

**Town of Duxbury
Annual Town Meeting
March 10, 2012**

The Annual Town Meeting was called to order by the Moderator at 9:05am, recessed for a Special Town Meeting at 9:15am until the Special Town Meeting adjourned sine die at 10:10am at which time the Annual Town Meeting reconvened, recessed at 5:10pm until the meeting was reconvened on Monday, March 12th at 7:00pm, recessed at 10:30pm until the meeting was reconvened on Tuesday, March 13th at 7:30pm and was adjourned sine die at 10:31pm. All sessions were held at the Duxbury Performing Arts Center, 73 Alden Street, Duxbury.

Article 1 – Appointment of Officers not Chosen by Ballot – Moved and seconded that the Town Moderator and Board of Selectmen be authorized to appoint the officers not chosen by ballot.

Motion carried.

Article 2 – Report of Officers and Committees – Moved and seconded that the Town receive the reports of its Town Officials, Boards, Committees, and Commissions as printed in the Annual Report.

Motion carried.

Article 3 – Compensation of Elected Officials – Moved and seconded that the Town vote to fix the compensation of the Elected Officials for the twelve month period beginning July 1, 2012 as set forth in the column entitled “Finance Committee Recommend FY13” in Article 3 in the Warrant.

	Appropriated FY12	Requested FY13	BOS Recommend FY13	Finance Committee Recommend FY13
Moderator	\$40	\$40	*	\$40
Selectmen				
Chair	\$2,000	\$2,000	*	\$2,000
Member	\$1,500	\$1,500	*	\$1,500
Member	\$1,500	\$1,500	*	\$1,500
Assessors				
Chair	\$2,000	\$2,000	*	\$2,000
Member	\$1,500	\$1,500	*	\$1,500
Member	\$1,500	\$1,500	*	\$1,500
Town Clerk	\$80,000	\$80,000	*	\$80,000
TOTAL	\$90,040	\$90,040	*	\$90,040

*Available at Town Meeting

Motion carried.

Article 4 – State Highway Fund – Moved and seconded that the Town vote to accept the sum of \$543,624.00 that will be available from the State Highway Fund and such additional sums as may be made available from other county, state or federal agencies for highway related work and to further

authorize the Treasurer, with the approval of the Board of Selectmen to borrow in anticipation of receipt of said funds in accordance with Massachusetts General Laws Chapter 44, Sections 4 and 6A.

Motion carried.

Article 5, Motion 1 – Budget, General Government – Moved and seconded that the Town vote to appropriate the sum of \$2,232,928.00 for the following:

General Government

113 Town Meeting <u>Expenses</u> \$3,650 <u>Total</u> \$3,650	114 Moderator <u>Salaries</u> \$40 <u>Total</u> \$40	122 Selectmen/Manager <u>Salaries</u> \$253,986 <u>Expenses</u> \$19,200 <u>Total</u> \$273,186
129 Historical Commission <u>Expenses</u> \$200 <u>Total</u> \$200	131 Finance Committee <u>Expenses</u> \$500 <u>Total</u> \$500	133 Finance Director <u>Salaries</u> \$100,045 <u>Expenses</u> \$2,675 <u>Total</u> \$102,720
135 Accounting <u>Salaries</u> \$210,282 <u>Expenses</u> \$8,250 <u>Total</u> \$218,532	136 Audit <u>Expenses</u> \$41,700 <u>Total</u> \$41,700	141 Assessors <u>Salaries</u> \$204,750 <u>Expenses</u> \$22,145 <u>Total</u> \$226,895
145 Treasurer/Collector <u>Salaries</u> \$245,480 <u>Expenses</u> \$56,200 <u>Total</u> \$301,680	Legal Expenses <u>Expenses</u> \$262,000 <u>Total</u> \$262,000	152 Human Resources <u>Salaries</u> \$90,826 <u>Expenses</u> \$22,140 <u>Total</u> \$112,966
155 Information Systems <u>Salaries</u> \$62,565 <u>Expenses</u> \$188,100 <u>Total</u> \$250,665	158 Tax Title <u>Expenses</u> \$15,000 <u>Total</u> \$15,000	161 Town Clerk <u>Salaries</u> \$126,866 <u>Expenses</u> \$3,100 <u>Total</u> \$129,966
162 Elections <u>Salaries</u> \$18,824 <u>Expenses</u> \$21,000 <u>Total</u> \$39,824	171 Conservation Commission <u>Salaries</u> \$123,840 <u>Expenses</u> \$12,115 <u>Total</u> \$135,955	Planning Board <u>Salaries</u> \$106,749 <u>Expenses</u> \$10,700 <u>Total</u> \$117,449
Total General Government <u>Salaries</u> \$1,544,253 <u>Expenses</u> \$688,675 <u>Total</u> \$2,232,928		

and to meet said appropriation transfer the sum of \$61,420.00 from the Water Enterprise Fund, transfer the sum of \$12,274.00 from the Percy Walker Pool Enterprise Fund, and raise and appropriate the sum of \$2,159,234.00.

Motion carried.

Article 5, Motion 2 – Operating Budget, Public Safety – Moved and seconded that the Town vote to raise and appropriate the sum of \$6,412,076.00 for the following:

Public Safety

210 Police		220 Fire		241 Inspection Services	
Salaries	\$3,007,530	Salaries	\$2,197,658	Salaries	\$395,986
Expenses	\$257,800	Expenses	\$255,622	Expenses	\$45,200
Total	\$3,265,330	Total	\$2,453,280	Total	\$441,186
295 Harbor/Coastal Mgt		Total Public Safety			
Salaries	\$228,705	Salaries	\$5,829,879		
Expenses	\$23,575	Expenses	\$582,197		
Total	\$252,280	Total	\$6,412,076		

Motion carried.

