

Town of Duxbury
Annual Town Meeting
March 13, 2010

The Town meeting was called to order by the Moderator at 9:05am, recessed for a Special Town Meeting at 9:15am until the meeting adjourned sine die at 9:50am when the Annual Town Meeting reconvened, recessed for lunch from noon until 1pm and recessed at 3:50pm until the meeting was reconvened on Monday, March 15th at 7:30pm and adjourned sine die at 10:55pm. All sessions were held at the Duxbury Performing Arts Center, 73 Alden St., Duxbury

Selectwoman Elizabeth Sullivan gave a tribute to retiring Moderator Allen M. Bornheimer for his twenty-eight years of service as Town Moderator. He was elected to his first term on March 27, 1982. His first Special Town meeting was on May 13, 1982, his second September 20, 1982, and his third on December 13, 1982. He has presided over 28 ATM/STM and 35 Special Town Meetings including five in 1986. Allen's first Annual Town Meeting was on March 12, 1983 and he has been going strong since then. In additions to his meeting duties, he made wonderful and professional appointments to the Moderator Bylaw appointment Committees. He will be replaced at our Town Election on March 27, 2010. We will all miss him. State Representatives Thomas Calter and Daniel Webster presented their State of Massachusetts Proclamations and presented one from State Senator Robert Hedlund.

The Moderator gave a speech thanking the citizens of Duxbury.

Article 1-Moved and seconded that the Moderator and 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.

Motion carried

Article 3-Moved and seconded that the Town vote to fix the Compensation of the elected officials for the twelve month period beginning July 1, 2010 :

	FY-10	FY-11
Moderator	\$40	\$40
Selectmen		
Chair	\$2,000	\$2,000
Member	1,500	1,500
Member	1,500	1,500

Assessors

Chair	\$2,000	\$2,000
Member	1,500	1,500
Member	1,500	1,500

Town Clerk \$67,000 \$69,000

Total \$77,040 \$79,040

Motion carried to fix these salaries and they will be voted in Article 5.

Article 4-State Highway Fund-Moved and seconded that the town vote to accept the sum of \$408,895.00 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-General Government Budget-Moved and seconded that the Town vote to appropriate the sum of \$2,049,562 for the following:

113-Town Meeting	114-Moderator	131-Finance Committee
<u>Expenses</u> \$4,300	<u>Salaries</u> \$40	<u>Expenses</u> \$450
Total \$4,300	Total \$40	Total \$450

136-Audit	151-Legal Expenses	158-Tax Title
<u>Expenses</u> \$42,000	<u>Expenses</u> \$220,000	<u>Expenses</u> \$15,000
Total \$42,000	Total \$220,000	Total \$15,000

129-Historical Commission	119-Cable TV Advisory Committee
<u>Expenses</u> \$200	<u>Expenses</u> 0
Total \$200	Total 0

122-Selectmen/Town Manager	133-Finance Director	135-Accounting
Salaries \$236,109	Salaries \$90,500	Salaries \$195,855
<u>Expenses</u> 15,330	<u>Expenses</u> 2,000	<u>Expenses</u> 7,980
Total \$251,439	Total \$92,500	Total \$203,835

141-Assessors	145- Treasurer/Collector	152-Hum. Resources
Salaries \$206,792	Salaries \$281,087	Salaries \$62,500
<u>Expenses</u> 21,540	<u>Expenses</u> 55,250	<u>Expenses</u> 4,450
Total \$228,332	Total \$336,337	Total \$66,950

155-Information Systems	161-Town Clerk	162-Elections
Salaries \$58,201	Salaries \$108,202	Salaries \$13,487
<u>Expenses</u> 154,189	<u>Expenses</u> 3,100	<u>Expenses</u> \$17,190
Total \$212,390	Total \$111,302	Total \$30,677

171-Conservation Commission
Salaries \$106,606
Expenses 11,440
Total \$118,046

175-Planning Board
Salaries \$104,244
Expenses 11,520
Total \$115,764

Total Gen. Government
Salaries \$1,463,623
Expenses 585,939
Total \$2,049,562

And to meet said appropriation to raise and appropriate the sum of \$2,049,562.

Motion carried

Article 5-Motion 2-Operating Budget-Public Safety -Moved and seconded that the Town vote to appropriate the sum of \$5,796,564 for the Public Safety as follows:

210-Police
Salaries \$2,787,728
Expenses 194,884
Total \$2,982,612

220-Fire
Salaries \$1,964,490
Expenses 235,550
Total \$2,200,040

241-Inspectional Services
Salaries \$387,669
Expenses 24,400
Total \$412,069

295-Harbor/Coastal Mgt
Salaries \$177,243
Expenses 24,600
Total \$201,843

Total Public Safety
Salaries \$5,317,130
Expenses 479,434
Total \$5,796,564

And to meet said appropriation to raise and appropriate the sum of \$5,796,564.

