

**ARTICLES IN THE WARRANT
FOR THE
ANNUAL TOWN MEETING**



**TOWN OF DUXBURY
SATURDAY, MAY 15, 2021
AT 9:00 A.M.**

**DUXBURY HIGH SCHOOL
71 ALDEN STREET**

***ANNOUNCEMENT FROM THE
MUNICIPAL COMMISSION ON DISABILITY***

The Annual Town Meeting will take place in the Duxbury High School and Middle School gymnasiums, 71 Alden Street, Duxbury, MA, on May 15, 2021. This location will be equipped with an assistive listening system. The system amplifies the sound and transmits to a personal assistive listening device. You can control the volume. To borrow a receiver, please stop by the designated table at Town Meeting to sign out a device. When you are through for the day, please return the receiver to the sign-out table, as they are in limited supply. This is a program of your Municipal Commission on Disability to make the Town Meetings more accessible to all.

ANNUAL TOWN MEETING WARRANT
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COMMONWEALTH OF MASSACHUSETTS
TOWN OF DUXBURY - TOWN MEETING
WARRANT

Saturday, May 15, 2021

at

9:00 a.m.

Duxbury High School and Middle School gymnasiums
71 Alden Street, Duxbury, MA

Plymouth, ss

Greetings:

To the Constable of the Town of Duxbury, in said County:

In the name of the Commonwealth of Massachusetts you are directed to NOTIFY and WARN the INHABITANTS OF THE TOWN OF DUXBURY, qualified to vote in elections and in Town affairs, to meet in the Duxbury High School and Middle School gymnasiums, 71 Alden Street, in said Duxbury on Saturday, the FIFTEENTH day of MAY, 2021 next, at 9:00 o'clock in the forenoon for the transaction of any business that may legally come before said meeting:

ARTICLE 1 – REPORTS

To receive the reports of Town Officials, Boards, Committees, and Commissions, or take any action in relation thereto.

Proposed by the Board of Selectmen

Recommendations: *Board of Selectmen Voted 4-0 to Recommend*
 Finance Committee Voted 7-0 to Recommend

ARTICLE 2 – COMPENSATION OF ELECTED OFFICIALS

To see what action the Town will take with regard to fixing the compensation of the elected Town Officers for the twelve-month period beginning July 1, 2021, in accordance with M.G.L. Chapter 41, Section 108, or take any action in relation thereto.

Proposed by the Board of Selectmen

	Appropriated FY21	Requested FY22	BOS Recommended FY22	Finance Committee Recommended FY22
Moderator	\$40	\$40	\$40	\$40
Selectmen				
Chair	\$2,000	* \$2,000	* \$2,000	\$2,000
Member	\$1,500	* \$1,500	* \$1,500	\$1,500
Member	\$1,500	* \$1,500	* \$1,500	\$1,500
Member		* \$1,500	* \$1,500	\$1,500
Member		* \$1,500	* \$1,500	\$1,500
Assessors				
Chair	\$2,000	\$2,000	\$2,000	\$2,000
Member	\$1,500	\$1,500	\$1,500	\$1,500
Member	\$1,500	\$1,500	\$1,500	\$1,500
Town Clerk	\$81,400	\$83,320	\$83,320	\$83,320
TOTAL	\$91,440	\$96,360	\$96,360	\$96,360

* = *The Board of Selectmen takes no position on these items.*

Explanation: This article sets the salary limits for the elected officials. Article 5 funds the salaries.

Recommendations: *Board of Selectmen Voted 4-0 to Recommend*
 Finance Committee Voted 6-0 to Recommend

ARTICLE 3 – UNION CONTRACTS

To see if the Town will raise and appropriate, and/or transfer from available funds, a sum of money to fund

the cost items of the first fiscal year of collective bargaining agreements with any one or more of the following employee organizations for the fiscal year commencing July 1, 2021:

- A. Duxbury Police Union, MCOP Local 376B;
- B. Duxbury Police Commanders Association, MCOP Local 376;
- C. Duxbury Police Dispatchers Union, MCOP Local 376A;
- D. Duxbury Free Library Employees, Service Employees International Union, Local 888;
- E. Duxbury Permanent Firefighter's Association, International Association of Firefighters Local 2167;
- F. Duxbury Municipal Employees, AFSCME, Council 93, Local 1700, Duxbury DPW Employees;
- G. Town of Duxbury Secretaries and Clerks, SEIU Local 888;
- H. Duxbury Teachers Association;
- I. Duxbury Teachers Association Instructional Assistants Unit C;
- J. Duxbury Secretaries/Clerks Association (School); and
- K. Local 1700, AFSCME, A.F.L.-C.I.O., Council 93 (School Custodians);

or take any action in relation thereto.

Proposed by the Board of Selectmen and School Committee

Explanation: This article will fund the cost items of the first fiscal year of collective bargaining agreements for positions in each of the contracts included in the motion made at Town Meeting.

Recommendations: *Board of Selectmen Voted 4-0 to Indefinitely Postpone*
Finance Committee Voted 6-0 to Indefinitely Postpone

ARTICLE 4 – FUNDING OF SALARIES

To see if the Town will approve a compensation plan, pursuant to the provisions of M.G.L. Chapter 41, Section 108A and the Personnel By-law, for Fiscal Year 2022 for all employees of the Town other than those positions filled by election, under the direction and control of the School Committee, or subject to a collective bargaining agreement executed pursuant to M.G.L. Chapter 150E, and raise and appropriate, and/or transfer from available funds, such sums of money as are necessary to implement the Personnel Policies, and provide funding for any other salary or compensation not addressed by the Personnel Policies as shown in the following tables, with text to be inserted shown in bold underline and text to be deleted shown in strikethrough (such markings for illustrative purposes only):

Pay Schedule			
Effective July 1, 2021			
Contract Employees			
Town Manager			
Police Chief			
Fire Chief			
		Minimum	Maximum
Grade 10 Pay Ranges (FLSA exempt)	Annually	\$90,000	\$148,093 <u>\$152,388</u>
Finance Director			

Department of Public Works Director			
Deputy Fire Chief			
Deputy Police Chief			
Chief Technology Officer			
Grade 9 Pay Ranges (FLSA exempt)	Annually	\$70,500	\$116,359 <u>\$119,734</u>
Municipal Services Director			
Facilities Director			
Harbormaster			
Human Resources Director			
Information Technology Director			
Library Director			
Public Safety Dispatch Director			
Water & Sewer Superintendent			
<u>Recreation Director</u>			
Grade 8 Pay Ranges (FLSA exempt)	Annually	\$62,900	\$99,646 <u>\$102,536</u>
Assessing Director			
Buildings & Grounds Manager			
Cemetery Superintendent			
Conservation Administrator			
Council on Aging Director			
Operations Manager			
Planning Director			
Recreation Director			
<u>Public Safety Dispatch Deputy Director</u>			
Town Accountant			
Treasurer/Tax Collector			
Grade 7 Pay Ranges (Mixed FLSA)	Annually	\$50,000	\$79,355 <u>\$81,657</u>
Assistant Assessor			
Assistant Council on Aging Director			
Animal Control Officer			
Assistant Recreation Director			
Executive Assistant to Town Manager			
Executive Officer			
<u>Beach Operations Administrator</u>			
HVACR Technician			
Information Technology Support Technician			
Health Agent			

Library Division Head - Children's Services			
Library Division Head - Circulation Services			
Library Division Head - Reference Services			
Library Division Head - Technology Services			
Local Building & Code Enforcement Inspector (FLSA non-exempt)			
Grade 6 Pay Ranges (FLSA Exempt)	Annually	\$46,000	\$70,873 <u>\$72,929</u>
Aquatic Supervisor			
Budget Analyst			
DPW Office Manager			
Human Resources Manager			
Community Service Manager			
Social Day Program Manager			
Veteran's Service Officer			
Grade 5 Pay Ranges (Mixed FLSA)	Hourly	\$20.00	\$30.67 <u>\$31.56</u>
Admin. Assistant to Chief (FLSA non-exempt)			
Aquatic Manager (FLSA Exempt)			
Front Office Manager (FLSA non-exempt)			
Volunteer Manager (FLSA non-exempt)			
Food Service Manager (FLSA non-exempt)			
Finance Manager (FLSA non-exempt)			
Media/Communications Manager (FLSA non-exempt)			
Home Delivered Meals Manager (FLSA non-exempt)			
Grade 4 Pay Ranges (FLSA Non-exempt)	Hourly	\$19.00	\$29.09 <u>\$29.93</u>
Admin. Assistant to Town Manager/BOS			
Admin. Assistant to Director			
Admin. Assistant to Harbormaster			
Admin. Assistant to Cemetery Superintendent			
Benefits Specialist			
Police Prosecution Assistant			
Grade 3 Pay Ranges (FLSA Non-exempt)	Hourly	\$17.50	\$26.02 <u>\$26.78</u>
Department Assistant			
Community Service Coordinator			
Program Activities Coordinator			
Transportation Coordinator			

Grade 2 Pay Ranges (FLSA Non-exempt)	Hourly	\$16.00	\$22.74 <u>\$23.40</u>
Social Day Program Assistant			
Grade 1 Pay Ranges (FLSA Non-exempt)	Hourly	\$14.50	\$20.64 <u>\$21.24</u>
Food Service Associate			
Administrative Associate			
Schedule P.S. (FLSA Non-exempt)	Hourly	\$22.00	\$32.53
Building Inspector			
Plumbing/Gas Inspector			
Wiring Inspector			
Police Officers (FLSA Non-exempt)	Hourly	\$24.00	\$25.97
<u>Permanent</u> Intermittent Police <u>Officer</u>			

Exempt compensation is based on 40 hrs./week, non-exempt compensation is based on 37.5 hrs./week.

Compensation Schedule A		
Classification	Pay Rate	
Alternate Inspector of Buildings	\$22.00	per hour
Alternate Plumbing Inspector	\$22.00	per hour
Alternate Wiring Inspector	\$22.00	per hour
Special Detail	Appropriate detail rate	

The classifications listed in Compensation Schedule A are those positions which are fixed in their compensation, receive no vacation, holiday, sick, call back, or termination pay. Service credit for time spent in these positions may not be used under other sections of the Plan. All positions require the use of advertising to solicit new employees. All positions may require a physical examination, and may be reviewed for performance purposes by the employee's immediate supervisor.

Compensation Schedule B		
Classification	Pay Rate	
Clerical Assistance for Town Committees and Boards (non-union positions only)	Appropriate rate as determined by Town Manager	
Clerk, Registrar of Voters	Pursuant to M.G.L. Chapter 41, Section 19G	
Election Warden	\$13.50*	per hour
Election Worker	\$13.50*	per hour
Inspector of Animals	\$900.00	per year
Juvenile Officer	\$150.00	per year

Lockup Keeper	None	
Police Matron	\$13.50*	per hour
Registrar of Voters	\$14.00 \$100.00	per hour <u>year</u>
Sealer of Weights & Measures	\$3,000.00	per year
Town Clock Custodian	\$200.00	per year

* = *These pay rates will change to \$14.25/hour effective 1/1/22*

The classifications listed in Compensation Schedule B are those positions which are fixed in their compensation, receive no vacation, holiday, sick, call back, or termination pay. Service credit for time spent in these positions may not be used under other sections of the Plan. No advertising is necessary to fill these positions. No physicals are required, except as otherwise determined by the Town Manager. These positions may be reviewed, for performance purposes, by the employee's immediate supervisor.

Compensation Schedule R			
		Minimum	Maximum
Classification	Hourly	\$12.75 \$13.50*	\$50.00
Animal Shelter Attendant			
Assistant Animal Control Officer			
Beach Ranger			
Bus Driver			
Call Firefighter (2 hour minimum per call)			
Emergency Operations Center Specialist			
Harbormaster Assistant			
Home Delivered Meals Assistant Intermittent			
Instructor			
Kennel Attendant			
Land Management Assistant			
<u>Lead Beach Ranger</u>			
Librarian Intermittent			
Lifeguard			
Part-time Public Safety Dispatcher			
<u>Public Health Nurse</u>			
Recreation Specialist			
Recreation Supervisor			
<u>Temporary Short-Term Shelter Liaison</u>			
Social Day Assistant Intermittent			
Seasonal Assistant			
Seasonal Laborer			
Senior Tax Work Off			
Special Police Officer			

Swim Coach	
Water Safety Instructor	

* = ***These pay rates will change to \$14.25/hour effective 1/1/22***

The classifications listed in “Compensation Schedule R” are those positions which receive no vacation, holiday, sick, call back, or termination pay. Service credit for time spent in these positions may not be used under other sections of the Plan. Once a rate of pay has been established for an employee, such rate may not change for a period of at least six months. After that time, as long as there is a reasonable basis determined by the Department Head, employees in these positions will be reviewed annually/seasonally for performance purposes and will be eligible for a performance-based merit award from the employee’s immediate supervisor, with the approval of the Department Head and Town Manager via the Personnel Action Request Form. Positions may require the use of advertising;

or take any action in relation thereto.

