

THE ANNUAL TOWN MEETING WHICH WAS CALLED FOR 9:00 A.M. TODAY AT THE DUXBURY SCHOOLS PERFORMING ARTS CENTER WAS DULY CALLED TO ORDER AT THAT PLACE AT 9:10 A.M. TODAY BY THE MODERATOR IN THE PRESENCE OF THE TOWN CLERK. UPON MOTION DULY MADE AND SECONDED, AND UNANIMOUSLY APPROVED, THE MEETING WAS PROMPTLY RECESSED TO 9:20 A.M(NO OTHER BUSINESS WAS TRANSACTED AT THAT SESSION OF THE ANNUAL TOWN MEETING). TODAY AT THIS PLACE, THE T. WALDO HERRICK GYMNASIUM, DUXBURY MIDDLE SCHOOL, ST. GEORGE STREET, DUXBURY all on March 13,2004. The clerk read the call to the meeting and the return of service , the Pledge to the Flag was given by members of Duxbury Police and Fire Departments. It moved and seconded to allow non-resident members of the Town departments to be allowed to speak if necessary. The meeting was recessed for the Special Town Meeting at 9:30AM and reconvened at 9:55AM at the adjournment of the Special Town Meeting. The meeting continued on Saturday, March 13, 2004 until it was recessed for lunch from 12:30PM and reconvened at 1:40PM. The meeting was recessed at 5:08PM and reconvened at 7:30PM on Monday, March 15 and was recessed at 10:45PM and reconvened on Tuesday, March 16 at 7:30PM and adjourned sine die at 9:40PM, all at the T.Waldo Herrick Gymnasium.

Article 1-Moved and seconded that the Town Moderator and the Board of Selectmen be authorized to appoint the Officers not chosen by ballot. Motion carried.

Article 2-Moved and seconded that the Town receive the reports of its Town officials, Boards, Committees and Commissions as printed in the Annual Report for 2004. A report was given by Debra Jewell for the Youth Commission. Motion carried.

Article 3-Moved and seconded that the Town vote to fix the compensation of elected Town Officers for the twelve month period beginning July 1, 2004 and raise and appropriate the sum of \$68,040 for the following:

Moderator	\$40
Selectmen , Chair	\$2,000
Member	1,500
Member	1,500
Assessor, Chair	2,000
Member	1,500
Member	1,500
<u>Town Clerk</u>	<u>\$58,000</u>
Total	\$68,040

Motion carried

Article 4-Moved and seconded that the Town vote to accept any sums of money that may be available from the State Highway Fund and such additional sums as may be made

available from County, State, Federal agencies for Highway related work and to further authorize the Board 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-General Government Budget-Moved and seconded that the town vote to appropriate the sum of \$1,584,386 for the following:

Selectmen/Town Manager		Town Meeting		Finance Committee	
Salaries	204,675	<u>Expenses</u>	<u>10,200</u>	<u>Expenses</u>	<u>170</u>
<u>Expenses</u>	<u>42,000</u>	Total	10,200	Total	170
Total	246,675				
Accounting		Computer Dept.		Assessors	
Salaries	\$183,627	Salaries	51,097	Salaries	170,769
<u>Expenses</u>	<u>36,373</u>	<u>Expenses</u>	<u>42,000</u>	<u>Expenses</u>	<u>23,162</u>
Total	\$220,000	Total	93,097	Total	193,931
Treasurer/Collector		Audit		Legal Services	
Salaries	233,122	<u>Expenses</u>	<u>37,000</u>	<u>Expenses</u>	<u>172,138</u>
<u>Expenses</u>	<u>60,000</u>	Total	37,000	Total	172,138
Total	293,122				

Personnel Board	
Salaries	4,500
<u>Expenses</u>	<u>2,500</u>
Total	7,000

Tax title	
Salaries	0
<u>Expenses</u>	<u>15,000</u>
Total	15,000

Town Clerk	
Salaries	32,882
<u>Expenses</u>	<u>3,325</u>
Total	36,207

Elections	
Salaries	21,000
<u>Expenses</u>	<u>12,000</u>
Total	33,000

Planning Board	
Salaries	80,964
<u>Expenses</u>	<u>11,954</u>
Total	92,918

Conservation Com.	
Salaries	79,778
<u>Expenses</u>	<u>6,150</u>
Total	85,928

Community Pres. Comm.	
Salaries	10,000
<u>Expenses</u>	<u>37,500</u>
Total	47,500

Cable Adv.	
<u>Expenses</u>	<u>250</u>
Total	250

Historical Com	
<u>Expenses</u>	<u>250</u>
Total	250

General Government	
Salaries	1,072,414
<u>Expenses</u>	<u>511,972</u>
Total	1,584,386

to meet said appropriation transfer the sum \$47,500 from the Community Preservation Fund as recommended by the Community Preservation Committee and transfer the sum of \$20,697 from articles approved at previous Town Meetings as follows:

1. Article 6 ATM March 2001 GAB B 34/Fixed Assets \$7,000
2. Article 6 ATM March 1997 Bogs Maintenance 6,048
3. Article 6 ATM March 1999 Pond Maintenance 4,389
4. Article 6 ATM March 2001 Weed/Harvester 3,260

And raise and appropriate the sum of \$1,516,189 Motion carried

Article 5- Motion 2-Operating Budget-Public Safety-Moved and seconded that the Town vote to appropriate the sum of \$4,863,887 with the following changes: 1st add \$60,000 to the Fire salaries line changing it to \$1,573,696 and changing the Fire total to \$1,719,242 and 2nd, Reduce by \$906 the Civil Defense/Emergency Management expense line changing the Civil Defense/Emergency Management Total to \$57,645; The Public Safety salaries Total Changes to \$4,417,372 and the Public Safety Expense line changes to \$446,515 and the Total Public Safety is \$4,863,887 as follows:

Police	
Salaries	2,262,717
<u>Expenses</u>	<u>212,965</u>
Total	2,475,682

Animal Control	
Salaries	39,115
<u>Expenses</u>	<u>9,550</u>
Total	48,665

Fire	
Salaries	1,573,696
<u>Expenses</u>	<u>145,546</u>
Total	1,719,242

Civil Def/Emg Mgt	
Salaries	37,091
<u>Expenses</u>	<u>20,544</u>
Total	57,645

Inspectional Ser	
Salaries	349,128
<u>Expenses</u>	<u>28,900</u>
Total	378,028

Harbor/Coastal Mgt	
Salaries	155,625
<u>Expenses</u>	<u>29,000</u>
Total	184,625

Public Safety Total

Salaries 4,417,372

Expenses. ,446,515

Total 4,863,887-

And to meet said appropriation transfer the sum of \$57,645 from a Grant from Entergy, Inc; transfer the sum of \$60,000 from FREE CASH and raise and appropriate the sum of \$4,746,242.