Motion carried

Article 5-Motion 3-Operating Budget-Public Works-Moved and seconded that the Town vote to appropriate the sum of \$3,763,664 for the following:

192-Central Building Services
Salaries \$57,530
Expenses \$236,000
Total \$293,530

193-Buildings Maintenance
Expenses \$34,400
Total \$34,400

292-Animal Control
Salaries \$ 50,777
Expenses 10,150
Total \$60,927

194-Tarkiln Community Center
Expenses \$16,500
Total \$16,500

418-Central Fuel Depot
Expenses \$242,500
Total \$242,500

424-Street Lights
Expenses \$40,000
Total \$40,000

419-DPW Administration
Salaries \$253,911
Expenses 31,350
Total \$285,261

421-Vehicle Maintenance
Salaries \$145,998
Expenses 112,500
Total \$258,498

423-Snow and Ice
Salaries \$55,000
Expenses 94,200
Total \$149,200

422-Highway/Road Maintenance
Salaries \$425,090
Expenses 49,800
Total \$474,890

431 Transfer Station
Salaries \$205,342
Expenses 537,200
Total \$742,542

440-Sewer
Salaries \$14,900
Expenses 216,000
Total \$230,900

491-Cemetery
Salaries \$353,148
Expenses 178,720
Total \$531,868

294-Lands & Natural Res.
Salaries \$360,648
Expenses 42,000
Total \$402,648

Total DPW
Salaries \$1,922,344
Expenses 1,841,320
Total \$3,763,664

And to meet said appropriation transfer the sum of \$30,000 from the Cemetery Perpetual Care Fund, and raise and appropriate the sum of \$3,733,664. **Motion carried**

Article 5 Motion-4-Operating Budget –Human Services-Moved and seconded that the Town vote to appropriate the sum of \$509,519 for the following:

541-Council on Aging	543-Veterans Services
Salaries \$284,808	Salaries \$ 20,911
<u>Expenses 125,615</u>	<u>Expenses 77,985</u>
Total \$410,423	Total \$98,896
840-Ply. Cty. Coop.Ext	Total Human Services
<u>Expenses \$200</u>	Salaries \$305,719
Total \$200	<u>Expenses 203,800</u>
	Total \$509,519

And to meet this appropriation raise and appropriate the sum of \$509,519. **Motion carried**

Article 5-Motion 5-Operating Budget-Library and Recreation- Moved and seconded that the Town vote to appropriate the sum of \$1,329,732 for the following:

610-Library	630-Recreation	
Salaries \$855,926	Salaries \$140,626	
<u>Expenses 306,460</u>	<u>Expenses 2,850</u>	
Total \$1,162,386	Total \$143,476	
633-Beach Life Guards	632-North Hill Golf Course	692-Public Celebrations
Salaries \$16,770	<u>Expenses \$2,000</u>	<u>Expenses \$4,500</u>
<u>Expenses 600</u>	Total \$ 2,000	Total \$4,500
Total \$17,370		

Total Library and Recreation
Salaries \$1,013,322
Expenses 316,410
Total \$1,329,732

And to meet this appropriation raise and appropriate the sum of \$1,329,732. **Motion carried**

Article 5-Motion 6-Operating Budget-Schools-Moved and seconded that the Town vote to appropriate the sum of \$27,946,458 for the Duxbury Schools for the following:

Policy & Administration-	\$1,261,598
Regular Instruction-	15,176,233
Special Instruction-	5,244,601
Instructional Support-	2,556,507
<u>Total Operational Ser.-</u>	<u>3,707,519</u>
Total School Budget-	\$27,946,458

Total Schools
Salaries \$21,146,072
Expenses 6,800,386
Total \$27,946,458

And to meet this appropriation to raise and appropriate the sum of \$27,946,458.

Motion carried

Article 5-Motion 7-Operating Budget-Shared Costs-Moved and seconded that the Town vote to appropriate the sum of \$12,625,453 for Town and School Shared Services and to meet this appropriation, transfer the sum of \$150,000 from the Pension Reserve Fund, and raise and appropriate the sum of \$12,475,453 for the following:

Employee Benefits:

916-Medicare	\$450,000
915-Life Insurance	13,000
914-Employee Health Insurance	6,900,000
911-Contributory Pensions	2,174,974
909-Non-Contributy Pensions	29,500
945-Unemployment Compensation	0
<u>945-Workers Compensation</u>	<u>255,000</u>
Sub-Total employment Benefits	\$9,822,474

Other Shared Costs

945-Fire, Liability, Insurance	\$277,800
<u>132-Reserved Fund</u>	<u>100,000</u>
Sub-total	\$377,800

Debt Service Town & School

710-Principal Payments	\$1,738,513
751-Interest on Bond Debt	646,666
752- Interest on Temporary Notes	20,000
<u>753-Bond Expense</u>	<u>20,000</u>
Sub-Total Debt	\$2,425,179

Total Town/School Shared Costs \$12,625,453 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 \$54,020,952 as the Operating Budget of the Town for the Fiscal Year Beginning July 1, 2010, exclusive of the Water Enterprise and Percy Walker Pool Enterprise Budgets, 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 \$53,840,952 and transfer the sum of \$180,000 in accordance with the transfers voted in motions previously voted:

<u>Departments</u>	<u>Appropriation</u>	<u>Transfer</u>	<u>Raise</u>
General Government	\$2,049,562		\$2,049,562
Public Safety	\$5,796,564		\$5,796,564
Public Works	\$3,763,664	\$30,000	\$3,733,664
Human Services	\$509,519		\$509,519
Library & Recreation	\$1,329,732		\$1,329,732
Education	\$27,946,458		\$27,946,458
Shared Costs	\$12,625,453	\$150,000	\$12,475,453
Totals	\$54,020,952	\$180,000	\$53,840,952

Motion carried

Article 5-Motion 9-Operating Budget-Water-Moved and seconded that the Town vote to appropriate the sum of \$2,609,305 as the Water Enterprise Budget, and to meet this appropriation, raise and appropriate the sum of \$2,509,305 from the User Fees, and to transfer the sum of \$100,000 from the Water Enterprise Fund retained earnings:

Operating	\$1,664,779	
Water Debt	944,526	
Total	\$2,609,305	Motion carried

Article 5-Motion 10-Percy Walker Pool Enterprise Budget-Moved and seconded that the Town vote to appropriate the sum of \$377,531 for the Percy Walker Pool Enterprise Budget and to raise and appropriate the sum of \$377,531 from User Fees:

Salaries	\$179,000	
Expenses	198,531	
Total	\$377,531	Motion carried

The meeting recessed from Noon and reconvened at 1:13pm.