Proposed by the Human Resources Director/Board of Selectmen/Town Manager

Explanation: This article establishes the compensation plan in accordance with the Personnel By-Law and Personnel Policies and provides for the funding of non-union employee cost items not included in the Operating Budget such as tuition reimbursement, and pay changes for the next fiscal year.

Recommendations: ***Board of Selectmen Vote Available at Town Meeting***
Finance Committee Voted 7-0 to Recommend

ARTICLE 5 – OPERATING BUDGET

To see if the Town will raise and appropriate, and/or transfer from available funds, such sums of money as it determines necessary for Town expenses and charges, including, without limitation of the foregoing, debt and interest, wages, salaries, Reserve Fund, and expenses for operation of the Town's departments and offices, all for the Fiscal Year beginning July 1, 2021, and ending June 30, 2022, inclusive, in accordance with the following schedule, which is incorporated by reference herein (see Article 5, FY22 Operating Budget on following pages), or take any action in relation thereto.

Proposed by the Finance Committee

Explanation: This article presents the FY 2022 Annual Budget. *(Please see the proposed FY 2022 budget on the following pages.)*

TOWN OF DUXBURY
Operating Budget - Fiscal Year 2022

LINE #	DEPARTMENT	FY 2021 BUDGET	FY 2022 DEPT. REQ.	FY 2022 TOWN MGR	FY 2022 FIN COMM
	GENERAL GOVERNMENT				
	113 - Town Meeting				
1	Expenses	3,200	3,200	3,200	3,200
	114 – Moderator				
2	Salaries	40	40	40	40
	122 - Selectman/Manager				
3	Salaries	289,254	271,889	271,889	271,889
4	Expenses	13,683	12,539	12,539	12,539
	129 - Historical Commission				
5	Expenses	1,050	1,000	1,000	1,000
	131 - Finance Committee				
6	Salaries	0			
7	Expenses	450	210	210	210
	135 – Accounting				
8	Salaries	354,814	352,850	359,833	359,833
9	Expenses	12,105	9,110	9,110	9,110
	136 – Audit				
10	Expenses	50,000	50,000	50,000	50,000
	141 – Assessors				
11	Salaries	225,157	223,177	223,177	223,177
12	Expenses	22,000	26,350	26,350	26,350
	145 - Treasurer/Collector				
13	Salaries	291,832	295,271	295,271	295,271
14	Expenses	115,352	104,880	104,880	104,880

TOWN OF DUXBURY
Operating Budget - Fiscal Year 2022

LINE #	DEPARTMENT	FY 2021 BUDGET	FY 2022 DEPT. REQ.	FY 2022 TOWN MGR	FY 2022 FIN COMM
	151 - Legal Services				
15	Expenses	200,200	200,200	190,200	190,200
	152 - Human Resources				
16	Salaries	139,537	140,075	140,075	140,075
17	Expenses	37,800	34,425	36,515	36,515
	155 - Information Systems				
18	Salaries	296,596	300,829	300,829	300,829
19	Expenses	419,496	532,397	450,982	450,982
	156 - Public Television Access Services				
20	Expenses	303,475	303,475	303,475	303,475
	158 - Tax Title				
21	Expenses	7,500	7,500	7,500	7,500
	161 - Town Clerk				
22	Salaries	168,210	157,457	157,457	157,457
23	Expenses	32,045	26,695	26,695	26,695
	171 - Conservation Commission				
24	Salaries	150,381	149,357	149,357	149,357
25	Expenses	13,615	12,519	12,519	12,519
	175 - Planning Board				
26	Salaries	137,868	141,168	141,168	141,168
27	Expenses	9,950	6,650	7,450	7,450
	197 - Facilities Management				
28	Salaries	243,086	245,228	245,228	245,228
29	Expenses	183,775	178,000	178,000	178,000
	Sub-Total: General Government	3,722,471	3,786,491	3,705,076	3,705,076

TOWN OF DUXBURY
Operating Budget - Fiscal Year 2022

LINE #	DEPARTMENT	FY 2021 BUDGET	FY 2022 DEPT. REQ.	FY 2022 TOWN MGR	FY 2022 FIN COMM
	PUBLIC SAFETY				
	210 – Police				
30	Salaries	3,474,968	3,474,935	3,484,291	3,484,291
31	Expenses	429,612	429,612	297,612	297,612
	220 - Fire				
32	Salaries	3,129,434	3,068,181	3,068,181	3,068,181
33	Expenses	367,700	337,475	337,475	337,475
	299 - Regional Dispatch				
34	Salaries	706,786	792,545	792,545	792,545
35	Expenses	30,000	72,325	72,325	72,325
	241 - Municipal Services				
36	Salaries	544,067	568,131	568,131	568,131
37	Expenses	28,613	27,065	27,065	27,065
	295 - Harbor/Coastal Management				
38	Salaries	254,750	238,055	238,055	238,055
39	Expenses	52,550	39,020	39,020	39,020
	Sub-Total: Public Safety	9,213,589	9,047,344	8,924,700	8,924,700
	PUBLIC WORKS				
	192 - Central Building Services				
40	Salaries	54,408	54,205	54,205	54,205
41	Expenses	160,675	153,075	153,075	153,075
	194 - Tarkiln Community Center				
42	Expenses	7,250	7,050	7,050	7,050

TOWN OF DUXBURY
Operating Budget - Fiscal Year 2022

LINE #	DEPARTMENT	FY 2021 BUDGET	FY 2022 DEPT. REQ.	FY 2022 TOWN MGR	FY 2022 FIN COMM
	292 - Animal Control				
43	Salaries	85,742	86,028	86,028	86,028
44	Expenses	7,550	7,100	7,100	7,100
	294 - Lands & Natural Resources				
45	Salaries	446,618	441,693	499,525	499,525
46	Expenses	47,200	47,200	47,200	47,200
	418 - Central Fuel Depot				
47	Expenses	237,500	212,500	212,500	212,500
	419 - DPW Administration				
48	Salaries	297,488	303,045	303,045	303,045
49	Expenses	71,700	68,250	68,250	68,250
	421 - Vehicle Maintenance				
50	Salaries	180,740	180,652	180,652	180,652
51	Expenses	183,500	179,000	179,000	179,000
	422 - Highway/Road Maintenance				
52	Salaries	513,566	521,970	521,970	521,970
53	Expenses	89,700	80,500	80,500	80,500
	423 - Snow and Ice				
54	Salaries	63,750	63,750	63,750	63,750
55	Expenses	138,600	138,600	138,600	138,600
	424 - Street Lights				
56	Expenses	45,000	51,000	51,000	51,000
	431 - Transfer Station				
57	Salaries	245,038	248,919	248,919	248,919
58	Expenses	911,800	880,300	880,300	880,300

TOWN OF DUXBURY
Operating Budget - Fiscal Year 2022

LINE #	DEPARTMENT	FY 2021 BUDGET	FY 2022 DEPT. REQ.	FY 2022 TOWN MGR	FY 2022 FIN COMM
	440 – Sewer				
59	Salaries	17,018	17,018	17,018	17,018
60	Expenses	245,100	214,000	214,000	214,000
	491 – Cemetery				
61	Salaries	428,754	432,552	432,552	432,552
62	Expenses	207,200	210,500	210,500	210,500
	Sub-Total: DPW	4,685,897	4,598,907	4,656,739	4,656,739
	HUMAN SERVICES				
	541 - Council on Aging				
63	Salaries	451,389	439,321	439,321	439,321
64	Expenses	140,470	139,575	139,575	139,575
	543 - Veterans Services				
65	Salaries	44,369	44,369	44,369	44,369
66	Expenses	99,400	84,300	84,300	84,300
	840 - Ply. Cty. Coop. Ext.				
67	Expenses	500	500	500	500
	Sub-Total: Human Services	736,128	708,065	708,065	708,065
	LIBRARY & RECREATION				
	610 – Library				
68	Salaries	949,013	959,964	959,964	959,964
69	Expenses	343,047	324,801	324,801	324,801
	630 – Recreation				
70	Salaries	228,765	235,110	235,110	235,110
71	Expenses	12,120	5,775	5,775	5,775

TOWN OF DUXBURY
Operating Budget - Fiscal Year 2022

LINE #	DEPARTMENT	FY 2021 BUDGET	FY 2022 DEPT. REQ.	FY 2022 TOWN MGR	FY 2022 FIN COMM
	631 - Percy Walker Pool				
72	Salaries	119,460	121,815	121,815	121,815
73	Expenses	131,538	129,150	129,150	129,150
	632 - North Hill Golf Course				
74	Expenses	1,500	1,500	1,500	1,500
	633 - Beach Life Guards				
75	Salaries	34,440	33,480	33,480	33,480
76	Expenses	2,473	2,500	2,500	2,500
	634 - Beach Operations				
77	Salaries	156,309	219,960	184,133	184,133
78	Expenses	38,800	40,375	34,775	34,775
	Sub-Total: Library & Recreation	1,822,356	2,074,430	1,966,011	1,966,011
	SCHOOLS				
	Duxbury Schools - Operating Budget				
79	Salaries	30,724,353	30,724,353	31,724,353	31,724,353
80	Expenses	6,774,000	6,774,000	6,774,000	6,774,000
	Sub-Total: School Direct Costs	37,498,353	37,498,353	38,498,353	38,498,353
	TOWN & SCHOOL SHARED COSTS				
	EMPLOYEE BENEFITS				
81	916 - Medicare	661,350	699,950	699,950	699,950
82	915 - Life Insurance	12,000	11,200	11,200	11,200
83	914 - Employee & Retiree Health Ins.	8,629,689	8,627,111	8,627,111	8,627,111
84	911 - Contributory Pensions	4,177,733	4,503,370	4,503,370	4,503,370

TOWN OF DUXBURY
Operating Budget - Fiscal Year 2022

LINE #	DEPARTMENT	FY 2021 BUDGET	FY 2022 DEPT. REQ.	FY 2022 TOWN MGR	FY 2022 FIN COMM
85	909 - Non-Contributory Pensions	20,000	20,000	20,000	20,000
86	945 - Workers Compensation	314,464	342,985	342,985	342,985
	Sub-Total: Employee Benefits	13,815,236	14,204,616	14,204,616	14,204,616
	OTHER SHARED COSTS				
87	945 - Fire, Liability, Insurance	552,423	587,945	587,945	587,945
88	132 - Reserve Fund	157,920	175,000	216,427	216,427
	Sub-Total: Liability Insurance/Reserve Fund	710,343	762,945	762,945	762,945
	DEBT SERVICE TOWN & SCHOOL				
89	710 - Principal Payments	6,166,908	5,125,000	5,125,000	5,125,000
90	751 - Interest on Bonded Debt	2,321,876	2,104,307	2,104,307	2,104,307
91	752 - Interest on Temporary Notes	7,480	258,660	258,660	258,660
92	753 - Bond Expense	10,000	10,000	10,000	10,000
	Sub-Total: Debt Service	8,506,264	7,497,967	7,497,967	7,497,967
	OPERATING BUDGET - WATER				
	450 – Water				
93	Salaries	838,382	833,429	833,429	833,429
94	Expenses	1,215,392	1,141,111	1,141,111	1,141,111
	Sub-Total: Water Operations	2,053,774	1,974,540	1,974,540	1,974,540

TOWN OF DUXBURY
Operating Budget - Fiscal Year 2022

LINE #	DEPARTMENT	FY 2021 BUDGET	FY 2022 DEPT. REQ.	FY 2022 TOWN MGR	FY 2022 FIN COMM
	DEBT SERVICE WATER				
95	710 - Principal Payments	415,664	408,909	408,909	408,909
96	751 - Interest on Bonded Debt	93,830	79,139	79,139	79,139
97	752 - Interest on Temporary Notes	25,000	15,000	15,000	15,000
98	753 - Bond Expense	10,000	10,000	10,000	10,000
	Sub-Total: Water Debt	544,494	513,048	513,048	513,048
	TOTAL – ALL BUDGETS	83,308,904	82,666,706	83,411,997	83,411,997

ARTICLE 6 – CAPITAL BUDGET

To see if the Town will raise and appropriate, and/or transfer from the Water Enterprise Fund, the Stabilization Fund, or other available funds, or authorize borrowing or leasing, a sum or sums of money for capital projects and/or equipment, including, where appropriate, constructing, furnishing, and equipping and all other incidental and related costs, in accordance with the following capital budget schedule, which is incorporated by reference herein, and to authorize the Board of Selectmen to enter into lease purchase agreements, or other contracts hereunder, for terms in excess of three years, and further to authorize the Board of Selectmen, acting as Water Commissioners, to impose betterments pursuant to M.G.L. Chapters 80 and 83 (see Article 6 Capital Projects Requests to follow); or take any action in relation thereto.

