

**COMMONWEALTH OF MASSACHUSETTS**

**TOWN OF DUXBURY**

**SPECIAL TOWN MEETING**

**WARRANT**

**SATURDAY, MAY 15, 2021**

**AT 9:10 A.M.**

**DUXBURY HIGH SCHOOL**

**71 ALDEN STREET**

**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 FIFTHTEENTH day of MAY, 2021, next, at 9:10 A.M. for a SPECIAL TOWN MEETING, for the transaction of any business that may legally come before said meeting:**

## **ARTICLE 1 – SUPPLEMENTAL APPROPRIATIONS**

To see if the Town will transfer from available funds, sums of money to supplement appropriations previously voted under Article 5 at the Annual Town Meeting of May 15, 2021 for the Fiscal Year beginning July 1, 2021, for various Town Departments; or take any action in relation thereto.

Proposed by the Board of Selectmen/Town Manager

**Explanation:** The purpose of this article is to supplement a number of line items in the current fiscal year's budget (FY21) in order to fund a number of additional expenses associated with various Town Departments.

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

## **ARTICLE 2 – UNPAID BILLS**

To see if the Town will transfer from available funds, a sum of money to pay unpaid bills of a previous year, as follows:

<b>Line #</b>	<b>Vendor</b>	<b>Department</b>	<b>Amount</b>
<b>1</b>	Weston & Sampson	DPW	\$5,750.00
<b>2</b>	Ahold/Stop & Shop	DPW	\$140.90
<b>3</b>	Tiger Towing	DPW	\$100.00
<b>4</b>	Quest Diagnostics	Human Resources	\$127.50
<b>5</b>	Health Express	Human Resources	\$140.00
<b>6</b>	Sullivan Tire	DPW/Highway	\$741.18
<b>7</b>	Verizon Wireless	Town Manager	\$54.48
<b>8</b>	Verizon Wireless	Lands & Natural Resources	\$51.49
<b>9</b>	Pamela Campbell-Smith	Selectmen	\$62.93
<b>10</b>	City Hall Systems	Treasurer/ Collector	\$6,096.00
<b>11</b>	Environmental Partners	Water	\$490.00

; or take any action in relation thereto.

Proposed by the Town Manager

**Explanation:** These funds are needed to pay for bills received after the close of Fiscal Year 2021. Requires a 9/10 vote.

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

### **ARTICLE 3 – SPECIAL EDUCATION RESERVE FUND**

To see if the Town will transfer from available funds, a sum of money to fund the Special Education Reserve Fund; or take any other action in relation thereto.

Proposed by the School Business Manager and Finance Director

**Explanation:** The Special Education Reserve Fund, pursuant to the Municipal Modernization Act, allows savings to be set aside to offset the impact of any unanticipated, unbudgeted Special Education costs. Funds may be used to pay for Special Education expenses related to contracted services, out of district tuition and transportation. The fund allows us to make payments within a school year without forcing cuts to other school services.

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

### **ARTICLE 4 – PENSION RESERVE FUND**

To see if the Town will transfer from available funds, a sum of money to be added to the Pension Reserve Fund; or take any action in relation thereto.

Proposed by the Finance Department

**Explanation:** The purpose of this article is to fund the Town's municipal pension reserve fund. It has been the practice of the Town over the last several years to transfer funds from the Pension Reserve Fund to the General Fund to offset increases in the Town's Contributory Pension Assessment to Plymouth County. Since FY06, the fund has provided over \$1,150,000 to the General Fund. These are monies that would otherwise have to be found within the Tax Levy. Although financial markets have begun to improve in recent years, we need to continue to replenish this valuable reserve in order to support future funding. The balance in the fund as of December 31, 2020, is \$1,323,260.70. The Town of Duxbury's Financial Management Policies recommends the Pension Reserve be funded annually at a minimum of 0.125% of general fund operating revenues. Finance Director recommends a transfer of \$110,000 from Free Cash to continue the replenishing of the fund, thereby providing a higher earnings potential.

