

**SPECIAL TOWN MEETING  
JUNE 1, 2010**

The Special Town Meeting scheduled to be held on June 1, 2010, at 7:15 p.m., was called to order by the Moderator, Janet M. Wallace, at 7:24 p.m., at the Kingston Intermediate School, 65 Second Brook Street, Kingston, Massachusetts.

The Moderator stated that the warrant had been properly posted with constable return and the reading of the warrant was waived. She announced there was a quorum of 130 voters present.

The vote checkers were: Ruth M. Alberghini, Christine M. Chipman, Hannah M. Creed, Diane L. Hunt, Mary M. Leone, Patricia E. Scanlon, Diane T. Scully and Maureen E. Twohig. The doorkeepers were Nancy B. Delaney, Donna M. Farrington and Janet H. Holmes.

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

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

Jason R. Talerman, Town Counsel  
Jill R. Myers, Town Administrator  
Joan Paquette, Town Accountant  
Robert T. Heath, Fire Chief  
Thomas Bott, Town Planner  
John J. Tuffy, Supt. of Schools  
Craig Sheehan, MDOT Right of Way Bureau  
Kenneth Brack, Property Owner of 4 Elm Street

ARTICLE 1. Joseph F. Casna, Jr. moved that the Town authorize the Board of Selectmen to purchase, accept a donation, or take by eminent domain, and to transfer \$8,100 from the Reserve Fund to fund said purchase or taking along with all legal and administrative costs associated with acquiring temporary construction easements related to the Elm Street Over the Jones River Bridge Replacement project as shown and identified on a plan entitled "Massachusetts Department of Transportation Highway Division Reconstruction of Elm Street Over the Jones River (Bridge NO. K-01-002) in the Town of Kingston, Plymouth County, 25% Submission," dated February 2010 prepared by Greenman-Pedersen, Inc. (GPI), as revised or amended.

Considerable discussion followed.

John P. Creed moved the question.

THE MOTION WAS CARRIED UNANIMOUSLY.

On the motion of Joseph F. Casna, Jr., VOTED that the Town authorize the Board of Selectmen to purchase, accept a donation, or take by eminent domain, and to transfer \$8,100 from the Reserve Fund to fund said purchase or taking along with all legal and administrative costs associated with acquiring temporary construction easements related to the Elm Street Over the Jones River Bridge Replacement project

as shown and identified on a plan entitled "Massachusetts Department of Transportation Highway Division Reconstruction of Elm Street Over the Jones River (Bridge NO. K-01-002) in the Town of Kingston, Plymouth County, 25% Submission," dated February 2010 prepared by Greenman-Pedersen, Inc. (GPI), as revised or amended.

YES - 235; NO - 27

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

ARTICLE 2. Craig N. Dalton moved that the Town appropriate the sum of \$936,000.00 and to authorize Board of Selectmen to purchase, under the Community Preservation Act program, land on Assessors' Map 48, Lot 8 consisting of 2.6 +/- acres owned by Joseph J. Calista, D. Hubbard, and John L. Calista, and land on Assessors' Map 57, Lot 74 consisting of 7.41 +/- acres owned by Joseph J. Calista, D. Hubbard, and John L. Calista, to be managed and controlled by the Conservation Commission of the Town of Kingston, for the purpose of Open Space, including conservation and passive recreation, as is consistent with the Community Preservation Act; and to meet this appropriation, the sum of \$132,933.04 be appropriated from the Fund Balance Reserved for Open Space; the sum of \$302,666.96 be appropriated from Community Preservation Fund balance; the sum of \$400.00 be transferred from Article 16, April 2008 ATM; and that the Treasurer with the approval of the Board of Selectmen, as is authorized pursuant to the Community Preservation Act program, be authorized to borrow \$500,000.00 under G.L. c 44 §7 or any other enabling authority and to issue bonds or notes of the Town upon such terms as the Treasurer and the Board of Selectmen determine; and that the Board of Selectmen or Conservation Commission be authorized to file on behalf of the Town of Kingston any and all applications deemed necessary under Self-Help Act (G.L. c. 132A, §11) or any other applications for grant funds and/or receive gifts of any kind in any way connected with the scope of this acquisition; and further that said appropriation for Open Space shall include a requirement that the Board of Selectmen either accept or, in the alternative, grant to a qualifying third party, a permanent conservation restriction in said parcels of land meeting the requirements of M.G.L. Chapter 44B, § 12 and M.G.L Chapter 184, as may be deemed appropriate.