Proposed by the Fiscal Advisory and Finance Committees

A two-thirds vote of Town Meeting is required to approve this article if a borrowing, transfer from a stabilization account, or a lease/purchase is authorized.

Explanation: This article presents the FY 2022 Capital Budget. *(Please see the proposed FY 2022 Capital Budget on the following pages.)*

Article 6 - Capital Budget

Line #	Project Requests	Fiscal 2022 Request	Town Manager Recommendation	Fiscal Advisory Recommendation	Finance Committee Recommendation
	GENERAL GOVERNMENT				
	Information Technology				
1	Domain Network Email Admin Reorg	25,025	25,025	25,025	25,025
	Facilities Management				
2	Chandler HVAC Modernization	867,300	867,300	867,300	867,300
	GENERAL GOVERNMENT TOTAL	892,325	892,325	892,325	892,325
	PUBLIC SAFETY				
	Police				
3	Electronic Control Weapon (ECW) - Taser	96,180	96,180	96,180	96,180
4	Patrol Car Replacement	59,718	59,718	59,718	59,718
5	Patrol Car Replacement	59,718	59,718	59,718	59,718
6	Patrol Truck Replacement	61,818	61,818	61,818	61,818
	Fire				
7	Ambulance Replacement	372,000	372,000	372,000	372,000
8	Squad Utility Truck Replacement	80,000	80,000	80,000	80,000
9	Command Car (Chief)	60,589	60,589	60,589	60,589
	Harbormaster				
10	Replace 135HP Outboard Engine	13,466	13,466	13,466	13,466
	PUBLIC SAFETY TOTAL	803,489	803,489	803,489	803,489
	PUBLIC WORKS				
	Highway / Road Maintenance				
11	Replace Truck # 16	97,866	97,866	97,866	97,866
	Transfer Station				
12	Replace Volvo Loader # 50	240,240	240,240	240,240	240,240
13	Replace Compactor	22,252	22,252	22,252	22,252

A@T.M. = Available at Town Meeting

Article 6 - Capital Budget					
Line #	Project Requests	Fiscal 2022 Request	Town Manager Recommendation	Fiscal Advisory Recommendation	Finance Committee Recommendation
	PUBLIC WORKS TOTAL	360,358	360,358	360,358	360,358
	DUXBURY SCHOOLS				
14	Instrument Replacement	22,049	22,049	22,049	22,049
15	Furniture Replacement	59,956	59,956	59,956	59,956
16	Sophos Firewall Replacement	93,750	93,750	93,750	93,750
17	Meraki Access Point and Switch Replacement	176,400	176,400	176,400	176,400
18	Turf Field Replacement	150,000	150,000	150,000	150,000
	SCHOOL DEPARTMENT TOTALS	502,155	502,155	502,155	502,155
	GENERAL FUND TOTAL	2,558,327	2,558,327	2,417,738	2,558,327
	WATER ENTERPRISE FUND				
19	Water Main Rehabilitation	150,000	150,000	150,000	150,000
	WATER ENTERPRISE FUND TOTAL	150,000	150,000	150,000	150,000

A@T.M. = Available at Town Meeting

ARTICLE 7 – SMALL EQUIPMENT AND MINOR SERVICES

To see if the Town will raise and appropriate, and/or transfer from available funds, a sum of money to repair, purchase, lease, conduct studies, and/or replace departmental property and equipment for the various departments as listed herein; including, where appropriate, constructing, furnishing, and equipping, and all other incidental and related costs, and to authorize the Board of Selectmen to enter into lease purchase agreements, or other contracts hereunder, for terms in excess of three years; or take any action in relation thereto.

Proposed by the Town Manager and Finance Director

A two-thirds vote of Town Meeting is required to approve this article if a borrowing, transfer from a stabilization account, or a lease/purchase is authorized.

Explanation: This article would provide funding for items that either do not meet the definition of capital items or the minimum \$15,000 threshold for consideration under Article 6.

(Please see the proposed Small Equipment and Minor Services budget on the following pages.)

Article 7 - Small Equipment and Minor Services				
Line #	Project Requests	Fiscal 2022 Request	Town Manager Recommendation	Finance Committee Recommendation
	Assessing			
1	Commercial Valuation Review	\$8,000	\$8,000	\$8,000
	Information Technology			
2	Implementation Helpdesk Tracking Application	\$10,000	\$10,000	\$10,000
3	ISP Consolidation, Redesign, Strategy	\$5,417	\$5,417	\$5,417
4	Microsoft SharePoint	\$10,000	\$10,000	\$10,000
5	Microsoft Project - 10 Licenses	\$6,600	\$6,600	\$6,600
6	Microsoft Office Training - 1 Trainer & 25 Trainees Each	\$10,000	\$10,000	\$10,000
7	Blue Beam Software for Municipal Services	\$3,088	\$3,088	\$3,088
8	ViewPoint Cloud & Bluebeam Integration Municipal Services	\$4,400	\$4,400	\$4,400
	BOS / Town Hall			
9	Install Irrigation System	\$11,235	\$11,235	\$11,235
	Police Department			
10	LifePak Defibrillator Replacements	\$13,706	\$13,706	\$13,706

Article 7 - Small Equipment and Minor Services				
Line #	Project Requests	Fiscal 2022 Request	Town Manager Recommendation	Finance Committee Recommendation
	Harbormaster			
11	Replace Marine Unit 4 Collar	\$6,835	\$6,835	\$6,835
12	Dual band portable	\$3,150	\$3,150	\$3,150
13	Radio Pro IP Gateway software	\$1,412	\$1,412	\$1,412
	Duxbury Public Schools			
14	Lighting Panel (PAC)	\$10,688	\$10,688	\$10,688
	Cemetery			
15	Replace 2012 "Hurricane" Blower	\$9,819	\$9,819	\$9,819
	GENERAL FUND TOTAL	\$114,350	\$114,350	\$114,350

ARTICLE 8 – ELECTRONIC BALLOTING

To see if the Town will raise and appropriate, and/or transfer from available funds, a sum of money to fund the costs of operating electronic balloting, also known as electronic voting, at Town Meetings in FY 2022, or take any action in relation thereto.

Proposed by the Board of Selectmen

Explanation: This annual article will fund the cost of electronic balloting at Annual and Special Town Meetings. Currently, these funds reside in the Town Clerk's budget. By making the funding mechanism an annual article, any leftover balance will be brought forward to cover expenses incurred at a subsequent Town Meeting. Periodically, this article can be adjusted to reflect the balance in prior year articles.

Recommendations: *Board of Selectmen Voted 4-0 to Indefinitely Postpone*
Finance Committee Voted 6-0 to Indefinitely Postpone

ARTICLE 9 – DUXBURY BEACH LEASE

To see if the Town will raise and appropriate and/or transfer from available funds a sum of money for the purpose of leasing Duxbury Beach, being that portion of land in the Towns of Duxbury and Plymouth owned by Duxbury Beach Reservation, Inc., south of a line running approximately east to west along the northerly edge of the northerly parking area at the east end of the Powder Point Bridge (subject to an area of land excluded at High Pines used by the Duxbury Beach Reservation), and authorize the Board of Selectmen, or its designee, to execute a lease on behalf of the Town, for a period beginning on July 1, 2021, and ending June 30, 2022, on such terms and conditions as the Board of Selectmen deems in the best interests of the Town; or take any action in relation thereto.

Proposed by the Board of Selectmen

A two-thirds vote of Town Meeting is required to approve this article.

Explanation: This article will fund the lease for the use of Duxbury Beach, which is owned by the Duxbury Beach Reservation, Inc. The lease period will run from July 1, 2021, to June 30, 2022, for which the annual payment will be \$900,000.

Recommendations: *Board of Selectmen Voted 5-0 to Recommend*
Finance Committee Voted 8-0 to Recommend

ARTICLE 10 – FOURTH OF JULY APPROPRIATION

To see if the Town will raise and appropriate, and/or transfer from available funds, a sum of money to fund the Town of Duxbury's Fourth of July parade, ceremony, and related activities; or take any action in relation thereto.

Proposed by the Board of Selectmen

Explanation: This is an annual article that allocates funds to be used for Duxbury's Fourth of July parade and celebration.

Recommendations: *Board of Selectmen Voted 4-0 to Recommend*

ARTICLE 11 – PILGRIM DECOMMISSIONING – SAFER SPENT FUEL STORAGE

To see if the Town will vote to authorize the Town Clerk of Duxbury to forward the text of this Article to the Nuclear Regulatory Commission (NRC), Governor Baker, Attorney General Maura Healey, Duxbury's State and Federal delegations, to all Select Boards within the Emergency Planning Zone of Pilgrim NPS, to Holtec Decommissioning International, LLC, and to Holtec Pilgrim, LLC, so that the following intent and needs of the Citizens of Duxbury are widely known:

Pilgrim's owner, Holtec Pilgrim, plans to store 61 casks of spent nuclear fuel 362 feet from, and vulnerable from, a public road. The casks, each of which contains about ½ as much Cesium-137 as was released at Chernobyl, will be stored there for generations, perhaps indefinitely.

Until the casks have been moved offsite, Holtec should take the following steps to protect the health, safety and economic interest of Duxbury and its residents: monitor in real-time each cask for heat, helium and radiation and link the readings to the Commonwealth; keep onsite a supply of spare overpacks for the casks; have at Pilgrim hot cells or other systems capable of moving spent nuclear fuel from a leaking or otherwise defective cask or canister into a new canister; provide better security around the casks, and erect a barrier around the dry cask pad to prevent line of sight attack, or store the casks inside a reinforced building;

or take any other action in relation thereto.

Proposed by the Duxbury Nuclear Advisory Committee

Explanation: Dry cask storage is safer than pool storage, but it is not without risk. We know from NRC documents, statements made by the maker of Pilgrim's casks, and from vulnerability studies performed for the Massachusetts Attorney General that: Holtec's thin (0.5") stainless steel canisters may crack within 30 years; the canisters of spent nuclear fuel are subject to corrosion, exacerbated by salt air; no current technology exists to inspect, repair, or replace leaking or cracked canisters; and the casks are vulnerable to a terrorist attack. Holtec's limited plan to monitor the casks means that we will only know after the fact that a cask has leaked radiation.

Overpacks would reduce radiation leakage from a cask. Monitoring would provide advance warning of potential problems so that we would know before, and not after, about any problems inside the canister or that a cask has leaked. Hot cells (if and when they become available) would make it possible to move the nuclear fuel in a failed or defective canister into a new one. A protected area around the independent spent fuel storage installation including concrete vehicle barriers, lighting, cameras and intrusion detection equipment, cyber security measures, and a barrier at least five (5) feet higher than any cask would reduce the potential of a line-of-sight attack and provide much better security.

Holtec's profit from decommissioning Pilgrim will be hundreds of millions of dollars. It can afford to pay the relatively small expenses to protect the residents of Duxbury.

Recommendations: *Board of Selectmen Voted 5-0 to Recommend*
Finance Committee Voted 8-0 to Recommend

ARTICLE 12 - ACCEPTANCE OF PROVISIONS OF THE MASSACHUSETTS VETERANS' BRAVE ACT. M.G.L. CHAPTER 59. s. 5 CLAUSE TWENTY-SECOND H.

To see if the Town will vote to accept the provisions of M.G.L. c. 59, § 5, Clause Twenty-second H (inserted by Chapter 218 of the Acts of 2018 known as an Act Relative to Veterans' Benefits, Rights, Appreciation, Validation, and Enforcement ("BRAVE Act")), or act on anything relative thereto.

Submitted by the Board of Selectmen

Explanation: The intended purpose of this article is to grant a full exemption of property tax to Gold Star parents or guardians of soldiers and sailors, members of the National Guard and Veterans who have died or are missing in action/presumed dead. At this time, the Commonwealth of Massachusetts does not provide reimbursement for Clause 22H.

