

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



**TOWN OF DUXBURY  
MONDAY, OCTOBER 17, 2022  
AT 7:00 P.M.**

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**DUXBURY PERFORMING ARTS CENTER  
73 ALDEN STREET**

*ANNOUNCEMENT FROM THE  
MUNICIPAL COMMISSION ON DISABILITY*

The Special Town Meeting will take place in the Duxbury Performing Arts Center, 73 Alden Street, Duxbury, MA, on October 17, 2022. 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.

**SPECIAL TOWN MEETING WARRANT**  
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**COMMONWEALTH OF MASSACHUSETTS**  
**TOWN OF DUXBURY – SPECIAL TOWN MEETING**  
**WARRANT**

**Monday, October 17, 2022**

**at**

**7:00 p.m.**

**Duxbury Performing Arts Center**  
**73 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 Performing Arts Center, 73 Alden Street, in said Duxbury on Monday, the SEVENTEENTH day of OCTOBER, 2022 next, at 7:00 o'clock p.m. for the transaction of any business that may legally come before said meeting:**

## **ARTICLE 1 - ACCEPTANCE OF McLEAN'S WAY AS A TOWN WAY**

To see if the Town will vote to accept as a public way the roadway known as McLean's Way, as heretofore laid out by the Selectboard and shown on a plan of land entitled "Street Acceptance Plan for McLean's Way Duxbury, Massachusetts", dated January 7, 2020, prepared by Grady Consulting, L.L.C., and on file with the Town Clerk, and to authorize the Selectboard to acquire, by gift, purchase, and/or eminent domain, the fee to and/or easements in McLean's Way for all purposes for which public ways are used in the Town of Duxbury and any drainage, access, utility and/or other easements related thereto; or take any other action relative thereto.

Proposed by the Selectboard

**Explanation:** This article was originally proposed at the March 2022 Annual Town Meeting as a Citizen's Petition. Unfortunately, the statutory timeline for the acceptance process was not met at that time (a filing date was missed by two days) and the article was postponed indefinitely. This article has met all of the statutory filing deadlines and as such, is now ready to be presented to the voters for their consideration.

**Recommendations:** *Selectboard Voted – Available at Town Meeting*  
*Finance Committee Voted – Available at Town Meeting*

## **ARTICLE 2 – RICKER LAND PURCHASE**

To see if the Town will, upon recommendation by the Community Preservation Committee, (a) authorize the Selectboard to acquire, by purchase, gift or eminent domain, for agricultural purposes, all or a portion of the parcel of land located at 293 Mayflower Street, approximately shown as "Town Purchase 35.9+ Ac." on a plan entitled "Work Plan 293 Mayflower Street", dated November 29, 2021, prepared by Stenbeck & Taylor, Inc., a copy of which is on file with the Town Clerk, and described in deeds recorded with the Plymouth Registry of Deeds in Book 4041, Page 96 and Book 3741, Page 225, subject to easements reserved for the benefit of the lot shown as "Ricker House Lot" on said plan, on such terms and conditions as the Selectboard deem appropriate, which parcel shall be under the care, custody and control of the Conservation Commission pursuant to the provisions of G.L. Chapter 40, Section 8C, and a right of first refusal and option to purchase the parcel shown on said plan as the "Ricker House Lot"; (b) raise and appropriate, borrow, or transfer from available funds, including the Community Preservation Fund, a sum of money for the purpose of funding said acquisition and costs incidental or related thereto, and to meet this appropriation, to authorize the Treasurer, with the approval of the Selectboard, to borrow a sum of money under G.L. Chapter 44, Sections 7 or 8, G.L. Chapter 44B, Section 11, and/or any other enabling authority and to issue bonds or notes of the Town therefor; (c) to authorize the Selectboard to grant a restriction on said parcel pursuant to the provisions of G.L. Chapter 184, Sections 31-33, in compliance with G.L. Chapter 44B, Section 12(a); and, further, (d) to authorize the Selectboard and/or the Conservation Commission to enter into management agreements for up to ten years as may be necessary for the purposes of this Article, on terms deemed by the Selectboard and/or the Conservation Commission to be in the best interest of the Town; or take any action in relation thereto.

