-2-3. Farming "Farming" shall encompass activities including, but not limited to the following:

- operation and transportation of slow moving farm equipment over roads within the Town;
- control of pests, including, but not limited to, insects, weeds, predators and disease organisms of plant and animals;
- Application of manure, fertilizers and pesticides;
- Conducting agriculture-related educational and farm-based recreational activities, including agri-tourism provided that the activities are related to marketing the agricultural output or services of the farm;
- Processing and packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand including signage thereto;
- Maintenance, repair, or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of agricultural products; and
- On-farm relocation of earth and the clearing of ground for farming operations.

Article 3. Right to Farm Declaration

23-3-1. Declaration The Right to Farm is hereby recognized to exist within the Town of Kingston. The above described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community, and society in general. The benefits and protections of this By-Law are intended to apply exclusively to those commercial agricultural practices. Moreover, nothing in this Right to Farm By-law shall be deemed as acquiring any interest in land, or as imposing any land use regulation, which is properly the subject of state statute, regulation, or local zoning law.

Article 4. Disclosure Notification

23-4-1. Notification by Board of Selectmen Within thirty days after this By-Law becomes effective, the Board of Selectmen shall prominently post in the Town House and make available for distribution the following disclosure:

"It is the policy of this community to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food, and other agricultural products and also for its natural and ecological value. This disclosure notification is to inform buyers and occupants that the property they are about to acquire or occupy lies within a town where farming activities occur. Such farming and activities may include, but are not limited to, activities that cause noise, dust and odors. Buyers and occupants are also informed that the location of property within the Town may be impacted by commercial agricultural operations including the ability to access water services for such property under certain circumstances."

In addition to the above, copies of this disclosure notification shall be available in a public area at the Town House.

Article 5. Resolution of Disputes

23-5-1. Dispute Resolution Process Any person who seeks to complain about the operation of a farm may, notwithstanding pursuing any other available remedy, file a grievance with the Board of Selectmen, the Zoning Enforcement Officer, or the Board of Health, depending on the nature of the grievance. The filing of the grievance does not suspend the time within which to pursue any other available remedies that the aggrieved may have. The Zoning Enforcement Officer or Board of Selectmen shall forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the referring Town authority within an agreed upon time frame.

23-5-2. Board of Health The Board of Health, except in cases of imminent danger or public health risk, shall forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the Board of Health within an agreed upon time frame.

Article 6. Severability Clause

23-6-1. Severability If any part of this By-Law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this By-Law.

ARTICLE 32. To see if the Town will vote to amend the Town of Kingston General By-Laws by adding a new Chapter 25 entitled "Light Conservation By-Law" as shown on the document entitled "Light Conservation By-Law" and on file with the Town Clerk and posted at the Kingston Public

Library and on the Town's web site at www.kingstonmass.org, or take any other action relative thereto.

THERE WAS NO MOTION MADE UNDER THIS ARTICLE.

ARTICLE 33. On the motion of Daune B. Frey, VOTED that the Town use any funds voted by the Community Preservation Committee and Town Meeting as the fifty (50%) percent match for Massachusetts Historic Commission (MRC) Massachusetts Preservation Project Funds (MPPF) grant. The Heritage Center will apply for the maximum amount of \$100,000 to be used for the continued restoration of the Frederic C. Adams Library.

FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.

ARTICLE 34. On the motion of Joseph E. Webby, Jr., VOTED UNANIMOUSLY that the Town amend the Zoning Map of the Town of Kingston by changing the classification of use of a certain parcel of land located on Prospect Street and shown on Assessor's Map 67, as Lot 26-1, by changing the designation from Industrial (I) to Residential 20 (R20). (BY PETITION)

PLANNING BOARD RECOMMENDED FAVORABLE ACTION.

ARTICLE 35. To see if the Town will vote 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.

Or take any other action relative thereto. (BY PETITION)

THERE WAS NO MOTION MADE UNDER THIS ARTICLE.

ARTICLE 37. To see if the Town will vote to amend the Zoning Map of the Town of Kingston by changing the classification of use on certain parcels of land from Residential-20 (R20) to Commercial, said parcels being located at 146 Summer Street and shown on the Assessor's Map 27 as lot 10 or take any other action relative thereto. (BY PETITION)

THERE WAS NO MOTION MADE UNDER THIS ARTICLE.