A Motion to move the previous question received the requisite 2/3 vote called by the Moderator.

An amendment by the Selectmen to reduce the Fire Budget . Failed

Main Motion by the Finance Committee Carried.

Article 5-Motion 3-Operating Budget-Public Works-Moved and seconded that the town vote to appropriate the sum of \$5,275,876 (increased by \$7600 by amendment) for the following:

Admin/Engineering	Road Maintenance	Snow & Ice
Salaries 207,958	Salaries 338,138	Salaries 55,000
<u>Expenses 26,050</u>	<u>Expenses 47,915</u>	<u>Expenses 94,200</u>
Total 234,008	Total 386,053	Total 149,200

Central Fuel Depot	Vehicle Maintenance	Street Lights
<u>Expenses 117,052</u>	Salaries 75,677	<u>Expenses 35,000</u>
Total 117,052	<u>Expenses 61,160</u>	Total 35,000
	Total 136,837	

Lands/Nat Resources	Cemetery	Central Bldg. Serv's
Salaries 306,695	Salaries 287,774	Salaries 70,927
<u>Expenses 40,705</u>	<u>Expenses 84,630</u>	<u>Expenses 164,050</u>
Total 347,400	Total 372,404	Total 234,977

Town Bldg Maintenance	Tarklin Com Ctr	Transfer Station
<u>Expenses 32,000</u>	<u>Expenses 7,600</u>	Salaries 132,402
Total 32,000	Total 7,600	<u>Expense 842,307</u>
		Total 974,709

Sewer	DPW(Less Water)
Salaries 4,945	Salaries 1,479,516
<u>Expenses 175,400</u>	<u>Expenses 1,728,069</u>
Total 180,345	Total 3,207,585

WATER	Total DPW ALL OPERATIONS
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Salaries	434,572	Salaries	1,914,088
<u>Expenses</u>	<u>1,633,719</u>	<u>Expenses</u>	<u>3,361,788</u>
Total	2,068,291(WATER)	Total	\$5,275, 876(All DPW)

And to meet said appropriation transfer the sum of \$2,068,291 from the Water Enterprise Fund and transfer the sum of \$40,000 from Perpetual Care and other Trust Funds and raise and appropriate the sum of \$3,159,985 and \$7,600 from FREE CASH (an amendment for Tarklin).

Ist –amendment to raise the amount of \$4,000 for Tarklin -Amendment carried

2nd –amendment to raise the \$4,000 for Tarklin to \$7,600. Amendment carried.

Suggestions to study the Historical significance of the building-perhaps CPA could help improve and in the meantime fees should be raised to help support the building.

Main Motion, as amended carried.

Article 5- Motion 4-Operating Budget-Library and Recreation-Moved and seconded that the Town appropriate the sum of \$1,333,541 for Library and Recreation as follows:

Library	Recreation	Percy Walker Pool
Salaries	Salaries	Salaries
683,246	121,011	164,050
<u>Expenses</u>	<u>Expenses</u>	<u>Expenses</u>
251,385	9,714	82,225
Total	Total	Total
934,631	130,725	246,275

Beach Life Guards	North Hill Golf Course	Public Celebrations
Salaries	<u>Expense</u>	<u>Expense</u>
15,514	2,500	2,865
<u>Expense</u>	Total	Total
1,031	2,500	2,865
Total		
16,545		

Library & Recreation Total

Salaries	983,698
<u>Expenses</u>	<u>349,843</u>
Total	1,333,541

And to meet this appropriation transfer the sum of \$15,000 from the Recreation Revolving Fund; Transfer the sum of \$13,256 from Articles approved at previous Town Meetings as follows:

- | | |
|--|----------|
| 1. Article 6 ATM March 2002 Lower Alden Playground | \$230.00 |
| 2. Article 6 ATM March 2000 Dehumid System | 8,556.00 |
| 3. Article 6 ATM March 2001 Pool Dump Water/Repair | 800.00 |
| 4. Article 6 ATM March 2002 Dive Blocks | 2,244.00 |
| 5. Article 6 STM March 2002 Hoyer Lift | 1,426.00 |

And raise and appropriate the sum of \$1,305,285.

An amendment to add \$40,000 from FREE CASH to salary line item. Amendment failed.

Main Motion carried.

The Meeting recessed for lunch from 12:30PM until reconvening at 1:40PM

Article 5-Motion 5-Operating Budget-Health & Human Services-Moved and seconded that the town vote to raise and appropriate the sum of \$348,384 for the following:

Council on Aging	Veterans Services	Ply. County Coop Ext
Salaries 219,934	Salaries 18,829	<u>Expenses</u> 200
<u>Expenses</u> 75,175	<u>Expenses</u> 34,246	Total 200
Total 295,109	Total 53,075	

Health & Human Services Total

Salaries	283,763
<u>Expenses</u>	<u>109,621</u>
Total	348,384

Jack Hamilton gave a report from "Friends of the Council on Aging." The bus drive called SADIE has nearly reached its goal with the help of contributions from the public.

Motion carried.

Article 5-Motion-6-Operating Budget Schools-Moved and seconded that the Town vote to raise and appropriate the sum of \$22,984,780 for Duxbury Schools.

Duxbury Schools

Salaries	17,778,435
<u>Expenses</u>	<u>5,206,345</u>
Total	22,984,780

An amendment to add to the School budget \$49,080 to restore "World Language" Amendment failed. Main Motion carried.

Article 5-Motion-7-Operating Budget-Town & School Shared Costs-Moved and seconded that the Town vote to appropriate the sum of \$10,522,065 for the following:

Town and School Shared Costs

Employee Benefits

Medicare	268,000
Emp. Health Ins.	5,591,583
Contributory Pensions	1,213,539
Non-Contributory Pensions	29,500
Unemployment Comp.	75,000
<u>Workers Comp.</u>	<u>245,000</u>
Sub-Total Emp. Benefits	7,422,622

Other Shared Costs

Fire & Liability Insurance	321,000
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Reserve Fund	150,000
Sub-Total Liability Ins/Res. Fund	471,000
<u>Debt Service Town & School</u>	
Principal Payments	1,189,553
Principal Payments- Exempt	176,585
Interest on Bonded Debt	331,137
Interest on Bonded Debt-Exempt	42,848
Interest on Temporary Notes	22,750
Interest on Temporary Notes-Exempt	848,720
<u>Bonding Fees & Charges</u>	16,850
Sub-Total Debt	2,628,443

Total Town & School Shared Costs \$!0,522,065

And to meet this appropriation transfer the sum of \$377,627 from the Pension Reserve and raise and appropriate the sum of \$10,144,438. Motion carried.

Article 5-Motion 8-Operating Budget-Total Budget Summary-All Motions-Moved and seconded that the Town raise the sum of \$46,912,919. as the Operating Budget of the Town for the purposes and in the amounts specified in the motions previously voted under Article 5 of the Warrant and to meet this appropriation raise and appropriate the sum of \$44,205,303. and transfer the sum of \$2,707, 616. In accordance with the transfers voted in motions previously voted.