Article 6-Motion-1 Capital Requests-General Government- Moved and seconded that the Town vote to appropriate the sum of \$40,373 for the following:

Assessing:

Ricoh MP 4000B Printer/Copier/Scanner	\$7,373
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Information Systems:

Building Floor Plan Integration with Pictometry	\$3,000
Technology Master Plan	\$30,000

General Government Total	\$40,373
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And to meet said appropriation transfer the sum of \$40,373 from Free Cash, to be expended under the direction of the Town Manager. **Motion carried**

Article 6-Motion 2-Capital Requests-Pubic Safety-Moved and seconded that the Town vote to appropriate the sum of \$404,532 for the following:

Fire Department

Replace 2005 Ambulance	\$200,000
Replace Cardiac Monitors/Defibrillators (3)	50,000
Replace 1999 Deputy Chiefs' Vehicle	30,000
Turnout Gear Pants & Coats (5)	12,000
EMS Training Mannequin	5,000
Renovate Station 1 Bunkroom	10,000

Harbormaster

Replace 2001 Patrol Vehicle	\$31,666
Replace 2000 Ford Expedition	31,666
Telephone System Upgrade	4,200

<u>Police Station Building Committee</u>	
Site Feasibility Study & Testing	\$30,000
Public Safety Total	\$404,532

And to meet said appropriation to transfer the sum of \$404,532 from Free Cash, to be expended under the direction of the Town Manager. **Motion carried**

Article 6-Motion 3-Capital Request-Department of Public Works- Moved and seconded that the Town vote to appropriate the sum of \$445,367 for the following:

<u>Central Building Services</u>	
Town Hall Office Reconfiguration	\$5,065
<u>Land and Natural Resources</u>	
Replace 1998 Bucket Truck H-23	\$175,000
<u>Highway</u>	
Replace 2001 JCB Backhoe H-9	\$153,000
10 foot Power Angle Plow	15,202
<u>Transfer Station</u>	
Replace Fencing	\$17,100
<u>Cemetery</u>	
Reline Crematory Retorts (2)	\$80,000
Total Department of Public Works	\$445,367

And to meet this appropriation to transfer \$445,367 from Free Cash, to be expended under the direction of the Town Manager. **Motion carried**

Article 6-Motion 4- Capital Requests-Library & Recreation-Moved and seconded that the Town vote to appropriate the sum of \$6,900 for Library & Recreation for the following:

<u>Library</u>	
Carpet Replacement	\$2,600
<u>Recreation</u>	
Telephone System Upgrade	\$4,300
Total Library & Recreation	\$6,900

And to meet this appropriation to transfer the sum of \$6,900 from Free Cash, to be expended under the direction of the Town Manager. **Motion carried**

Article 6-Motion 5-Capital Requests-Schools-Moved and seconded that the Town vote to appropriate the sum of \$250,000 for the following:

<u>Information Technology</u>	
Network Upgrades-System Wide	\$10,000
Mobile Class Computer System-System Wide	30,000
Replace Printers-System Wide	13,000
Replace Computers-System Wide	110,000
Projectors-System Wide	38,500
Wireless Technology Phase II-DHS	10,000

<u>Other Capital Items</u>	
Carpet Replacement	\$24,000
Classroom Furniture	6,500
White Marker Boards	8,000
School Department Total	\$250,000

And to meet this appropriation to transfer from Free Cash the sum of \$250,000, to be expended under the direction of the School Committee. **Motion carried**

Article 6-Motion 6-Capital Requests-Water-Moved and seconded that the Town vote to appropriate the sum of \$174,000 for the following:

<u>Water Enterprise Fund</u>	
Water System Master Plan Update	\$50,000
Replace 2002 S-10 Pickup	24,000
PCE Main Pipe Replacement	100,000
Total Water Enterprise Fund Total	\$174,000

And to meet this appropriation to transfer the sum of \$174,000 from Water Department Retained Earnings, to be expended under the direction of the Town Manager.

Motion carried

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 14, 2009 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, and to appropriate the sum of \$50,000 for the purposes of this article and to meet this appropriation to raise and appropriate the sum of \$50,000.

(See Appendix A) **Motion carried**

Article 8-Union Contracts-Moved, seconded and carried to indefinitely postpone this article. (Some contracts settled in the Special Town Meeting and some yet to be settled.)

Article 9-Rescind Debt-Moved, seconded and carried to indefinitely postpone this article.