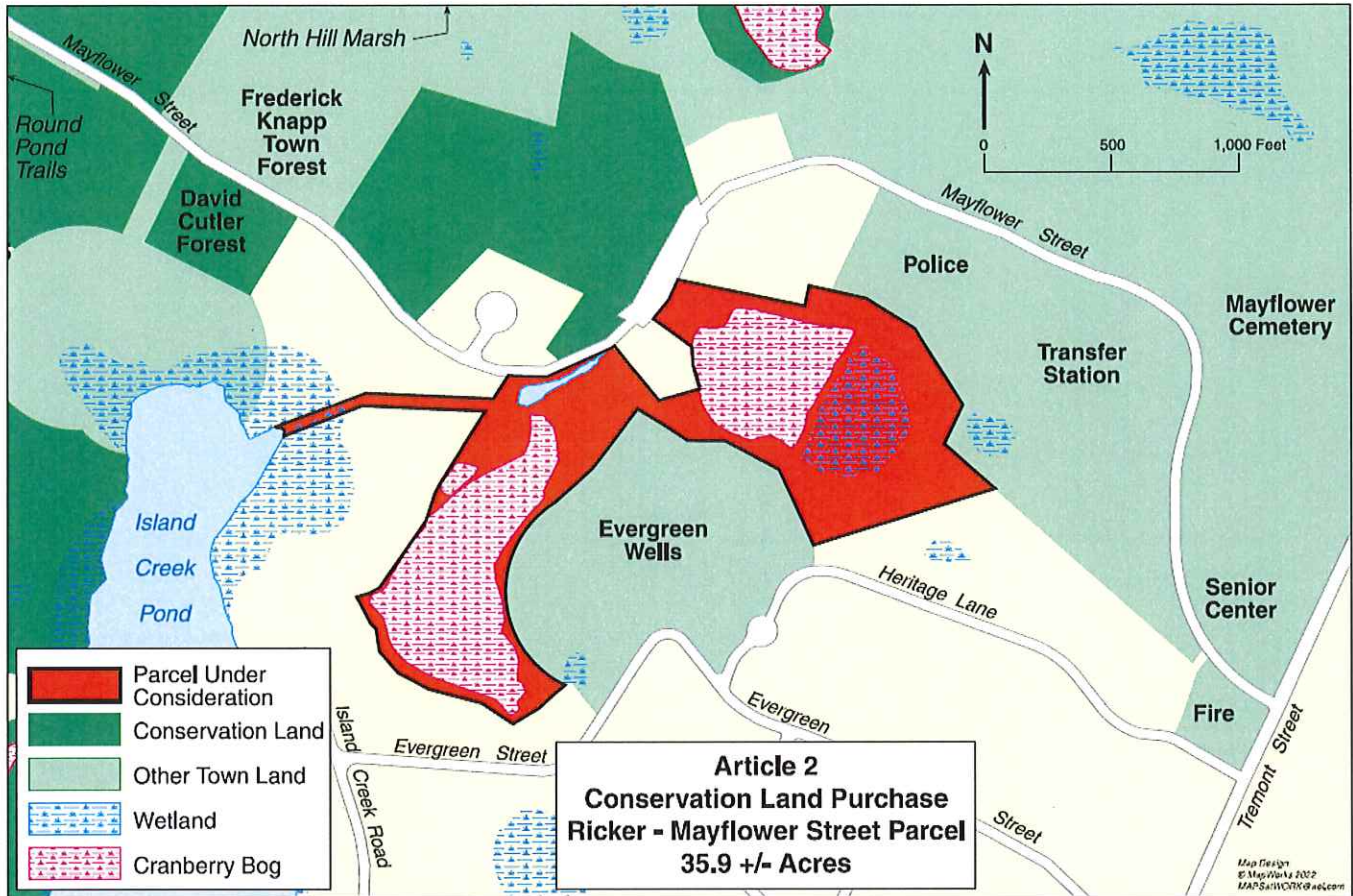
Proposed by the Duxbury Community Preservation Committee

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

**Explanation:** The purpose of this article is to authorize the expenditure of funds for the purchase of approximately 35.9 acres of land containing approximately 14 acres of cranberry bogs, which is to be placed

under the care and custody of the Conservation Commission and allow the Town to enter into a ten-year agreement to manage and operate the bog.