Recommendations: *Board of Selectmen Voted 3-0-1 to Recommend*
Finance Committee Voted 6-2 to Recommend

ARTICLE 13 – INCREASE THE AMOUNT OF THE AMBULANCE RECEIPTS RESERVED FOR APPROPRIATION ACCOUNT

To see if the Town will modify the limit on ambulance receipts credited to the M.G.L. Chapter 40, Section 5F, Ambulance Receipts Reserved for Appropriation Account, which account is automatically credited with a portion of fees or charges paid by persons transported by Town ambulances, and to appropriate from such account a sum or sums of money, and to authorize the Town Manager to expend such funds for the staffing, purchase, maintenance and operation of such ambulances, including maturing debt and interest; or take any action in relation thereto.

Proposed by the Fire Chief, Finance Director and Town Manager

Explanation: At the March 2015 Annual Town Meeting, the voters approved an article establishing a separate account (the Ambulance Receipts Reserved for Appropriation Account) for the purpose of purchasing, maintaining and operating ambulances. This proposed article seeks to place a percentage of ambulance revenues instead of the fixed amount of \$100,000 annually to be set aside and allocated to this account to be used for any allowable purpose under M.G.L. Chapter 40, Section 5F.

Recommendations: *Board of Selectmen Voted 4-0 to Recommend*
Finance Committee Voted 7-1 to Recommend
Fiscal Advisory Committee Voted 7-0 to Recommend

ARTICLE 14 - GENERAL BY-LAW AMENDMENT – ADDITION OF A NEW SECTION - SECTION 7.26, BEACH USE

To see if the Town will amend the General By-laws by adding a new Section entitled "Section 7.26, Beach Use," as set forth below:

7.26.1 Definitions

The following words as used in this By-Law shall have the following meanings:

Beach: Any beach lands, adjacent parking areas and access roads under the care and control of the Town and/or the Duxbury Beach Reservation which are open to the public and/or residents through permit, admission, or as a public space. This includes Town landings that are commonly accepted as bathing beaches.

Duxbury Beach: All Town-owned or leased lands and/or Duxbury Beach Reservation lands immediately bordered on the East by Massachusetts Bay and the West by Duxbury Bay, Back River and Pine Point marsh, and specifically including the Powder Point Bridge.

Over Sand Permit: A permit issued by the Town which allows vehicular access to the designated Over Sand Vehicle areas on Duxbury Beach.

Resident Parking Sticker: A permit issued by the Town which allows vehicular parking in designated resident parking areas.

Beach Official: Any employee of the Town tasked with enforcing Section 7.26, Beach Use of the General By-laws, including, without limitation, the Recreation Director, Assistant Recreation Director, the Beach Operations Manager, Lead Beach Ranger(s) and other Beach Rangers from time to time designated and authorized by the Chief of Police.

Shorebird Monitor: An employee of the Duxbury Beach Reservation trained to monitor or supervise monitors of listed species such as Piping Plovers and Least Terns.

7.26.2 Speeding

No person shall operate a motorized vehicle on a Beach in excess of the posted speed. No person shall operate a motorized vehicle on a Beach, whether posted or not, at a speed greater than reasonable or proper. Temporary postings, by Shorebird Monitors, for reduced speeds on Duxbury Beach due to the presence of listed species shall be valid for the purposes of this section. No person shall operate a vehicle on a Beach that exceeds 15 mph. Maximum speed near shorebird areas is 5 mph (April 1 to September 30).

7.26.3 Unauthorized vehicular access to a beach

No person shall operate a motorized vehicle on a Beach without an Over Sand Permit unless said person is in a designated travel or parking area or is authorized to travel, on designated rights-of-way, directly to or from private lands as owners or invitees.

This section shall not apply to any persons employed in the operation of the beach or other officially authorized persons.

7.26.4 Restricted areas

No unauthorized person shall enter into any area of a Beach protected by a sign, barrier, or other indicator that the area is restricted. No person shall disturb any vegetation or wildlife on a Beach (including inside such restricted area). A Shorebird Monitor or Beach Official's hand signal or verbal command shall constitute an indicator that an area is restricted.

7.26.5 Unauthorized vehicular access to restricted areas

No person shall operate a vehicle on a Beach where prohibited or protected by sign, barrier, or other indicator or in any closed or restricted area of a Beach. A Shorebird Monitor or Beach Official's hand signal or verbal command shall constitute an indicator that an area is restricted.

7.26.6 Refusal to obey a Beach Official.

No person on a Beach shall disobey a lawful directive from a Beach Official who is acting in the performance of their duties as part of the operation of the Beach.

Abusive, inappropriate or aggressive behavior toward other beach users and/or Beach Official or Duxbury Beach Reservation staff (including Shorebird Monitors) will result in the violator's removal from Duxbury Beach for no less than 24 hours. In addition, violators may have their Beach Permit suspended or revoked.

The Beach Official reserves the right to suspend or revoke access on a Beach to a dog as a result of aggressive behavior and/or due to irresponsible pet ownership.

No person on a Beach shall ignore or fail to cooperate with a directive or request of a Shorebird Monitor who is acting in the performance of their duties as part of the operations of Duxbury Beach.

7.26.7 Duxbury Beach Guide & Rules

No person, shall disregard or willfully act contrary to or violate any provision of the then-current Duxbury Beach Guide & Rules as published by the Town of Duxbury and Duxbury Beach Reservation. This section shall include, without limitations, those items contained in the Rules and Guide that are specifically addressed in the foregoing and following sections of this By-law.

7.26.8 Recognition of other enforcement By-laws

Nothing in this By-law will serve to exclude the use of any other By-laws applicable to a Beach. In particular Sections 7.1 – Dog Control, 7.4 – Consumption of Alcoholic Beverages, 7.5 – Possession of Alcohol by Persons Under the Age of 21 Years, 7.6 Public Use of Tetrahydrocannabinol, and 7.9 – Illegal Trash Disposal are all fully enforceable on a Beach.

7.26.9 Penalty

A police officer may arrest without a warrant anyone whom he/she observes to violate the provisions of Section(s) 7.26.3, 7.26.5 and 7.26.6 ("Unauthorized vehicular access to a Beach" and "Unauthorized vehicular access to restricted areas"), and "Refusal to Obey a Beach Official, etc." of this By-law and may arrest anyone who refuses to discontinue an ongoing violation of any section of Section 7.26 of this By-law.

A Beach Official or his/her designee, may issue Over Sand Permit suspensions or revocations for any violation of this By-law or Duxbury Beach Rules & Regulations. Suspensions and revocations may be issued for any action which jeopardizes the property or safety of another person, or for any action that causes another person to be fearful for their safety and/or their property.

A Beach Official may issue citations or warnings resulting from a violation of a provision of this By-law, and/or may cause a permit or sticker (or the right to purchase a permit or sticker in the future) to be forfeited upon a willful or intentional violation of a provision of this By-law resulting in a citation or in issuance of a second warning.

Any order, suspension or revocation issued under this By-law may be appealed to the Chief of Police or Town Manager or their designee within five (5) days of the date of issuance of the order, suspension or revocation. The decision of the Chief of Police or Town Manager or their designee shall be final and any appeal must be taken in accordance with applicable law.

This By-law may also be enforced pursuant to G.L. c. 40, s 21D, by the Beach Official or his/her designee. Whoever violates a provision of this By-law will be subject to a citation and fine according to the following schedule:

Section/Violation	1st Offense	2 nd	3rd or Subsequent Offense
7.26.2 – Speeding	\$50	\$100	\$250
7.26.3 – Unauthorized Vehicle Access	\$150	\$200	\$300
7.26.4 – Restricted area	\$100	\$200	\$300
7.26.5 – Unauthorized Vehicle in Restricted Area	\$100	\$200	\$300
7.26.6 – Refusal to obey a Beach Official	\$100	\$200	\$300
7.26.7 – Guide & Rules Violation	\$25	\$100	\$250

7.26.10 Forfeiture of Permits / Stickers

In addition to the foregoing penalties, any holder of an Over Sand Beach Permit or Resident Parking Sticker may forfeit said permit or sticker and/or the right to purchase a permit or sticker in the future for any violation of this section as provided in Section 7.26.9 above.

7.26.11 Severability

If any section, provision or portion of this By-law is deemed to be unconstitutional or invalid by any court, the remainder of the ordinance shall be effective.

; or take any action in relation thereto.

Proposed by the Police Department and Town Manager

Explanation: The Town of Duxbury leases Duxbury Beach to provide an enjoyable recreational space for the public. The Town is required to ensure that certain prohibited activities are prevented for both the safety of beachgoers and the protection of the beach due to the regulations governing the management of wildlife on the beach. While education and guidance of beachgoers is the preferred method to maintain a safe beach environment, an effective and legal means to deal with repeat or egregious offenses needs to be established. For many years the Town has relied upon an assortment of regulations and methods to prevent dangerous and destructive behaviors on Duxbury Beach. Many of these are informal and lack any consequence for repeated non-compliance. Still, others can only be enforced by sworn law enforcement officers even though they are fairly minor offenses related to the use of a municipal resource. These new By-laws would not only make the enforcement of beach regulation uniform, but would also allow the Town’s civilian employees to issue warnings and violations when needed.

Recommendations: *Board of Selectmen Voted 5-0 to Recommend*
Finance Committee Voted 8-0 to Recommend

ARTICLE 15 – POWDER POINT BRIDGE REPAIRS

To see if the Town will raise and appropriate, and/or transfer from available funds a sum of money for the purpose of funding emergency repairs to be made to the Powder Point Bridge, including all incidental and related expenses such sums to be expended under the discretion of the Town Manager; or take any other action in relation thereto.

Proposed by the Board of Selectmen, Town Manager and DPW Director

Explanation: We have been working with our engineer on repairs to the Powder Point Bridge. As part of the requisite ongoing maintenance, this article seeks funding to cover the costs of engineering, environmental permitting, and construction for the project which includes repairs to piles identified by MassDOT as the most critical in immediate need of attention. The long-term objective is to make a series of smaller-scale repairs over the course of several years to ensure that the bridge in compliance with MassDOT requirements.

Recommendations: *Board of Selectmen Vote Available at Town Meeting*
Finance Committee Vote Available at Town Meeting
Fiscal Advisory Committee Voted 7-0 to Recommend

ARTICLE 16 – CHANGE IN NAME OF BOARD OF SELECTMEN TO SELECTBOARD

To see if the Town will authorize the Board of Selectmen to petition the General Court for special legislation in the form set forth below; and provided further that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and that the Board of Selectmen is authorized to approve amendments which shall be within the scope of the general public objectives of the petition; or take any other action in relation thereto.

An Act Relative to the Selectboard of the Town of Duxbury:

SECTION 1. Notwithstanding any general or special law to the contrary, the executive body of the town of Duxbury, previously known as the Board of Selectmen, shall be known as the Selectboard and shall have the powers and authority of a Board of Selectmen under any general or special law; provided, that the members of the Selectboard, previously known as Selectmen, shall be known as Selectboard members.

SECTION 2. The General By-laws of the Town of Duxbury is hereby amended by striking out the words “Board of Selectmen”, each time they appear, and inserting in place thereof, in each instance, the following words: Selectboard.

SECTION 3. This act shall take effect upon its passage.

Explanation: This is essentially a housekeeping article to remove gender-specific naming conventions related to the Town’s governing body.

Proposed by the Board of Selectmen and Town Manager

Recommendations: *Board of Selectmen Voted 4-0 to Recommend*
Finance Committee Voted 6-0 to Recommend

ARTICLE 17 – GENERAL BY-LAW AMENDMENT - PROPOSED CHANGE IN EXPENDITURE LIMITS TO REVOLVING FUNDS

To see if the Town will vote to amend the General By-laws, by authorizing the revolving fund annual expenditure limits for Fiscal Year 2022 as shown in the table below:

Revolving Fund	Current Annual Expenditure Limit	Requested Change in Annual Expenditure Limit
Senior Center	\$175,000	No Change
Jaycox Tree Farm	\$20,000	\$30,000
Hazardous Materials Response	\$50,000	No Change
Regional Dispatch Services	\$150,000	\$700,000

; or take any other action relative thereto.

Explanation: Pursuant to the Town's Revolving fund Bylaw and the provisions of Massachusetts General Laws Chapter 44, Section 53E ½, Article 9 of the March 10, 2018 Town Meeting established expenditure limits on these Revolving Funds as indicated above. This article proposes a change to one of those Revolving Funds expenditure limits since the Regional Old Colony Communications Center (a/k/a the ROCCC) will be positioning to bring on the Town of Hanover in FY 2023. The \$650,000 deposit from Hanover will need to be used to transition the new member Town into the Regional Dispatch Center.

