



TOWN OF KINGSTON
SPECIAL TOWN MEETING WARRANT
Tuesday, October 24, 2023
7:00 PM

Location: Kingston Intermediate School
65 Second Brook Street, Kingston, MA

Summary of Special Town Meeting Articles

ARTICLE	DESCRIPTION	COST	SOURCE
1	Amend Regional Agreement Between Silver Lake and Kingston School Department	N/A	N/A
2	Prior Years' Bills	\$11,866.89	Unexpended Articles
3	FY24 Transfer to Employment Liability Reserve Fund	\$66,372	Free Cash
4	Supplement FY24 Operating Budget	\$387,500	Raise and Appropriate/Free Cash
5	Supplement Grant Funding For Evergreen/Pembroke Street Intersection Improvements	\$80,000	Free Cash
6	Upgrade of Municipal Finance Software	\$15,000	Free Cash
7	Establish an Opioid Stabilization Account	\$11,542.74	Free Cash
8	Fund Opioid Mitigation	\$40,000	Free Cash
9	Establish a Tax Title Collection Revolving Fund	N/A	N/A
10	Funding for Tax Title Processing	\$20,000	Raise and Appropriate
11	Correct Collective Bargaining Funding from General Fund to Water Fund	\$0	Water User Revenue
12	Correct Collective Bargaining Funding from General Fund to Water and Wastewater Funds	\$0	Water and Sewer User Revenue
13	Community Preservation Fund Appropriation to fund the Opachinski Fields/Drainage Improvements	\$242,762	Community Preservation Funds
14	Repurpose Water Department Use of Retained Earnings	N/A	Water Retained Earnings
15	Approve Wastewater Leaching Fields	\$13,000,000	Borrowing
16	Transfer of Land from Silver Lake Regional School District to the Kingston Conservation Commission	N/A	N/A
17	FY24 Wage and Personnel By-Law; Amendments and Compensation Schedule	N/A	N/A
18	Amend to General Bylaw Chapter 2 Town Meeting	N/A	N/A
19	Amend to General Bylaw Chapter 3 - Finance Committee and Budget Process	N/A	N/A
20	Amend General By-Laws; Chapter 4 – Council on Aging	N/A	N/A
21	Amend the Zoning Bylaw	N/A	N/A
22	Establish New Temporary Repairs to Private Way General Bylaw	N/A	N/A
23	Grant Eversource Easement on Kingston Public Library Property	N/A	N/A
24	Accept Prudent Investor Rule for Investment Diversification	N/A	N/A

COMMONWEALTH OF MASSACHUSETTS

TOWN OF KINGSTON

Warrant

Special Town Meeting

To one of the Constables in the Town of Kingston, County of Plymouth, and Commonwealth of Massachusetts,

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the Inhabitants of said Town qualified to vote in town affairs to meet at the Kingston Intermediate School, 65 Second Brook Street, Kingston, MA, on Tuesday, October 24, 2023, at 7:00 p.m., then and there to act on the following articles:

ARTICLE 1

Amendment to the Regional Agreement Between Silver Lake and the Kingston School Departments

Majority Vote

Motion By: Kingston School Committee

Board of Selectmen – 0-0-0 Favorable Vote

Kingston School Committee - 0-0-0 Favorable Vote

To see if the Town will vote to adopt the amended Regional Agreement to be effective July 1, 2024, by deleting the text shown with a strikethrough, and inserting the text shown underlined; or take any action relative thereto:

REGIONAL AGREEMENT

SILVER LAKE REGIONAL SCHOOL DISTRICT

FOR THE THREE TOWNS OF

HALIFAX, KINGSTON, AND PLYMPTON

I. REGIONAL SCHOOL DISTRICT

This agreement is entered into pursuant to Chapter 71 of the Massachusetts General Laws (M.G.L.) as amended, between the towns of Halifax, Kingston and Plympton (hereinafter each referred to individually as a “Town” or collectively as the “Towns”) to form the Silver Lake Regional School District referred to as “District” and amends in its entirety the agreement initially established in 1951. In consideration of the mutual promises herein contained, it is hereby agreed as follows:

1. Type

The District shall serve Pre-Kindergarten (Pre-K) and Grades 7-12.

2. Location

All District schools shall be located within the towns of the District.

3. Transportation

School transportation shall be provided by the District, to the extent required by Massachusetts law, and the cost thereof shall be apportioned to the towns as an operating cost in accordance with Section IV(2)(c).

II. DISTRICT SCHOOL COMMITTEE

1. Composition

The District School Committee (hereinafter referred to as “Committee”) shall consist of nine members, three of whom shall be elected from the Town of Halifax, four of whom shall be elected from the Town of Kingston and two of whom shall be elected from the Town of Plympton.

2. Weighted Voting

For purposes of voting on matters properly before the Committee, Committee members from the towns of Halifax, Kingston and Plympton shall have their recorded votes weighted to ensure

compliance with equal apportionment principles in accordance with M.G.L. c. 71, s. 14E(4). The weighted vote of each Committee member shall be established every ten years according to the Federal Census. The Committee will review the Federal census data and the weighted votes will be modified if necessary within six (6) months of the issuance of the data or July 1, whichever is earlier.

A majority vote shall require greater than fifty percent (50%) of the weighted vote of a quorum of the Committee. A quorum of the Committee is considered present when members who hold greater than fifty percent (50%) of the weighted vote are in attendance as well as at least one member from each town. As of July 1, 2023, the weighted votes are as follows:

Each Kingston member's vote is fourteen percent (14%)

Each Plympton member's vote is six percent (6%).

Each Halifax member's vote is ten and two-thirds percent (10.66%).

3. Selection

Committee members shall be elected at the respective annual Town elections of the towns.

4. Terms of Office

Members shall be elected for a term of three years, which shall be staggered. All terms of office shall commence on June 1.

5. Vacancies

Any vacancy occurring among the members shall be filled by the Selectboard and the remaining members of the Committee of the Town in which the member was elected, with the member so appointed to serve until June 1 after the next annual town election of such Town. If the unexpired term of the former member extends beyond June 1 after such election, a new member shall be elected at the Town's annual election to fill the unexpired term to commence on June 1.

6. Organization

(amended 2001) At the regular Committee Meeting following the completion of town elections and the swearing in process, the Committee shall organize and elect by open ballot a Chair and Vice-Chair from its own membership. The Committee shall also appoint a Treasurer, Assistant Treasurer (who is a member of the Committee), Secretary, and such other officers as it deems advisable, determine the terms of office and prescribe the powers and duties of any of its officers, fix the time and place for its regular meetings, and provide for the calling of Special Meetings.

7. Powers and Duties

a. The Committee shall have all the powers conferred, and all the duties imposed, by Sections 14 to 16I, inclusive, of Chapter 71 of the General Laws, and any amendments thereto, and all the powers and duties conferred and imposed upon school committees by law, the same to be exercised for and on behalf of the District.

b. The Committee shall establish and maintain within the District a Central Office for the transaction of its business, the place to be determined by the Committee; and the Committee shall have the power to equip said Central Office and to purchase such supplies as may be required in the transaction of the business of the District.

c. The Committee shall have authority to act on any and all matters not inconsistent with existing laws, which may seem advisable.