**Recommendations:** *Selectboard Voted – Available at Town Meeting*  
*Finance Committee Voted – Available at Town Meeting*



### **ARTICLE 3 - INCREASE TO COMMUNITY PRESERVATION ACT SURCHARGE**

To see if the Town will amend the surcharge imposed under Section 3 of Chapter 44B of the General Laws, the Community Preservation Act, from 1% to 3% of the taxes assessed annually on real property, starting with taxes assessed for the fiscal year beginning on July 1, 2023; or take any other action in relation thereto.

Proposed by the Selectboard and Duxbury Community Preservation Committee

**Explanation:** In 2001, Duxbury accepted Sections 3 to 7 of Chapter 44B of the General Laws of Massachusetts, also known as the Community Preservation Act (CPA), and established a “Community Preservation Fund” with a dedicated funding source at the 3% surcharge level with a goal established for the protection of three of every ten acres of undeveloped land.

The CPA allows communities to create a local Community Preservation Fund from which money may be spent to (1) acquire, create and preserve open space, which includes land for the protection of public drinking water well fields, aquifers and recharge areas, wetlands, agricultural land, forests, marshes, beaches and other conservation areas; (2) rehabilitate land for recreational use, including parks, playgrounds and athletic fields; (3) acquire, preserve, rehabilitate and restore historic buildings and resources; (4)

acquire, create, preserve and support community housing; and (5) rehabilitate and restore open space and community housing that was acquired or created with community preservation funds.

In 2012, as a result of the economic downturn in 2008 and the tax burden of multiple capital projects, the Duxbury CPA surcharge was reduced from 3% to 1%. Despite the reduction in the surcharge since that time, the Town has been supportive of CPA projects, particularly those that preserve land and scenic resources, develop recreational sites, and restore historic properties. Further, the Town has adopted the following exemptions from the annual surcharge: (1) property owned and occupied as a domicile of a person who qualifies for low-income housing, or low- or moderate-income senior housing, as defined in the Act; (2) the real estate tax assessed on \$100,000 of the value of each parcel of residential real property as defined for property tax classification purposes.

Approval of this article, and a subsequent ballot question, will increase the surcharge from 1% to 3%. This amendment will take effect starting in fiscal year 2024, which begins on July 1, 2023.

The surcharge will continue to be calculated in the same manner by multiplying the real estate tax on the parcel by the adopted percentage. A taxpayer receiving any other exemption or abatement of tax on real property receives a pro rata reduction in surcharge.

**Recommendations:** *Selectboard Voted – Available at Town Meeting*  
*Finance Committee Voted – Available at Town Meeting*  
*Fiscal Advisory Committee Voted – Available at Town Meeting*

#### **ARTICLE 4 – 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, 2022:

- A. Duxbury Police Union, MCOP Local 376B;
- B. Duxbury Police Commanders Association, MCOP Local 376;
- C. Duxbury Public Safety Dispatchers Union, MCOP Local 376A;
- D. Duxbury Free Library Employees, Service Employees International Union, Local 888;
- E. Duxbury Permanent Fire Association, International Association of Firefighters Local 2167;  
and
- F. Duxbury DPW Employees, AFSCME, Council 93, Local 1700, Duxbury DPW Employees;

or take any action in relation thereto.