Article 5, Motion 3 – Operating Budget, Public Works – Moved and seconded that the Town vote to appropriate the sum of \$3,896,362.00 for the following:

Public Works

192 Central Building Services		194 Tarkiln Community Center		292 Animal Control	
Salaries	\$59,322	Expenses	\$16,100	Salaries	\$58,246
Expenses	\$261,995	Total	\$16,100	Expenses	\$8,600
Total	\$321,317			Total	\$66,846
294 Lands & Natural Resources		418 Central Fuel Depot		419 DPW Administration	
Salaries	\$370,996	Expenses	\$300,000	Salaries	\$256,076
Expenses	\$46,000	Total	\$300,000	Expenses	\$75,150
Total	\$416,996			Total	\$331,226
421 Vehicle Maintenance		422 Highway/Road Maintenance		423 Snow and Ice	
Salaries	\$145,351	Salaries	\$438,637	Salaries	\$60,000
Expenses	\$120,000	Expenses	\$67,000	Expenses	\$110,000
Total	\$265,351	Total	\$505,637	Total	\$170,000
424 Street Lights		431 Transfer Station		440 Sewer	
Expenses	\$38,000	Salaries	\$223,086	Salaries	\$15,422
Total	\$38,000	Expenses	\$500,300	Expenses	\$182,500
		Total	\$723,386	Total	\$197,922
491 Cemetery		Total DPW			
Salaries	\$378,331	Salaries	\$2,005,467		
Expenses	\$165,250	Expenses	\$1,890,895		
Total	\$543,581	Total	\$3,896,362		

and to meet said appropriation transfer the sum of \$19,923.00 from the Water Enterprise Fund, and raise and appropriate the sum of \$3,876,439.00.

Motion carried.

Article 5, Motion 4 – Operating Budget, Human Services – Moved and seconded that the Town vote to raise and appropriate the sum of \$577,227.00 for the following:

Human Services

541 Council on Aging		543 Veterans Services		840 Plymouth County Coop Ext	
Salaries	\$346,252	Salaries	\$24,300	Expenses	\$200
Expenses	\$124,500	Expenses	\$81,975	Total	\$200
Total	\$470,752	Total	\$106,275		
Total Human Services					
Salaries	\$370,552				
Expenses	\$206,675				
Total	\$577,227				

Motion carried.

Article 5, Motion 5 – Operating Budget, Library and Recreation – Moved and seconded that the Town vote to raise and appropriate the sum of \$1,366,825.00 for the following:

Library and Recreation

610 Library		630 Recreation		633 Beach Life Guards	
Salaries	\$894,117	Salaries	\$144,197	Salaries	\$17,550
Expenses	\$301,161	Expenses	\$3,550	Expenses	\$750
Total	\$1,195,278	Total	\$147,747	Total	\$18,300
Total Library and Recreation					
632 North Hill Golf Course		692 Public Celebrations		Salaries	\$1,055,864
Expenses	\$2,000	Expenses	\$3,500	Expenses	\$310,961
Total	\$2,000	Total	\$3,500	Total	\$1,366,825

Motion carried.

Article 5, Motion 6 – Operating Budget, Schools – Moved and seconded that the Town vote to raise and appropriate the sum of \$29,796,458.00 for the following:

Schools

300 Total Duxbury Schools	
Salaries	\$23,347,456
Expenses	\$6,449,002
Total	\$29,796,458

Motion carried.

Article 5, Motion 7 – Operating Budget, Shared Costs (Benefits, Insurance, and Debt Service) –
Moved and seconded that the Town vote to appropriate the sum of \$12,741,759.00 for the following:

Shared Costs

Employee Benefits		
916	Medicare	\$460,100
915	Life Insurance	\$12,725
914	Employee Life & Health Insurance	\$6,720,000
911	Contributory Pensions	\$2,398,254
909	Non-Contributory Pensions	\$20,000
945	Workers Compensation	\$230,440
	Sub-Total Employee Benefits	\$9,841,519
Other Shared Costs		
945	Fire, Liability, Insurance	\$256,568
132	Reserve Fund	\$100,000
	Sub-Total Liability Insurance/Reserve Fund	\$356,568
Debt Service Town & Schools		
710	Principal Payments	\$1,665,792
751	Interest on Bonded Debt	\$746,490
752	Interest on Temporary Notes	\$121,390
753	Bond Expense	\$10,000
	Sub-Total Debt Service	\$2,543,672
	Total Town & Schools Shared Costs	\$12,741,759

and to meet this appropriation, transfer the sum of \$80,000 from the Pension Reserve Fund, transfer the sum of \$24,954.00 from the Water Enterprise Fund, transfer the sum of \$4,991.00 from the Percy Walker Pool Enterprise Fund and raise and appropriate the sum of \$12,631,814.00.

Motion carried.

Article 5, Motion 8 – Operating Budget, Total Budget Summary All Motions – Moved and seconded that the Town vote to appropriate the sum of \$57,023,635.00 as the operating budget of the Town for the Fiscal Year beginning July 1, 2012, exclusive of the Water Enterprise and Percy Walker Pool Enterprise budgets, for the following purposes and amounts:

Departments	Appropriation	Transfer	Raise
General Government	\$2,232,928	\$73,694	\$2,159,234
Public Safety	\$6,412,076		\$6,412,076
Public Works	\$3,896,362	\$19,923	\$3,876,439
Human Services	\$577,227		\$577,227
Library & Recreation	\$1,366,825		\$1,366,825
Education	\$29,796,458		\$29,796,458
Shared Costs	\$12,741,759	\$109,945	\$12,631,814
Totals	\$57,023,635	\$203,562	\$56,820,073

and to meet this appropriation raise and appropriate the sum of \$56,820,073.00 and transfer the sum of \$203,562.00 in accordance with the transfers voted in the motions previously voted.

Motion carried.