III: LEASE OF SCHOOLS IN TOWNS

1. The towns are hereby authorized to lease to the District all and/or part of the premises and the buildings presently known as the Kingston Elementary School, Dennett Elementary School, and/or Halifax Elementary School for the purpose of housing the District's Pre-Kindergarten program. Each of the leases authorized above shall be for a term of twenty years and the term shall commence on the date when the Committee assumes jurisdiction over the pupils in the Pre-Kindergarten. Each of the leases shall contain a provision or provisions for the extension of the term thereof for an additional term not in excess of twenty years, renewable at any time during the term, at the option of the

Committee. The town(s) shall separately charge the District rent in the amount of \$6,425 per classroom for each fiscal year. Said rate is subject to negotiation by the Committee and the Selectboard of the town(s), and an amendment to this Agreement shall not be necessary to memorialize said rate change.

2. Each of the leases shall contain provisions for shared use of the building with the elementary schools and the Town. The District is not responsible for insuring and/or any capital costs associated with the leased spaces.

IV. DISTRICT FINANCES

The District budget shall consist of capital costs, operating costs, and transportation costs.

Enrollment is defined in this Section as all resident students from each town that are listed on the October 1 report that actually attend the District schools (pre-K and grades 7-12), but excluding charter, school choice, and tuition students.

1. Method of Apportioning Capital Costs in the District

a. Each town's share of capital costs shall be determined for each fiscal year by computing the ratio which that Town's enrollment on the preceding October 1 bears to the total enrollment from all towns.

b. Capital costs shall include all expenses in the nature of capital outlay such as the cost of acquiring land, the cost of constructing, reconstructing, and adding to buildings, and the cost of remodeling or making extraordinary repairs to a school building or buildings, including without limitation, the cost of the original equipment and furnishings for such buildings, or additions, plans, architects' and consultants' fees, grading and other costs incidental to placing school buildings and additions and related premises, such as playing fields and parking lots, etc., in operating condition; and such capital costs shall also include payment of principal of and interest on bonds, notes or other obligations issued by the District to finance capital costs.

2. Method of Apportioning the Operating Costs of the District

a. Operating expenses shall include all costs not included in capital costs as defined in Paragraph 1(b) of Section IV but including interest on temporary notes issued by the District in anticipation of revenue.

b. Operating costs shall be apportioned to the towns using the statutory assessment method, as defined in 603 CMR 41.01. Each town's share of that portion of the District's net school spending, as defined by M.G.L. c.70, § 2, that exceeds the total required local contribution for all towns shall be assessed by computing the ratio which the sum of the enrollment of a town bears to the sum of the enrollment for all of the District, as determined by the student enrollment in the District on October 1 of the preceding year. All towns must make their required local contribution to the District.

c. Costs for transporting students to and from school shall be assessed by computing the ratio which enrollment of a town bears to the total enrollment of all towns.

3. Budget

(amended 19) A preliminary budget is presented to the Committee during January. Based on input from the towns and the Committee, budget adjustments may be made by the administration and resubmitted to the Committee.

The Committee shall, no later than forty-five days prior to the earliest date on which the business session of the annual town meeting of any town is to be held, but not later than March 31, determine the amounts necessary to be raised to maintain and operate the District during the ensuing fiscal year, and the amount required for payment of debt and interest incurred by the District which will be due in said fiscal year, and shall prepare a formal budget including these amounts. The vote on the budget must be by at least a two-thirds weighted vote of the full Committee after a public hearing has been held.

The Committee shall apportion the said amounts in accordance with the provisions of this agreement. The amount so apportioned for each town shall be certified by the District Treasurer to the Treasurers of the towns within thirty (30) days from the date on which the annual budget is adopted, but not later than April 30. The towns at their next annual town meetings shall vote on whether to appropriate the amount so certified. The budget shall be deemed approved upon the affirmative vote of 2/3 of the towns at town meeting.

4. Payments by Towns

Payments of the amounts apportioned to the towns shall, in equal installments, be paid to the Committee by the towns quarterly, on the fifteenth day of July, October, January and March in each fiscal year.

5. Annual Report

The Committee shall submit to each of the towns an Annual Report containing a detailed financial statement and a statement showing the methods by which the annual charges assessed each town were computed together with such additional information relating to the operation and maintenance of the District schools as may be deemed necessary by the Committee or by the Selectboard of any town.

V. INCURRING OF DEBT

Not later than seven days after the date on which the Committee authorizes the incurring of debt, other than temporary debt in anticipation of revenue to be received from towns, written notice of the amount of the debt and of the purposes for which it was authorized shall be given to the Selectboard in each town. The default method for incurring debt shall be M.G.L. c. 71, s. 16(d), which shall require a majority vote. A two-thirds (2/3) vote of the Committee is required in order to change the method to the process laid out in M.G.L. c. 71, s. 16(n). The District will follow and comply with the procedures and approval process outlined in the chosen method.

VI. AMENDMENTS

1. Limitations

(amended 19 This agreement may be amended from time to time in the manner hereinafter provided, but no amendment shall be made which shall substantially impair the rights of the holders of any bonds, notes or other obligations of the District then outstanding, or the rights of the District to procure the means for payment thereof provided that nothing in this section shall prevent the admission of a new town or new towns to the District and the reapportionment accordingly of that part of the cost of construction represented by bonds or notes of the District then outstanding and of interest thereon.

2. Procedure

(amended Any proposal for amendment may be initiated by a majority vote of the District School Committee or by a petition signed by ten percent (10%) of the registered voters in each of the towns. In the latter case, said petition shall contain at the end thereof a certification by the Town Clerk of each town as to the number of registered voters in said town according to the most recent voting list and the number of signatures on the petition which appear to be the names of the registered voters of said town and said petition shall be presented to the Secretary of the Committee. In either case, the Secretary shall forthwith mail or deliver a notice in writing to the Selectboard of each of the towns that a proposal to amend this Agreement has been made and shall enclose a copy of such proposal (without the signatures in the case of a proposal by petition). The Selectboard of each town shall include in the warrant for the next Annual or Special Town Meeting called for the purpose, an article stating the proposal. Such amendment shall take effect upon its acceptance by all of the towns. Acceptance by each Town shall be by majority vote at a Town Meeting as described above and approval of the Commissioner of Elementary and Secondary Education, hereinafter sometimes referred to as Commissioner, is required.

