

**SPECIAL TOWN MEETING
JUNE 2, 2009**

The Special Town Meeting scheduled to be held on June 2, 2009, at 7:15 p.m., was called to order by the Moderator, Janet M. Wallace, at 7:13 p.m., at the Kingston Intermediate School, 65 Second Brook Street, Kingston, Massachusetts.

The Moderator announced that a quorum was present and stated that it was obvious proper notice had been given. She waived the reading of the warrant. The Moderator then explained the guidelines under which this Town Meeting would be conducted.

The vote checkers were: Priscilla W. Brackett, Hannah M. Creed, Lynn M. Flood, Diane L. Hunt, Mary M. Leone, Roberta G. Reed, Patricia E. Scanlon, Diane T. Scully and Maureen E. Twohig. The doorkeepers were Nancy B. Delaney and Donna M. Farrington.

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

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

Jason R. Talerman, Town Counsel
Jill R. Myers, Town Administrator
Joan Paquette, Town Accountant
Robert T. Heath, Fire Chief
Thomas Bott, Town Planner
Luisa Stewart, Library Director
John J. Tuffy, Superintendent of Schools
Jennifer Scavone, Secretary to Wage & Personnel Board
Bob Davis of Goulston & Storrs
Lloyd Geisinger, Thorndike Development

ARTICLE 1. On the motion of Sandra D. MacFarlane, VOTED that the Town remedy the action taken in Article 1 of the April 4, 2009, Special Town Meeting which supplemented appropriations to the FY09 Operating Budgets to certain accounts, by altering the various appropriations and transfers as follows:

1. By transferring an additional sum of \$17,401 from Surplus Revenue thereby increasing the previous total amount transferred from Surplus Revenue from \$346,918.00 to \$364,319.00;
2. By transferring the sum of \$12,599 from the unexpended appropriation authorized from Highway Sick Leave Buyback 01422-51151;

And transfer the sum of \$17,118.53 from the unexpended appropriation authorized from Employee Benefits 01910-51175 and to allocate said sum of \$17,118.53 for the Fire Department Detail Account 19220-42711.

FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.

ARTICLE 2. On the motion of Dennis N. Randall, VOTED that the Town remedy the action taken in Article 16 of the October 1, 2008, Special Town Meeting, wherein certain streets within the Tall Timber Estates Subdivision Phase III were accepted, by correcting the name of the subject road, which was misidentified as "a portion of Pine Hill Drive" so that it is properly identified as "a portion of Pine Hill Road", as shown and identified on the revised plan entitled "As-Built Plan of Tall Timbers Estates Phase III", prepared by Vautrinot Surveying Inc., dated December 4, 2006, and on the revised metes and bounds description, both on file with the Town Clerk.

ARTICLE 3. Paul M. Gallagher 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.

Discussion followed.

Brian W. Spires moved the question.

THE MOTION WAS CARRIED.

On the motion of Paul M. Gallagher, 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 DEPARTMENT OF HIGHWAYS AND THE TOWN OF KINGSTON TO EXCHANGE CERTAIN PARCELS OF LAND

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. Upon completion of its review and its approval of the plans for the construction of a ramp in the town of Kingston to provide access from public ways serving the Kingston MBTA Station and land in Kingston and Plymouth in the vicinity thereof to state highway route 3, southbound, the department of highways, hereinafter referred to as the "department," shall notify the board of selectmen of the town of Kingston. The notice shall include one or more plans depicting (1) the layout of the ramp, (2) the extension of Cranberry road as approved by the town of Kingston planning board as provided in section 3 and (3) necessary easements, both construction and permanent, within the boundaries of the town's land described as

parcels 1 (being a portion of Kingston Assessors' Map 66, Lot 50), 2 (comprised of portions of Map 66, Lot 50 & Map 75, Lot 11), 3 (being a portion of Cranberry Road Right-of-Way) and 5 (comprised of portions of Map 66, Lot 50 & Map 75, Lot 11) on the plan identified in said section 3. Neither the layout of the ramp, the extension of Cranberry road nor the easements shall require the relocation of the town's existing sewer treatment and recycling facilities.

SECTION 2. Notwithstanding any general or special law to the contrary, the department, following its acquisition of the land and the easements described in section 3, shall convey to the town for municipal purposes, the portion of land owned by the department shown as parcel 6 (Mass Highway 1958 Layout #4722) on the Plan (as defined below) located south of the layout of the ramp no longer required for highway purposes. The parcel shall not be less than 30,000 square feet, shall be contiguous to parcel 4 (comprised of portions of Map 66, Lot 50 & Map 75, Lot 11) and shall be described in the notice given to the board of selectmen under section 1.

SECTION 3. (a) Notwithstanding any general or special law to the contrary, the board of selectmen of the town of Kingston, upon receipt of the notice required under section 1 and, as requested by the department, shall either convey by deed to the department or release the town's interest in, and the department shall acquire by the deed, eminent domain or otherwise, the land required for the ramp to be laid out as a state highway in the following described parcels of land owned by the town: not more than 1.95 acres of the town's land described as parcels 1, 2 and 3 above and on that plan of land entitled "Plan of Land Parcels in Kingston Massachusetts to be Exchanged between the Town of Kingston and the Massachusetts Department of Highways," dated August 6, 2007 (the "Plan"). The deed or release shall also include such easements in said parcels 1, 2, and, 3 above and on parcel 5 described above and on the Plan as the department requires in connection with the construction and operation of the ramp. (b) The department, in accordance with section 7A of chapter 81 of the General Laws, on behalf of the town of Kingston, shall alter Cranberry road to create its extension as approved by the planning board of the town of Kingston as a roadway to the ramp. The extension shall be located within said parcels 2 and 5 as shown on the plan. (c) The extension of Cranberry road shall be designed and constructed in accordance with the design standards adopted under the town of Kingston smart growth zoning by-law and approved by the planning board of the town of Kingston.