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

### **ARTICLE 5 – OTHER POST-EMPLOYMENT BENEFITS**

To see if the Town will transfer from available funds, a sum of money to be added to the Other Post-Employment Benefits Trust Fund; or take any action in relation thereto.

Proposed by the Finance Department

**Explanation:** Employees of state and local governments may be compensated in a variety of forms. In addition to a salary, many employees earn benefits during their years of service that will not be received until after their employment with the government ends. The most common type of these post-employment benefits is a pension. Post-employment benefits other than pensions generally take the form of health and dental insurance, vision, prescription, or other healthcare benefits provided to eligible retirees, and may also include some type of life insurance. As a group, these non-pension benefits are referred to as Other Post-Employment Benefits (“OPEB”). In FY13, the voters at Town Meeting, with the support of the Board of Selectmen and the Finance Committee, established an OPEB Trust Fund. The Town currently funds retiree health insurance on a pay-as-you-go basis. This amount for fiscal year 2020 is approximately \$2,060,313. Through various health plan changes coupled with increased funding, our Actuarial Accrued Liability at June 30, 2020 is \$40,913,670. In order to control this liability, the Town’s actuary has recommended a minimum annual contribution of \$300,000. We must make every effort to fund this liability. Through December 31, 2020, the balance in the fund has reached \$3,260,920. The Town of Duxbury’s Financial Management Policies recommends a minimum annual requirement of \$300,000. Finance Director recommends the transfer of \$300,000 from Free Cash to remain in compliance with Town policy and not to jeopardize our bond rating.

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

## **ARTICLE 6 – STABILIZATION FUND**

To see if the Town will transfer from available funds, a sum of money to be added to the Stabilization Fund; or take any action in relation thereto.

Proposed by the Finance Department

**Explanation:** It has been the practice of the Town over the last several years to transfer available funds into the Stabilization Fund. The Town of Duxbury’s Financial Management Policies recommends the Stabilization Fund should be maintained at 5% to 10% of general fund operating expenditures net of exempt debt. The balance in the Town’s Stabilization Fund at December 31, 2020 is \$4,544,476.86 or 5.19% of general fund operating expenditures. Duxbury continues to enjoy a Standard & Poor’s rating of AAA and a Moody’s Rating of AA1. The enhancement of this reserve is a major factor when rating agencies consider upgrades.

With the approval of this transfer, coupled with projected earnings for FY21, this will provide an end-of-year balance of approximately \$4,794,477. This amount will equal slightly more than 5.47% of the Town’s operating expenditures net of debt. Finance Director recommends a transfer of \$250,000 from Free Cash to replenish one-third of the withdrawals made in FY 2020 and to ensure that our reserves are maintained at levels that will likely appeal to bond rating agencies. Increases to reserves are critical to maintaining our bond rating and ensuring the best interest rates possible on future borrowing.

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

## **ARTICLE 7 – CAPITAL STABILIZATION FUND**

To see if the Town will vote to raise and appropriate and/or transfer from available funds, a sum of money to the Capital Improvement Stabilization Fund; or take any action in relation thereto.

Proposed by the Finance Director, Town Manager, and Finance Committee

**Explanation:** To continue funding a Capital Improvement Stabilization Fund. Per M.G.L. Chapter 44, Section 20, Surplus proceeds of any amount may be appropriated for any purpose for which the town or district may borrow for an equal or greater term than the term for which that loan was issued. By closing projects and providing additional funding to a Capital Reserve Fund, the intent is to use these monies and future contributions to defray the cost of the Town's next major project(s).

The balance in the Town's Capital Stabilization Fund as of December 31, 2020 is \$255,545.65; \$144,571.43 of which is reserved for exempt debt. Finance Director recommends a transfer in the amount of \$250,000 from Free Cash to bring the balance to just over \$500,000 to help fund future projects.