Article 5, Motion 9 – Water Operating Budget – Moved and seconded that the Town vote to raise and appropriate the sum of \$2,445,117.00 for the following:

Water

Operating Budget - Water		
450	Water	
	Salaries	\$656,287
	Expenses	\$986,287
	Sub-Total Water Operations	\$1,642,574
Debt Service Water		
710	Principal Payments	\$642,908
751	Interest on Bonded Debt	\$119,635
752	Interest on Temporary Loans	\$20,000
753	Bond Expense	\$20,000
	Sub-Total Water Debt	\$802,543

Motion carried.

Article 5, Motion 10 – Percy Walker Pool Enterprise Budget – Moved and seconded that the Town vote to raise and appropriate the sum of \$363,847.00 for the following:

Operating Budget - Percy Walker Pool		
631	Pool	
	Salaries	\$184,767
	Expenses	\$179,080
	Sub-Total Percy Walker Pool Operations	\$363,847

Motion carried.

Article 6, Motion 1 – Capital Requests, General Government – Moved and seconded that the Town vote to appropriate the sum of \$285,750.00 for the following:

Information Systems:

\$ 4,000.00	to implement Service Desk System
\$125,000.00	for a new Town-wide Fiber Network
\$ 50,000.00	for a new data center
\$ 30,000.00	Consulting Services – Financial software selection
\$ 60,000.00	to replace Assessing CAMA System

Conservation:

\$ 16,750.00	for weed treatment at Lower Chandler Mill Pond
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And to meet said appropriation, transfer the sum of \$285,750.00 from free cash to be expended under the direction of the Town Manager.

Motion carried.

Article 6, Motion 2 – Capital Requests, Public Safety – Moved and seconded that the Town vote to appropriate the sum of \$425,995.00 for the following:

Police Department:

\$ 35,000.00 Replace K-9 equipped cruiser

Fire Department:

\$200,000.00 Replace 2007 ambulance

\$125,000.00 Refurbish 1995 Pumping Engine

\$ 12,850.00 Paint and replace trim - Station 2

\$ 10,000.00 Thermal Imaging Camera

Harbormaster:

\$ 37,000.00 Replace 2005 Patrol Vehicle

\$ 6,145.00 Three Automated External Defibrillators

and to meet said appropriation transfer the sum of \$375,995.00 from free cash, and raise and appropriate the sum of \$50,000 all to be expended under the direction of the Town Manager.

Motion carried.

Article 6, Motion 3 – Capital Requests, DPW – Moved and seconded that the Town vote to appropriate the sum of \$241,761.00 for the following:

\$ 25,000.00 Organization of Town Hall Archives – Phase 2

\$ 30,000.00 Replace 1994 Grooming Rake

\$ 35,000.00 Replace 2004 Pickup Truck H-29

\$129,261.00 Replace 2000 Front End Loader

\$ 22,500.00 Replace 1998 Light Pickup Truck

and to meet said appropriation transfer the sum of \$241,761.00 from free cash to be expended under the direction of the Town Manager.

Motion carried.

Article 6, Motion 4 – Capital Requests, Human Services – Moved and seconded that the Town vote to appropriate the sum of \$43,408.00 for the following:

Council on Aging:

\$ 31,390.00 Paint Interior Walls and Trim

\$ 6,500.00 Replace First Floor Carpet

\$ 2,648.00 Reconfigure Front Desk Area

\$ 2,870.00 Purchase Office Furniture

and to meet said appropriation transfer the sum of \$43,408.00 from free cash to be expended under the direction of the Town Manager.

Motion carried.

Article 6, Motion 5 – Capital Requests, Library & Recreation – Moved and seconded that the Town vote to appropriate the sum of \$119,223.00 for the following:

Library:

\$ 15,723.00	Assessment Study - Energy & Mechanical Systems
\$ 24,750.00	Paint Exterior Trim and Cupola
\$ 4,000.00	Replace 5 PC Workstations
\$ 10,600.00	Waterproof North Wall
\$ 8,850.00	Carpet Replacement
\$ 1,025.00	Thermal Pane Window Units (6)

North Hill Golf Course:

\$ 35,000.00	Repair Sand Traps
\$ 15,000.00	Repair/Replace Ladies' Tees
\$ 4,275.00	Upgrade Phone System

and to meet said appropriation transfer the sum of \$119,223.00 from free cash to be expended under the direction of the Town Manager.

Motion carried.

Article 6, Motion 6 – Capital Requests, Schools – Moved and seconded that the Town vote to appropriate the sum of \$350,251.00 for the following:

\$ 10,000.00	Network Upgrades – System Wide
\$ 15,000.00	Wireless Technology Phase II – High School
\$107,100.00	Replace Computers – System Wide
\$ 30,042.00	Upgrade Other Hardware – System Wide
\$ 28,109.00	Computer Labs – Mobile Systems Upgrades
\$ 15,000.00	Alden & Chandler Buildings Assessment
\$ 10,000.00	Asbestos Abatement/Tile Replacement
\$ 5,000.00	Carpet Replacement
\$ 10,000.00	White Marker Boards
\$ 15,000.00	Classroom Furniture Replacement
\$ 45,000.00	Chandler School Lighting Upgrade
\$ 60,000.00	Chandler Gym Floor Replacement

and to meet said appropriation transfer the sum of \$300,251.00 from free cash and raise and appropriate the sum of \$50,000.00 to be expended under the direction of the School Committee.

Motion carried.

Article 6, Motion 7 – Capital Requests, Water – Moved and seconded that the Town vote to appropriate the sum of \$330,000.00 for the following:

\$ 80,000.00	Tremont Well Rehabilitation
\$100,000.00	PCE Main Pipe Replacement
\$150,000.00	System Rehabilitation

and to meet said appropriation transfer the sum of \$330,000.00 from Water Department Retained Earnings to be expended under the direction of the Town Manager.

Motion carried.