SECTION 4. The board of selectmen of the town of Kingston shall apply for the permits and approvals required from the department of environmental protection to use the lands described in section 3 for the purposes provided in sections 1 and 3.

SECTION 5. Notwithstanding any general or special law to the contrary, upon completion of the ramp in accordance with the approvals issued by the department, the department shall notify the town of the completion and shall take control of and operate the ramp as part of the department's highway system.

SECTION 6. The plan referred to in Section 3 shall be kept on file with the chief engineer of the department and the town administrator of the town of Kingston.

SECTION 7. This act shall take effect upon its passage.

YES - 152; NO - 24

THE MOTION WAS CARRIED.

John L. Haas moved to reconsider Article 3.

THE MOTION WAS NOT CARRIED.

ARTICLE 4. On the motion of Richard J. Arruda, VOTED that the Town appropriate the sum of \$322,348.00 to be expended in anticipation of reimbursement authorized for the State's share of the cost of work to be done under Chapter 90 of the General Laws.

FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.

ARTICLE 5. To see if the Town will vote to amend the Town of Kingston Zoning Map by expanding the "Wind Turbine Overlay District" to include the land consisting of Assessors' Map 19, Lot 7; as shown on the "Wind Turbine Overlay Expansion Plan", on file with the Town Clerk, or take any other action relative thereto.

THERE WAS NO MOTION MADE UNDER THIS ARTICLE.

ARTICLE 6. To see if the Town will vote to amend the Town of Kingston Zoning Map by changing the classification of use of a certain parcels of land from a Commercial/Industrial Park District to Residential-40 (R40) District. Said parcels being located on a paper street known as Thomas Street and shown on the Kingston's Assessors' Map 75 as Lot 4, 5, 6, 7, and Map 66 as Lot 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 45, 47, 75, 76, or take any other action relative thereto.

THERE WAS NO MOTION MADE UNDER THIS ARTICLE.

ARTICLE 7. On the motion of William B. Martin, VOTED that the Town accept the provisions of Massachusetts General Law, Chapter 60A, Section 1, to exempt from motor vehicles excise tax, Massachusetts residents who are on active military duty outside the country for at least forty-five (45) days of the excise calendar year, and further; if the serviceman is wounded or killed in an armed conflict, the exemption applies regardless of the number of days deployed.

FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.

ARTICLE 8. On the motion of William B. Martin, VOTED that the Town accept the provisions of Massachusetts General Law, Chapter 60A, Section 9, to allow Massachusetts National Guardsmen and Reservists deployed outside the state, or their dependents, up to 180 days after that

service to pay their motor vehicle excise tax without interest or penalties.

FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.

ARTICLE 9. On the motion of Thomas S. Donnelly, VOTED that the Town increase the gross receipts that seniors may have in the prior calendar year to be eligible to defer property taxes under G.L. c. 59 § 5, Clause 41A from \$40,000 to \$48,000 as the income limit to qualify for the "circuit breaker" state income tax credit for the preceding state tax year, with such increase to be effective for deferrals granted for taxes assessed for the fiscal year beginning on July 1, 2009.

FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.

On the motion of John P. Creed, VOTED to adjourn without day.

There were 61 voters from Precinct 1, 74 voters from Precinct 2, 54 voters from Precinct 3, and 49 voters from Precinct 4, for a total of 238 voters.

Adjournment was at 8:05 p.m.

Respectfully submitted,

Mary Lou Murzyn, MMC/CMMC
Town Clerk

SUMMARY OF SPECIAL TOWN MEETING:

Article Number	Summary	Vote
1	Supplement General Fund/FY09 Operating Budgets <ul style="list-style-type: none">• Transfer Surplus Revenue - \$17,401.00• Transfer Highway Sick Leave Buyback - \$12,599.00• Transfer Employee Benefits - \$17,118.53	\$17,118.53
2	Street Acceptance - Tall Timbers Estates Phase III - remedy to identify "a portion of Pine Hill Road"	VOTED
3	Re-Vote Legislation for Exchange of Certain Parcels of Land (Construction of Highway Ramp)	VOTED
4	Chapter 90	322,348.00
5	Amend Zoning Map - Wind Turbine Overlay District - Map 19, Lot 7	NO MOTION
6	Amend Zoning Map - Commercial/Industrial Park District to R40 - Map 75, Lots 4,5,6,7 and Map 66, Lots 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 45, 47, 75, 76	NO MOTION
7	Accept M.G.L. c. 60A, sec. 1 (exempt motor vehicle excise tax while on active military duty)	VOTED
8	Accept M.G.L. c. 60A, sec. 9 (grace period to pay motor vehicle excise tax after active military duty)	VOTED
9	Accept M.G.L. c. 59, sec. 5, clause 41A (increase income ceiling to meet State Circuit Breaker income limits)	VOTED