3. Admission of Additional Towns to the District

a. A non-member town may petition the Committee for admittance to the District. The non-member town shall become a member of the District if the Committee agrees to draft an amended Agreement allowing the town to join and said amended Agreement is accepted by all of the towns as well as the petitioning town, and acceptance by the towns and the petitioning town to be by majority vote at an annual or special town meeting and approval of the Commissioner no later than December 31 for an effective date of July 1.

b. Upon admission of a town to the District, assessments to the towns by the District to meet capital costs as defined in Section IV shall be reapportioned, the terms of reapportionment to be stipulated in the amendment to the Agreement by which the town is admitted to the District.

c. The newly admitted town shall pay to the District its share determined in Section IV of the funded indebtedness already retired in accordance the payment schedule negotiated with the newly admitted town. For the purpose of this calculation such retired indebtedness shall be considered as the difference between (1) the original plus any subsequent capital costs, exclusive of interest and the total

state construction grant, depreciated at the rate of 2 per cent per year, and (2) that part of capital costs as yet unpaid less that part of the state construction grant not yet received. Such share shall be paid in equal installments not later than July 15th, October 15th, January 15th, and March 15th, in each year during the remaining period of

indebtedness. Payments thus made shall be credited to the other towns comprising the District in amounts proportionate to the share of capital costs each has paid in the past and used to reduce current and/or future capital costs only.

d. If no funded indebtedness exists, the newly admitted town shall nevertheless assume liability for its share of past funded indebtedness which shall be computed in the manner described above in Section 3(c) and paid directly to the other towns then comprising the District in the proportion due each, payments to be made in ten equal annual installments. A provision shall be included in the amended Agreement, which shall outline the liability and method of payment in accordance with the requirements of this section.

4. Withdrawal of a Town from the District

a. Any town, by majority vote at town meeting, may petition to withdraw from the District under terms stipulated in a proposed amendment to the Agreement provided (1) that such withdrawal is approved by the Commissioner; (2) that the town seeking to withdraw pays the District any operating costs for which it became liable as a member of the District; (3) that said town shall remain liable to the District for its share of the Other Postemployment Benefits (OPEB) and/or pension liabilities; and (4) that said town shall remain liable to the District for its share of the indebtedness of the District outstanding at the time of such withdrawal, and for interest thereon, to the same extent and in the same manner as though the town had not withdrawn from the District, except that such liability shall be reduced by any amount which such town has paid over at the time of withdrawal and which has been applied to the payment to such indebtedness or interest. A withdrawing town's share of any future installment of principal and interest on obligations outstanding on the effective date of its withdrawal on account of capital costs shall be fixed at the percentage prevailing for such town in the annual apportionment for the year at the beginning of which or within which the withdrawal takes effect.

b. Said petitioning town shall cease to be a member of the District if and when the proposed amendment is approved by the Committee and accepted by the petitioning town and each of the other towns, acceptance by the petitioning town and by the other towns to be by majority vote at an annual or special Town Meeting, as well as the Commissioner's approval not later than December 31 for an effective date of withdrawal on July 1.

c. Matters involving the transition of staff and/or students, interim housing arrangements, transfer of assets, and on-going liabilities and expenses shall be part of a separate Agreement between the District and the withdrawing Town.

VII. CAREER AND VOCATIONAL TECHNICAL EDUCATION

(amended 195 The Committee is hereby authorized to establish and maintain State-aided Career and Vocational Technical Education, acting as trustee therefore, in accordance with the provisions of Chapter 74, General Laws, and Acts amendatory thereto, or dependent thereon; if the Committee deems it desirable.

Description: The Department of Elementary and Secondary Education (DESE) determined that the District's current method of funding the integrated three-town pre-school program is not consistent with their regulations. Therefore, DESE mandated that the District change said method prior to July 1, 2024. Based upon this mandate, the Committee has determined that the most effective way to do so is to add the pre-kindergarten program to the District. This will allow the District to continue to operate the preschool program without disruption. Since DESE is going to change the Chapter 70 funding calculation effective July 1, 2024, whether or not the amended agreement is approved, the funding for the program would not be correctly earmarked if the preschool program is not added to the District. This would create a major funding issue for the District and the member towns.

DESE also required general updates to the Regional Agreement to comply with the current law and regulations as well as a number of recommended changes/additions. The voting section was also modified to clearly articulate the weighted voting method in order to ensure compliance with the principle of one-person-one-vote.

ARTICLE 2

Prior Years' Bills

4/5th Majority Vote

Motion By: Board of Selectmen

Board of Selectmen – 0-0-0 Favorable Vote

Finance Committee – 7-0-0 Favorable Vote

To see if the Town will vote to transfer \$11,866.89 from Unexpended Articles, for the purpose of paying outstanding bills from various Town Departments; or take any other action relative thereto.

DEPARTMENT	REASON	AMOUNT	FUNDING SOURCE
School Department	HVAC Repairs	\$ 2,772.50	Unexpended Articles
Collector/Treasurer	Office Supplies	\$ 432.58	Unexpended Articles
IT Department	Copier Expense	\$ 653.39	Unexpended Articles
IT Department	Software Upgrade	\$ 4,316.67	Unexpended Articles
Health Department	Beach Water Testing	\$ 900.00	Unexpended Articles
Town Clerk	Printing	\$ 2,146.75	Unexpended Articles
Fire Department	Replacement Foam	\$ 645.00	Unexpended Articles
Total		<u>\$11,866.89</u>	

Description: This article will pay outstanding invoices for purchases before July 1, 2023. Funding is proposed from Article 13, Fire Alarm Upgrades for KIS/KES of the 2021 and Article 9, Air Compressor for Streets, Trees, and Parks of the 2018 Annual Town Meeting.

ARTICLE 3

FY24 Transfer to Employment Liability Reserve Fund

Majority Vote

Motion By: Board of Selectmen

Board of Selectmen – 0-0-0 Favorable Vote

Finance Committee – 7-0-0 Favorable Vote

To see if the Town will vote to transfer from Free Cash the sum of \$66,372 to the Employment Liability Reserve Fund; or take any other action relative thereto.

Description: This article funds an account that is used when an employee is entitled to a payout of accrued and unused sick and vacation buybacks in the event of an employee's separation of service from the Town. The current account balance is \$33,628.

ARTICLE 4

Supplement FY24 Operating Budget

Majority Vote

Motion By: Board of Selectmen

Board of Selectmen – 0-0-0 Favorable Vote

Finance Committee – 0-0-0 Favorable Vote

To see if the Town will vote to raise and appropriate and transfer from available funds in the treasury a sum of \$387,500 to be expended to defray Town charges for FY24; or take any other action relative thereto.

Description: This article supplements the Town's operating budget for Fiscal Year 2024. The approved Fiscal Year 2024 budget approved in May did not include funding for a Police Chief Search, General Fund charges for municipal water, fully fund wage adjustments for Wage and Personnel employees as well as employee and retiree health insurance costs. Free Cash will be used in the amount of \$87,500 to offset these proposed appropriations. The remaining \$300,000 is proposed to be raised and appropriated and will be offset by an increase in estimated revenues.

General Government \$ 12,500

Wage and Personnel	\$ 65,000
General Fund Water Charges	\$ 10,000
Employee Benefits	<u>\$300,000</u>
Total	<u>\$387,500</u>

ARTICLE 5

Supplement Grant Funding for Evergreen/Pembroke Street Intersection Improvements

Majority Vote

Motion By: Board of Selectmen

Board of Selectmen – 0-0-0 Favorable Vote

Finance Committee – 6-1-0 Favorable Vote

To see if the Town will vote to transfer from Free Cash a sum of \$80,000 to supplement grant funds for the Evergreen/Pembroke Street intersection improvements; or take any other action relative thereto.