Article 10- Motion 1-Council on Aging Revolving Fund-Moved and seconded that the Town vote to re-authorize a Revolving Fund under MGL Chapter 44, Section 53E-1/2 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 \$70,000 from said Revolving Fund to be expended under the direction of the Council-On-Aging Director for Senior Programs. **Motion carried**

Article 10-Motion 2-GIS Revolving Fund-Moved and seconded that the Town vote to re-authorize a Revolving Fund under MGL Chapter 44, Section 53E-1/2 to allow the Geographic Information Systems Committee to be credited with all fees and charges received from the provision of GIS services and to authorize the expenditure in an amount not to exceed \$6,000 from said Revolving Fund to be expended under the direction of the Town Manager, for GIS Program Development. **Motion carried**

Article 10-Motion 3-Revolving Fund Jaycox Tree Farm-Moved and seconded that the Town vote to re-authorize a Revolving Fund Under MGL Chapter 44, Section 53E-1/2 to allow the Conservation Commission to set all 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 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 11-Duxbury Beach Lease-2/3 vote required-Moved and seconded that the Town vote to raise the sum of \$400,000 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 on behalf of the Town for the period beginning July 1, 2010 and ending June 30, 2011 on such terms as may be approved by the Board of Selectmen. **2/3 vote required-Motion received the requisite 2/3 vote called by the Moderator and carried**

Article 12-Fourth of July Parade-Moved and seconded that the Town vote to appropriate the sum of \$10,000 to fund the Town of Duxbury's Fourth of July Parade and Ceremony, and to meet this appropriation, transfer the sum of \$10,000 from Free Cash. **Motion carried**

Article 13-Housing Allocation Plan-Moved and seconded that the Town will vote to adopt the Allocations of the Resources of the Duxbury Affordable Housing Trust Fund for Fiscal Year 2011 in accordance with the provisions of Chapter 112 of the Acts of 2005. The provisions of this Allocation Plan are as follows:

A. First Time Homeownership Program

1. Provide gifts, grants, or subsidies to assist low income homebuyers to purchase a home in the town of Duxbury.
2. Purchase rights of first refusal to acquire existing dwelling units for sale to low income households.

B. Conversion of Existing Properties

1. Acquire and rehabilitate or redevelop existing residential units for purchase or rental by low income homebuyers or tenants.
2. Acquire, redevelop or convert existing non-residential structures for low income housing purchasers or tenants.

C. Develop New Affordable Housing Units

1. Acquire and/or construct new residential units for purchase or rental by low income home buyers or tenants.

Motion carried

Article 14-Crematory/Cemetery Office Facility-2/3 vote required-Borrowing-Moved and seconded that the Town vote to appropriate the sum of \$2,600,000 for architectural, engineering, and design services to prepare contact bid documents and to construct and furnish a new Crematory/Cemetery Office Facility to be located on a portion of Parcel 140-501-019 off of Tremont Street, as shown on a Plan on file with the Town Clerk, and to meet

said appropriation to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow the sum of \$2,600,000 under Chapter 44 of the General Laws or any other enabling authority, and to authorize the Town Manager to accept any gifts or grants for such project, said appropriation to be expended under the direction of the Town Manger, and said appropriation to be contingent upon approval by Town voters of a Ballot Question, said question to ask voters at an election to allow the Town to exempt from the Provisions of Proposition 2-1/2 so called, the amounts required to pay for the principal and interest on the bonds or notes to be issued for said purposes. **2/3 vote required-Received the requisite 2/3 vote called by the Moderator and carried.**

Article 15-Fire Station Design—2/3 vote required-Borrowing-Moved and seconded that the Town vote to appropriate the sum of \$292,000 for architectural, engineering, and design services to prepare contract bid documents for rehabilitation of the Fire Department Headquarters building on Parcel 150-503-040 on Tremont Street, and to meet said appropriation to authorize the Treasurer, with approval of the Board of Selectmen, to borrow the sum of \$292,000 under Chapter 44 of the General Laws or any other enabling authority, and to authorize the Town Manager to accept any gifts or grants for such project, said appropriation to be expended under the direction of the Town Manager, and said appropriation to be contingent upon approval by Town voters of a Ballot Question at an election said ballot to ask voters to allow the Town to exempt from the provisions of Proposition 2-1/2 so called, the amounts required to pay for the principal and interest on the bonds or notes to be issued for said purposes. **2/3 vote required. Received the requisite 2/3 vote called by the Moderator and carried**

Article 16-Zoning Open Space-Moved, seconded and carried to indefinitely postpone.

Article 17-Zoning Article-Green Communities-Moved and seconded that the Town vote to amend the Protective Bylaw section 421.3.7 to add the words 'renewable and alternative energy research and development' as follows:

421: Neighborhood Business District 1: Use and Regulation

"421.3.7: Professional office for dental, architectural, engineering, renewable and alternative energy research and development, legal, medical, and other similar recognized professions; medical and dental clinics, including retail uses accessory thereto providing no more than twenty-five percent of the rentable floor space in a principal building exclusive of all storage areas is used therefor."

And, to vote to amend the Protective Bylaw section 302 Definitions by inserting alphabetically the following definition:

302 DEFINITIONS

Research and Development

Administrative research, development, and testing facilities that do not involve the manufacture, fabrication, processing, or sale of products. Such uses shall not violate any odor, dust, smoke, gas, noise, radiation, vibration, or similar pollution standards..

A report was given by the Planning Board.

A hearing was held on Jan. 11, 2010

2/3 vote required -received the requisite 2/3 vote and passed called by the Moderator.

Voted on Saturday, March 13, 2010

The meeting was recessed at 3:50pm to allow the assembly to attend a Memorial service for David Cutler.

The meeting reconvened at 7:30pm on Monday, March 15, 2010

Article 18- Zoning Article-Wind Facilities-Moved and seconded that the Town will vote to amend the Protective Bylaw by adding a new Section 616 entitled "Community-Scale Wind Facilities":

616 COMMUNITY-SCALE WIND FACILITIES

616.1 Purpose and Applicability

The purpose of this section is to provide by special permit for the construction and operation of Community-Scale Wind Facilities, to generate power for use at municipally owned facilities and to provide standards for the placement, design, construction, monitoring, modification and removal of such Community-Scale Wind Facilities that address public safety, minimize impacts on scenic, natural and historic resources of the Town of Duxbury and to provide adequate financial assurance for operating and decommissioning such Community-Scale Wind Facilities.