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

## **ARTICLE 8–RESCIND BORROWING AUTHORIZATION FOR UNEXPENDED FUNDS**

To see if the Town will vote to rescind the borrowing authorization for the following articles and the following unissued amounts:

<u>Town Meeting Date</u>	<u>Article #</u>	<u>Short Title</u>	<u>Project Authorization</u>	<u>Total Authorization to be Rescinded</u>
October 29, 2011	#28	Water Mains School	\$ 925,000.00	\$ 47,000.00
March 10, 2012	#1	Construction	\$ 120,505,034.00	\$ 46,008,899.47
March 9, 2019	#6-3	Chromebooks	\$ 512,998.00	\$ 44,897.00
March 9, 2019	#6-5	Water PCE Pipes Senior Center	\$ 2,250,000.00	\$ 835,000.00
March 10, 2018	#17	Expansion	\$ 2,575,750.00	\$ 25,750.00

; or take any action in relation thereto.

**Explanation:** The actual costs of these projects were less than the amounts authorized. Town Meeting Action is required to dissolve these un-borrowed funding authorizations.

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

## **ARTICLE 9 – TRANSPORTATION CONTRACT FOR DUXBURY PUBLIC SCHOOLS**

To see if the Town will authorize Duxbury Public Schools to enter into a long-term contract for student transportation services. The contract will be for a term of three (3) years, with two (2) option years.

Proposed by the School Committee,  
Superintendent, and Director of  
Business and Finance

**Explanation:** Town meeting approval is required for contracts in excess of 3 years. Longer term contracts usually result in greater savings.

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

## **ARTICLE 10 – PROPOSED REDUCTION TO INTEREST RATES RELATED TO SEAWALL BETTERMENTS**

To see if the Town will amend the vote taken under Article 13 of the March 9, 2019 Annual Town Meeting, which appropriated funds for the purpose of making seawall repairs and imposed betterments to recover the costs thereof, after deducting any gifts and/or grants received by the Town, to authorize said betterments to bear interest at the rate of one percent (1%) above the rate of interest charged to the Town for funds borrowed for said seawall repairs; or take any action in relation thereto.

Proposed by the Town Manager and Finance Director

**Explanation:** Under the current statute a default interest rate of 5% is applied to betterments paid over time. The legislative body has the authority to tie the interest rate to the actual borrowing up to 2%. The Board of Selectmen recommend using a rate of 1% above the interest rate on the amount borrowed.

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

## **ARTICLE 11 - MATCHING GRANT FUNDS**

To see if the Town will transfer from available funds a sum of money to be used to provide for the Town's local match gifts and/or grants committed to and/or received by the Town from time to time, such sums to be expended under the discretion of the Board of Selectmen and/or Town Manager; or take any other action in relation thereto.

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

**Explanation:** The funds appropriated under this article will provide the Town with a ready source of funds that the Town may use as the Town's local share of gifts and/or grants committed to or received by the Town from federal, state, and/or local funding sources and/or governmental bodies, as any delay in providing such matching funds may jeopardize the Town's ability to avail itself of such funds.

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

**ARTICLE 12 - EMINENT DOMAIN TAKING - FOR TITLE-CLEARING PURPOSES  
AND FOR THE PURPOSE OF ACQUIRING A 19.39 ACRE PARCEL OF  
CONSERVATION LAND**

To see if the Town will to authorize the Board of Selectmen to acquire by eminent domain, for title-clearing purposes and for the purpose of acquiring a 19.39 acre parcel of conservation land in exchange, a certain parcel of Town-owned land located off Keene Street, identified by the Assessor as Parcel 025-500-006, containing 3.5 acres of land, more or less, and being a portion of the property acquired by the Town by low-value foreclosure affidavit recorded with the Plymouth Registry of Deeds in Book 1784, Page 567, which Town land is to be conveyed in accordance with the vote taken under Article 19 of the March 9, 2019, Annual Town Meeting, or take any action in relation thereto.

Proposed by the Conservation Commission

**Explanation:** The 2019 Annual Town Meeting authorized the Selectmen to dispose of a 3.5-acre piece of surplus land off Keene Street. The Town solicited proposals and received a proposal from a buyer who would pay the associated costs and give an 18-acre parcel off Congress Street to the Town as Conservation Land in exchange. To provide the buyer with good title to the Town property, the buyer's title counsel requests that the Town take the property by eminent domain taking to clear any possible defects. This article asks the voters to take the property by eminent domain to improve the Town's title.