Budgets	Appropriation	Transfer	Raise
1. General Government	\$1,584,386	\$68.197	\$1,516,189
2.Public Safety	4,863,887	117,645	4,746,242
3. Public Works (DPW)	5,275,876	2,115,891	3,159,985
4.Library Recreation	1,333,541	28,256	1,305,285
5. Human Resources	348,384	-----	348,384
6. Schools	22,984,780	-----	22,984,780
7. Emp, Bene. Ins- SharedCosts	10,522,065	377,627	10,144,438
Total	\$46,912,919	\$2,707,616	\$44,205,303

Motion carried

Article 6-Motion 1-Capital Budget-General Government-Moved and seconded that the Town vote to raise and appropriate the sum of \$10,000 to be expended under the direction of the Town Manager for the following:

Town Hall

<u>Information Systems</u>	<u>\$10,000</u>
Total General Government	\$10,000
Motion carried	

Article 6-Motion 2-Capital Budget-Capital Budget-Public Safety-Moved and seconded that the Town vote to appropriate the sum of \$38,000 for the following:

Public Safety

Police Department	
<u>Copy Machine</u>	<u>\$10,000</u>
Total	\$10,000

Harbormaster

1) Patrol Truck #55	\$25,000
<u>2) Buoy & accessories</u>	<u>3,000</u>
Total	\$28,000

And to meet said appropriation transfer the sum of \$17,000 from articles approved at previous Town Meetings as follows:

1. Article 4 STM Oct. 1995	Fire Alarms	\$15,000
<u>2 Article 37 ATM Mar. 1997</u>	<u>Shellfish Prop.</u>	<u>2,000</u>
Total		\$17,000

And raise and appropriate the sum of \$21,000 to be expended under the direction of the Town Manager. Motion carried

Article 6-Motion –3-Capital Budget-Department of Public Works-Moved and seconded that the town vote to appropriate the sum of \$499,923 for the following:

Public Works

DPW Administration

1) Seawall Repairs	\$10,000
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Highway

1) S-10 4X4 Pickup Truck	\$25,000
<u>2) Ch. 90 Road Rehabilitation</u>	<u>268, 923</u>
Total	\$293,923

Snow & Ice

1)Two 9' Plows with Frame	\$10,000
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Crematory

1) Reline Ret. Refract.(Units C&D)	\$60,000
2) Goldoni "Transcar 25" Ut. Vech	18,000
<u>3)Crematory Rem. Design</u>	<u>80,000</u>

Lands & Natural Resources

1) 1/2 Ton 4X4 Pickup Truck	\$28,000	Total	\$158,000
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And to meet said appropriations transfer the sum of \$268,923 from Chapter 90 Highway Funds and transfer the sum of \$158,000 from the Sale of Lots and Burial Trust Fund and transfer the sum of \$9,473 from Articles approved at previous Town Meetings as follows:

Article 40 ATM 3/98	Round About	\$700
Article 6 ATM 3/98	Safety Training	638
Article 6 ATM 3/00	Integrated G.I.S.	281
Article 6 ATM 3/01	Crematory Expansion	2,493
Article 6 ATM 3/02	Floats	419
Article 6 ATM 3/03	Wadsworth Irrigation	1,881

Article 5 STM 8/86

Powder Point Bridge

3,061

And raise and appropriate the sum of \$63,527 to be expended under the direction of the Town Manager.

An amendment to reduce the \$80,000 Crematory Rem. Design was withdrawn.

Main Motion carried.

Article 6-Motion 4-Capital Budget-DPW-Equipment –Moved and seconded that the town vote to appropriate the sum of \$335,000 for the Department of Public Works for the purpose of purchasing the following Highway and Transfer Station Equipment for the respective amounts indicated:

- | | |
|---|----------|
| 1. 35,000 LB Dump Truck with 10 foot plow | \$95,000 |
| 2. 1 Ton 4X4 Dump Truck | 55,000 |
| 3. 35,000 LB Dump with 10 foot plow | 95,000 |
| 4. T50 Loader | 90,000 |

And to meet this appropriation the Treasurer with approval of the Board of Selectmen is authorized to borrow the sum of \$335,000 in accordance with Massachusetts General Laws Chapter 44 Section 7 Subsection (9) to be expended under the direction of the Town Manager. 2/3 vote required-Motion carried unanimously achieving the requisite 2/3 vote called by the Moderator.

Article 6-Motion 5-Water Department Capital Budget-Moved and seconded that the Town vote to appropriate the sum of \$440,000 for the Department of Public Works Water Department for the following:

- | | |
|----------------------------------|--------------------------------|
| 1) 2" Water Main Upgrade | \$75,000 |
| 2) Bay Pond Rd Water Replacement | 45,000 |
| 3) System Rehabilitation | 75,000 |
| 4) Rate Study | 15,000 |
| Total | \$210,000 (from Water Revenue) |

And

- | | |
|-----------------------------|--|
| 1) 6 Wheel Dump Truck | \$65,000 |
| 2) Vehicle replacement | 25,000 |
| 3) Vehicle replacement | 40,000 |
| 4) Upgrade Pumping Stations | 100,000 |
| Total | \$230,000 (Water Enterprise-Free Cash) |

To meet this appropriation transfer the sum of \$230,000 from the Water Enterprise Fund Free Cash and transfer the sum of \$210,000 from Water Revenue to be expended under the direction of the Town Manager. Motion carried

Article 6-Motion 6-Capital Budget DPW Water Department-Moved and seconded that the Town vote to appropriate the sum of \$100,000 for the Replacement of PCE Water Mains under Public Works Water Department, and to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow the sum of \$100,000 in accordance with Massachusetts General Laws Chapter 44 Section 8 Subsection (5); to be expended under the direction of the Town Manager.

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

Article 7-Personnel Plan-Moved and seconded that the Town vote to amend the Town Bylaw known as the Duxbury Personnel Plan, originally accepted March 12,1955 and last amended March 8,2003 by replacing it with the revised Bylaw which is on file at the Town Clerk's Office and set forth in the handout entitled " Article 7 Duxbury Personnel Bylaw Changes," to become effective July 1,2004 and to appropriate the sum of \$67,500 for the purposes of this article and to meet this appropriation raise and appropriate the sum of \$65,977 and transfer the sum of \$1,523 from Water Revenue. Motion carried.

Article 8-Union Contracts-Moved and seconded that the town vote to indefinitely postpone. (No agreements) Motion carried to indefinitely postpone.