This section applies to all Community-Scale Wind Facilities proposed to be constructed after the effective date of this section. It shall apply to any size turbines, regardless of rated nameplate capacity. Any new Community-Scale Wind Facility or physical modifications to existing Community-Scale Wind Facilities that materially alters the type or increases the size of such facilities or other equipment shall require a special permit processed in accordance with this section.

Community-Scale Wind Facilities shall be constructed only in the Publicly Owned Land Overlay District (POLOD) and exclusive of the Dunes Protection District and the Wetlands Protection Overlay District.

616.2 Definitions

Community-Scale Wind Facility: A Community-Scale Wind Facility is a Wind Facility where the primary use of the facility is to generate electrical power for use by the Town, inclusive of all equipment, machinery and structures utilized in connection with the conversion of wind energy to electricity. This includes, but is not limited to, transmission, storage, collection and supply equipment, substations, transformers, service and access roads, and one or more Wind Facility.

Height: When referring to a Community-Scale Wind Facility, the height of a Wind Facility will be measured from natural grade to the tip of the rotor blade at its highest point.

Nacelle: The housing around the electrical generator and other systems such as gearboxes and blade controls on a wind turbine. The rotor blades are typically connected to the nacelle.

Rated Nameplate Capacity: The maximum rated output of electric power production equipment. This output is typically specified by the manufacturer with a "nameplate" on the equipment.

Setback: The distance from the base of the Community-Scale Wind Facility tower, measured from the centerline of the Community-Scale Wind Facility tower, to the nearest property line.

Special Permit Granting Authority: The Special Permit Granting Authority shall be the Planning Board.

Wind Monitoring or Meteorological Tower: A temporary tower (Met. Tower) equipped with devices to measure wind speeds and direction used to determine how much wind power a site can be expected to generate.

Wind Facility: A wind turbine device that converts kinetic wind energy into rotational energy that drives an electrical generator. A Wind Facility typically consists of a tower, nacelle body at the top of the tower, and a rotor with two or more blades, also known as a Horizontal-Axis Wind Turbine configuration. However, a Wind Facility could also consist of a Vertical-Axis Wind Turbine configuration. (Refer to Wind Turbine Configurations diagram 616.2a below.)

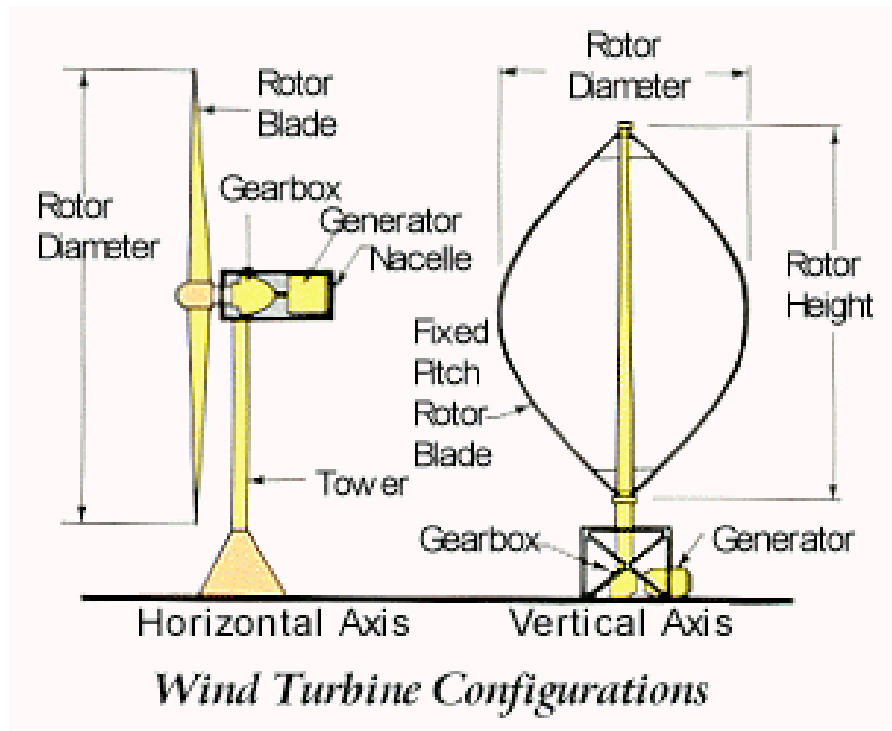


Diagram 616.2a

616.3 Permitting

1) **Special Permit Granting Authority.** No Community-Scale Wind Facility shall be erected, constructed, installed or modified as provided in this section without first obtaining a special permit from the Special Permit Granting Authority (a "Special Permit"). The construction of a Community-Scale Wind Facility shall comply with all requirements set forth in sections 616.3, 616.4, 616.5 and 616.6. All such Community-Scale Wind Facilities shall be constructed and operated in a manner that minimizes any adverse visual, safety, and environmental impacts. A Special Permit may be granted if the Special Permit Granting Authority finds that:

- (a) the specific site is an appropriate and approved location for such use;

- (b) the use is not expected to adversely affect the neighborhood;
- (c) there is not expected to be any appreciable hazard to pedestrians, vehicles or wildlife from the use;
- (d) adequate and appropriate infrastructure will be provided for the proper and safe operation of the Community-Scale Wind Facility; and
- (e) the requirements of section 616.3-616.10 are complied with in all respects;

Temporary erection of Wind Monitoring or Meteorological Towers shall also be required to be permitted as a temporary structure subject to issuance of a building permit for a temporary structure for not more than eighteen months. Wind Monitoring or Meteorological Towers shall comply with the minimum height, setback, lighting and signage requirements as set forth in section 616.4.