The meeting recessed at 1:10pm and reconvened at 2:10pm.

Article 7 – Personnel Plan – Moved and seconded that the Town vote to amend the Town Personnel Bylaw, originally accepted March 12, 1955 and last amended March 12, 2011 by incorporating the changes shown on the handout entitled: “Recommended Changes to the Town Personnel Bylaw”, a copy of which is on file in the Town Clerk’s office (see also, Exhibit A), and to appropriate the sum of \$88,830.00 to implement the Personnel Plan and provide funding for other salary compensation not a part of the Personnel Plan. To meet said appropriation transfer the sum of \$1,640.00 from the Water Enterprise Fund, transfer the sum of \$2,190.00 from the Percy Walker Pool Enterprise Fund and raise and appropriate the sum of \$85,000.00.

Motion carried.

Article 8 – Facilities Manager – Moved and seconded that the Town vote to create a new position with the designation of Facilities Manager.

Moderator was not able to call the voice vote - a vote count was taken. Yes – 166, No – 49

Motion carried.

Article 9 – Deputy Police Chief – Moved and seconded that the Town vote to remove the position of Duxbury Deputy Police Chief from Civil Service and further to authorize the Board of Selectmen to petition the General Court to request legislative approval of removal of the position of Duxbury Deputy Police Chief from the provisions of Massachusetts General Law Chapter 31 and further to empower the Board of Selectmen to file a petition with the General Court in substantially the following form:

Section 1: The position of Duxbury Deputy Police Chief in the Town of Duxbury shall be exempt from the provisions of Chapter 31 of the General Laws;

Section 2: This act shall take effect upon its passage

Motion carried.

Article 10 – Consolidation of Town/School Functions – Moved and seconded that the Town vote to accept the provisions of Massachusetts General Laws Chapter 71, Section 37M for the purpose of consolidation of administrative functions of the Town and the School Department, including but not limited to, Financial, Personnel and Maintenance services.

Motion carried.

Article 11 – Union Contracts – Moved and seconded that the Town vote to indefinitely postpone this Article.

Motion carried.

Article 12 –Rescind Debt- Moved and seconded that the Town vote to indefinitely postpone this Article. A motion to amend was made vote on this article.

Motion failed.

Vote of original Article 12 to indefinitely postpone the Article.

Motion carried, Article 12 Indefinitely Postponed.

Article 13, Motion 1 – Council on Aging Revolving Fund – Moved and seconded that the Town vote to re-authorize a Revolving Fund under M.G.L. Chapter 44 Section 53E1/2 to allow the Council on Aging to be credited with all fees and charges received from Senior Center programs, and to authorize the expenditure of an amount not to exceed \$90,000.00 from said revolving fund to be expended under the direction of the Council on Aging Director for Senior Programs.

Motion carried.

Article 13, Motion 2 – Revolving Fund for Jaycox Tree Farm – Moved and seconded that the Town vote to re-authorize a Revolving Fund under M.G.L. Chapter 44, Section 53E1/2 to allow the Conservation Commission to set fees and to be credited with all fees and charges received from the operation of the Jaycox Christmas Tree Farm and to authorize the expenditure in an amount not to exceed \$20,000.00 from said revolving fund to be expended under the direction of the Conservation Administrator for supplies and any needs of the Jaycox Christmas Tree Farm.

Motion carried.

Article 13, Motion 3 – Hazardous Materials Response Revolving Fund – Moved and seconded that the Town vote to re-authorize a Revolving Fund under M.G.L. chapter 44 Section 53E1/2 to allow the Fire Department to be credited with all fees and charges received as a result of reimbursable incidents allowed under Massachusetts General Laws Chapter 21E involving hazardous materials releases, and to authorize the expenditure in an amount not to exceed \$50,000.00 from said revolving fund, to be expended under the direction of the Fire Chief for the replacement, repair or purchase of equipment and supplies and for administrative and call firefighter wage expenses associated with fire operations and responses to hazardous materials incidents.

Motion carried.

Article 14 – Unemployment Trust Fund – Moved and seconded that the Town vote to appropriate the sum of \$55,000.00 to the Unemployment Trust Fund and to meet said appropriation transfer the sum of \$55,000.00 from free cash.

Motion carried.

Article 15 – OPEB (Other Post-Employment Benefits) Liability Trust Fund – Moved and seconded that the Town vote to accept the provisions of Massachusetts General Laws Chapter 32B Section 20 to establish a separate fund entitled “Other Post-Employment Benefits Liability Trust Fund” and to authorize a funding schedule for said Fund in conformity with the requirements of said statute in order to reduce the unfunded actuarial liability of health care and other post-employment benefits for which the Town is obligated.

Motion carried.

Article 16 – Liabilities to Employees – Moved and seconded that the Town vote to Indefinitely Postpone this Article.

Motion carried to Indefinitely Postpone the Article.

Article 17 – Duxbury Beach Lease – Moved and seconded that the Town vote to raise and appropriate the sum of \$400,000.00 to be expended under the direction of the Town Manager for the purpose of leasing Duxbury Beach, being that portion of land in the Towns of Duxbury and Plymouth owned by the 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 Bright (subject to an area of land excluded at High Pines used by the Duxbury Beach Reservation) and to authorize the Board of Selectmen to execute a lease in the name and on the behalf of the Town for the period beginning July 1, 2012 and ending June 30, 2013 on such terms as may be approved by the Board of Selectmen.

Motion received the requisite 2/3 vote called by the Moderator. Motion carried.

Article 18 – 4th of July Parade – Moved and seconded that the Town vote to raise and appropriate the sum of \$10,000.00 to fund the Town of Duxbury’s Fourth of July parade and ceremony, to be expended under the direction of the Town Manager.

Motion carried.