Proposed by the Finance Director and Regional Dispatch Services Director

Recommendations: *Board of Selectmen Voted 4-0 to Recommend*
Finance Committee Voted 6-0 to Recommend

ARTICLE 18 – BAY AVE/GURNET ROAD BEACH NOURISHMENT PROJECT

To see if the Town will vote to (a) authorize the Board of Selectmen to acquire, by purchase, gift, and/or eminent domain and on such terms as the Board of Selectmen deems appropriate, the fee to and/or permanent and temporary easements in a portion or portions of the parcels of land located on Duxbury Beach, which portion or portions consist of: (i) the land seaward of the seawall shown on a plan entitled “Duxbury Beach Seawall Easement Plan of Land in Duxbury, Mass”, prepared by Bryant Associates, Inc., dated June 24, 1994, and recorded with the Plymouth Registry of Deeds in Plan Book 39, Page 360, and (ii) for lots identified as Assessors Parcels 137-901-019, 137-901-0138, 137-901-060, 137-901-062, 137-901-063, and 137-901-064, those portions shown as “Easement Area” on a plan entitled “Dune Restoration at Horseshoe Beach”, prepared by Woods Hole Group, and land seaward thereof, all for the purpose of undertaking a beach nourishment and dune restoration and replenishment project, including, without limitation, the right to construct, preserve, inspect, operate, maintain, repair, rehabilitate, and replace a beach and dune system and other erosion control and storm damage reduction measures and appurtenances thereto, including the right to deposit sand, plant vegetation (for lots identified under (ii)), alter the contours on land, construct berms and dunes, nourish and re-nourish periodically, move, store and remove equipment and supplies, erect, maintain and remove silt screens and sand fences (for lots identified under (ii)), erect and/or remove temporary structures, facilitate preservation of dunes and vegetation through the limitation of access to dune areas, and remove from said land any structures, objects and/or obstructions, and for any and all other uses and/or purposes related thereto; (b) authorize the Board of Selectmen to acquire, by

purchase, gift, and/or eminent domain permanent easements in all of the foregoing lots seaward of the current mean high water mark, for public pedestrian access purposes; (c) raise and appropriate, transfer from available funds, and/or borrow a sum of money under G.L. c. 44, §§ 7, 8 and/or any other enabling authority to fund the foregoing project and any and all costs incidental or related thereto, including, without limitation, the cost of any land/easement acquisitions, appraisals, and surveys; and, further, (d) authorize the Board of Selectmen to enter into all agreements, apply for and expend gifts and/or grants for the foregoing purpose, and take any and all actions as may be necessary or appropriate to effectuate the foregoing purposes; or to take any action in relation thereto.

A two-thirds vote of Town Meeting will be required to approve this article.

Explanation: The Town is actively seeking permits for the necessary beach nourishment to enhance the life of the public seawalls and to lessen the overtopping damage to residences behind the public sea walls. In order to obtain the permits, the Town must have the necessary rights for placing the nourishment, and allowing the public to walk on the nourished areas for funding. The Town will not actually do a taking unless and until we have easements or waivers of damages in place for all properties and if the Town does not acquire said easements or waivers, staff will consult with the Selectmen on whether they want to take any risks by doing a taking, prior to taking any action.

Proposed by the Board of Selectmen and Town Manager

Recommendations: *Board of Selectmen Vote Available at Town Meeting
Finance Committee Voted 8-0 to Recommend*

ARTICLE 19 – SEAWALL MATCHING GRANT FUNDS

To see if the Town will raise and appropriate and/or transfer from available funds a sum of money for the partial replacement of the seawall, including all incidental and related expenses, with such appropriation to constitute the required local match in connection with grant applications for such purposes, such sums to be expended under the discretion of the Town Manager; or take any other action in relation thereto.

Proposed by the Board of Selectmen, Town Manager, and Planning Department

Explanation: As a result of Winter Storm Riley in March 2018, the Duxbury Beach Seawall sustained substantial damage. At the September 6, 2018, Special Town Meeting, the voters approved funding to cover the costs of emergency, temporary repairs, and services as a result of that damage. The Town is undergoing permitting for the permanent repairs, and it has become evident through the permitting process that the remaining sea wall is beyond its useful life, and in need of replacement. The purpose of this article is to authorize spending for the local match costs associated with applying for grant funds to support the permanent replacement of those portions of the sea wall not being repaired from the damages of Winter Storm Riley. The only currently identified source of grant funds to make such replacements is the Commonwealth Dam and Seawall Repair Grant Program. The purpose of this article is to provide the requisite 25% of matching funds needed should the Town be awarded grant funding through the State's Dam and Seawall Repair program or other grant opportunities that may arise. Currently, the State's program limits grant awards to municipalities to \$1,000,000 per community and those funds may be used for the costs associated with permanent repairs to seawalls.

Recommendations: *Board of Selectmen Voted 5-0 to Indefinitely Postpone
Finance Committee Voted 7-0 to Indefinitely Postpone
Fiscal Advisory Committee Voted to Indefinitely Postpone*

ARTICLE 20 – ENGINEERING DESIGN EXIT 10 / TREMONT STREET

To see if the Town will raise and appropriate, transfer from available funds, and/or borrow a sum of money for the purpose of funding the engineering design and construction oversight, and any and all other incidental or related costs, of proposed improvements to the intersection of Route 3A (Tremont Street) with Route 3 (Pilgrim Highway), as further identified in the Old Colony Planning Council MPO Transportation Improvement Plan (TIP) as MassDOT Project No. 606002, to be expended under the discretion of the Planning Director to secure professional engineering services, and, to meet said appropriation, to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow all or a portion of said sum under M.G.L. Chapter 44, Sections 7 or 8, or any other enabling authority, and to issue bonds or notes of the Town therefor, and, further, that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. Chapter 44, Section 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount, further, to authorize the Board of Selectmen and/or its designee to apply for, accept and expend any state and/or federal grants and/or loans or other public or private funds that may be available for the project and to execute any and all documents and take all other action necessary or convenient to undertake this project; or take any other action in relation thereto.

Explanation: The intersection has recently been identified as the most dangerous intersection in the Town through the OCPC Route 3A Corridor Study (2016-17), and Duxbury and Kingston have been working towards equally sharing the engineering costs which are currently estimated at \$484,000 (\$117,000 per Town plus \$250,000 in the Transportation Bond Bill), as well as to coordinate together on implementation of construction of the improvements estimated to be \$1.8 million cost - the entire \$1.8 million will be paid for by Federal and state dollars through the Regional Transportation Improvement Plan only if we do the engineering and initiate the process this year. Island Creek Village Development was permitted through the Board of Appeals under a Comprehensive Permit twenty years ago, and engineering traffic studies at that time showed the need for future signalization, crosswalks, widening and related improvements were already needed. Island Creek Village did the preliminary engineering design and advanced the project onto the TIP as required through its permits, at its expense. Eleven years have passed since the project was added to the TIP, and Duxbury has been granted a one-year extension through the fall of 2021 to initiate engineering design. By doing the design work, the two towns will leverage the \$1.8 million in construction money from MassDOT to cover the cost to construct the needed safety improvements. MassDOT and the Old Colony Planning Council support the advancement of the project in the TIP to construct the improvements in 2025 if the towns complete the engineering and provide the construction oversight by the engineering designer. If we do not act at this town meeting to allocate funding, we do not expect to receive another extension and will likely be dropped from the TIP. We have no other identified source for these funds, as Duxbury is no longer eligible for the MassWorks Program under new legislation based on the criteria for zoning as of January of 2021.

Submitted by the Planning Department

A two-thirds vote of Town Meeting is required to approve this article if a borrowing is authorized or a transfer from a stabilization fund is made.

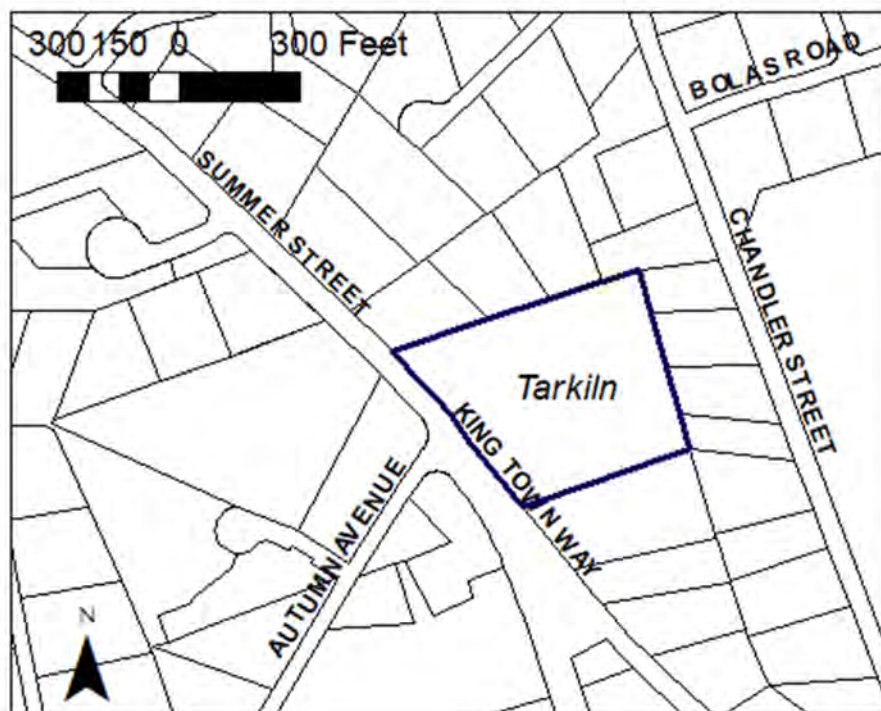
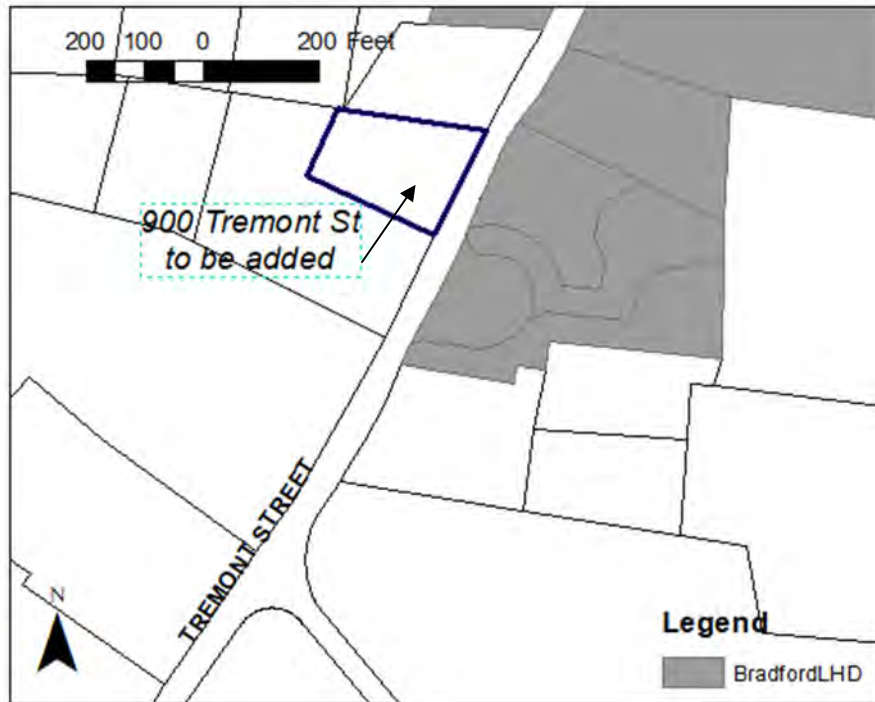
Recommendations: *Board of Selectmen Voted 4-0 to Recommend*
Finance Committee Voted 9-0 to Recommend
Fiscal Advisory Committee Voted 7-0 to Recommend