2) *Compliance with Laws, Ordinances and Regulations.* The construction and operation of all such proposed Community-Scale Wind Facilities shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, environmental, electrical, communications and aviation requirements.

3) *Proof of Liability Insurance.* The applicant and all appropriate contractors shall provide evidence of liability insurance in an amount and for a duration sufficient to cover loss or damage to persons and structures occasioned by the failure of the facility or reasonably foreseeable events thereat.

4) *Site Control.* At the time of its application for a Special Permit, the applicant shall submit documentation of actual or prospective control of the project site sufficient to allow for installation and use of the proposed facility. Documentation shall also include proof of control over setback areas and access roads, if required.

5) *Contact Data.* The applicant or Community-Scale Wind Facility permit holder shall maintain a phone number, email address, and physical address (all to be posted at the facility) and identify a responsible individual person for the public to contact with inquiries and complaints throughout the life of the project. Such persons shall be accessible at all times during normal business hours and for emergencies on a 24 hour a day, every day basis. The Special Permit shall specify the requirements for a contact person(s).

616.4 Certain Specific Requirements

1) *Height - Community-Scale Wind Facilities and or Monitoring or Meteorological Towers* shall be no higher than 250 feet above the current grade of the land.

2) *Setbacks - Community-Scale Wind Facilities and or Monitoring or Meteorological Towers* shall be set back a minimum distance equal to 1.1 times the overall height of the Wind Facility from the nearest property line and private or public way and a minimum distance equal to 2 times the overall height of the Wind Facility from the nearest existing residential or commercial structure not owned by the applicant seeking to permit the Community-Scale Wind Facility and or Wind Monitoring or Meteorological Towers. The setback zone for Community-Scale Wind Facilities and or Wind Monitoring or Meteorological Towers can fall within the limits of Wetlands Protection Overlay and the Flood Hazard Overlay Districts.

3) *Color and Finish* - The Special Permit Granting Authority shall have discretion over the color of the Community-Scale Wind Facility, although a neutral, non-reflective exterior color designed to blend with the surrounding environment is encouraged.

4) *Lighting and Signage* - No lighting shall be permitted on Community-Scale Wind Facilities and or Monitoring or Meteorological Towers other than lighting required by the Federal Aviation Administration (FAA). Lighting of other parts of the Community-Scale Wind Facility and or Monitoring or Meteorological Towers, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Unless good cause is shown for an exemption, signs on the Community-Scale Wind Facility and or Monitoring or Meteorological Towers shall comply with the requirements of Duxbury's sign regulations, and shall be limited to:

(a) Those necessary to identify the owner, provide a 24-hour emergency contact phone number, and warn of any danger, whether inherent or perceived.

(b) Educational signs providing information about the facility and the benefits of renewable energy.

Community-Scale Wind Facilities shall not be used for displaying any advertising or signage.

5) *Utility Connections* - Utility connections from the Community-Scale Wind Facility to the utilities power grid shall be located underground. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

6) *Appurtenant Structures* - All appurtenant structures to such Community-Scale Wind Facilities shall be subject to reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other and shall be contained within the Wind Facility tower whenever technically and economically feasible. Structures shall only be used for housing of equipment for this particular site. Whenever feasible, structures shall be shielded from view by vegetation or fencing and or located in an underground vault and joined or clustered to avoid adverse visual impacts.

7) *Support Towers* - Monopole towers are the preferred type of support for Community-Scale Wind Facilities, and shall be used unless good cause is shown that a substantial economic hardship or safety consideration merits an alternative.

616.5 Emergency Services

The applicant shall provide a copy of the project summary and site plan to the local emergency services entity, as designated by the Special Permit Granting Authority. Upon request, the applicant shall cooperate with local emergency services in developing an emergency response plan. Wind turbines or other structures part of a Community-Scale Wind Facility shall be designed to prevent unauthorized access.

616.6 Specific Environmental Considerations

1) *Shadow/Flicker* - Community-Scale Wind Facilities shall be sited in a manner that minimizes shadowing or flicker impacts caused by motion of the rotor blades as they pass in front of the sun. The applicant has the burden of proving that this effect does not have significant adverse impact on neighboring or adjacent uses through either siting or mitigation. It is acknowledged that a degree of shadow/flicker effect results from any wind turbine, and that the existence of some “shadow flicker” alone shall not be cause for the refusal to permit a Community-Scale Wind Facility.

2) *Noise* - The Community-Scale Wind Facility and associated equipment shall conform with the provisions of the Department of Environmental Protection’s, Division of Air Quality Noise Regulations (310 CMR 7.10), unless the Department agrees that those provisions shall not be applicable. A source of sound will be considered to be violating these regulations if the source:

(a) Increases the broadband sound level by more than 10 dB(A) above ambient level, or

(b) Produces a “pure tone” condition – when an octave band center frequency sound pressure level exceeds the two adjacent center frequency sound pressure levels by 3 decibels or more.

These criteria are measured both at the property line and at the nearest inhabited residence. Ambient is defined as the background A-weighted sound level that is exceeded 90% of the time measured during equipment hours. The ambient may also be established by other means with consent from the Department of Environmental Protection (DEP). An analysis prepared by a qualified engineer shall be presented to demonstrate compliance with these noise standards.

3) *Land Clearing, Soil Erosion and Habitat Impacts* - Clearing of natural vegetation shall be limited to that which is reasonably necessary for the construction, operation and maintenance of the Community-Scale Wind Facility and is otherwise prescribed by applicable laws, regulations, and ordinances. Community-Scale Wind Facilities shall be designed to minimize land clearing and fragmentation of open space areas.