Article 19 – Housing Allocation Plan – Moved and seconded that the Town vote to adopt the Allocation of the Resources of the Duxbury Affordable Housing Trust Fund for Fiscal Year 2013 in accordance with the provisions of Chapter 112 of the Acts of 2005 as follows:

1) First time Homeownership Program

- a) Provide gifts, grants, or subsidies to assist low or moderate income homebuyers to purchase a home in the Town of Duxbury.
- b) Purchase rights of first refusal to acquire existing dwelling units for sale to low to moderate income households.

2) Conversion of Existing Properties

- a) Acquire and rehabilitate or redevelop existing residential units for purchase or rental by low to moderate income home buyers or tenants.
- b) Acquire, redevelop or convert existing non-residential structures for low to moderate income housing purchasers or tenants.

3) Develop New Affordable Housing Units

- a) Acquire and/or construct new residential units for purchase or rental by low to moderate income home buyers or tenants.

Motion carried.

Article 20 – Representative Town Meeting (Citizen Petition) – Moved and seconded that the Town vote to petition the General Court of the Commonwealth pursuant to section eight (8) of Article 89 of the Amendments to the State Constitution to enact special legislation providing for a change in Town Meeting from an “Open Town Meeting” to a “Representative Town Meeting”. Said special law to substantially include the following:

Section 1. The Members of the Board of Selectmen, the Town Moderator and the Town Clerk shall be Town Meeting members at large.

Section 2. Other than the designated members at large, the representative town meeting membership shall in each precinct consist of the largest number divisible by three which will admit of a representation thereof in the approximate proportion which the number of inhabitants therein bears to the total number of inhabitants in the town, and which will cause the total elected membership to be as nearly one hundred and eighty as may be.

The registered voters in every precinct shall, at the first annual town election held after the acceptance of this legislation, elect by ballot the number of registered voters in the precinct provided for in the first sentence of this section to be town meeting members of the town. The first third, in the order of votes received, of members so elected shall serve three years, the second third in such order shall serve two years, and the remaining third shall serve one year; in the case of a tie vote affecting the division into thirds, as aforesaid, the members elected from the precinct shall by ballot determine the same; and thereafter, at each annual town election the registered voters of each precinct shall, in like manner, elect, for the term of three years, one third of the number of elected town meeting members to which such precinct is entitled, and shall at such election fill for the unexpired term or terms any vacancy or vacancies then existing in the number of elected town meeting members in such precinct.

Section 3. The representative town meeting shall always operate in open session and secret ballots shall not be allowed. Any resident of the town who is not a town meeting member may speak on any article in a warrant, but shall not vote. Any taxpayer of the town who is not a town meeting member may speak on any article in a warrant, but shall not vote.

Section 4. The town meeting members as such shall receive no compensation. A town meeting member may resign by filing a written resignation with the Town Clerk, and such resignation shall take effect on the date of such filing. A town meeting member who removes from the town shall cease to be a town meeting member, and a town meeting member who removes from the precinct from which he was elected to another precinct may serve only until the next annual town meeting.

Section 5. Any vacancy in the full number of a town meeting members from any precinct, whether arising from a failure of the registered voters thereof to elect, or from any other cause, may be filled, until the next annual election, by the remaining members of the elected town meeting members of that precinct.

Section 6. A vote passed at any representative town meeting authorizing the expenditure of twenty thousand dollars or more as a special appropriation, or establishing a new board or office or abolishing an old board or office or merging two or more boards or offices, or fixing the term of office of town officers, where such term is optional, or increasing or reducing the number of members of a board, or adopting a new by-law, or amending an existing by-law, shall not be operative until after the expiration of ten days, exclusive of Sundays and holidays, from the dissolution of the meeting. If, within said ten days, a petition, signed by not less than three percent of the registered voters of the town, containing their names and addresses as they appear on the list of registered voters, is filed with the selectmen asking that the question or questions involved in such a vote be submitted to the registered voters of the town at large, then the selectmen, after the expiration of five days, shall forthwith call a special meeting for the sole purpose of presenting to the registered voters at large the question or questions so involved. The polls shall be opened at two o'clock in the afternoon and shall be closed not earlier than eight o'clock in the evening, and all votes upon any questions so submitted shall be taken by ballot, and the check list shall be used in the several precinct meetings in the same manner as in the election of town officers. The questions so submitted shall be determined by a majority vote of the registered voters of the town voting thereon, but no action of the representative town meeting shall be reversed unless at least twenty percent of the registered voters shall so vote. Each question so submitted shall be in the form of the following question, which shall be placed upon the official ballot: - - - "Shall the town vote to approve the action of the representative town meeting whereby it was voted (brief description of the substance of the vote and by what vote thereon if such vote was tabulated)?" If such petition is not filed within said period of ten days, the vote of the representative town meeting shall become operative and effective upon the expiration of said period. Absent voter ballots shall be used at such election in accordance with the provisions of chapter fifty-four of the Massachusetts General Laws.

Section 7. The town, after the acceptance of this legislation, shall continue to have the capacity to act through and to be bound by its town meeting members, who shall, when convened from time to time as herein provided, constitute representative town meetings; and the representative town meetings shall exercise exclusively, so far as will conform to the provisions of this legislation, all powers vested in the municipal corporation. Action in conformity with all provisions of law now or hereafter applicable to the transaction of town affairs in town meeting, shall, when taken by any representative town meeting in accordance with the provisions of this legislation, have the same force and effect as if such action had been taken in a town meeting open to all the voters of the town as organized and conducted before the establishment in said town of representative town meeting government.

Section 8. This legislation shall not abridge the right of the inhabitants of the town to hold general meetings, as secured to them by the constitution of this Commonwealth; nor shall this legislation confer upon any representative town meeting in Duxbury the power finally to commit the town to any measure affecting its municipal existence or substantially changing its form of government without action thereon by the voters of the town at large, using the ballot and the check list therefor.

Motion failed.

