

**SPECIAL TOWN MEETING
AUGUST 9, 2011**

The Special Town Meeting scheduled to be held on August 9, 2011, at 7:00 p.m., was called to order by the Moderator, Janet M. Wallace, at 7:00 p.m., at the Kingston Intermediate School, 65 Second Brook Street, Kingston, Massachusetts. The Moderator announced that there was a quorum of 103 voters present. She declared that the warrant had been properly noticed with the Constable Return of Service; and as tradition has dictated, the reading of the warrant was waived.

The vote checkers were: Priscilla W. Brackett, Christine M. Chipman, Hannah M. Creed, Diane L. Hunt, Diane P. Poirier, 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, John P. Creed and James C. Judge.

Ms. Wallace recognized Dennis N. Randall to lead the Town Meeting body in reciting the Pledge of Allegiance. Mr. Randall served in the United States Air Force from 1966 through 1970 and served in harms way in Vietnam in 1969. He was honorably discharged in 1970 at the rank of Sergeant. Mr. Randall also joined the United States Army and served in the Active Reserves in 1973/1974 in B Troop Armor Calvary. Dennis, a life long resident of Kingston and a permanent resident almost 30 years, has served on numerous boards and committees including the Board of Selectmen, Board of Health, Planning Board, Library Trustees and currently serving on the Kingston Elementary School Committee. He was thanked with a round of applause for his service to our country, service to our Town, and for leading us in the Pledge.

The Moderator explained the rules of this meeting as identified in *Town Meeting Time* and as dictated by Kingston's By-Laws.

Ms. Wallace recognized State Representative Thomas J. Calter, III and Superintendent of Schools John J. Tuffy, both in attendance for today's meeting.

Next, Ms. Wallace recognized Nancy Eaton of CART Services. She is the individual who provides hearing-impaired services for our town meetings. Many of our residents rely upon her services. The Town Meeting body thanked Ms. Eaton with a warm round of applause.

On the motion of Richard J. Arruda, VOTED UNANIMOUSLY 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. Goldsmith, Town Administrator
Joan Paquette, Town Accountant
Thomas Bott, Town Planner
Lynne Spencer, Mendes Torrey & Spencer
Daniel Pallotta, P3 - Owner's Project Manager

ARTICLE 1. Kenneth G. Moalli moved that the sum of \$300,000 be appropriated for the purpose of preserving the Frederic C. Adams Library located at 33 Summer Street, Kingston, MA, and to meet this appropriation the sum of \$86,600 be appropriated from the FY2012 CPA Reserved for Historic Resources and the sum of \$189,123.14 be transferred and appropriated from FY2012 CPA Revenues, and further the sum of \$673.20 be transferred from Article 11, October 1993 STM and the sum of \$23,603.66 be transferred from Article 11, May 1998 ATM and Article 1, May, 1999 STM, said historic preservation to be conducted consistent with existing restrictions on the property.

FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.

After considerable discussion, John P. Creed moved the question.

THE MOTION WAS CARRIED.

On the motion of Kenneth G. Moalli, VOTED that the sum of \$300,000 be appropriated for the purpose of preserving the Frederic C. Adams Library located at 33 Summer Street, Kingston, MA, and to meet this appropriation the sum of \$86,600 be appropriated from the FY2012 CPA Reserved for Historic Resources and the sum of \$189,123.14 be transferred and appropriated from FY2012 CPA Revenues, and further the sum of \$673.20 be transferred from Article 11, October 1993 STM and the sum of \$23,603.66 be transferred from Article 11, May 1998 ATM and Article 1, May, 1999 STM, said historic preservation to be conducted consistent with existing restrictions on the property.

ARTICLE 2. Richard J. Arruda moved that the Town authorize the Board of Selectmen to petition the General Court to adopt special legislation establishing the appointed combined office of treasurer-collector as set forth below; 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 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 Creating the Position of Treasurer-Collector
in the Town of Kingston.**

SECTION 1. Notwithstanding the provisions of section 1 of chapter 41 or of any other general or special law to the contrary, there shall be a Treasurer-Collector for the town of Kingston. The Treasurer-Collector shall have all the powers, perform the duties and be subject to the liabilities and penalties now or hereafter conferred and imposed by law on Town Treasurers and Town Collectors of taxes. The Treasurer-Collector shall be appointed and may be removed, after the opportunity for a hearing, by the Board of Selectmen of the Town. The Board of Selectmen shall establish an employment contract with the

Treasurer-Collector for salary, fringe benefits and other conditions of employment, including, but not limited to, severance pay, reimbursement for expenses incurred in the performance of the duties of office, liability insurance, and conditions of discipline, termination, dismissal, reappointment, performance standards and leave.

SECTION 2. Upon the effective date of this act the elected offices of Town Treasurer and Town Collector shall be abolished and the terms of the incumbents of such offices terminated. However, notwithstanding the provisions of section 1 of this act, the incumbent elected Treasurer on the effective date of this act shall be the first appointee to the new combined position of Treasurer-Collector, and shall hold such office and perform the duties thereof until the expiration of the term for which the Treasurer was elected, unless such incumbent sooner vacates such office. After the expiration of the term of the incumbent Town Treasurer holding office on the effective date of this act, or a sooner vacating of the office, the Board of Selectmen shall appoint a Treasurer-Collector in accordance with section 1 of this act.

SECTION 3. No contracts or liabilities in force on the effective date of this act shall be affected by the abolition of the elected offices of Treasurer or Collector or the creation of the combined appointed office, and the appointed Treasurer-Collector shall in all respects be the lawful successor of the offices so abolished or consolidated. All records, property and equipment whatsoever of the offices of the elected Treasurer and elected Collector shall be assigned to the office of the appointed Treasurer-Collector.

SECTION 4. This act shall take effect on its passage.

FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.

TOWN GOVERNMENT STUDY COMMITTEE RECOMMENDED
FAVORABLE ACTION TO COMBINE POSITIONS.
(7-0 VOTE)

TOWN GOVERNMENT STUDY COMMITTEE RECOMMENDED
FAVORABLE ACTION TO APPOINT COMBINED POSITION.
(4-3 VOTE)

Discussion ensued.

Peter J. Boncek moved to amend by deleting in Section 1. all verbiage after the word "Town" at the end of the sentence 3, and inserting instead: "That the position of Treasurer-Collector should fall under the Wage & Personnel By-Laws; and within a period of 90 days, the position of Treasurer-Collector be classified by the Wage & Personnel Board."

Mark S. Beaton raised a point of order as to the statutory authority of the Board of Selectmen to hire and fire and questioned whether the amendment was in order. After discussion by and between Town Counsel and the Moderator,

the Moderator ruled the amendment outside the scope of the warrant article.

After additional discussion, John C. Veracka, Jr. moved the question.

THE MOTION WAS CARRIED UNANIMOUSLY.

Kenneth G. Moalli was sworn in as a teller for this article replacing Mr. Creed.

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

YES - 77; NO - 87

THE MOTION WAS NOT CARRIED.

Before the close of the meeting, the Moderator recognized Board of Selectmen Chairman Arruda, who expressed thanks and offered best wishes to Town Administrator, Jill Goldsmith, as she embarks on her new position in Chatham.

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

There were 43 voters from Precinct 1, 67 voters from Precinct 2, 46 voters from Precinct 3, and 48 voters from Precinct 4, for a total of 204 voters.

Adjournment was at 8:32 p.m.

Respectfully submitted,

Mary Lou Murzyn, MMC/CMMC
Town Clerk