Article 9-Duxbury Beach Lease-Moved and seconded that the town vote to raise and appropriate the sum of \$200,000 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 Bridge (subject to the Migratory Shorebird Refuge at High Pines and excluding the land at High Pines leased to a third party) and to authorize the Board of Selectmen to execute a lease in the name and behalf of the Town for the period beginning July 1, 2004 and ending June 30, 2005 on such terms as may be approved by the Board of Selectmen. 2/3 vote required-Motion carried unanimously.

Article 10-School Transportation Revolving Fund-Moved and seconded that the town vote to authorize a revolving fund under M.G.L. Chapter 44 Section 53E ½ to authorize the Schools to be credited with all fees and charges received for School Transportation in an amount not to exceed \$150,000 and to be expended under the direction of the School Superintendent for School Transportation. Motion carried

Article 11-Property Tax Exemption-Moved and seconded that the Town vote to accept the Provisions of Chapter 184 of the Acts of 2002 amending MGL Chapter 59, Section 5 (41D) by increasing the gross receipts limit to \$20,000 for single persons and to \$30,000 for married couples; by increasing the whole estate limit to \$40,000 for single persons and to \$55,000 for married couples; and by increasing the exemption amount to \$1,000; effective for the fiscal year beginning July 1, 2004. Motion carried

Article 12-Senior Volunteer Program-Motion failed

Article 13-Affordable Housing Trust Fund-Moved and seconded that the Town vote to authorize the Board of Selectmen to petition the General Court to establish an Affordable Housing Trust Fund, in substantially the following form:

AFFORDABLE HOUSING TRUST FUND

Section 1. The Town of Duxbury may establish a separate fund to be known as the Affordable Housing Trust Fund for the purpose of creating or preserving affordable housing by (a) the Town of Duxbury or the Duxbury Housing Authority, (b) a housing trust, community development corporation, non-profit housing development corporation, or similar entity created under the laws of the Commonwealth for the purpose of creating, maintaining or operating affordable housing, or (c) an applicant for affordable housing funds to the United States Department of Housing and Urban Development or the Massachusetts Department of Housing and Community Development, subject to the subsequent approval of funding by that agency. Expenditures from the Affordable Housing Trust shall be authorized by a majority vote of the Board of Selectmen, in consultation with the local housing partnership.

Section 2. All expenditures from the fund shall be used for low-or moderate-income housing as defined in Section 20 of Chapter 40B of the General Laws. The funds may be specifically used to:

- a) Purchase and improve land for low-or moderate-income housing;
- b) Acquire and rehabilitate or redevelop existing dwelling units for purchase or rental by low- or moderate-income home buyers or tenants;
- c) Acquire, redevelop and convert existing non-residential structures for low- or moderate-income housing;
- d) Develop and construct new dwelling units for purchase or rental by low-and moderate-income housing purchasers or tenants;
- e) Purchase rights of first refusal to acquire existing dwelling units for sale or rental to low-or moderate-income households;
- f) Provide grants, low-interest loans or deferred payment loans to assist low- or moderate-income home buyers to purchase a home in the Town of Duxbury;
- g) Redevelop and convert municipal, school or other public buildings for low- or moderate-income housing.

Expenditures shall follow an allocation plan submitted by the Board of Selectmen annually to town meeting at the annual town meeting, and approved by town meeting. The allocation plan may be amended by the town meeting at any special town meeting upon a favorable recommendation from the Board of Selectmen. The Board of Selectmen may request the advice of the local housing partnership, the Planning Board and others in developing any allocation plan. The allocation plan shall be a general plan of how funds from the fund will be expended during the next fiscal year, and a report on how funds were spent during previous fiscal year.

All expenditures from the fund, including funds for capital purchases of land or buildings, shall be in accordance with the allocation plan and approved by a majority vote of the Board of Selectmen.

Section 3. As a means of providing available assets for the fund, all monies received by the Town through the following means shall be paid over to and become a part of the fund for purposes set forth in this act:

- a) Cash payments made by developers to the Town pursuant to Section 560 of the Duxbury Zoning Bylaw.
- b) Funds authorized by town meeting for community housing purposes under MGL Chapter 44 B, the Community Preservation Act.
- c) Gifts, grants, donations, contributions or other cash payments made to and accepted by the Town for the purpose of providing low- or moderate-income housing.

Section 4. Real property interests purchased or conveyed by the Town under this act shall be in accordance with Section 16 of Chapter 30B of the General Laws, unless exempt under Section 1 of said Chapter 30B or under other laws of the Commonwealth.

The Board of Selectmen may convey, through sale, lease or transfer, real property purchased under this act provided that an affordable housing use restriction as defined in Section 31 of Chapter 184 of the General Laws is executed with or on behalf of the purchaser or owner of the property and recorded at the Registry of Deeds. The term of the affordable housing use restriction shall be the maximum allowed by law unless a lesser term is authorized in the allocation plan approved by town meeting.

Real property conveyed through sale, lease or transfer to a for-profit or non-profit developer to provide low- or moderate-income rental housing shall be subject to an affordable housing regulatory agreement executed with or on behalf of the developer and the Department of Housing and Community Development.

Section 5. The Town Treasurer shall be the custodian of the fund and shall invest the funds in the manner authorized by Sections 55, 55A and 55B of Chapter 44 of the General Laws. Any income or proceeds received from the investment of funds shall be credited to and become part of the fund.

A Public hearing was held on 2/9/04

A report was given by the Planning Board.

Motion carried.

Article 14-Protective Bylaw-Amendments relative to Inclusionary Housing- Moved and seconded that the Town vote to amend the Protective Bylaw, 560 Inclusionary Housing , as follows:

Amend Section 560.5, Provision of Affordable Units, by inserting the following after paragraph (c):

(d) For non-rental affordable housing units, a cash payment to the Affordable Housing Trust Fund may be made subject to Section 560.11 of this Bylaw.

Amend Section 560.9, Maximum Income and Selling prices, by deleting subsection (1) and (2) and substituting in their place the following:

1. the developer of the housing units or his/her agent shall verify prior to transferring title or executing a lease that each prospective purchaser or renter of an affordable housing unit created under this a Bylaw is a household of low or moderate income, as defined by the Commonwealth's Initiative Program (LIP). Toward this end:
 - a) The developer shall engage a qualified certifying agent acceptable to the Planning Board, or to the Board of Appeals for special permit application pursuant to Section 700 of the Zoning Bylaw, to receive purchase or rental applications, obtain and review documentation concerning sources and amounts of household income, and certify to the Town that all purchasers or renters approved for an affordable unit meet LIP income eligibility requirements.
 - b) The developer is responsible for making arrangements acceptable to the Planning Board, or to the Board of Appeals for a special permit application pursuant to Section 700 of the Zoning Bylaw, to provide annual certifications to the Town as may be required to place and maintain the affordable units on the Commonwealth's Chapter 40B Subsidized Housing Inventory.
2. The maximum allowable purchase price or maximum allowable rent for affordable units created under this Bylaw shall comply with regulations and guidelines of the Local Initiative Program (LIP).