Article 21 – Reconsideration Votes (Citizen Petition) – Moved and seconded that the Town vote to amend the General By-Laws by deleting the language in Section 2.4.6 of Chapter 2 in its entirety, and substituting in its place the following language:

“A motion for reconsideration shall not be permitted”.

**Moderator was not able to call the voice vote - a vote count was taken. Yes – 31, No – 177
Motion failed.**

Article 22 – Town Meeting Ballot Votes (Citizen Petition – Robert Doyle) – Moved and seconded that the Town vote to amend the General By-Laws by adding a new section, numbered 2.4.9 to read as follows:

“At a Special or Annual Town Meeting, a vote shall be taken by secret ballot at the direction of the Moderator or by vote of twenty (20%) percent of the voters present at said Town Meeting.”

There was a motion to move the previous question. **Motion carried.**

Voting Article 22, **Did not receive the requisite vote called by the Moderator - Motion failed.**

Article 23 – Town Meeting Ballot Votes (Citizen Petition – James Sullivan) – Moved and seconded that the Town vote to amend the General By-Laws by adding a new section, numbered 2.4.8 to read as follows:

“Any vote on any Article at a Special or Annual Town Meeting shall be taken by ballot as directed by the Moderator or upon the recommendation of the Finance Committee or twenty (20) voters at the meeting.”

There was a motion to amend the Article by deleting the words “upon the recommendation of the Finance Committee or”.

Motion carried.

There was a motion to vote the question as amended. **Motion carried.**

Voting Article 23 as amended - **Moderator was not able to call the voice vote - a vote count was taken. Yes – 42, No – 152**

Motion failed.

Meeting recessed at 10:30pm until Monday, March 12, 2012 at 7:00pm.

Meeting was called to order on March 12, 2012 at 7:05 pm.

Article 24 – Town Clerk Position (Board of Selectmen) – Moved and seconded that the Town vote to change the position of Town Clerk from a position elected by the voters at the Town’s Election to a position appointed by the Board of Selectmen, subject to approval and acceptance of this change by the voters at the Annual Town Election by the Town’s official ballot, all in accordance with Massachusetts General Laws Chapter 41 Section 1B and further, upon approval by the voters at the Annual Town Election, to amend the General By-Laws of the Town, Sections 3.4 and 5.2, to change the position of Town Clerk from an “Elected Town Official” to an “Appointment made by the Board of Selectmen”, to take effect upon the expiration of the term of the Town Clerk, as required by Massachusetts General Laws Chapter 41, Section 1B.

Motion failed.

Article 25 – Benefits for Elected Officials – Moved and seconded that the Town vote to authorize the Board of Selectmen to file a petition with the General Court prohibiting elected officials of the Town from being eligible from participating in the Town’s Contributory Medical, Dental and Life Insurance Plan, and further to empower the Board of Selectmen to file a petition with the General Court in substantially the following form:

An amendment was made and seconded to add after the words of the “Town Clerk” “ and those [officials] serving as of the date of this meeting”

A vote to add the second amendment Yes-203-No-64

Voting Article 25, as amended - **Moderator was not able to call the voice vote - a vote count was taken. Yes – 93, No – 178**

Motion failed.

Article 26 – Reduce Taxes for Senior Citizens – Moved and seconded that the Town vote to indefinitely postpone this Article.

Motion carried.

Article 27 – Powder Point Bridge – Moved and seconded that the Town vote to appropriate the sum of \$2,400,000.00 for the purpose of repair and reconstruction of the Powder Point Bridge, said sum to include construction costs and associated architectural, engineering, inspection and related costs, and to meet said appropriation to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow the sum of \$2,400,000.00 under Chapter 44 of the General Laws or any other enabling authority, and to authorize the Town Manager to apply for and accept any gifts or grants for such project, said appropriation to be expended under the direction of the Town Manager, and further to authorize the Town Manager to take any and all steps necessary to effectuate the purposes of this Article.

Received 2/3 requisite vote called by the Moderator - Motion carried.

Article 28 – Water Mains in Pine Street Area – Moved and seconded that the Town vote to appropriate the sum of \$1,225,000.00 for the purpose of installing water mains on Pine Street and Lake Shore Drive, and further to install a water service connection on Pine Street to provide water service to Pine Brook Way, as shown on a plan on file at the office of the Town Clerk, said sum to include construction costs and associated engineering inspection, and related costs, as shown on plan #2 at the Office of the Town Clerk, and to meet this appropriation, transfer the sum of \$300,000.00 from Water Retained Earnings, and to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow the sum of \$925,000.00 under Chapter 44 of the General Laws or any other enabling authority, said appropriation to be expended under the direction of the Town Manager, and further to authorize the Town Manager to take any and all steps necessary to effectuate the purposes of this Article.

Requisite 2/3 vote called by the Moderator – Motion carried.

Article 29 – CPC Operating Costs – Moved and seconded that the Town vote, upon recommendation of the Community Preservation Committee, to raise and appropriate the sum of \$80,500.00 in accordance with Massachusetts General Laws, Chapter 44B, for expenses and charges for the operation of the Community Preservation Committee, all for the Fiscal Year beginning July 1, 2012 and ending June 30, 2013, said funds to be expended under the direction of the Town Manager.

Motion carried.

Article 30 – CPC Allocations – Moved and seconded that the Town vote to raise and appropriate, upon recommendation of the Community Preservation Committee, the sum of \$503,127.00 for the purpose of

meeting the requirements of the Community Preservation Act, M.G.L. Chapter 44B, Section 6, for the purposes of Open Space, Community Housing (Affordable) and Historic Resources (Preservation).

Motion carried.