ARTICLE 38. To see if the Town will vote to amend the Zoning Map of the Town of Kingston by changing the classification of use on certain parcels of land from Residential-20 (R20) to Commercial, said parcels being located at 6 Keith Avenue and shown on the Assessor's Map 27 as lot 3 or take any other action relative thereto. (BY PETITION)

THERE WAS NO MOTION MADE UNDER THIS ARTICLE.

ARTICLE 39. To see if the Town will vote to amend the Zoning Map of the Town of Kingston by changing the classification of use on certain parcels of land from

Residential-20 (R20) to Commercial, said parcels being located at 2 Keith Avenue and shown on the Assessor's Map 27 as Lot 9 or take any other action relative thereto. (BY PETITION)

THERE WAS NO MOTION MADE UNDER THIS ARTICLE.

ARTICLE 40. To see if the Town will vote to amend the Zoning Map of the Town of Kingston by changing the classification of use on certain parcels of land from Residential-20 (R20) to Commercial, said parcels being located at 8 Keith Avenue and shown on the Assessor's Map 27 as Lot 2 or take any other action relative thereto. (BY PETITION)

THERE WAS NO MOTION MADE UNDER THIS ARTICLE.

ARTICLE 41. To see if the Town will vote to amend the Zoning Map of the Town of Kingston by changing the classification of use on certain parcels of land from Residential-20 (R20) to Commercial, said parcels being located at 4 Keith Avenue and shown on the Assessor's Map 27 as Lot 7 or take any other action relative thereto. (BY PETITION)

THERE WAS NO MOTION MADE UNDER THIS ARTICLE.

ARTICLE 42. To see if the Town will vote to accept the following streets within the Tall Timber Estates subdivision Phase III as shown on the plan entitled "As-Built Plan of Tall Timber Estates Phase III", prepared by Vautrinot Land Surveying, Inc., dated December 4, 2006 P. Tree Lane, Miller's Lane, Norman's Way, and a portion of Pine Hill Drive and to authorize the Board of Selectmen to accept a gift of easement, or fee simple ownership of the land identified in the plans and accompanying materials, or to take any other action relative thereto. (BY PETITION)

THERE WAS NO MOTION MADE UNDER THIS ARTICLE.

ARTICLE 43. To see if the Town will vote to accept as public ways the roadways known as Round Hill Road, Mulberry Drive, Wolf Pond Road, Continental Court and Autumn Lane, as heretofore laid out by the Board of Selectman and shown on a Plan entitled "As-Built Plan, Roads, Drainage and Retention Basis, "Village at Russell Pond" Kingston, Massachusetts dated February 15, 1998 and February 6, 2006; revised December 22, 2006 as prepared by CCR Associates, Civil Engineers and Land Surveyors and recorded in the Plymouth County Registry of Deeds, Book 33, Pages 865-871, Book 336, Page 1169 and Book 37, Page 259, and on file with the Town Clerk; and to further authorize the Board of Selectmen to acquire, on behalf of the Town, by purchase, gift, or eminent domain, easements to use said roadways for all purposes for which public ways are used in the Town, and other associated easements, or take any other action relative thereto.

THERE WAS NO MOTION MADE UNDER THIS ARTICLE.

On the motion of Pine duBois, VOTED to adjourn without day.

There were 57 voters from Precinct 1, 44 voters from Precinct 2, 82 voters from Precinct 3, and 53 voters from Precinct 4, for a total of 238 voters.

Adjournment was at 10:25 p.m.

Respectfully submitted,

Mary Lou Murzyn, MMC/CMMC

SUMMARY OF 2008 ANNUAL TOWN MEETING:

Article	Date	Summary	Vote
1	4/5/08	Report of Town Officers	VOTED
2	4/5/08	Special Legislation - Transfer of Funds from Waste Water Enterprise Fund to General Fund*	VOTED
3	4/5/08	Budget	33,903,147.00
		Raised/Appropriated	\$32,566,219
		Transfer/Free Cash	575,136
		Transfer/Water Revenue	178,158
		Transfer/Waste Water Revenue	159,103
		Transfer/Septic Loan	24,531
		Transfer/Stabilization Fund	200,000
		Transfer/Surplus Waste Water Revenue (or Stabilization Fund)	200,000*
4	4/5/08	Water Enterprise Fund	1,439,498.00
5	4/5/08	Transfer - Water - Well Site at Muddy Pond	100,289.00
6	4/5/08	Water - Borrow - Water Meters	DEFEATED
7	4/5/08	Water - Borrow - Pembroke Street/Von Rohr Estates	400,000.00
8	4/5/08	Sewer Enterprise Fund	3,394,486.00
		Sewer Betterments	733,032.00
		MWPAT	1,331,849.00
		Tax Levy	230,219.00
		Waste Water Revenue	999,386.00
		Waste Water Surplus Revenue	100,000.00
9	4/5/08	Transfer - Sewer - Capital Equipment	85,000.00
10	4/5/08	Salaries of Elected Officials	5,519.00
11	4/5/08	Wage & Personnel Board	45,400.00
		Raised/Appropriated	\$39,911.00
		Water Revenue	3,173.00
		Waste Water Revenue	2,316.00
12	4/5/08	Elizabeth B. Sampson Fund	18,495.30
		Transfer/Unexpended Balances	10,099.70
13	4/7/08	Borrow - Capital Equipment	279,000.00
14	4/7/08	Department Equipment	NO MOTION
15	4/7/08	Revolving Fund - Recreation Programs	VOTED
		Revolving Fund - Shellfish Beds	VOTED
		Revolving Fund - Inspectors	VOTED
16	4/7/08	Community Preservation Fund	VOTED
		Reserves	\$235,500.00
		Appropriate-Admin. Expenses	39,250.00
		Appropriate-Projects	832,260
17	4/7/08	Engage Consultant - Updating Municipal Position Rating Manual	NO MOTION
18	4/7/08	Amend By-Laws c. 10, Section 10-2-5.	VOTED
19	4/7/08	Amend Zoning By-Laws - Section 3.1.	VOTED
20	4/7/08	Amend Zoning By-Laws - Section 4.16.10.6.	VOTED
21	4/7/08	Amend By-Laws c. 15, Section 15-2-2.	VOTED

22	4/7/08	Provide Electrical Power to Town Green	NO MOTION
23	4/7/08	Demolish Maple Avenue School	NO MOTION
24	4/7/08	Fund for Capital Improvements/Repairs to Town Buildings	DEFEATED
25	4/7/08	Grant of Easement - Map 21, Lot 2 (127 Lake Street)	VOTED
26	4/7/08	Special Legislation - Wind Energy Facilities Enterprise Fund	VOTED
27	4/7/08	Intermunicipal Agreement - South Shore Recycling Cooperative	VOTED
28	4/7/08	Amend By-Laws - Add C. 24 - Design Control and/or Care of Municipal Buildings	NO MOTION
29	4/7/08	LEED Standards for all Buildings	NO MOTION
30	4/7/08	Amend Zoning Map - Map 100, Lot 3-1 (Expand Wind Turbine Overlay District)	VOTED
31	4/7/08	Amend By-Laws - Add C. 23 "Right to Farm"	VOTED
32	4/7/08	Amend By-Laws - Add C. 25 "Light Conservation By-Law"	NO MOTION
33	4/7/08	Matching Funds Grant - Restoration of Frederic C. Adams Library	VOTED
34	4/7/08	Amend Zoning Map - Map 67, Lot 26-1	VOTED
35	4/7/08	Amend Zoning By-Laws - Add Section 4.4.4.10. (By Petition)	NO MOTION
36	4/7/08	Amend Zoning Map - Map 52, Lots 6,7,8,9 and Map 42, Lot 8 (By Petition)	VOTED
37	4/7/08	Amend Zoning Map - Map 27, Lot 10 (By Petition)	NO MOTION
38	4/7/08	Amend Zoning Map - Map 27, Lot 3 (By Petition)	NO MOTION
39	4/7/08	Amend Zoning Map - Map 27, Lot 9 (By Petition)	NO MOTION
40	4/7/08	Amend Zoning Map - Map 27, Lot 2 (By Petition)	NO MOTION
41	4/7/08	Amend Zoning Map - Map 27, Lot 7 (By Petition)	NO MOTION
42	4/7/08	Street Acceptance - P. Tree Lane, Miller's Lane, Norman's Way, portion of Pine Hill Drive (By Petition)	NO MOTION
43	4/7/08	Street Acceptance - Round Hill Road, Mulberry Drive, Wolf Pond Road, Continental Court, Autumn Lane	NO MOTION