Amend 560.10 Preservation of Affordability; Restrictions on Resale, as follows:

In the first paragraph, delete the second and third sentences and substitute in their place the following:

The purpose of these limitations is to preserve the long- term affordability of the unit and to ensure its continued availability to qualified purchasers in the future. The resale controls shall be established through a deed rider of an affordable housing restriction defined by M.G. L. c 184, Section 31, recorded at the Plymouth County Registry of Deeds or the Land Court, and shall be in force for as long a period as is lawful. The affordable housing use restriction shall meet the requirements of the Local Initiative Program.

Paragraph (1), second sentence, delete 560.11 and replace it with 560.10.

Paragraph (2), delete **180 days** and replace it with **the maximum period allowable under guidelines set by the Department of Housing and Community Development for Local Initiative Units as defined by the Local Initiative Program.**

Paragraph (4), first sentence, delete 560.11 and replace it with 510.10.

Add 560.11, Fees in Lieu of Affordable Housing Units, as follows:

As an alternative to Section 560.5 (a) through (c), an applicant may contribute a cash payment to the Affordable Housing Trust Fund, to be used for the development of affordable housing by the Town or its designees, in lieu of constructing and offering affordable units within the locus of the proposed development or off-site.

1. Calculation of fees in-lieu of units. The applicant for development subject to this Bylaw may pay a fee in lieu of the construction of affordable units. For each affordable unit not constructed or provided through one or a combination of the methods specified in 560.5 (a) through (c), the fee shall be an amount equal to the difference between the median sale price for new single-family homes built in Duxbury during the preceding three fiscal years, as determined and reported by the Board of Assessors, and purchase price of a home that is affordable to a qualified purchaser.
 - a) For development of multi-family condominiums, the Planning Board may substitute the median sale price for new condominiums built in Duxbury during the preceding three fiscal years for the three fiscal for the median sale price of new single-family homes.
 - b) The methodology used to determine an affordable purchase price shall comply with Local Initiative Program guidelines in effect at the time of application for a special permit.
 - c) The assumptions used to determine an affordable purchase price, including but not limited to minimum down payment, mortgage interest rate, term, closing and other costs shall be consistent with first-time homebuyer mortgage products available from commercial lending institutions located in or serving Duxbury at the time of application for a special permit, all in accordance with the Inclusionary Housing Submission Requirements and Procedures manual adopted by the Planning Board and filed with the Town Clerk.
 - d) Upon adoption of this bylaw by town meeting, the Planning Board shall prepare and adopt an Inclusionary Housing Submission Requirements and Procedures Manual after holding a public Hearing on the same.

2. Schedule of fees in lieu of payments. Fees in lieu of payments shall be according to the schedule set forth in Section 560.6 (3), above.

A report was given by the Planning Board.

A Public Hearing was held.

2/3 vote required- Motion carried unanimously

Article 15- Moved and seconded that the Town vote to amend the General Bylaws of the Town by adding to Chapter 6 “Committees” a new section 6.13 as follows:

6.13 Economic Advisory Committee

The Economic Advisory Committee shall consist of nine members appointed by the Board of Selectmen for three –year staggered terms. The committee membership shall include a recommended representative and/or designee from each of the following boards: the Board of Selectmen, the Planning Board and the Board of Appeals, and three representatives from the business Community and three residents at large who may submit letters of interest to the Board of Selectmen. The Economic Advisory Committee shall support and promote effects to foster economic strategies working with the local business community within the Town of Duxbury. Motion carried.

It was voted to recess the meeting at 5:08Pm until Monday, this place at 7:30PM.

Yes-91 and No-57 carried to recess.

The meeting reconvened at 7:30PM on Monday, March 15, 2004

Article 16-Moved and seconded that the Town vote to amend the Protective Bylaw and Zoning Map in Section 201 “Classes of Districts” by adding a new district “Waterfront Scenic Area Overlay District (WSA)” and amend the Duxbury Zoning Map 2004 in accordance with a plan on file in the office of the Town Clerk entitled, “Waterfront Scenic Resource Areas” dated 2004 prepared by Urban Harbors Institute that depicts the boundaries of the WSA Overlay District.

A public Hearing was held by the Planning Board.

A report was given by the Planning Board.

2/3 vote required. Yes-131 and No-90 Motion failed to receive the required 2/3 vote.

After a vote was taken on Article 17, - it was moved and seconded to reconsider action on Article 16 again. 2/3 vote required. Received the requisite 2/3 vote to reconsider.

Motion on Article 16 received the requisite 2/3 vote and carried

Voted on Monday, March 15, 2004

ARTICLE 17 – PROTECTIVE ZONING BYLAW – DEVELOPMENT OF PIERS
(Amended Version*)

*Proposed amendments to the version printed in the warrant are shown as ***bolded and italicized***.

To see if the Town will vote to amend the Duxbury Protective Bylaw in Sections 200, 300, 400, and 900 relative to the development of *residential* piers within the Town of Duxbury, the proposed language to read as follows:

Amend Article 200 (Establishment of Districts), section 202.2 (District Boundary Line Descriptions) by inserting a new paragraph that reads as follows:

10. Boundaries of the Waterfront Scenic Area Overlay District are shown on a map entitled "Waterfront Scenic View Resource Areas" dated 2004 prepared by the Urban Harbors Institute and on file in the Office of Town Clerk and Planning Board Office.

Amend Article 300 (DEFINITIONS), Section 302 (Definitions) by inserting in the appropriate alphabetical order the following new definitions to read as follows:

Pier: An elevated structure built over a wetland resource area to provide access from an upland land area to *Duxbury Bay and its tributaries*.

New Pier: A pier constructed on a lot where no pier currently exists or where a pre-existing pier is being replaced *or reconstructed*.

Pre-existing Pier: An existing pier that at the time of application is structurally sound and functional to provide access to the water or was structurally sound and provided access to the water within two years prior to the date of application to the Conservation Commission for reconstruction.

Shared Pier: A pier which is owned by two or more individuals or organizations that own contiguous waterfront property.

Gangway: A structure attached at one end to a pier or other permanent object and the other end resting on a float.

Float: A temporary floating structure attached to (delete 'the ocean bottom by',) mooring gear or piles.

Town Landings: Designated areas to which the town has *a* (delete "undoubted") right, which have been surveyed and recorded with the Plymouth County Registry of Deeds to the low water mark and including, in north to south orientation along the shoreline, Old Cove Landing, Drew Salt Works Landing, Simeon Soule's Landing, Peterson's Landing, Powder Point Bridge (at the west end on both north & south sides), Anchorage Lane Landing, Bluefish River Landing, Mattakeset Town Pier, Winsor Street Landing, Water Street Landing, Jocelyn Landing, Harden Hill Road Landing, Howland's Landing, Landing Road Landing, and Hicks Point Road Landing.