616.7 Facility Conditions

The applicant shall maintain the Community-Scale Wind Facility in good condition and as a condition for the permit, shall submit with the application a plan for maintaining the Community-Scale Wind Facility in accordance herewith. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Medical Services. The project owner shall be responsible for the cost of maintaining the Community-Scale Wind Facility and any access road, unless accepted as a public way, and the cost of repairing any damage occurring as a result of operation and construction. All material modifications to a Community-Scale Wind Facility made after issuance of the special permit shall require approval by the Special Permit Granting Authority as provided in this section.

616.8 Removal

1) *Removal Requirements* - Any Community-Scale Wind Facility, Wind Monitoring or Meteorological Tower which has reached the end of its useful life, permit term or has been abandoned shall be removed by the facility owner. When the Community-Scale Wind Facility, Wind Monitoring or Meteorological Tower is scheduled to be decommissioned, the

applicant shall notify the Special Permit Granting Authority by certified mail of the proposed date of discontinued operations and plans for removal. The owner/operator shall physically remove the Community-Scale Wind Facility, Wind Monitoring or Meteorological Tower no more than 150 days after the date of discontinued operations. At the time of removal, the Community-Scale Wind Facility, Wind Monitoring or Meteorological Tower site shall be restored to the state it was in before the facility was constructed, or to other less stringent restorative conditions approved by the Special Permit Granting Authority. More specifically, decommissioning shall include provision for:

(a) Physical removal of all wind turbines, Wind Monitoring or Meteorological Tower structures, equipment, security barriers and transmission lines from the site.

(b) Disposal of all solid and hazardous waste in accordance with local and state waste disposal regulations.

(c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Special Permit Granting Authority may allow the owner to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

2) *Abandonment* - Absent notice of a proposed date of decommissioning, the Community-Scale Wind Facility shall be considered abandoned when the facility fails to operate for more than one year without the written consent of the Special Permit Granting Authority. The Special Permit Granting Authority shall determine in its sole discretion what proportion of the facility is inoperable for the facility to be considered abandoned. If the applicant fails to remove the Community-Scale Wind Facility in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the Town shall have the authority to enter the property and physically remove the facility and be indemnified for the costs and all other liabilities associated with the removal.

3) *Surety*- A performance bond equal to the removal cost of the proposed wind facility and restoration of the site may be required as a condition of approval, such bond to be submitted to the Zoning Enforcement Officer prior to issuance of a building permit, and held by the Treasurer.

616.9 Duration

A special permit issued for a Community-Scale Wind Facility shall be valid for the projected useful life of the facilities as determined by the Special Permit Granting Authority based on submissions of the applicant, but in any case not more than 25 years, unless extended or renewed. The time period may be extended or the permit renewed by the Special Permit Granting Authority upon satisfactory operation of the facility. Request for renewal must be submitted at least 180 days prior to the expiration date of the Special Permit. Submitting a renewal request shall allow for continued operation of the facility until the Special Permit Granting Authority acts. At the end of that period (including extensions and renewals), the Community-Scale Wind Facility shall be removed as required by this section.

616.10 Application Procedures

1) *General* - The application for a Community-Scale Wind Facility shall be filed in accordance with section 906 of this Bylaw and the rules and regulations of the Special

Permit Granting Authority concerning special permits as the same maybe revised from time to time, including such revisions and requirements as may be imposed that are consistent with this section and including the items set forth below. Each application for a Special Permit shall be filed by the applicant with the Duxbury Town Clerk pursuant to Massachusetts General Laws.

2) *Required Compliance Documents* - The applicant shall provide the Special Permit Granting Authority with seven copies of the application and all required exhibits. All plans and maps shall be prepared, stamped and signed by a professional engineer or surveyor licensed to practice in the Commonwealth of Massachusetts. Included in the application shall be:

- (a) Name, address, phone number and signature of the applicant, as well as all co - applicants or property owners, if any;
- (b) The name, contact information and signature of any agents representing the applicant;
- (c) A textual description of the project, including the names of all contractors and control persons and a consent to the publications of such description in the local newspaper;
- (d) Documentation of the legal right to use the Community-Scale Wind Facility site; and
- (e) Detailed architectural and structural plans of the proposed Community-Scale Wind Facility including foundation plans and structural calculations.
- (f) Proof of liability insurance that satisfies section 616.3.3;
- (g) Certification of height approval from the FAA,
- (h) A statement that satisfies section 616.6.2, listing existing and maximum projected noise levels from the Community-Scale Wind Facility,

3) *Siting and Design* – Unless otherwise waived by the Special Permit Granting Authority, the applicant shall provide the Special Permit Granting Authority with a description of the property which shall include:

- (a) Copy of a portion of the most recent USGS Quadrangle Map, at a scale of 1:25,000, showing the proposed facility site, including turbine sites, and the area within at least two miles from the facility. Zoning district designation for the subject parcel and surrounding parcels shall be included.
- (b) A one inch equals 40 feet site plan of the proposed Community-Scale Wind Facility site, with contour intervals of no more than two (2) feet, showing the following:
 - (i). Property lines for the subject parcel and adjacent parcels within 500 feet;
 - (ii) Outline of all existing buildings, including purpose (e.g. residence, garage, etc.) on subject parcel and all adjacent parcels within 500 feet. Include distances from the Community-Scale Wind Facility to each building shown;

(iii) Location of all roads, public and private on the site parcel and adjacent parcels within 500 feet, and proposed roads or driveways, either temporary or permanent, including any associated drainage facilities;

(iv) Existing areas of tree cover, including average height of trees, on the site parcel and adjacent parcels within 500 feet;

(v) Proposed location and design of Community-Scale Wind Facility, including all turbines, ground equipment, appurtenant structures, transmission infrastructure, access, fencing, exterior lighting, etc; and

(vi) Location of viewpoints referenced below in 616.10.4 of this section.