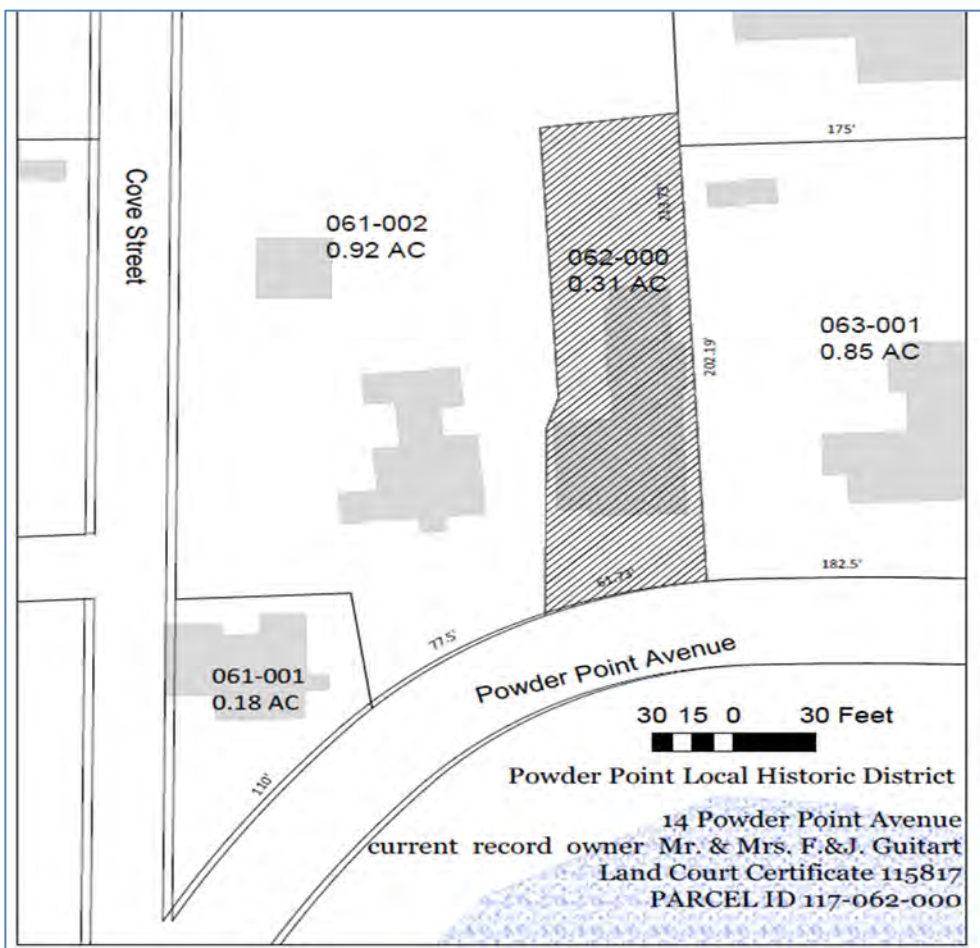
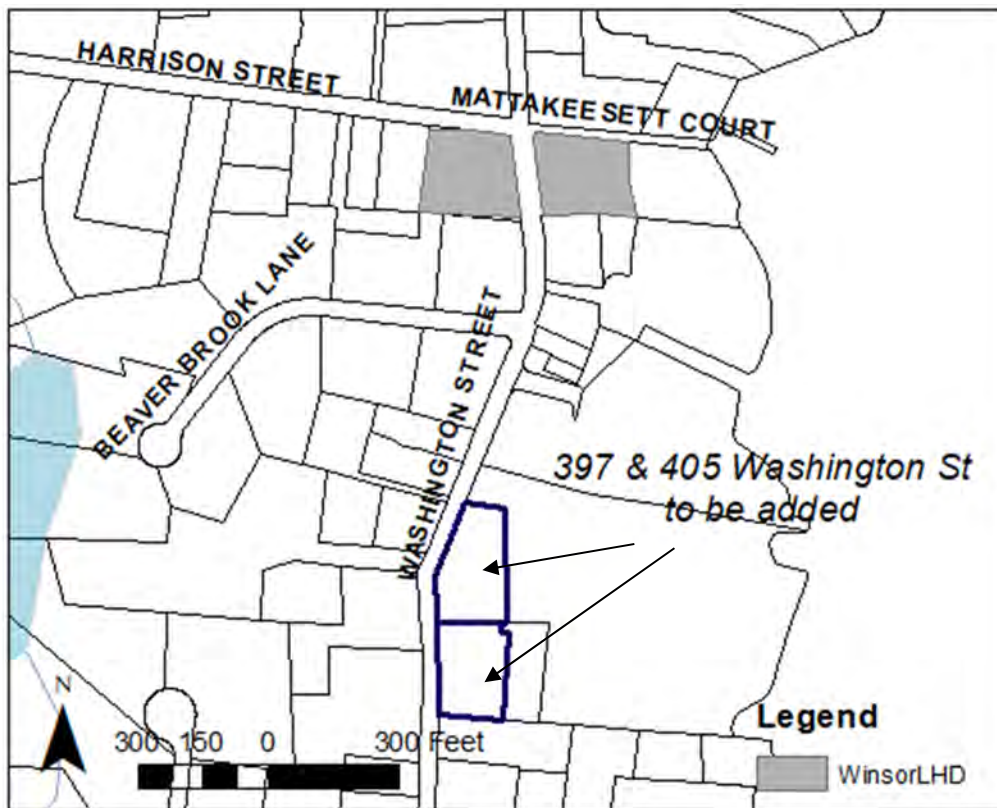
ARTICLE 21 – AMEND GENERAL BY-LAWS – PROPOSED NEW LOCAL HISTORIC DISTRICTS

To see if the Town will vote to amend the General By-laws by creating the following new local historic districts to be administered through the Duxbury General By-law, Chapter 12, and to update the Official Local Historic District Maps of the Town of Duxbury to include the Local Historic Districts as set forth below; or take any other action in relation thereto:

	Proposed Local Historic District Name	Address	Owner/Deed Reference	Parcel ID MBLU
1	Tarkiln	245 Summer Street	Town of Duxbury Book 1527, Page 14	045-500-023
2	Bradford	900 Tremont Street	Mr. & Mrs. M.&A. McGee LCC 122138	108-015-000
3	Winsor	397 Washington Street	Waterfront World HQ LLC Book 50920, Page 302	119-147-405
4	Winsor	405 Washington Street	Ditch Digger LLC Book 49131, Page 116	119-146-405
5	Powder Point	14 Powder Point Avenue	Mr. & Mrs. F. & J. Guitart LLC 115817	117-062-000

As further described in the Preliminary Study Report entitled “Proposed Local Historic District: Tarkiln Local Historic District, Proposed Properties to be Added to Existing Local Historic Districts: Bradford Local Historic District, Winsor Local Historic District, Powder Point Local Historic District, King Caesar Local Historic District. Prepared by the Duxbury Local Historic District Commission, November 2019.





Explanation: The Duxbury Historic District Commission is proposing the creation of four (4) new Local Historic District properties as described in the preceding table. The districts are each comprised of sole residences within Duxbury whose owners have volunteered their property into this process as a mechanism to preserve the historic integrity of their homes, which in turn helps to preserve the historic fabric of Duxbury. Each District will be established and maintained per the Local Historic District By-law.

A two-thirds vote of Town Meeting will be required to approve this article.

Proposed by the Duxbury Historic District Commission

Recommendations: *Board of Selectmen Voted 3-0-2 to Recommend*
Finance Committee Voted 8-0 to Recommend

ARTICLE 22 - AMEND ZONING BYLAWS: FLOOD HAZARD AREAS OVERLAY DISTRICT **AND ZONING MAP AMENDMENT: FLOOD HAZARD AREAS OVERLAY DISTRICT**

To see if the Town will amend the Town of Duxbury Zoning Bylaws and Official Zoning Map (all referenced Maps herein are on file with the Town Clerk, and available for viewing in the Planning Department and on the town website at: <https://www.town.duxbury.ma.us/planning-department/pages/2021-town-meeting>) by amending Sections 202.1, as follows, with text deleted from said Bylaw sections struck through and text added to said Bylaw sections underlined to read as shown by underlining for additions and interlineation for deletions and renumbering (such markings for illustrative purposes only), and by deleting the existing Section 402 in its entirety and replacing with a new Section 402 (Flood Hazards Areas Overlay District) to read as follows:

ARTICLE 202 LOCATION OF DISTRICTS

202.1 Zoning Map

Said districts are located and bounded as delineated on the "Town of Duxbury, Massachusetts Zoning Map" dated March 2009 as created by Greatwall GIS Services consisting of seven (7) sheets in total as revised and amended to date and on file in the office of the Town Clerk including the Wetland and Watershed Protection District Map dated March 4, 1971, as revised and amended to date and on file in the office of Town Clerk, and an Aquifer Protection District Map, dated January 15, 1986, as revised and amended March 24, 1993 and December 4, 2002 on file in the office of Town Clerk, and the Plymouth County Flood Insurance Rate Maps as further described in Section 402.2 Flood Hazard Areas Overlay District Boundaries, and on file in the office of the Town Clerk. The zoning map with boundaries of the districts and all explanatory matter thereon is hereby made a part of this Bylaw. Any conflict between the map and the description of any district in the written terms of this Bylaw shall be resolved according to the written terms.

And

ARTICLE 402 FLOOD HAZARD AREAS OVERLAY DISTRICT

402.1 Purpose of the Flood Hazard Areas Overlay District

The purposes of the Flood Hazard Areas Overlay District are to:

1. Ensure public safety through reducing the threats to life and personal injury;
2. Eliminate new hazards to emergency response officials;
3. Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding;
4. Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the Town beyond the site of flooding;
5. Eliminate costs associated with the response and cleanup of flooding conditions; and
6. Reduce damage to public and private property resulting from flooding waters.

402.2 Flood Hazard Areas Overlay District Boundaries

The Flood Hazard Areas Overlay District shall be considered an overlay district throughout the Town. It shall include all special flood hazard areas within the Town, as shown and set forth in the Plymouth County Flood Insurance Rate Map (FIRM) dated July 6, 2021 and revised to reflect the Letter of Map Revision (LOMR) Effective January 10, 2020, issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program (NFIP) designated as Zones A, AE, AO and VE, which indicate the 100-year (or 1%-chance) regulatory floodplain. The exact boundaries of the District shall be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Flood Insurance Study (FIS) report dated July 6, 2021 and revised to reflect the Letter of Map Revision (LOMR) Effective January 10, 2020. The effective FIRM and FIS reports are incorporated herein by reference and are on file with the Town Clerk, and available for viewing in the Planning Department.

402.3 Compliance with Other Law and Regulations

All development in the district, including structural and non-structural activities, whether permitted by right or by special permit, must comply with the following state statute and regulations, except that provisions of this Section that are more restrictive shall apply. The floodplain management regulations found within this bylaw shall take precedence over any less restrictive conflicting local laws, ordinances, or codes.

1. Massachusetts General Laws, Chapter 131, Section 40;
2. Sections of the Massachusetts State Building Code (780 CMR) which address floodplain and coastal high hazard areas;
3. Coastal Wetlands Restriction, DEP (currently 310 CMR 12.00); and
4. Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5).

402.4 Permits are required for all proposed development in the Flood Hazard Overlay District

The Town of Duxbury requires a permit for all proposed construction or other development in the Flood Hazard Overlay District, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties including alteration of topography (filling or removal of earth).

402.5 Local Enforcement

It shall be the duty of the Building Commissioner to administer and enforce the provisions of this Bylaw.

402.6 Assure that all necessary permits are obtained

All building permits and proposed development projects shall be reviewed with respect to proper identification of known or possible flood risk as mapped on the FEMA Flood Insurance Rate Map, or as otherwise defined within this bylaw through submittal of any required information, prior to issuance of a building or development permit, so that sufficient information is available to the permitting agent(s) with respect to meeting the requirements of this bylaw and compliance with applicable codes and regulations associated with the proposed development or activity as they relate to the flood risk. All work proposed shall meet the requirements of this bylaw as described herein.

The Town of Duxbury's permit review process includes the use of a checklist of all local, state and federal permits that will be necessary in order to carry out the proposed development in the Flood Hazard Overlay District. The proponent must acquire all necessary permits, and applications within the Flood Hazard Overlay District shall include:

1. The completed checklist demonstrating that all necessary permits have been acquired;
2. Elevation in relation to mean sea level of the lowest floor (including basements or cellars) of all existing and proposed structures;
3. Elevation in relation to mean sea level of existing and proposed floodproofing;
4. Certification by a registered professional engineer or architect for all floodproofing measures;
5. Signed statement by a registered professional engineer or architect that the requirements of this Bylaw have been met (the above-referenced requirements 2 and 3 may be met through submission of a FEMA Elevation Certificate);
6. Plans for any breakaway walls to be used to enclose space below the base flood elevation (in V zones);
7. Description of topographic alterations including existing and proposed grades and a delineation of the Special Flood Hazard Boundary line (including confirmation that the Flood Insurance Study has been consulted in placement of the line);
8. Site plan(s) certified by a registered professional land surveyor showing all existing and proposed natural and constructed features on the property. The site plan shall include a notation of the Special Flood Hazard Area designation for all existing and proposed structures.