Ways to the Water: Designated areas to which the Town has rights as public ways to the water, by gift or otherwise, which may or not be restricted as to their usage and which

have not been specifically laid out and surveyed to the low water mark and recorded as Town Landings and including, in north to south orientation along the shoreline, Shipyard Lane Beach, Elder Brewster Road, Samoset Road, Sagamore Road, Massasoit Road, Miles Standish Home Site, Longview Road, Elderberry Lane, and Bay Farm.

Waterfront Scenic Area Overlay District (WSA): A WSA is the abutting waterfront land viewed from a public road, along which there is an open, unobstructed view of the ocean, harbor, bay or estuary. The WSA boundaries are as illustrated on a plan approved by a town meeting vote and are delineated by a line extending from a public road ROW centerline 300 feet seaward, starting at the first affected parcel and continuing to the final parcel. A WSA is defined for the purposes of new pier construction and repairs.

Amend Article 400 (Use, Intensity, Dimensional and Coverage Regulations for all Districts), Section 404 (Wetlands Protection Overlay District)

By amending Section 404.6 (Uses Permitted by Special Permit) by deleting subsection 1 and inserting the following new language:

1. Accessory use or structure to a residential home (delete “or commercial structure”) located on that lot or an adjoining lot *in common ownership*, such as a footbridge, plank walk or pier.

and also adding the following new sections under Article 404 as provided below:

404.20 Determination of Suitability of Residential Piers

New residential piers require a special permit and must conform to the following criteria:

1. The pier shall be constructed over the shortest distance of salt marsh to access the water unless safety or navigational issues suggest otherwise.
2. The pier shall not exceed 200 feet in length and must extend the full distance from the upland edge of the property to the water’s edge. The width of the pier shall not exceed 4 feet.
3. The platform at the seaward end of the pier shall not exceed 6-feet x 10-feet, i.e.: 2-feet x 10-feet wider than the walkway. All pile bents shall be no less than 10 feet on center from each other except the last bent on the landward end.
4. The most seaward piles shall not extend more than 2 feet seaward of the salt marsh except to allow the attached float to be located seaward of any vegetation.
5. Floats attached to piers shall not exceed 200-sq. ft. unless permitted by the Duxbury Conservation Commission and the Duxbury Harbormaster.

6. Rails shall not exceed 36 inches in height off the pier and shall have a top rail 5 inches or less in vertical dimension and a mid-rail 3 ½ inches or less in vertical dimension.
7. Piers, floats and gangways must be made principally out of wood *or other materials of a color and reflective quality similar to natural wood.*
8. All new piers shall be setback 25 feet from abutting property lines unless this single requirement would otherwise prevent a new pier from being approved. In no case shall the setback be less than 15 feet.
9. All new piers shall be located no closer than 150 feet from the nearest sideline of a Town Landing or Way to the Water.
10. New piers shall be constructed no higher above the salt marsh than the minimum standard for construction permitted by State and Federal regulations plus an additional 2 feet.
11. A reconstruction of a pre-existing residential pier does not need to comply with the above requirements; *however the reconstructed pier shall conform to these requirements in as much as the pre-existing pier did.* (Note that we have inverted the order of numbers 10 and 11 for greater editorial clarity only)

404.30 Reconstruction of a Pre-existing Pier

The reconstruction of a Pre-existing Pier that has been licensed under Chapter 91 and recorded at the Registry of Deeds shall be reconstructed with design standards as approved in the Chapter 91 license. In the event such pier does not have a Special Permit, *subject to the provisions of 404.2 (11.)*, the Zoning Board of Appeals shall accept the design standards as approved in the Chapter 91 license as meeting the requirements of the Zoning Bylaw and issue a Special Permit to such structure.

404.40 Shared Piers

Shared Piers shall comply with all suitability criteria for new piers, except as noted below:

1. All piers constructed, utilizing the shared pier permitting criteria, shall require deed restrictions, on each owner's lot prohibiting another pier on those owners' lots *and deeded easements granting each owner access to the shared pier*, so long as the shared pier in which the owner has rights exists.
2. The Pier location shall not be required to access the water over the shortest distance of salt marsh coverage. The pier may be located on one or more lots and may cross any internal lot lines of the owners. The pier shall be required to meet the sideline setback of the property lines of abutting properties.

3. Float sizes of 200-sq. ft. per owner shall be permitted up to a maximum of 600 sq. ft. total, unless permitted by the Duxbury Conservation Commission and the Duxbury Harbormaster.

404.50 Waterfront Scenic Area Overlay District (WSA)

Any new pier in the WSA shall comply with the following special criteria in addition to the other applicable criteria in Section 404.20:

1. A pre-existing pier shall not be reconstructed as a new pier unless the cost to repair the existing pier is greater than 50% of the cost of a new pier on the same footprint.
2. Repairs to a pre-existing pier shall be made subject to no increase in pier length, height, width, footprint or modification of the railing dimension.
3. New piers shall be limited to 3.5 feet in width, shall have a handrail only on one side of the pier with its upper rail member having a profile of no greater than 1.5 inches viewed horizontally and a mid-rail member having a profile of no greater than ¼ inch viewed horizontally.
4. New piers shall be constructed no higher above the salt marsh than the minimum standard for construction permitted by State and Federal regulations.

Amend Article 900 (Administration) Section 906.2 (Special Permits), sub-section 3, by adding a new paragraph f) to read as follows:

f) Compliance with Section 404.20 entitled, Determination of Suitability of Piers

Submitted by Planning Board on behalf of the Pier Access and Shoreline Study Group

It was moved and seconded that the Town vote to amend the Protective Bylaw as printed in the warrant under Article 17, with the changes set forth in the Handout entitled “Article 17-Protective Bylaw-Development of Piers (Amended version*)”.

The following amendments were proposed to the meeting:

1st Amendment-It was moved and seconded that the Town vote to amend the proposed section 404.20[10] by deleting the words “plus an additional 2 feet” at the end of the sentence, and add the following sentence: The height of the pier deck shall not exceed 15.0 feet mean low water unless required by federal or state regulations. The amended section would read: **10. New Piers shall be constructed no higher above the salt marsh than the minimum standard for construction permitted by State and**

Federal regulations. The height of the pier deck shall not exceed 15.0 feet mean low water unless required by federal or state regulations. Motion carried to amend.

2nd Amendment-Moved and seconded that the Town vote to amend Section 404.50# 3. By changing the word “shall to “may” so that it will read: **3. New piers shall be limited to 3.5 feet in width, may have a handrail only on one side of the pier with its upper rail member having a profile of no greater than 1.5 inches viewed horizontally and a mid-rail member having a profile of no greater than ¼ inch viewed horizontally.** Motion carried

3rdnd Amendment –It was moved and seconded to change Section 404.20{4}. Amendment failed.