Description: This article funds the project expenditures above the maximum grant award of \$400,000.

ARTICLE 6

Upgrade of Municipal Finance Software

Majority Vote

Motion By: Board of Selectmen

Board of Selectmen – 0-0-0 Favorable Vote

Finance Committee – 7-0-0 Favorable Vote

To see if the Town will vote to transfer from Free Cash a sum of \$15,000 for upgrades to the MUNIS financial operating system.

Description: This article will fund the necessary training for recent MUNIS software upgrades.

ARTICLE 7

Establish an Opioid Settlement Stabilization Account

Majority Vote

Motion By: Board of Selectmen

Board of Selectmen – 0-0-0 Favorable Vote

Finance Committee – 7-0-0 Favorable Vote

To see if the Town will vote, pursuant to M.G.L. c40, §5B to create a new special purpose stabilization fund, to be known as the Opioid Settlement Stabilization Fund, which may be expended for all of the purposes allowed by law, including those outlined in applicable opioid-litigation documents, a document prepared by the Substance Abuse Bureau of the State Office of Health and Human Services Department, found at <https://www.mass.gov/doc/massachusetts-abatement-terms/download> entitled “Abatement Strategies”, and consistent with any state guidelines or regulations further clarifying allowable uses of opioid litigation settlement funds, and, further, to adopt the last paragraph of said §5B and dedicate to such fund, without further appropriation, 100% of the opioid litigation settlement funds received by the Town, and, to comply with the Town’s obligations to use such funds solely for allowable purposes, to transfer from Free Cash the sum of \$11,542.74 already received in prior fiscal year(s), or act or do anything in relation thereto.

Description: This article would create a stabilization fund for funding received from opioid settlement cases that must be used to discourage dependency issues prescription drugs.

ARTICLE 8
Fund Opioid Mitigation
Majority Vote
Motion by Board of Selectmen

Board of Selectmen – 0-0-0 Favorable Vote
Finance Committee – 7-0-0 Favorable Vote

To see if the Town will vote to transfer from Free Cash the sum of \$40,000 to be expended for all of the purposes allowed by law, including those outlined in all applicable opioid litigation documents and consistent with any state guidelines or regulations further clarifying allowable uses of opioid litigation settlement funds.

Description: Funds from opioid litigation settlements were deposited as general fund monies in Fiscal Year 2023 and to date this current fiscal year, totaling \$51,542.74. These funds must be spent pursuant to the opioid litigation settlement agreement, solely for stated allowable purposes. The previous article establishes a Stabilization Fund for when the settlement monies come in, this article will authorize the Town to use such funds for their stated purpose without further Town Meeting Vote.

ARTICLE 9
Establish a Tax Title Collection Revolving Fund
Majority Vote
Motion By: Board of Selectmen

Board of Selectmen – 0-0-0 Favorable Vote
Finance Committee – 0-0-0 Favorable Vote

To see if the Town will accept MGL 60, §15B, which allows the Town to establish by vote a tax title collection revolving fund for the Treasurer/Collector or take any other action relative thereto.

Description: This article would create a revolving fund to be used by the Collector/Treasurer to be used for expenses related to the annual tax title process.

ARTICLE 10
Fund Tax Title Processing
Majority Vote
Motion By: Board of Selectmen

Board of Selectmen – 0-0-0 Favorable Vote
Finance Committee – 0-0-0 Favorable Vote

To see if the Town will vote to raise and appropriate a sum of \$20,000 to provide funding to the Tax Collector to fund the Tax Title process.

Description: This article would provide the necessary funding to allow the Tax Collector to pursue tax title activities.

ARTICLE 11
Correct Collective Bargaining Fund from General Fund to Water Fund
Majority Vote
Motion By: Board of Selectmen

Board of Selectmen – 0-0-0 Favorable Vote
Finance Committee – 6-0-1 Favorable Vote
Water Commission – 0-0-0 Favorable Vote

To see if the Town will vote to amend Article 28 of the Annual Town Meeting held on April 29, 2023, that funded the first year of a three-year collective bargaining agreement between the Kingston Town Employee Labor Union and the Town of Kingston, reducing the amount raised and appropriated in

Article 28 from \$31,000 to \$28,434 with the difference of \$2,816 being raised by Water Department Revenue.

Description: This article proposes to reduce the amount raised and appropriated in Article 28 from \$31,300 to \$28,484. The difference of \$2,816 would be raised by Water Department Revenue.

ARTICLE 12

Correct Collective Bargaining Funding From General Fund to Water and Wastewater Funds

Majority Vote

Motion By: Board of Selectmen

Board of Selectmen – 0-0-0 Favorable Vote

Finance Committee – 6-0-1 Favorable Vote

Water Commission– 0-0-0 Favorable Vote

Sewer Commission– 0-0-0 Favorable Vote

To see if the Town will vote to amend Article 29 of the April 29, 2023, Annual Town Meeting, that funded the first year of a three-year collective bargaining agreement between the Kingston Town Employees Clerical Union and the Town of Kingston, reducing the amount raised and appropriated in Article 29 from \$40,200 to \$37,722 with the difference of \$2,478 being raised by \$1,506 from Water Department Revenue and \$972 from Wastewater Revenue.

Description: This article proposes to reduce the amount raised and appropriated in Article 29 from \$40,200 to \$37,722. The difference of \$2,478 would be raised by \$1,506 from Water Department Revenue and \$972 from Wastewater Revenue.

ARTICLE 13

Community Preservation Fund Appropriation to fund the Opachinski Fields/Drainage Improvements

Majority Vote

Motion By: Community Preservation Committee

Board of Selectmen – 0-0-0 Favorable Vote

Finance Committee – 7-0-0 Favorable Vote

Capital Planning Committee– 0-0-0 Favorable Vote

Community Preservation Committee – 0-0-0 Favorable Vote

To see if the Town will vote to appropriate from available Community Preservation Act Undesignated Funds, a sum of money for \$242,762 to make field and drainage improvements at the Opachinski Field Complex as presented to Town Meeting and recommended by the Community Preservation Committee. The project would be under the supervision of the Kingston Recreation Commission with all expenses subject to final review and approval by the Community Preservation Committee prior to submittal for payment or take any other action relative thereto.

Description: If funded, this project proposes to make field and drainage improvements at the Opachinski Field Complex.

ARTICLE 14

Repurpose a Portion of a Water Department Use of Retained Earnings Approved at the April 2023

Annual Town Meeting

Majority Vote

Motion By: Water Commission

Board of Selectmen – 0-0-0 Favorable Vote

Finance Committee – 6-0-1 Favorable Vote

Water Commission – 0-0-0 Favorable Vote

To see if the Town will vote to amend the vote of the Town Meeting under Article 6 of the 2023 Annual Town Meeting by repurposing \$200,000 of Water Enterprise Retained Earnings and transfer such funds to the Water Enterprise Fund Operating Budget.

Description: This warrant article will reduce the use of Water Department Retained Earnings previously approved at the 2023 Annual Town Meeting for the Main Street Water Main Replacement Project. The funds being returned to the Water Department Retained Earnings will be replaced by available ARPA funds.