402.7 Subdivisions

1. Base Flood Elevation Data. Base flood elevation data is required for subdivision proposals or other developments greater than fifty (50) lots or five (5) acres, whichever is the lesser, within unnumbered A zones.
2. All subdivision proposals must be designed to assure that:
 - a) Such proposals minimize flood damage;
 - b) All public utilities and facilities are located and constructed to minimize or eliminate flood damage; and

- c) Adequate drainage is provided to reduce exposure to flood hazards.

402.8 Unnumbered A Zones

In A Zones, in the absence of FEMA BFE data and floodway data, the building department will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways which would result in any increase in flood levels within the Town during the occurrence of the base flood discharge.

402.9 Floodway encroachment

In Zones A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge. No alteration of topography shall be permitted where it may result in increased runoff or drainage to the detriment of other property owners or the Town.

In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the Town's FIRM encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

402.10 Other Use Regulations

1. Within Zone AO and AH on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.
2. Man-made alteration of sand dunes within Zone VE which would increase potential flood damage is prohibited.
3. All new construction and substantial improvements to existing structures within Zone VE must be located landward of a boundary line of the Wetlands Protection Overlay District, except those structures allowed by sub-sections 404.9 or 404.11.
4. All new construction within V Zones shall be located landward of the reach of mean tide, except those structures allowed by sub-sections 404.9 or 404.11.
5. Storage of fuel, toxic or hazardous materials below the base flood elevation shall be floodproofed.

402.11 Permitted Uses

The following uses of low flood damage potential and causing no obstructions to flood flows are allowed, provided they are permitted in the underlying district and they do not require structures, fill, or storage of materials or equipment:

1. Agricultural uses such as farming, grazing, truck farming, and horticulture.

2. Forestry and nursery uses.
3. Outdoor recreational uses, including fishing, boating, and play areas.
4. Conservation of water, plants, and wildlife.
5. Wildlife management areas, and foot, bicycle, and/or horse paths.
6. Temporary non-residential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises.
7. Man-made alteration of sand dunes for dune restoration and beach enhancement projects for the purposes of flood and erosion control to adapt to the long-term effects of sea level rise; and which do not increase potential flood damage
8. In A1-30, AH, AE Zones, V1-30, VE and V Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.

402.12 Definitions

For this Article of the Zoning Bylaw the following definitions specifically apply in order to meet the requirements of the National Flood Insurance Program (NFIP). For reference, NFIP definitions are found in Title 44 of the US Code of Federal Regulations, Part 59; reference to ASCE is the American Society of Civil Engineers Standards; Base Code refers to the International Building Code; and MA in 9th Edition BC refers to the 9th Edition of the Massachusetts Building Code.

BASE FLOOD means the flood having a one percent (1%) chance of being equaled or exceeded in any given year.

DEVELOPMENT means any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. [US Code of Federal Regulations, Title 44, Part 59]

FLOOD BOUNDARY AND FLOODWAY MAP means an official map of a community issued by FEMA that depicts, based on detailed analyses, the boundaries of the 100-year and 500-year floods and the 100-year floodway. (For maps done in 1987 and later, the floodway designation is included on the FIRM.)

FLOOD HAZARD BOUNDARY MAP (FHBM) An official map of a community issued by the Federal Insurance Administrator, where the boundaries of the flood and related erosion areas having special hazards have been designated as Zone A or E. [US Code of Federal Regulations, Title 44, Part 59]

FLOOD INSURANCE RATE MAP (FIRM) means the official map of a community on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) administers the National Flood Insurance Program. FEMA provides a nationwide flood hazard area mapping study program for communities as well as regulatory standards for development in the flood hazard areas.

FLOOD INSURANCE STUDY (FIS) means an examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

FLOODWAY. The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. [Base Code, Chapter 2, Section 202]

FUNCTIONALLY DEPENDENT USE means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59] Also [Referenced Standard ASCE 24-14]

HIGHEST ADJACENT GRADE means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. [US Code of Federal Regulations, Title 44, Part 59]

HISTORIC STRUCTURE means any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

- (1) By an approved state program as determined by the Secretary of the Interior or

- (2) Directly by the Secretary of the Interior in states without approved programs.

[US Code of Federal Regulations, Title 44, Part 59]

LOWEST FLOOR means the lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, PROVIDED that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of NFIP Regulations 60.3.

NEW CONSTRUCTION. Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. New construction includes work determined to be substantial improvement. [Referenced Standard ASCE 24-14]

RECREATIONAL VEHICLE means a vehicle which is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

[US Code of Federal Regulations, Title 44, Part 59]

REGULATORY FLOODWAY - see FLOODWAY.

SPECIAL FLOOD HAZARD AREA. The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE or V1-30. [Base Code, Chapter 2, Section 202]

START OF CONSTRUCTION. The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Base Code, Chapter 2, Section 202]

STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. [US Code of Federal Regulations, Title 44, Part 59]; STRUCTURE, for insurance coverage purposes, means a walled and roofed building, other than a gas or liquid storage tank, which is principally above ground and affixed to a permanent site, as well as a manufactured home on foundation. For the latter purpose, the term includes a building while in the course of construction, alteration, or repair, but does not include building materials or supplies intended for use in such construction, alteration, or repair, unless such materials or supplies are within an enclosed building on the premises.

SUBSTANTIAL DAMAGE means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

SUBSTANTIAL REPAIR OF A FOUNDATION. When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR. [As amended by MA in 9th Edition BC]

VARIANCE means a grant of relief by a community from the terms of a flood plain management regulation. [US Code of Federal Regulations, Title 44, Part 59]

VIOLATION means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]

SPECIAL FLOOD HAZARD AREAS defines an area having special flood and/or flood-related erosion hazards, and shown on the FIRM as Zones A, AO, AE and VE.

ZONES, FLOOD – All of the terms for flood zones are defined in the US Code of Federal Regulations, Title 44, Part 64.3.

402.13 Disclaimer of Liability

The degree of flood protection required by this bylaw is considered reasonable but does not imply total flood protection.

402.14 Severability Section

If any section, provision or portion of this bylaw is deemed to be unconstitutional or invalid by any court, the remainder of the ordinance shall be effective.

402.15 Designation of Community Floodplain Administrator

The Town of Duxbury hereby designates the position of Planning Director to be the official floodplain administrator for the Town.

402.16 Requirement to submit new technical data

If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s). Notification shall be submitted to:

1. The Chief Executive Officer of adjacent Cities and Towns;
2. FEMA Region I Risk Analysis Branch Chief

99 High Street, 6th floor
Boston, MA 02110; and

3. Massachusetts NFIP State Coordinator
MA Department of Conservation & Recreation
251 Causeway Street
Boston, MA 02114

402.17 Watercourse alterations or relocations in riverine areas

In a riverine situation, the Floodplain Administrator shall notify the following of any alteration or relocation of a watercourse:

1. Adjacent Communities, especially upstream and downstream;
2. Bordering States, if affected;
3. NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
251 Causeway Street, 8th floor
Boston, MA 02114; and
4. NFIP Program Specialist
Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

402.18 Variances to Building Code floodplain standards

The Town of Duxbury will request from the State Building Code Board of Appeals a written and/or audible copy of the portion of the hearing related to the variance, and will maintain this record for the community's files.

The Town shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that (1) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (2) such construction below the base flood level increases risk to life and property.

Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain district.

402.19 Variances to local Zoning Bylaws related to community compliance with the National Flood Insurance Program (NFIP)

A variance from these floodplain bylaws must meet the requirements set out by State law, and may only be granted if: (1) good and sufficient cause and exceptional nonfinancial hardship exist; (2) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and (3) the variance is the minimum action necessary to afford relief.

; or take any other action in relation thereto.

Proposed by the Planning Board

Explanation: The US Department of Homeland Security Federal Emergency Management Agency (FEMA) issued a new Preliminary Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) for adoption by the Town of Duxbury and other areas of Plymouth County as part of an overall revision to the inland flood mapping for this region. The Town of Duxbury must adopt the new maps in order to comply with the regulatory requirements in to participate in the National Flood Insurance Program, which offers discounts to its citizens and allows the Town to maintain eligibility for participation in flood hazard mitigation programs, grants and disaster assistance. The Town has reviewed the maps and determined that they better reflect existing conditions. The maps were Indefinitely Postponed at the 2020 ATM because FEMA withdrew them in order to coordinate with the South Shore in the COVID crisis, which delayed town meetings past the effective date of the maps. Effective in the 2021 revisions is a new requirement to further modify the zoning language to include the changes contained herein – none of the preceding language from this section has been deleted, but the language has been moved to better incorporate the mandatory language. For a detailed explanation of these changes, please refer to the Massachusetts 2020 Model Floodplain Bylaws, available for review on the Duxbury Planning Department Web Page, and the redlined version available there. All of the information on the map changes are contained on the same Web Page. This language has been approved by the Massachusetts DCR, which oversees the Flood Management and compliance in Massachusetts.

A two thirds vote of Town Meeting will be required to approve this article.

Recommendations: *Board of Selectmen Voted 4-0 to Recommend*
Finance Committee Voted 9-0 to Recommend

ARTICLE 23– CPC: OPERATING FUND

To see if the Town will, upon recommendation of the Community Preservation Committee, appropriate from the Community Preservation Act Fund, in accordance with M.G.L. Chapter 44B, such sums of money as it determines necessary for the expenses and charges for operation of the Community Preservation Committee, all for the Fiscal Year beginning July 1, 2021 and ending June 30, 2022 inclusive; or take any other action in relation thereto.

Proposed by the Community Preservation Committee

Explanation: The approval of this article provides annual funding for the administrative and operational costs of the Community Preservation Committee, which includes incidental project costs associated with the Community Preservation Committee. Under the CPA, up to 5% of the annual CPA funds may be spent on the operation and administrative costs of the Community Preservation Committee. It is necessary to re-authorize the appropriation on an annual basis.

Recommendations: *Board of Selectmen Voted 4-0 to Recommend*
Finance Committee Voted 6-0 to Recommend

ARTICLE 24 – CPC: ALLOCATIONS

To see if the Town will, upon recommendation of the Community Preservation Committee, appropriate from the Community Preservation Act Fund, a sum of money for the purpose of meeting the requirements of the Community Preservation Act, G.L. Chapter 44B, Section 6, for the purposes of Open Space,

Community Housing (Affordable) and Historic Resources (Preservation) and to meet this appropriation, transfer a sum of money from the Community Preservation Fund(s), and, further, appropriate from the Community Preservation Fund a sum of money for payment of debt service on Community Preservation projects previously approved by Town Meeting; or take any other action in relation thereto.

Proposed by the Community Preservation Committee

Explanation: G.L. Chapter 44B, Section 6 requires that every fiscal year, upon recommendation of the Community Preservation Committee, Town Meeting shall spend, or set aside for later spending, not less than 10 per cent of the annual revenues in the Community Preservation Fund for open space, not less than 10 per cent of the annual revenues for historic resources, and not less than 10 per cent of the annual revenues for community housing. This article achieves that mandate. The article also appropriates a sum of money* to pay the debt service on the acquisition of 761 Temple Street.

Recommendations: *Board of Selectmen Voted 4-0 to Recommend*
Finance Committee Voted 6-0 to Recommend

ARTICLE 25 – HOUSING RESERVE TRANSFER

To see if the Town will, upon recommendation of the Community Preservation Committee, transfer a sum of money from the Community Preservation Fund to the Duxbury Affordable Housing Trust, or take any action in relation thereto.

Proposed by the Duxbury Affordable Housing Trust/Community Preservation Committee

Explanation: The Housing Trust proposes to transfer funds from the Housing Reserve to the Affordable House Trust Fund. These funds will be used by the Trust to implement the Housing Plan Production Plan.

Recommendations: *Board of Selectmen Voted 4-0 to Recommend*
Finance Committee Voted 6-0 to Recommend

ARTICLE 26 - RENOVATION, REPAIR, AND PAINTING OF THE AMERICAN LEGION

To see if the Town will, upon recommendation of the Community Preservation Committee, appropriate from the Community Preservation Fund a sum of money to rehabilitate, repair and paint the historic American Legion, and further to authorize the Board of Selectmen to enter into a grant agreement with Duxbury American Legion Post 223 on terms deemed by the Selectmen to be in the best interest of the Town, or take any action in relation thereto.