Paul M. Gallagher moved to amend by adding the words "and to provide that the borrowing is limited to a one year note not to exceed \$500,000.00" after the word "determine" in the borrowing authorization.

THE AMENDMENT WAS CARRIED.

Margaret A. Gallagher raised a point of order. The Moderator ruled it out of order.

Discussion followed.

On the motion of Craig N. Dalton, as amended, VOTED that the Town appropriate the sum of \$936,000.00 and to authorize Board of Selectmen to purchase, under the Community Preservation Act program, land on Assessors' Map 48, Lot 8 consisting of 2.6 +/- acres owned by Joseph J. Calista, D.

Hubbard, and John L. Calista, and land on Assessors' Map 57, Lot 74 consisting of 7.41+/- acres owned by Joseph J. Calista, D. Hubbard, and John L. Calista, to be managed and controlled by the Conservation Commission of the Town of Kingston, for the purpose of Open Space, including conservation and passive recreation, as is consistent with the Community Preservation Act; and to meet this appropriation: the sum of \$132,933.04 be appropriated from the Fund Balance Reserved for Open Space; the sum of \$302,666.96 be appropriated from Community Preservation Fund balance; the sum of \$400.00 be transferred from Article 16, April 2008 ATM; and that the Treasurer with the approval of the Board of Selectmen, as is authorized pursuant to the Community Preservation Act program, be authorized to borrow \$500,000.00 under G.L. c 44 §7 or any other enabling authority and to issue bonds or notes of the Town upon such terms as the Treasurer and the Board of Selectmen determine and to provide that the borrowing is limited to a one year note not to exceed \$500,000.00; and that the Board of Selectmen or Conservation Commission be authorized to file on behalf of the Town of Kingston any and all applications deemed necessary under Self-Help Act (G.L. c. 132A, §11) or any other applications for grant funds and/or receive gifts of any kind in any way connected with the scope of this acquisition; and further that said appropriation for Open Space shall include a requirement that the Board of Selectmen either accept or, in the alternative, grant to a qualifying third party, a permanent conservation restriction in said parcels of land meeting the requirements of M.G.L. Chapter 44B, § 12 and M.G.L Chapter 184, as may be deemed appropriate.

YES - 216; NO - 29

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

On the motion of James C. Judge, VOTED to adjourn without day.

There were 110 voters from Precinct 1, 91 voters from Precinct 2, 39 voters from Precinct 3, and 52 voters from Precinct 4, for a total of 292 voters.

Adjournment was at 8:41 p.m.

Respectfully submitted,

Mary Lou Murzyn, MMC/CMMC  
Town Clerk

**SUMMARY OF SPECIAL TOWN MEETING:**

| <b>Article Number</b> | <b>Summary</b>  | <b>Vote</b> |
|-----------------------|---|-------------|
| 1                     | Transfer/Elm Street Over the Jones River Bridge Replacement Project/Easements | 8,100.00    |
| 2                     | Community Preservation Fund - Calista Property                                | 936,000.00  |
|                       | • Fund Balance Reserve-Open Space \$132,933.04                                |             |
|                       | • Community Preservation Fund 302,666.96                                      |             |
|                       | • Transfer - Art. 16, 2008 ATM 400.00   |             |
|                       | • Borrow 500,000.00   |             |