ARTICLE 15

Approve Wastewater Leaching Fields

2/3rd Majority Vote

Motion By: Sewer Commissioners

Board of Selectmen – 0-0-0 Favorable Vote

Finance Committee – 6-0-1 Favorable Vote

Sewer Commission– 0-0-0 Favorable Vote

Capital Planning Committee – 0-0-0 Favorable Vote

To see if the Town will appropriate \$13,000,000 to pay costs of designing, constructing, equipping, and furnishing leaching fields and infrastructure to support the wastewater treatment plant and support the reduction of nitrogen levels in Town, including but not limited to the construction and/or reconstruction of related pump stations, the extension of related sewer lines, the acquisition of any easements in land necessary to complete the improvements described above, and the payment of all other costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow this amount under and pursuant to M.G.L., c. 44, §8(14), or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor that the Board of Selectmen is authorized to contract for and expend any federal or state aid available for the project; and that all or any portion of the amount authorized to be borrowed by this vote may be borrowed through the Massachusetts Clean Water Trust (the "Trust") and any appropriate official or officials of the Town are hereby authorized to execute any agreements with the Trust and the Department of Environmental Protection of The Commonwealth of Massachusetts, that may be required in connection with any such loan obtained through the Trust. While the debt issued pursuant to the authority of this vote will be a general obligation of the Town pursuant to the General Laws, it is the Town's intent that the debt service on such debt be paid in the first instance from a combination of State and Federal grants, betterment assessments on new users, and connection fees, except to the extent any treatment capacity is reserved for Town purposes, in which case a portion of the annual debt service proportional to the amount of treatment capacity reserved for Town purposes during that same annual period shall be payable in the first instance from the General Fund.

Description: The purpose of this article is to secure authorization for a low interest loan from DEP to replace the municipal leaching fields currently located at the Indian Pond Country Club. The existing leaching fields are close to 25 years old. The Davis property was purchased with the intent of replacing the leaching fields at the new site. Both leaching fields will not be operational at the same time. When one field is active the other field will be resting.

ARTICLE 16

Transfer of Land from Silver Lake Regional School District to the Town of Kingston

Majority Vote

Motion By: Wage and Personnel Board

Board of Selectmen – 0-0-0 Favorable Vote

To see if the Town will vote to accept a vacant parcel of property identified as Map 8, Lot 40, consisting of .19 acres on Lake Street from the Silver Lake Regional School District for general government purposes.

Description: This proposed land transfer is key in the upcoming Lake Street culvert replacement and stormwater improvement project, removing the need to obtain approval from the Regional School Committee, should any improvements be needed.

ARTICLE 17
FY24 Wage and Personnel By-Law; Amendments and Compensation Schedule

Majority Vote

Motion By: Wage and Personnel Board

Board of Selectmen – 0-0-0 Favorable Vote

Finance Committee – 7-0-0 Favorable Vote

Wage and Personnel Board – 0-0-0 Favorable Vote

To see if the Town will vote to amend the Wage and Personnel By-Law, including the classification and compensation Schedules A, B, and C contained therein, as printed in a document entitled, “Proposed Town of Kingston Wage and Personnel By-Law with FY24 Compensation Schedules”; or take any other action relative thereto.

Description: This article provides for the classification and FY24 Compensation Schedules for municipal employees who are not covered by a collective bargaining agreement or an employment contract.

ARTICLE 18
Amendment to General By-Laws; Chapter 2 – Town Meeting
Majority Vote
Motion By: Board of Selectmen
Board of Selectmen – 0-0-0 Favorable Vote

To see if the Town will amend Chapter 2 of the Town’s By-Laws, Town Meeting by making the following changes to Article 1, 2-1-1 and Article 3, by deleting the text shown with a strikethrough, and inserting the text shown underlined; or take any action relative thereto:

Chapter 2
TOWN MEETING

Article 1. Annual Town Meeting

(Amended 1996 ATM, Art. 28; 1997 ATM, Art. 31; 2001 STM, Art. 13; 2002 ATM Art 23 Amended Art. 3 ATM 6/2/2015; Amended 5/9/19 ATM, Art. 38)

2-1-1. Date The annual town meeting shall be held on the first Saturday in ~~April~~ May for the transaction of municipal business except for the election of such officers and the determination of such matters as by law are required to be elected or determined by ballot, or on such later date in the months of April, May or June as the Board of Selectmen may vote to hold the meeting.

2-1-2. Business All business of the annual town meeting, other than the election of town officers and the determination of such matter as by law are required to be elected or determined by ballot, shall be considered at an adjournment thereof to another day, which shall be determined by the Selectmen and the time and place of the adjournment stated in the warrant for the annual town meeting.

2-1-3. Notice The Board of Selectmen shall ensure that notice of every town meeting be given to the public. Attested copies of the warrant calling the meeting shall be posted at the following locations: main entrance to the Town House, at the Kingston Public Library, at the Reed Community Building, and the polling place of the precincts in Town. In accordance with Massachusetts General Laws, Chapter 39, Section 10, notice of every annual town meeting shall be posted at least seven (7) days before such annual town meeting. Additionally, notice of any special town meeting shall be posted at least fourteen (14) days before such special town meeting. Upon completion of posting, the constable or other officer shall make a written return to the Town Clerk by indicating on a copy of the warrant the manner of notice posting.

Article 2. Procedure at Town Meeting

(Amended 1996 ATM, Art. 27; 1997 STM, Art. 7; 2007 ATM, Art. 27; 2010 ATM, Art. 2)

2-2-1. Vote Admittance The check list shall be used in admitting voters to a town meeting, except that non-voters may be admitted to a defined and separate portion thereof, and non-voters may address the meeting if the meeting so votes. Not less than 100 voters shall be required as a quorum to pass upon appropriations, to act on the transfer of monies between accounts and on transfers from available funds in the treasury, to act on all zoning matters, and to increase the bonded indebtedness of the Town.

2-2-2. Order of Business All articles in the warrant shall be acted upon in the order of their arrangement, unless the meeting by vote otherwise determines.

2-2-3. Reports, Motions and Resolutions All reports, motions and resolutions submitted for the consideration of the meeting involving the expenditure of money shall be in writing. Any other report, resolution or motion shall be reduced to writing, if the Moderator so directs.

2-2-4. Conduct of Speakers Every person speaking shall address the Moderator, and after recognition shall confine himself to the question under debate and avoid personalities.

2-2-5. Attorneys Any person who is employed as an attorney by another interested in any matter under discussion at a town meeting shall disclose the fact of his employment before speaking thereon.

2-2-6. Committees All committees shall be appointed by the Moderator, unless the town otherwise directs, and shall report as directed by the town. If a committee does not report as directed, or at the next annual town meeting held thereafter, it shall be deemed discharged, unless an extension of time is granted by the town.

2-2-7. Committee Reports at Special Town Meeting No reports of committees shall be in order at any special town meeting unless made under an article in the warrant which indicates the subject to be reported upon.

2-2-8. Committee Reports When a report of a committee is placed in the hands of the Moderator, it shall be deemed to be properly before the meeting for its action thereof, and a vote to accept the same shall discharge the committee; for the adoption of the recommendations of the committee, however, a specific vote shall be required. No appropriation shall be made under the report of any committee of the town unless the matter has been considered and reported upon by the Finance Committee.