4th-Amendment-It was moved and seconded that the Town vote to amend proposed section 404.20[9] by deleting the number “150” and inserting the number 50 feet. The amended section would read: **9. All new piers shall be located no closer than 50 feet from the nearest sideline of a Town Landing or Way to the Water.** A motion to move the previous question. 2/3 vote required. Motion carried. Vote on the 4th amendment. Majority vote. Amendment carried. **Main motion as amended. 2/3 vote required –Motion carried Yes-196 and No-47**

Article 18-Moved and seconded that the Town vote to authorize the Board of Selectmen to convey parcel of land shown on the Assessors Map Parcel162-500-011 to Paul Mahoney et al on terms and conditions deemed to be in the best interest of the Town. 2/3 vote required. Motion carried unanimously.

Article 19-Article 19- Annual Report- Moved , seconded and carried to indefinitely postpone.

Article 20- Moved and seconded that the Town vote to authorize the Moderator to appoint a Government Study Committee as follows:

The Committee to be comprised of one representative from each of the following the Selectmen and the Fiscal Advisory Committee, a Former Member of the Finance Committee and six members at large to study the Town’s present form of government, organizational structure and General Bylaws and to make recommendations to the Annual Town Meeting of March 2006.

An amendment to add the word “each” after the phrase “one representative from “. Amendment carried. Main motion as amended carried.

Article 21-Moved and seconded that the Town vote to accept the layout of Lewis Farm Road as a Public Way in accordance with the Plans now on file in the Town Clerk’s Office, which are incorporated herein by reference and to authorize the acquisition by

eminent domain of the property within said way. 2/3 vote required. Motion carried unanimously.

Article 22-Moved and seconded that the Town vote to accept the layout of Butternut Drive as a Public Way in accordance with Plans now on file in the Town Clerk's Office, which are incorporated herein by reference and to authorize the acquisition by eminent domain of the property within said way. 2/3 vote required. Motion carried unanimously.

Article 23-Moved and seconded that the Town vote to accept the layout of Brewer's Lane as a Public Way in accordance with plans now on file in the Town Clerk's Office, which are incorporated herein by reference and to authorize the acquisition by eminent domain of property within said way. 2/3 vote required. Motion carried unanimously.

Article 24- Moved and seconded that the Town vote to adopt the amended Zoning Map entitled,

"Town of Duxbury, Massachusetts Zoning Map" dated March 2004 as created by Greatwall GIS Services consisting of six (6) sheets in total.

that is on file at the Town Clerk's Office and subsequently amend the Zoning Protective Bylaw dated March 13, 2003, Section 202.1

(Zoning Map) with the new title and date of the Zoning Map.

NB-A correction was made to change 202.2 (Zoning Map) to 202.1 (Zoning Map).

An amendment to study and come back to the Planning Board. A simple majority vote-Failed

A hearing was held.

A report was given by the Planning Board.

A 2/3 vote required. The motion received the requisite 2/3 vote and carried.

Article 25-Moved and seconded that the Town vote to amend the Protective Bylaw by adding after the last paragraph of Section 906.2 the following:

The Planning Board, when acting as a Special Permit Granting Authority, is authorized to appoint associate members to the Planning Board for the purpose of acting on special permit applications, in accordance with the following procedures:

- (1) The Planning Board may, by a majority vote, appoint up to two (2) associate members at a public hearing after such positions have been publicly advertised;
- (2) The Chair of the Planning Board may designate an associate member to sit on the board for the purposes of acting on a special permit application in case of absence, inability to act, or conflict of interest, on the part of any member of the Planning Board or in the event of a vacancy on the board. 2/3 vote required Motion carried unanimously.

Article 26-Moved and seconded that the Town vote, pursuant to the recommendations of the Planning Board, to designate the following roads:

Amos Sampson Lane	Hunt Farm Road	Rosewood Court
Ashdod Lane	Jeremiah Drive	Ryan's Lane
Bailey's Circle	Keene's Brook Lane	Seadrift Way
Barn swallow Lane	Ledgewood Drive	Shepherd's Crook
Boxwood Lane	Lewis Farm Road	South River Ln. West
Bravender Road	Lund Terrace	South River Trail
Brewer Lane	Mallards Cove Lane	Stockade Path
Butternut Drive	Maple Pond Lane	Tanglewood Trail
Chandler Mill Drive	Mayflower Road	Templewood Drive
Clark Drive	Mill Pond Lane	The Marshes
Colonial drive	Millbrook Way	Tinkertown Lane
Deerpath Trail North	Mount Hope Circle	Turkey Ridge Lane
Federal Eagle Road	Old Barn Road	Union Hall Road
Fordville Road	Otter Rock road	Walker Road
Forest Street	Parkers Grove Lane	West Ford Farm Rd
Fortune Lane	Parting Rock Rd	White Street
Fox Run	Perry Drive	Wildflower Path
Gardner Road	Pheasant Hill Drive	Windward Way
Glass Terrace	Phillips Brook Circle	Winslow Street
Herring Weir Road	Plantation Drive	Winthrop Avenue
Hidden Acres Drive	Possum Run	Woodland Way
Homestead Place	Puritan Way	
Hounds Ditch Lane	Rogers Way	

Printed in the warrant and within the Town as "scenic roads" under the provisions of M.G.L. Ch. 40, Section 15C, in order to preserve natural character and physical appearance of said roads; and to instruct the Planning Board , in exercising its responsibilities hereunder, to take into consideration sound planning principles, aesthetic considerations, and preservation of natural resources, as well as public safety. Motion carried.

Article 27-Moved and seconded that the town vote to raise and appropriate the sum of \$5,000 to be expended under the discretion of the Town Planner to secure professional engineering services to update the Town Street Map in accordance with statutory requirements. Motion carried.

Article 28-Zoning-lot Coverage-Moved , seconded and carried to indefinitely postpone.

Article 29-Moved and seconded that the Town vote to amend section 560.5 (Provision for Affordable Units) of the Protective Bylaw for the Town of Duxbury by deleting the following language "560.9" in subsection 1-b and replacing it with "560.8".

A Planning Board Public Hearing was held.

A report was given by the Planning Board. 2/3 vote required –Motion carried unanimously.

Article

30-Establish Local Housing Partnership- Moved and seconded that the Town vote to amend its General Bylaws in Chapter 6 “Committees” a new Section 6.14 as follows:

Local Housing Partnership Committee

The Local Housing Partnership Committee shall consist eleven (11) members appointed By the Board of Selectmen for three-year terms staggered. The committee membership shall consist of a recommended representative and/or designee from each of the following boards: The Board of Selectmen, Planning Board, Duxbury Housing Authority, Board of Health, Conservation Commission, Community Preservation Committee, Council on Aging, along with four (4) residents at large who may submit letters of interest to the Board of Selectmen. The Local Housing Partnership Committee shall support and promote efforts to meet the affordable housing needs of Duxbury through the implementation of recommendations from various planning studies, seek funding resources for housing and promote public and private efforts to increase the affordable housing stock in the Town of Duxbury. Motion carried.