Article 31 – CPC, Housing Consultant – Moved and seconded that the Town vote to appropriate, upon recommendation of the Community Preservation Committee, the sum of \$20,000.00 for the purpose of hiring a Housing Consultant, and for costs related thereto, and to meet said appropriation, to transfer the sum of \$20,000.00 from the Housing Reserves of the Community Preservation Fund, and further to authorize the Board of Selectmen to solicit grants and receive gifts for this purpose, and further to authorize the Town Manager to expend sums of money for the purposes of this article from the Community Preservation Fund and from grants and gifts designated for this purpose, and further to authorize the Town Manager to enter into an agreement with the Housing Consultant on terms deemed to be in the best interest of the Town.

Motion carried.

Article 32 – Isaac Keene Barn – Moved and seconded that the Town vote to appropriate, upon recommendation of the Community Preservation Committee, the sum of \$205,000.00 for the Historic Preservation of the Isaac Keene Barn located on Keene Street, and for costs related thereto, and to meet said appropriation, to raise and appropriate the sum of \$205,000.00 in accordance with Massachusetts General Laws, Chapter 44B, said funds to be expended under the direction of the Town Manager, and further to authorize the Board of Selectmen to enter into a permanent preservation restriction, pursuant to the Massachusetts General Laws Chapter 44B, Section 12 and Chapter 184, Section 31, on terms and conditions to be deemed by the Board of Selectmen to be in the best interest of the Town.

Did not receive the requisite 2/3 vote: Yes – 56, No – 157. Motion failed.

Meeting recessed at 10:30pm until Tuesday, March 13, 2012 at 7:30pm.

Meeting was called to order on March 13, 2012 at 7:30 pm.

Article 33 – Depot Street Sidewalk – Moved and seconded that the Town vote to indefinitely postpone this Article.

Motion carried.

Article 34 – Duxbury Library Entrance – Moved and seconded that the Town vote to appropriate, upon recommendation of the Community Preservation Committee, the sum of \$15,290.00 for the Historic Preservation of the entrance to the Duxbury Free Library located at 77 Alden Street, and for costs related thereto, and to meet said appropriation, transfer the sum of \$15,290.00 from the Historical Preservation Reserves of the Community Preservation Fund, and further to authorize the Board of Selectmen to solicit grants and receive gifts for this purpose, and further to authorize the Town Manager to expend sums of money for the purposes of this Article from the Community Preservation Fund and from grants and gifts designated for this purpose.

Motion carried.

Article 35 – North Hill Red Barn – Moved and seconded that the Town vote to appropriate, upon recommendation by the Community Preservation Committee, the sum of \$100,000.00 for the Historic Preservation of the Red Barn at the North Hill Country Club, located on Merry Avenue, and for costs related thereto, and to meet said appropriation, to transfer the sum of \$100,000.00 from the Historical Preservation Reserves of the Community Preservation Fund, and further to authorize the Board of Selectmen to solicit grants and receive gifts for this purpose, and further to authorize the Town Manager

to expend sums of money for the purposes of this Article from the Community Preservation Fund and from grants and gifts designated for this purpose.

Moderator was not able to call the voice vote - a vote count was taken. Yes – 169, No – 58
Motion carried.

Article 36 – First Meeting House – Moved and seconded that the Town vote to appropriate, upon recommendation of the Community Preservation Committee, the sum of \$7,600.00 for a ground penetrating radar study and analysis of the First Meeting House site at the Chestnut Street Burial Ground, and for costs related thereto, and to meet said appropriation, transfer the sum of \$7,600.00 from the Historical Preservation Reserves of the Community Preservation Fund, and further to authorize the Board of Selectmen to solicit grants and receive gifts for this purpose, and further to authorize the Town Manager to expend sums of money for the purposes of this Article from the Community Preservation Fund and from grants and gifts designated for this purpose.

Motion carried.

Article 37 – Nathaniel Winsor, Jr. House, Chimneys – Moved and seconded that the Town vote to appropriate, upon recommendation of the Community Preservation Committee, the sum of \$37,500.00 for the Historic Reconstruction of the Chimneys at the Nathaniel Winsor, Jr. House located on Washington street, and for costs related thereto, and to meet said appropriation to transfer the sum of \$37,500.00 from the Historical Preservation Reserves of the Community Preservation Fund, and further to authorize the Board of Selectmen to enter into a permanent Preservation Restriction, pursuant to the Massachusetts General Laws Chapter 44B, Section 12 and Chapter 184, Section 31, on terms and conditions deemed by the Board of Selectmen to be in the best interest of the Town, and further to authorize the Town Manager to expend sums of money for the purposes of this Article from the Community Preservation Fund.

Received the requisite 2/3 vote: Yes – 206, No – 28. Motion carried.

Article 38 – CPC Exemption – Moved and seconded that the Town vote to adopt, upon recommendation of the Community Preservation Committee, the following exemption to the Community Preservation Act found in Massachusetts General Laws Chapter 44B, Section 3 (E) (3): that the first \$100,000.00 of the assessed value of class one, residential parcels be exempt from the Community Preservation Act surcharge, and further to submit such exemption from the surcharge, if approved by the Town Meeting, for acceptance by the voters of the Town of Duxbury at the next qualifying Town or State Election.

Motion carried.

Article 39 – CPC Surcharge Reduction (Citizen Petition) - Moved and seconded that the Town vote to amend certain provisions of the acceptance by the Town of the Community Preservation Act, known as Chapter 44B of Massachusetts General Laws, by reducing the surcharge from three percent (3%) to one percent (1%) and further to submit such reduction of the surcharge, if approved by the Town Meeting, for acceptance by the voters of the Town of Duxbury at the next qualifying Town or State Election.

There was a motion to move the previous question. **Motion carried.**

Voting Article 39, **Moderator was not able to call the voice vote - a vote count was taken.**
Yes – 122, No – 114. Motion carried.