2-2-9. Conduct Governed by Town Meeting Time, A Handbook of Parliamentary Law The conduct of the meeting, not specially provided by law or these by-laws, shall be determined by the rules of practice contained in Town Meeting Time, A Handbook of Parliamentary Law, so far as the same is applicable to a town meeting.

2-2-10. Points of Order The presiding officer may speak to points of order in preference to all other persons.

2-2-11. Motion to Reconsider

Motions to Reconsider shall not be permitted As amended Art. 38, 5/9/19 ATM

(a) oral motion at the session wherein the article was voted; or

(b) written notice to the Town Clerk for any adjourned session. Said notice to be received by 10:00 a.m., on the next regular business day following the session at which the vote was taken.

A vote shall not be reconsidered a second time or after a motion to reconsider has failed to pass.

2-2-12. Votes Requiring a Two-Thirds Majority The Moderator may take all votes requiring a two-thirds majority in the same manner in which he or she conducts the taking of a vote when a majority vote is required.

Article 3. Annual Town Election

(Amended 1995 ATM, Art. 40; 1996 ATM, Art. 28; 2002 ATM, Art 23; Amended Art. 4 ATM 6/2/2015)

The annual election of such officers and the determination of matters of law as are required to be elected or determined by ballot shall be held after the Annual Town Meeting on the ~~fourth~~third Saturday of ~~April~~May or a Saturday before or after, to accommodate holidays and other days not particularly conducive to participation. At this election the polls shall open at 8:00 a.m. and remain open until 6:00 p.m.

Description: This article proposes changes to the Annual Town Meeting process as outlined in the changes shown above.

ARTICLE 19
Amendment to General By-Laws; Chapter 3 – Finance Committee and Budget Process
Majority Vote
Motion By: Board of Selectmen

Board of Selectmen – 0-0-0 Favorable Vote
Finance Committee – 0-0-0 Favorable Vote

To see if the Town will amend Chapter 3 of the Town's By-Laws, Town Meeting by making the following changes to Article 2, section 3-2-1, 3-2-2, 3-2-3, and 3-2-4, by deleting the text shown with a strikethrough, and inserting the text shown underlined; or take any action relative thereto:

Chapter 3

FINANCE COMMITTEE AND BUDGET PROCESS

Article 1. Finance Committee
(Amended 10/22/07 STM, Art. 7)

3-1-1. Composition There shall be seven members constituting the Finance Committee. The members shall be appointed by the Moderator. When the committee is first constituted, three shall be appointed for three years each, three shall be appointed for two years each, and three shall be appointed for one year each. At each annual meeting thereafter, the Moderator shall appoint three members for a term of three years each. The members shall serve without compensation.

3-1-2. Vacancies Whenever any vacancy shall occur in said committee by resignation, removal from town, death, failing to qualify, or otherwise, said vacancy shall be filled by the manner of the original appointment, and if any member is absent from five (5) consecutive meetings of said committee, except in case of illness, the Moderator shall consider said member's position vacant, and shall proceed to fill the same.

3-1-3. Term of Office The term of office of all persons chosen as aforesaid to fill vacancies shall expire at the close of final adjournment of the annual town meeting next succeeding such vacancy, and at said annual town meeting the Moderator thereof shall appoint a successor to fill out the unexpired term of each member whose office has been so vacated in the same manner as the original appointment.

3-1-4. Duties The duties of the Finance Committee will be to consider and report upon all requests for appropriations made by the different departments of the town and make such recommendation for action at the town meetings as they deem to be in the best interests of the town.

They also shall consider all matters which involve municipal questions or policies and make recommendations as to these to the Town Meetings.

3-1-5. Town Warrant The Selectmen after drawing any warrant for a town meeting shall transmit immediately a copy thereof to each member of the Finance Committee and said Committee shall consider all such articles.

Article 2. Budget Process
(Amended 1995 ATM, Art. 43)

3-2-1. ~~Budget Advisory Board~~ By ~~October~~ November 1 of each fiscal year, the Board of Selectmen, Kingston Elementary School Committee, and Finance Committee, ~~and other elected officials~~, shall meet to review the Five-Year Financial Plan and discuss and delineate their budget ~~policy priorities~~ parameters for the coming fiscal year.

3-2-2. Budget Forms Based upon these parameters, the Town Administrator and Superintendent of Schools shall send out budget forms to department heads by ~~October 15~~ December 1. These forms should be designed to include ~~three kinds of~~ the following information ~~to accompany budget requests:~~

narrative - a statement of the major activities of the department, the major accomplishments of the current year, and plans for the coming year.

~~justification of requests – recurring, necessary line item amount should be grouped together into meaningful categories and accompanied by a paragraph or more explaining exactly what is paid for from these categories.~~

new and/or discretionary requests - any request that is new or from the prior years, and any capital outlay requests should be proposed and justified ~~separately from the previous category~~ in a memorandum to the Town Administrator when submitting the departmental budget request.

Completed budget forms shall be returned by all non-school departments to the Town Accountant by December 15. They shall then compile and submit these budget requests to the Town Administrator for submission to the Board of Selectmen.

3-2-3. Budget Submission By Town Administrator and Superintendent of Schools On or before ~~November~~ January 15, the Town Administrator and Superintendent of Schools shall submit to the Board of Selectmen and School Committees respectively ~~Boards~~ the proposed budgets for the ensuing fiscal year with appropriate and sufficient supporting documents. Said budgets should correspond with as described above that meet the parameters set at the joint meeting of the Board of Selectmen, School Committees, and Finance Committee. These budget documents shall provide a complete financial plan of all Town funds and activities as described above.

The budgets shall also show in detail all estimated income from the tax levy, state aid, local receipts of all kinds, and all other revenue sources and all proposed expenditures, including debt service and other fixed charges, for the following year.

3-2-4. Budget Submission to Finance Committee The Board of Selectmen and Kingston Elementary School Committee shall review the proposed budgets and recommend such changes they consider necessary to reflect their stated policies. These Boards shall then transmit their proposed budgets to the Finance Committee by ~~December~~ February 15 for review in accordance with Chapter 3, Article 1.

Description: This article will amend the annual budget timeline, eliminate the Budget Advisory Committee, and require a meeting of the Board of Selectmen, Kingston School committee and Kingston Budget Committee to establish budget parameters.