Proposed by the American Legion Post 223 /Community Preservation Committee

Explanation: The Duxbury American Legion Post 223 proposes to renovate, repair and paint the wood trim and replace the shutters on the American Legion Building.

Recommendations: *Board of Selectmen Voted 4-0 to Recommend*
Finance Committee Voted 8-0 to Recommend
Fiscal Advisory Committee Voted 7-0 to Recommend

ARTICLE 27 – CPC: CONSERVATION FUND

To see if the Town will raise and appropriate and/or transfer from available funds, upon recommendation of the Community Preservation Committee, a sum of money from the Community Preservation Fund to be added to the Conservation Fund to be used under the direction of the Conservation Commission for any purpose authorized by G.L. Chapter 40, Section 8C, and G.L. Chapter 44B, or take any action in relation thereto.

Proposed by the Community Preservation Committee/Conservation Commission

Explanation: This article proposes to replenish the Conservation Fund. The money is used for open space land acquisition and costs associated therewith and for land management.

Recommendations: *Board of Selectmen Voted 4-0 to Recommend*
Finance Committee Voted 6-0 to Recommend

ARTICLE 28 – CITIZENS' PETITION - MAXIMUM BUILDING HEIGHT

To allow homeowners to construct a house up to the maximum building height of 30' feet in addition to any further height requirements of FEMA and/or local flood zones.

Proposed by Citizens' Petition

A two thirds vote of Town Meeting required to approve this article.

Recommendations: *Board of Selectmen Voted 0-4 to Recommend*
Finance Committee Voted 0-8 to Recommend

ARTICLE 29 – CITIZENS' PETITION – AMEND GENERAL BY-LAWS – ADDING A NEW BY-LAW PROVISION - 7.28 STORAGE OF PROPERTY AT SHIPYARD LANE

To see if the Town will amend the Town General By-laws, as amended through September 30, 2019 and further amended by Town Meeting vote on August 1, 2020, by adding a new By-law provision 7.28 STORAGE OF PROPERTY AT SHIPYARD LANE, restricting the right of persons and entities, to leave or store personal property on the beach at the end of Shipyard Lane, in the parking lot at the end of Shipyard Lane and/or on the grass park area at the end of Shipyard Lane as set forth below, and further to authorize the Town Clerk to make non-substantive numbering and formatting changes to this Bylaw in order to make numbering conform to the numbering format on the General Bylaws, or take any action in relation thereto.

7.28 STORAGE OF PROPERTY AT SHIPYARD LANE

- 7.28.1 No portion of the beach, parking lot and grassed upland areas at the end of Shipyard Lane, off of Washington Street, owned by the Town of Duxbury and shown on Assessor's Map 120-505-21, shall be used for temporary or permanent storage of any personal property by anyone other than the Town of Duxbury. Personal property shall include but not be limited to kayaks, dinghies, boats, paddleboards, windsurfers, sailboats, kite boards, surfboards or any other related item of personal property. Nothing herein shall preclude persons utilizing the public beach from keeping personal property associated with customary beach use with them while they are present at the beach at the end of Shipyard Lane.

- 7.28.2 Anything left or stored in said areas at the end of Shipyard Lane may be disposed of by the town at the direction of the Town Manager and/or Board of Selectmen. The town shall post and maintain signs at Shipyard Lane to notify the public of these restrictions.
- 7.28.3 Any person or entity that leaves any personal property in said areas at the end of Shipyard Lane shall be fined. The penalty for violation of any provision of this By-law shall be \$100.00 per day for a first offense, \$200.00 per day for a second offense, and \$300.00 for each subsequent offense. Each day that the property is kept or stored in said prohibited areas shall constitute a separate offense. A Police Officer may enforce this By-law by noncriminal disposition in accordance with M.G.L. c. 40, § 21D.
- 7.28.4 The foregoing fines shall be in addition to any other remedy that Town may have for unlawful dumping and storage of personal property on any Town-owned property,

Proposed by Citizens' Petition

Explanation*: Shipyard Lane Beach is the only town-owned public beach in Duxbury with parking. It was gifted to the town in 1944 by Eben and Grace Ellison for "Duxbury resident and their guests" to "be used only for recreational purposes." (Town Report 1944)

Over the past few years, both residents and non-residents have been leaving kayaks and other personal watercrafts, such as paddleboards, on the grassy area of Shipyard Lane Beach unattended and overnight. This has become a problem, because in 2019, the number of kayaks left year-round totaled more than 100 and they took over an entire part of the property. The kayaks and other personal watercraft were also dumped on the property by people who no longer wanted them.

They are unsightly and are taking up space that should be available to the public, especially because at high tide there is no beach left there for sitting. These kayaks also are holding water, which is a public health hazard, as standing water breeds mosquitoes, which carry deadly diseases such as the West Nile Virus and EEE. Further, these kayaks often drift off on a high tide, which requires a response from the Harbormaster's Department; officers don't know whether the kayak is abandoned or if someone fell out of it.

This problem has been ongoing, but was only addressed by the town in 2019 after it was brought to the attention of the Town Manager. The kayaks were removed then, however, in 2020, there were still kayaks left in the same place at Shipyard Lane. While the town does now prohibit any storage of kayaks and other personal watercraft, there is currently no specific law against it at this location and there is no notification to the public about this prohibition. Without such a law, this problem can easily happen again.

The kayaks and other items of personal property of a like kind should be removed for all of these reasons and because it's a travesty to abuse town land like this. It should be illegal to dump or store anything other than the town's float at Shipyard Lane Beach. This article will make that happen as well as require the town to act to prevent this problem from reoccurring.

**** Note that this explanation was provided by the petitioners and is not fact-checked or endorsed by the Town.***

***Recommendations: Board of Selectmen Voted 4-0 to Recommend
Finance Committee Voted 8-0 to Recommend***

ARTICLE 30 – CITIZENS’ PETITION – AMEND ZONING BY-LAWS - ARTICLE 905 PLOT PLAN ACCOMPANYING APPLICATION, SECTION 905.2

To see if the Town will vote to amend the Zoning By-laws, Article 905 Plot Plan Accompanying Application, Section 905.2 Additional Requirements, with text to be inserted shown in bold underline (such markings for illustrative purposes only), as follows:

905.2 Additional Requirements

In addition, for all new buildings and structures and all existing buildings and structures to be externally enlarged or expanded in ground area to an extent greater than thirty (30) percent of internal floor area or ground coverage, or six hundred (600) square feet, whichever is larger, plot plans shall show existing and approved abutting street grades, the proposed elevation of the top of the foundation of existing and proposed buildings or structures, existing and proposed topography, existing septic disposal 185 systems, private wells, wetland boundary delineation as approved by the Conservation Commission, gas, water and other public utilities in the abutting street and the zoning classification of the abutting properties. Plot plans shall also show such other information as may be necessary to provide for the verification of compliance with the applicable provisions and the enforcement of the Bylaw, including, but not limited to, off-street parking, screening and fencing. Plot plans shall be certified by a registered professional engineer or land surveyor. **The applicant shall provide proof of written notification to the landowners of parcels of land that are adjacent and contiguous to the parcel of land that a building project, in excess of 1,000 square feet, is being submitted for a building permit.** A record of all applications, plans and permits shall be kept on file by the Zoning Enforcement Officer.

; or take any other action in relation thereto.

A two-thirds vote of Town Meeting will be required to approve this article.

Proposed by Citizens’ Petition

***Recommendations: Board of Selectmen Voted 5-0 to Indefinitely Postpone
Finance Committee Voted 7-0 to Indefinitely Postpone***

AND YOU ARE HEREBY DIRECTED TO SERVE THIS WARRANT by posting attested copies thereof as prescribed by M.G.L. Chapter 39, Section 10 and by Chapter 2, Section 2.3.1 of the Town of Duxbury General By-laws, at least seven (7) days 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 this meeting.

Given under our hands this 12th day of April, 2021.

BOARD OF SELECTMEN



Amy M. MacNab, Chair



Theodore J. Flynn, Member



Fernando Guitart, Vice Chair



Michael McGee, Member



Cynthia Ladd-Fiorini, Clerk

Plymouth ss:

April 27, 2021

Pursuant to the warrant I have this day notified and warned the inhabitants of the Town of Duxbury, herein described, to meet at the time and place and for the purposes as described by the By-laws of the Town.

**A TRUE COPY
ATTESTED**



CONSTABLE OF DUXBURY

TERMS USED IN MUNICIPAL FINANCE

APPROPRIATION: An amount of money that has been authorized by vote of Town Meeting to be spent for a designated purpose.

AVAILABLE FUNDS: In Duxbury we use the term Available Funds when referring to the Stabilization Fund, Library funds, Cemetery funds, Free cash and continued appropriations left in Articles voted at previous Town Meetings.

OVERLAY ALSO CALLED ALLOWANCE FOR ABATEMENTS AND EXEMPTIONS: The overlay is the amount raised by the Assessors in excess of appropriations and other charges for the purpose of creating a fund to cover tax abatements granted and avoiding fractions in the tax rate.

FREE CASH (BUDGETARY FUND BALANCE): Funds remaining from the operations of the previous fiscal year which are certified by the DOR's Director of Accounts as available for appropriation.

TRANSFER: The authorization to use an appropriation for a different purpose, in most cases only the Town Meeting may authorize a transfer.

RESERVE FUND: The fund is established by the voters at an Annual Town Meeting only and is composed of an appropriation (not exceeding 5 percent of the tax levy of the preceding year). Transfers from the Reserve Fund are within the exclusive control of the Finance Committee and are for "extraordinary or unforeseen" situations, normally emergencies.

STABILIZATION FUND: An account from which amounts may be used for any lawful purpose. Money may be appropriated from the Fund only by a two-thirds vote at Town Meeting.

CHERRY SHEET: Also known as the State revenue distribution and assessment sheets. Named for the cherry-colored paper on which the State traditionally printed it, the cherry sheet carries the figures which must be used by the Assessors in county tax and state assessments, as well as the estimated tax distributions from the State General Fund, reimbursements, agency funds, the Sales and Use Taxes, lottery distribution and State Aid to Education.

Duxbury Talent Bank Form

Duxbury's excellence as a residential community is due in large part to citizen participation in government and community affairs. The Duxbury Talent Bank was established by the Selectmen and Town Moderator to register the names, interests and qualifications of Duxbury registered voters willing to volunteer to serve their community. Residents serve as volunteers on a wide variety of town boards, committees, commissions and councils listed below. They are appointed to these organizations by the Selectmen or the Moderator as vacancies occur.

The Selectmen and Moderator encourage you to register by completing this Talent Bank Form, indicating your occupation, background, areas of interest and organizations you would consider serving. Please return your completed form to: Board of Selectmen, Duxbury Town Hall, 878 Tremont Street, Duxbury, MA 02332

Please note that Talent Bank forms are kept on file for two (2) years.

NAME: _____ E-MAIL: _____

PHONE (H) _____ (C) _____

ADDRESS: _____

OCCUPATION: _____

Date of Submittal: _____ No. of Years in Duxbury: _____

Please attach additional sheet(s) providing background information, relevant experience(s) or resume, if available.

Land Use & Conservation

- ☐ Agricultural Commission
- ☐ Alternative Energy Commission
- ☐ Community Preservation Committee
- ☐ Conservation Commission
- ☐ Design Review Board
- ☐ Duxbury Bay Management Commission
- ☐ Duxbury Beach Committee*
- ☐ Open Space Committee
- ☐ Sidewalk & Bike Path Committee
- ☐ Zoning Board of Appeals

- ☐ Cemetery Trustees*
- ☐ Council on Aging
- ☐ Cultural Council
- ☐ Duxbury Affordable Housing Trust
- ☐ Economic Advisory Committee
- ☐ Highway Safety Advisory Committee
- ☐ Historical Commission
- ☐ Local Historic District Comm.
- ☐ Municipal Comm. On Disability
- ☐ Nuclear Advisory Committee
- ☐ Shellfish Advisory Committee
- ☐ Water & Sewer Advisory Board*

Recreational Activities

- ☐ Fourth of July Committee
- ☐ Recreation Activities Committee

Finance

- ☐ Finance Committee*
- ☐ Fiscal Advisory Committee*

Government

- ☐ Board of Health

Please indicate any other areas of interest

*Appointed by Town Moderator

**Town of Duxbury
Town Meeting
Article Amendment Form**

Article No.: _____

Date: _____

I, _____, do hereby move that:
(Please print name and street address clearly)

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Copies to: *Town Clerk, Moderator, Proponent, Finance Committee Chair and Town Counsel*