Proposed by the Selectboard

**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:** *Selectboard Voted – Available at Town Meeting*  
*Finance Committee Voted – Available at Town Meeting*

**ARTICLE 5 – AMEND TOWN OF DUXBURY PERSONNEL POLICIES “PART IV - PAY SCHEDULE” TABLE**

To see if the Town will vote to amend Town of Duxbury Personnel Policies “Part IV - Pay Schedule” table by adding a Finance Director/Town Accountant position and a Board of Health Inspector position and to fund said amendments raise and appropriate or transfer from available funds a sum or sums of money; or take any action in relation thereto.

Proposed by the Town Manager, Finance Director, Town Accountant, Municipal Services Director and Human Resources Director

**Explanation:** As noted in the article itself, the purpose of this article is to modify the compensation plan in accordance with the Personnel By-Law and Personnel Policies to include two (2) new positions - Finance Director/Town Accountant and Board of Health Inspector.

**Recommendations:** *Selectboard Voted – Available at Town Meeting*  
*Finance Committee Voted – Available at Town Meeting*

**ARTICLE 6 – 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:

Line #	Vendor	Department	Amount
1	Likarr	Fire Department	\$249.34
2	Ricoh	Municipal Services	\$263.09
3	Ricoh	DPW Administration	\$131.08
4	Comcast Business	Cemetery	\$10.51
5	Verizon	DPW Administration	\$3,472.37
6	Complete Recycling	Transfer Station	\$175.00
7	South Shore Disposal	Central Buildings	\$13,213.51
8	Eversource Gas	Cemetery	\$2,076.79
9	Troupe Waste and Recycling	DPW Transfer Station	\$482.96
10	Advantage Drug Testing, LLC	Human Resources	\$745.00
11	Advantage Drug Testing, LLC	Human Resources	\$365.00
12	Sullivan Tire	DPW Highway	\$485

; or take any action in relation thereto.

Proposed by the Finance Director and Town Manager

**Explanation:** These funds are needed to pay for bills received after the close of Fiscal Year 2022.

**Requires a 9/10 vote.**

**Recommendations:** *Selectboard Voted – Available at Town Meeting*  
*Finance Committee Voted – Available at Town Meeting*



## ARTICLE 7 – 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 March 12, 2022, for the Fiscal Year beginning July 1, 2022, for various Town Departments; or take any action in relation thereto.

Proposed by the Selectboard/Town Manager/Finance Director

**Explanation:** The purpose of this article is to supplement a number of line items in the current fiscal year's budget (FY23) in order to fund a number of additional expenses associated with various Town Departments.

**Recommendations:** *Selectboard Voted – Available at Town Meeting*  
*Finance Committee Voted – Available at Town Meeting*

## ARTICLE 8 – SUPPLEMENTAL CAPITAL APPROPRIATIONS

To see if the Town will transfer from available funds sums of money to supplement appropriations previously voted under Articles 6 and 7 at the Annual Town Meeting of March 12, 2022, with an additional item from Article 6 of the Annual Town Meeting of August 1, 2020, for the Fiscal Year beginning July 1, 2022, and July 1, 2020; respectively for various Town Departments; or take any action in relation thereto.

Proposed by the Selectboard/Town Manager/Finance Director

**Explanation:** The purpose of this article is to supplement a number of capital items in the current fiscal year's Capital Plan (FY23) and one additional item voted in the FY 21 Capital Plan. Our early Town Meeting, coupled with the recent inflation, have caused major increases from original quotes obtained prior to our last Annual Town Meeting.

**Recommendations:** *Selectboard Voted – Available at Town Meeting*  
*Finance Committee Voted – Available at Town Meeting*

## ARTICLE 9 – EDUCATIONAL CABLE ACCESS AND TECHNOLOGY

To see if the Town will transfer from available funds a sum of money for the purpose of funding Audio-Visual support and equipment, said funds to be expended under the direction of the School Committee; or take any action in relation thereto.

Proposed by the Duxbury Public Schools

**Explanation:** The school district is in need of lighting, cameras, microphones, wiring, and additional technical equipment for the School Committee room and PAC, for the purpose of recording and live streaming School Committee and other school meetings, communications support, and Dragon TV equipment and support.