ARTICLE 20

Amendment to General By-Laws; Chapter 4 – Council on Aging

Majority Vote

Motion By: Board of Selectmen

Board of Selectmen – 0-0-0 Favorable Vote

Council on Aging Advisory Board - 0-0-0 Favorable Vote

To see if the Town will amend Chapter 4 of the Town’s By-Laws, Council on Aging by making the following changes to section 4-10-1, by deleting the text shown with a strikethrough, and inserting the text shown underlined; or take any action relative thereto:

Article 10. Council on Aging
(Amended 2023 ATM, Art. 35)

4-10-1. Composition and Term of Office There shall be a Council on Aging Advisory Board appointed by the Board of Selectmen that shall consist of a minimum of three (3) and not more than seven (7) members. Members shall be appointed on a rotating basis so that two (2) or three (3) members (approximately one third of all) shall be appointed annually, each for a three-year term with terms ending on June 30th. One (1) Associate Member may be nominated ~~and approved~~ by the COA Advisory Board to be considered for appointment by the Board of Selectmen for a one-year term to serve in a non-voting, advisory role. The Associate Member may be ~~re-approved~~ recommended for an additional term at the Annual Board Meeting by the COA Advisory Board, which is held by June 15th, for the purpose of electing officers and adopting any amendments to the policies and procedures of the Advisory Board. The Board of Selectmen will consider the Advisory Board’s recommendation during meetins to vote on he Selectmen’s annual appointment.

Unless waived through a vote of the Board of Selectmen, no person shall serve more than two terms in succession, plus any portion of an unfilled term. There shall be at least a one-year hiatus prior to re-appointment after the second full term is served. Whenever a vacancy occurs in the membership of the Board, the Board shall endeavor to recommend a candidate to the Board of Selectmen. Insofar as possible or practicable, Board recommendations for membership shall reflect the makeup of the community at large and shall be composed of at least 51% persons sixty years of age or older. The decision to appoint will rest solely with the Board of Selectmen. A candidate for appointment is encouraged, wherever possible, to attend at least one Board meeting prior to being recommended by the Board to the Board of Selectmen for appointment as a member of the Board.

The members of the Board shall serve without pay.

4-10-2. Purpose In support of the Kingston Council on Aging, the COA Advisory Board's purpose is to serve as a gateway for our elderly population by identifying their current and future needs, advocating for those needs, and collaborating with internal and external departments to deliver information and resources while supporting The Council on Aging Goals and Objectives.

The Board's basic purposes include:

- A. Being a primary advocate for services to seniors in the community.
- B. Identifying the needs and interests of all seniors, age 60 and older, with financial burdens (including limited English-speaking population, nursing home residents, homeless, those with disabilities and the unemployed, that are age 60 and older).
- C. Identifying and recommending services to fill these needs and/or coordinating existing services.
- D. Educating citizens and enlisting the support and participation of all to meet the needs of seniors and to recognize such assistance.
- E. Encouraging regular participation in COA programs/activities.
- F. Recommending and developing policies with respect to budgets and site operations.
- G. Cooperating with relevant area and state agencies and groups and being cognizant of state and federal legislation and programs regarding seniors.

4-10-3. Duties The COA Advisory Board advises their appointing authority, the Board of Selectmen, which sets the policies related to the Council on Aging. Members do not have supervisory and day-to-day management activities.

Specific duties of the members of the COA Advisory Board shall include, but are not limited to:

- Bringing ideas and information related to the needs, news, and services of the Senior Center to the community through various committees and subcommittees or working groups, as decided by the Board.
- Endeavoring to understand the budget and make recommendations to ensure there is sufficient revenue to carry out the programs, services and activities, and that moneys are being used properly.
- Reviewing and updating the COA Advisory Board's Policies and Procedures at least annually
- Providing feedback and recommendations to the Board of Selectmen related to the Senior Center and the seniors of the community.

Description: The amendment to this Bylaw will change who appoints the Associate Member of the Council on Aging from the Council on Aging Advisory Board to the Board of Selectmen.

ARTICLE 21
Amendment to the Zoning Bylaw
Majority Vote
Motion By: Board of Selectmen

Board of Selectmen – 0-0-0 Favorable Vote
Zoning Board of Adjustment - 0-0-0 Favorable Vote

To see if the Town will vote to amend the Town of Kingston Zoning Bylaws by amending **Section 10 Administration, 10.3 Site Plan Review 10.3.B Submission Procedure Paragraph 10.3.B.3** to read as follows adding new item (j) in order to add the Affordable Housing Trust to the distribution list, and to allow for the Town Clerk to renumber the Zoning Bylaw as needed to incorporate these changes, or take any other action relative thereto:

10.3.B. SUBMISSIONPROCEDURE

3. The approving authority shall submit forthwith, after receiving a site plan which complies with all submission requirements, 6 copies of the site plan to the Planning Board, one copy the Zoning Enforcement Officer, and one copy of the site plan to each of the following listed below:

- (a) Board of Selectmen
- (b) Conservation Commission
- (c) Board of Health
- (d) Board of Appeals
- (e) Fire Department
- (f) Police Department
- (g) Water Department
- (h) Superintendent of Streets, Trees, and Parks
- (i) Sewer Department
- [\(j\) Affordable Housing Trust \(housing related site plans only\)](#)

Each of the recipients listed above shall return comments within 30 days to the Zoning Enforcement Officer or Planning Board, whichever is appropriate. Failure to return comments within the specified time period shall mean that the reviewing Board or Official does not take issue with the site plan

Description: The amendment to this Bylaw adds the Affordable Housing Trust to the list of Boards and Commission proposed development plans are distributed to.

ARTICLE 22
Establish New Temporary Repairs to Private Way General Bylaw
Majority Vote
Motion By: Board of Selectmen

Board of Selectmen – 0-0-0 Favorable Vote

To see if the Town will adopt a new bylaw

ARTICLE ___: AMEND GENERAL BYLAW BY ADDING NEW CHAPTER ENTITLED TEMPORARY REPAIRS TO PRIVATE WAYS To see if the Town will vote to amend the current text of General Bylaws to insert the following language, AND to allow the Town Clerk to renumber the General Bylaw to include this new chapter, or take any other action relative thereto:

ARTICLE ___: Chapter ___ Temporary Repairs to Private Ways

Section 1 Purpose

Pursuant to M.G.L. c. 40, §6N, the purpose of this article is to provide for the permanent or temporary repair or construction of private ways in the interest of public safety.

Section 2 Repair of Private Ways.

The Town may perform temporary repairs to private ways if such repairs are determined by the Board of Selectmen or their designee to be required for public safety vehicles. Said repairs shall be considered necessary to abate the immediate hazard caused by the defect and shall not be considered as maintenance of the private way nor shall the way be considered a public way. The Town shall not be

liable for any damage incurred by the defect, subsequent repairs, or failure to make repairs to private ways. Defects, such as potholes, shall be repaired with materials similar to the road surface and base. Such repairs shall be subject to the following:

2.1 The Town may make temporary repairs on private ways, provided the repairs are for the protection of the health and safety of the general public. Such private ways are subject to the provisions of this Bylaw.

2.2 No repairs shall be made on private ways that have not been released from covenant and/or bond or other security instrument if constructed through subdivision approval.

2.3 The scope of this article does not apply to Unconstructed or Paper Ways, which are those ways or portions thereof that have been created on paper by a deed, easement, plan, or other instrument or by subdivision approval, but have not yet been paved, improved, or otherwise constructed on the ground.

2.4 The scope of work performed, the repair technique and the materials used will be determined by the Board or their designee. Factors such as the extent of repairs, material costs and availability of manpower and equipment will be considered components of any decision to proceed with a repair.