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

**ARTICLE 13 – TRANSFER OF TOWN-OWNED LAND TO THE DUXBURY  
AFFORDABLE HOUSING TRUST - LINCOLN STREET**

To see if the Town will vote to transfer the care, custody and control of two parcels of Town-owned land located on Lincoln Street, one identified as Assessor's Parcel Number 056-500-058 and acquired by the Town by Judgment in Tax Lien Case recorded with the Plymouth Registry of Deeds in Book 4221, Page 414, and the other identified as Parcel Number 055-500-072 and acquired by the Town by Judgment in Tax Lien Case recorded in Book 21401, Page 118, from the tax custodian for tax title purposes to the Board of Selectmen for purposes of conveyance, and authorize the Board of Selectmen to convey said property to the Town of Duxbury Affordable



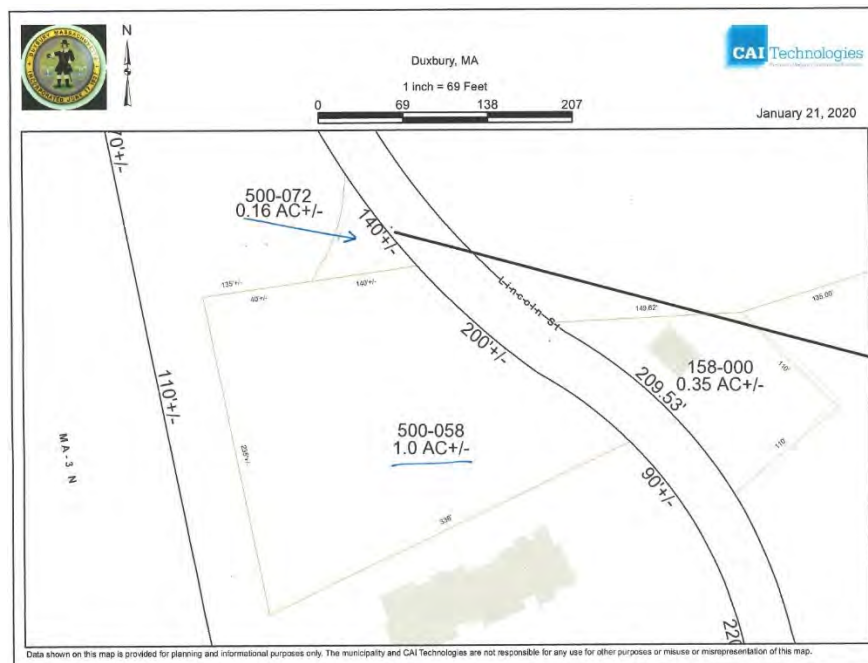
Housing Trust for affordable housing purposes, and, further, to authorize the Board of Selectmen to execute any documents and take any other action that may be necessary in connection therewith; or take any other action in relation thereto.

Proposed by the Board of Selectmen on behalf of Duxbury Affordable Housing Trust

**Explanation:** These parcels were acquired by the Town for non-payment of taxes through foreclosure of tax title. The Board of Selectmen and Affordable Housing Trust propose to transfer these contiguous parcels totaling +/-1.16 acres to the Town's Affordable Housing Trust for the purpose of creating new or additional affordable housing opportunities in Duxbury. If the proposed article passes, the Duxbury Affordable Housing Trust plans to issue an RFP to convey the land to a developer for an affordable housing duplex to be built in accordance with M.G.L. Chapter 40B.

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

**Recommendations:** *Board of Selectmen Voted to Indefinitely Postpone*  
*Finance Committee Voted 2-3-2 to Recommend*



**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 fourteen (14) 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 12<sup>th</sup> day of April, 2021.

**BOARD OF SELECTMEN**

  
\_\_\_\_\_  
Amy M. MacNab, Chair

  
\_\_\_\_\_  
Fernando Guitart, Vice Chair

  
\_\_\_\_\_  
Cynthia Ladd-Fiorini, Clerk

  
\_\_\_\_\_  
Theodore J. Flynn, Member

  
\_\_\_\_\_  
Michael McGee, Member

**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**