It was moved, seconded and voted to recess this meeting at 10:45PM until Tuesday, March 16th this place at 7:30PM. Motion carried

The meeting was reconvened at 7:30PM on Tuesday March 16, 2004.

Article 31-Community Preservation Committee Fund Reserves-Moved and seconded that the Town vote to appropriate the sum of \$559,500 and to meet the said appropriation to transfer the following amounts from the Community Preservation Act Funds into separate reserves as specified and as required by the Community Preservation Act M.G.L. Chapter 44B, Section 6 and as recommended by the Community Preservation Committee as follows:

\$186,500 for Community (Affordable) Housing
\$186,500 for Open Space
\$186, 500 for Historic (Preservation) Resources
Motion carried.

Article 32- CPC/GIS Project-Moved and seconded that the Town vote to appropriate the sum of \$13,800 and to meet said appropriation transfer the sum of \$13,800 from the Community Preservation Act Funds to fund a Geographic Information System Parcel Automation Project as recommended by the Community Preservation Committee. Motion carried.

Article 33- CPC & Water Enterprise Transfer- Moved , seconded and carried to indefinitely postpone this article.

Article 34-Citizens Petition-Moved and seconded to approve the resolution as submitted by the “Citizens for Peaceful Solutions” in a handout entitled Article 34 to affirm key civil liberties and rights granted to all of its residents, U.S. Citizens and citizens of other nations alike, in accordance with the Bill of Rights and the Fourteenth Amendment of the U. S. Constitution as follows:

Resolution to Restore Key Civil Liberties and Rights

Whereas, the Town of Duxbury recognizes and upholds all the rights and privileges secured by the U.S. Constitution, the Bill of Rights, and the Constitution of the Commonwealth of Massachusetts, which guarantee all citizens and non-citizens the following rights:

Freedom of speech , assembly and privacy
The rights to counsel and due process in judicial proceedings
Protection from unreasonable searches and seizures

Whereas, we believe these civil liberties are precious and are now threatened by:
The USA PATRIOT ACT, which

Greatly expands the government’s ability to conduct secret searches
Severely reduces judicial supervision of telephone and Internet surveillance
Gives the Attorney General and the Secretary of State the power to designate domestic groups as “terrorist organizations”
Grants FBI. broad access to sensitive medical, mental health, financial and educational records about individuals without a court order or evidence of a crime
Allows the Attorney General to subject non-citizens to indefinite detention or deportation even if they have not committed a crime

The Homeland Security Act, which
Increases secret surveillance and reduces privacy protections

Potentially allows the federal government to maintain extensive files on all Americans without limitations
Weakens safeguards on government access to e-mails and to information about an individual’s Internet activity, allowing access without the need for a court order
Gives the government the ability to secretly collect information without court orders or other checks

Federal Executive Orders, which
Establish secret military tribunals for terrorism suspects
Permit wiretapping of conversations between federal prisoners and their lawyers

Lift Justice Department regulations against illegal COINTELPRO-type operations by the FBI (covert activities that in the past targeted domestic groups and individuals)

Limit the disclosure of public documents and records under the Freedom of Information Act

Whereas, law enforcement officials, including previous heads of the FBI, have decried the USA PATRIOT Act and the associated orders and rules of the executive branch as unnecessary to the prosecution of, and protection from terrorism,

Therefore, be it resolved that:

1. The Town of Duxbury affirm the civil rights granted to all of its residents U.S. citizens and citizens of other nations alike-in accordance with the Bill of Rights and the Fourteenth Amendment of the U.S. Constitution;
2. The Town of Duxbury urges the U.S. Congressional representatives and Senators to monitor the implementation of the above Acts and Orders, and actively work for repeal of those portions of the Acts and Orders that violate fundamental rights and liberties guaranteed by the United States Constitution;
3. The Selectmen of the Town of Duxbury shall send copies of this resolution to the President of the United States, the U.S. Attorney General, members of the Massachusetts Congressional delegation, our district representatives in the Massachusetts House and Senate, and to the Governor and the Attorney General of Massachusetts. Vote was Yes-59 and No-26 the motion carried.

Article 35- July 4th Parade-Moved and seconded that the Town vote raise and appropriate the sum of \$10,000 to fund the Fourth of July Parade and ceremony. Motion carried

The Fire Chief is retiring in May. Our Fire Chief William Harriman is to be the Grand Marshall of this 2004 July 4th Parade..

Article 36- Council on Aging Revolving Fund-Moved and seconded that the Town vote to authorize a Revolving Fund under MGL Chapter 44, Section 53E ½ to authorize the Council on Aging to be credited with all fees and charges received from the Senior Center programs in an amount not to exceed \$40,000 for Senior Center programs, functions, supplies and/or instructor fees. Motion carried

Article 37-non-Criminal Process of the Beach Regulations-Moved, seconded and carried to indefinitely postpone.

Article 38- Moved and seconded to see if the Town will vote the policy of the Town of Duxbury is to require that the Town shall sign the Duxbury Plan and Procedures for a Radiological Emergency at the Pilgrim Nuclear Power Station on the condition that the

following is fully incorporated into the Plan and Procedures and in all interfacing plans and procedures: School Buses housed in Duxbury shall be for the exclusive use of Duxbury if a radiological emergency is declared at Pilgrim Station.

An amendment to delete after School Buses housed in Duxbury “and all other Duxbury emergency resources” from the Duxbury Plan and Procedures. Amendment carried Yes-50 and No-44. Main motion as amended carried Yes-58 and No-33

Article 39-Moved and seconded to indefinitely postpone.

Article 40-Moved and seconded to indefinitely postpone.

Article 41-Motion concerning Pilgrim Nuclear Power reviews-Motion failed-
A request for a count of the votes resulted in the article still failing –Yes-40 and No-53

Article 42-Non-Binding Resolution to the General Court-Moved and seconded that the Town will vote to authorize the Board of Selectmen to notify the Governor and the General Court that the will of the Town is to include all of the Town’s residents in a single District in the Massachusetts House of Representatives. Motion carried.

Article 43-Unpaid Bills-Moved, seconded and carried to indefinitely postpone.

Article 44- Stabilization Fund-Moved seconded and carried to indefinitely postpone.

Article 45-Moved and seconded that the Town vote to authorize the Board of Assessors to use \$798,477 from FREE CASH and \$267,746 from the Stabilization Fund to reduce the Tax Rate. 2/3 vote required-Motion carried unanimously.

It was moved , seconded and carried to adjourn the meeting sine die at 9:40PM

Attendance- Saturday March 13- 411
Monday, March 15- 243
Tuesday, March 16- 98

Total attendance of different voters spaced over all three sessions-487

Respectfully submitted,

Nancy M. Oates
Duxbury Town Clerk