Section 3 Minor Temporary Repairs

3.1 The Town may also make minor temporary repairs upon a written request from 75% of the owners and abutters of a private way in the Town. Such repairs shall be made only after the Board of Selectmen, or their designee determines the repairs are required by public necessity.

3.2 Minor temporary repairs shall include the filling of holes in the subsurface of such ways and repairs to the surface materials thereof. Materials for such repairs, where practical, should be the same as, or similar to, those used for the existing surfaces of such ways, but may include surfacing the ways with, bituminous materials, including, but not limited to, bituminous concrete.

3.3 Minor temporary repairs shall be limited to minor work such as filling, patching and not more than twice per year. Such repairs shall not include surfacing, resurfacing, installation of drainage of any kind or the original construction of sidewalks, curbing, street construction, or brush cutting and tree removal.

3.4 Dirt Roads- Excepting grading activities on dirt roads that are, as of the effective date of this Bylaw, conducted at the Town's discretion, no additional dirt roads will be added to this list, unless betterments are assessed and/or funding is allocated by Town Meeting.

3.5 A betterment may be assessed at the discretion of the Board of Selectmen, against the owners and abutters for the purposes of making such temporary repairs; and no cash deposit shall be required.

3.6 The Town may only make temporary repairs on private ways which have been opened to public use.

3.7 The Town shall not be liable on account of any damage caused by such repairs. The Board of Selectmen may require an indemnity agreement executed by the said petitioning abutters indemnifying the Town for all claims and damages which may result from making such repairs.

Section 4 Major Temporary Repairs

4.1 The Town may make major temporary repairs on a private way in the Town. Such repairs shall be made only after a petition has been filed in the office of the Board of Selectmen ("Board"). Such petition shall identify the repairs to be made and shall be signed by the owners of no less than 90% of the linear frontage of said way. Where a property is owned by more than one person or entity, each such person, and where appropriate, each trustee and/or representative, must sign the petition in order for that property's frontage to count towards the frontage percentage.

Following the submission of said petition, the Board shall conduct a public hearing, at which time, interested persons may present evidence relative to the petition.

No repairs shall be made until the Board, by a majority vote of its members, and following such a hearing, determines that such repairs are required by public necessity, and until the Town Meeting has appropriated funds for such repairs.

4.2 Following such determination by the Board that said repairs are a public necessity, the Board shall issue and order stating on its face, that betterments shall be assessed upon the owners of estates which derive particular benefit or advantage from making of such repairs.

The formula for such assessment shall be at the reasonable discretion of the Board but shall be a sum equal, in aggregate, to the total cost of such repairs.

4.3 Such repairs may include engineering, surfacing, resurfacing and the installation of drainage, but shall not include the original construction of sidewalks, curbing or street construction. No cash deposit shall be required.

4.4 Drainage easements, if necessary, shall be the responsibility of the petitioners. If petitioners cannot secure adequate drainage easements, no improvements will be made until such time as easements are available and conveyed to the Town.

Section 5 Assessments

5.1 Except as herein otherwise provided, the provisions of M.G.L. c. 80, as it relates to public improvements and assessments thereof, shall apply to minor and major temporary repairs, as defined in this Bylaw, to private ways where such repairs are ordered to be made under authority of this Bylaw.

5.2 Assessments made under this Bylaw shall, in no event, extend beyond twenty (20) years to complete the payment.

5.3 Assessments made under this Bylaw shall constitute a lien upon the land assessed in accordance with the provisions of M.G.L. c. 80, §12.

Section 6 Liability

6.1 In no event shall the Town of Kingston be liable for bodily injury, death, or damage to personal or private property caused by reason of a defect or want of repair in any private way.

6.2 The Town shall not be liable or accountable for any damage caused by repairs made pursuant to this Bylaw.

6.3 M.G.L. c.84 §25 shall not apply to any repairs made hereunder.

ARTICLE 23

Grant Eversource Easement on the Kingston Public Library Property 2/3rd Majority Vote

Motion By: Board of Selectmen

***Board of Selectmen – 0-0-0 Favorable Vote
Library Trustees– 0-0-0 Favorable Vote***

To see if the Town will vote to authorize the Board of Selectmen to grant an easement for the purposes of installing, maintaining, operating, and repairing electric facilities, pad mount transformers, wires, cables, conduits, manholes, handholes, fittings and equipment appurtenant for electric service and communication and relay purposes over, under, across and upon a certain parcel of land owned by the Town (the "Premises") located at 6 Green Street in Kingston, Massachusetts 02364, more particularly described in the Deed filed in the Plymouth County Registry of Deeds in Book 10270, Page 0042 and shown as Lot 1 consisting of 25,364 +/- sq ft on the plan entitled "PLAN OF LAND IN KINGSTON MASS TO BE PURCHASED BY NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY" , dated March 12,1970, prepared by Schofield Brothers, Inc., Registered Land Surveyors 1071 Worcester Road Framingham Mass Scale 1" = 40' recorded with the Plymouth County Registry of Deeds in Plan Book 3584, Page 691; and to authorize the Board of Selectmen to execute any documents or instruments necessary to effect said easement upon such terms as they deem to be in the best interest of the Town; or pass any vote or take any action relative thereto.

Description: The purpose of this article is to grant Eversource an easement, overwriting the lease which allowed the installation of a transformer and related infrastructure on Town Property, to better supply electricity to the Town and its residents.

ARTICLE 24
Acceptance of Prudent Investor Rule for Investment Diversification
Majority Vote
Motion by: Board of Selectmen

Board of Selectmen – 0-0-0 Favorable Vote
Finance Committee 0-0-0 Favorable Vote

To see if the Town will accept the provisions of Subsection (b)(1) of Section 26 of Chapter 28 of the Acts of 2023, which amend MGL chapter 44, §54.

Description: The Town’s investment advisor has recommended that in order to create further diversification of investments and investment strategy, the so-called Prudent Investor Rule will allow the Town to better construct trust portfolios with a wider selection of investments and potentially improve long term results and reduce overall risk.

AND, to transact any other business which may legally come before the meeting.

FURTHER, you are directed to serve this Warrant by posting attested copies at the Kingston Public Library, at the Reed Community Building, at the Kingston Elementary School, at the Kingston Intermediate School, and at the main entrance to the Town House, the polling places of the precincts in said Town, seven (7) days at least before the time of holding said meeting.

HEREOF fail not and make due return of this Warrant with your doings thereon to the Town Clerk at the time and place of meeting aforesaid.

GIVEN under our hands this nineteenth day of October in the year of our Lord Two Thousand Twenty-Three, the Independence of the United States of America the Two Hundred Forty Seventh and the Two Hundred Ninety Seventh Anniversary of the Incorporation of the Town of Kingston.

BOARD OF SELECTMEN

Kimberley A. Emberg, Chairman

Donald J. Alcombright, Vice Chairman

Sheila M. Vaughn, Clerk

Tyler Bouchard

Eric J. Crone

Posted as instructed on this, the _____ day of _____, 2023 at the Town House, Council on Aging, Kingston Elementary School, Kingston Intermediate School, Harbormaster Shack, Kingston Fire Station (Pembroke Street), Reed Community Building, and the Kingston Public Library.

Constable

Date