There was a motion for reconsideration of Article 39. **Did not receive the requisite vote called by the Moderator - Motion failed.**

Article 40 – Transfer Parcels to Conservation – Moved and seconded that the Town vote to authorize the transfer of certain parcels of Town-owned land, identified as Duxbury Assessors parcels 010-500-008, 010-500-001, 010-500-031, 070-500-020, 070-500-022, 070-500-122, 070-500-021, 080-500-036, 080-

500-037, to be held in the care and custody of the Conservation Commission for Conservation purposes under Massachusetts General Laws Chapter 40, Section 8C; said parcels being identified on documents on file at the Office of the Town Clerk.

Received the requisite 2/3 vote called by the Moderator - Motion carried.

Article 41 – Old Colony Planning Council – Moved and seconded that the Town vote to become a member of the Old Colony Planning Council as provided for under Chapter 332 of the Acts of 1967.
Motioned carried.

Motion Article 42-Flood Maps-Moved and seconded that Section 202.1, 202.9, and section 402.1 of the Duxbury Zoning Bylaws were amended and voted at the above meeting to read as follows:

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 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 Map, dated January 15, 1986, as revised and amended March 24, 1993 and December 4, 2002 on file at the office of the Town Clerk, and a Duxbury Insurance Rate Map (DFIRM) dated May 17, 2005 and on file at 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 shall be resolved according to written terms. This Map has been replaced by adopting a revised Duxbury Flood Insurance Rate Map (DRIFM) entitled, “Flood Insurance Rate Map, Plymouth County, Massachusetts (ALL Jurisdictions), effective Date July 17, 2012, as prepared by the Federal Emergency Management Agency (FEMA)” and on file with the Town Clerk, and substituting the Map referenced thereto with the new title and new date on the revised Map in the above Protective Bylaw Section.

And further to add changes to:

202.2 District Boundary Line Descriptions

202.9 Boundaries of Flood Hazard Areas Overlay District are shown and set forth in the “Flood Insurance Rate Map, Plymouth County, Massachusetts (All Jurisdictions), effective date July 17, 2012) as prepared by the Federal Emergency Management Agency (FEMA)” on file at the office of Town Clerk and in the Planning Board. And further to add changes to:

402 Flood Hazard Areas Overlay District

402.1 The Flood Hazard Areas Overlay District shall be considered throughout the Town. It shall include all special flood hazard areas throughout the Town. It shall include all flood hazard areas within the Town, as shown and set forth in the “Flood Insurance Rate Map, Plymouth County, Massachusetts (All Jurisdictions), effective date July 17, 2012 as prepared by the Federal Emergency Management Agency (FEMA)” on file in the office of Town Clerk, and shall include all land areas within the flood elevation established under Title 33 Chapter 1, Part 67, Code of Federal Regulations Register at 49 FR 40916 on May 10, 1986. **2/3 vote required –Received the requisite 2/3 called by the Moderator**

Article 43 – Historic District By-Law – Moved and seconded that the Town vote to amend Chapter 12 of the General By-Laws, known as the Local Historic District By-Law by deleting the text indicated by ~~strike through~~ and by inserting the text indicated by ***bold italics*** in section 12.2 Definitions as follows:

12.2. Definitions

“Person Aggrieved” the applicant; an owner of adjoining property; ~~an owner of property within the same District area; an owner of property within 100 feet of said District area;~~ ***an owner of***

property within the same historic district as the property within one hundred feet of said property lines and any charitable corporation in which one of its purposes is the preservation of historic places, structures, buildings or districts;

and,

12.11 Enforcement and Penalties

12.11.4 Whoever violates any of the provisions of this By-Law shall be punishable by a fine of not less than \$10.00 nor more than ~~\$500.00~~ **\$300.00** for each offense under the provisions of M.G.L. Chapter 40C Section 13. Each day during any portion of which such violation continues to exist shall constitute a separate offense.

Motion carried.

Article 44 – Wind Facilities By-Law Change (Short Form, Citizen Petition) – Moved and seconded that the Town vote to indefinitely postpone this Article.

Requisite 2/3 vote received and called by the Moderator. Motion carried.

Article 45 – Stretch Energy Code – Moved and seconded that the Town vote to indefinitely postpone this Article.

Motion carried.

Article 46 – Illegal Trash Disposal – Moved and seconded that the Town vote to amend the General By-laws by adding a new Section 7.8, entitled “Illegal Trash Disposal” as follows:

7.8.1 No person shall dispose of rubbish, filth, hazardous materials, or litter of any kind on any street, sidewalk, or other publicly-owned area in the Town, with the exception of the Town Disposal area. This provision of the Bylaws may be enforced by any Police Officer, or by the Health Agent, by non-criminal disposition pursuant to the provision of Massachusetts General Laws, Chapter 40, Section 21D. The penalty for violation of any provision of this Bylaw shall be \$100.00 for the first offense and each subsequent offense;

and by renumbering the existing sections 7.8 through 7.19 accordingly.

A motion was made to amend the Article as follows:

“The penalty for violation of any provision of this Bylaw shall be \$100.00 for the first offense and \$300.00 for each subsequent offense. Each day shall constitute a separate offense.”

Voting the amendment to Article 46 – Motion carried.

Voting Article 46 as amended – Motion carried.

Article 47 – Stabilization Fund – Moved and seconded that the Town vote to Indefinitely Postpone the Article.

Motion carried.

Article 48 – Free Cash – Moved and seconded that the Town vote to Indefinitely Postpone the Article.
Motion carried.

The Annual Town Meeting was adjourned sine die at 10:32pm on Tuesday,
March 13, 2012

Total-	\$66,571,834
Tax Levy-	\$60,807,664
Free Cash-	\$ 1,421,388
Other available Funds-	\$ 1,017,782
Borrowing-	\$ 3,325,000

Attendance:

<u>3-10-12</u>	<u>3-11-12</u>	<u>3-13-12</u>
327	297	255

Respectfully submitted,

Nancy M. Oates
Duxbury Town Clerk