**Recommendations:** *Selectboard Voted – Available at Town Meeting*  
*Finance Committee Voted – Available at Town Meeting*

**ARTICLE 10 – SCHOOL ROOF REPLACEMENT**

To see if the Town will transfer from available funds a sum of money for the purpose of repairs to the Alden and PAC roofs and an aerial scan for purposes of future capital needs to school roofs and any and all expenses incidental thereto, said funds to be expended under the direction of the School Committee; or take any action in relation thereto.

Proposed by the Duxbury Public Schools

**Explanation:** Upon receipt of a District roof evaluation report in August 2022, the District was presented with numerous emergency repairs needed to the Alden and PAC roofs that would allow for time to develop a more comprehensive, long-term capital plan. An aerial scan of all school roofs will be completed for purposes of future capital needs to school roofs.

**Recommendations:** *Selectboard Voted – Available at Town Meeting*  
*Finance Committee Voted – Available at Town Meeting*

**ARTICLE 11 – SCHOOL SAFETY MEASURES**

To see if the Town will transfer from available funds a sum of money for the purpose of enhanced school security and safety measures throughout the district, said funds to be expended under the direction of the School Committee; or take any action in relation thereto.

Proposed by the Duxbury Public Schools

**Explanation:** Since the most recent school violence concerns across the country, the Duxbury Police Department and the Schools have been collaboratively investigating enhanced measures to improve safety and security throughout the schools. These funds would be used towards the purchase of enhanced security for visitor management systems at school entryways at each campus building, additional cameras at Chandler Elementary School, and additional safety and security measures throughout the district.

**Recommendations:** *Selectboard Voted – Available at Town Meeting*  
*Finance Committee Voted – Available at Town Meeting*

**ARTICLE 12 - RESCIND BORROWING AUTHORIZATIONS FOR UNEXPENDED FUNDS**

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

<b>Town Meeting Date</b>	<b>Article #</b>	<b>Short Title</b>	<b>Project Authorization</b>	<b>Total Authorization to be Rescinded</b>
March 9, 2019	Art. 15	Seawall Repairs	\$4,909,770	\$3,724,770
March 12, 2022	Art. 6, Motion 5	PFAS Filtration	\$1,800,000	\$1,800,000

; or take any other action in relation thereto.

Proposed by the Finance Director and Town Manager

**Explanation:** The purpose of this article is to rescind the borrowing noted therein as funding for the remaining amounts of these projects were obtained from grants. Town Meeting Action is required to dissolve these un-borrowed funding authorizations.

**Recommendations:** *Selectboard Voted – Available at Town Meeting*  
*Finance Committee Voted – Available at Town Meeting*  
*Fiscal Advisory Committee Voted – Available at Town Meeting*

**ARTICLE 13 – CPC: FUNDING FOR THE PRESERVATION OF THE HISTORIC ISAAC SIMMONS FARMHOUSE LOCATED AT 761 TEMPLE STREET**

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, preserve, stabilize and prepare for sale the Historic Isaac Simmons Farmhouse located at 761 Temple Street; or take any action in relation thereto.

Proposed by the Historical Commission and Community Preservation Committee

**Explanation:** As noted above, approval of this article will fund renovations to the Historic Isaac Simmons Farmhouse and stabilize the house is arrested from further decline and prepare it for sale with the intent of garnering higher sale price.

**Recommendations:** *Selectboard Voted – Available at Town Meeting*  
*Finance Committee Voted – Available at Town Meeting*  
*Fiscal Advisory Committee Voted – Available at Town Meeting*

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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 26<sup>th</sup> day of September, 2022.

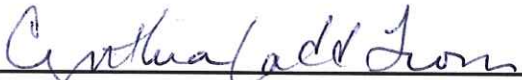
**DUXBURY SELECTBOARD**



Fernando Guitart, Chair



Theodore J. Flynn



Cynthia Ladd Fiorini, Vice Chair



Amy M. MacNab



Michael McGee, Clerk

Plymouth ss:

September 28, 2022

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