4) *Visualizations* - The Special Permit Granting Authority shall select between three and six sight lines, including from the nearest building with a view of the Community-Scale Wind Facility, for pre-and post-construction view representations. Sites for the view representations shall be selected from populated areas or public ways within a 2-mile radius of the Community-Scale Wind Facility. View representations shall have the following characteristics:

(a) View representations shall be in color and shall include actual pre-construction photographs and accurate post-construction simulations of the height and breadth of the Community-Scale Wind Facility (e.g. superimpositions of the Community-Scale Wind Facility onto photographs of existing views); and

(b) All view representations will include existing, or proposed, buildings or tree coverage.

5) *Landscape Plan* - The applicant shall submit a landscape plan indicating all proposed changes to the landscape of the site, including temporary or permanent roads or driveways, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures. Lighting, other than required by the FAA, shall be designed to minimize glare onto abutting properties and be directed downward with full cut-off fixtures to reduce light pollution.

6) *Development, Operation and Maintenance Plan* - The applicant shall submit a plan for the development of the Community-Scale Wind Facility (including the specifications for the Community-Scale Wind Facility and the development timeline and process from ground breaking to commissioning), as well as a plan for maintenance of access roads and storm water controls, and general procedures for operational maintenance of the Community-Scale Wind Facility.

7) *Independent Consultants* - Upon submission of an application for a Special Permit, the Special Permit Granting Authority will be authorized to hire outside consultants pursuant to Massachusetts General Laws. The applicant shall be required to pay all reasonable costs associated with the consultant reviews required by the Special Permit Granting Authority. Such costs shall be pre-paid by the applicant per the rules and regulations of the Special Permit Granting Authority.

616.11 RIGHT OF APPEAL

Any person aggrieved by the decision of the Special Permit Granting Authority may take an appeal to the courts in accordance with Massachusetts General Laws.

Moved and seconded that the Town vote to amend Section 616 in the following sections:

1. Section 616.2-Special Permit Granting Authority was changed from Zoning Board of Appeals to the Planning Board
2. Section 616.3-1)Special Permit Granting Authority last sentence of the first paragraph A Special Permit may be granted if the Special Permit Granting Authority finds that: Shall was changed to may.
- 3) 616.3-1(e)-the requirements of section 616.3-616.10 are complied with in all respects. The change removed and replaced this sequence.616.4, 616.5 and 616.6 with the above. Amendment passed.
- 4) 616.8 (3)-Surety-A performance bond equal to the removal costs of the proposed wind facility and restoration of the site may be required as a condition of approval, such bond to be submitted to the Zoning Enforcement Officer prior to issuance of a building permit, and held by the Town Treasurer.

All amendments are included in the complete text above.

A report was given by the Planning Board

A hearing was held on Jan. 11, 2010

2/3 vote required-Received the requisite 2/3 vote called by the Moderator. Voted at the Monday, March 15th session

Article 19-Zoning Article-Site Plan Review-Moved and seconded that Town will vote to amend the Duxbury Protective Bylaw, Section 615.1 as follows:

615.1 Purpose

The purpose of this bylaw is to promote functional and aesthetic design, construction, and maintenance of certain developments and to minimize any harmful effects on surrounding areas. Such developments include but are not limited to certain multi-family residential, non-residential or mixed use activities, business and professional offices, government activities, commercial establishments, not-for-profit facilities, medical-service facilities, and public recreational facilities, together with their associated outdoor areas for vehicular movement and parking. Owing to their physical characteristic and the nature of their operations, such developments may affect neighboring properties and adjacent sidewalks and streets. Religious and educational facilities shall be exempt from the provisions of this bylaw.

The provisions of this section are designed to assure that all development activities regulated by this Bylaw will be carried out so as to provide for and maintain:

1. Protection of neighboring properties against harmful effects of uses on the development site
2. Convenient and safe access for fire-fighting and emergency rescue vehicles within the development site and in relation to adjacent streets;
3. Convenience and safety of vehicular and pedestrian movement within the development site and in relation to adjacent streets, properties or improvements;

4. Satisfactory methods for drainage of surface water to and from the development site;
5. Satisfactory methods for storage, handling, and disposal of wastewater, refuse, and other wastes resulting from the normal operations of the establishment(s) on the development site;
6. Convenience and safety of off-street loading and unloading of vehicles, goods, products, materials and equipment incidental to the normal operation of the establishment(s) on the development site; and
7. Harmonious relationships to the terrain and to existing buildings in the vicinity of the development site.

The following amendment was voted at the Jan. 11, 2010 public hearing with the amendment to be presented at Town Meeting floor:

To add as the last sentence of the first paragraph of Section 615.1;
“Religious and educational facilities shall be exempt from the provisions of this section of the bylaw.”

The Planning Board held a hearing on Jan. 11, 2010

The Planning Board read a report.

2/3 vote required-Received the requisite 2/3 vote and passed by the Moderator

Article 20-Penalty For Conservation Violations-Moved and seconded that the Town vote to amend Chapter 9.1.10 of the Duxbury General Bylaws

“Non-criminal Disposition – In addition to the procedure of enforcement as described above, the provisions of this Bylaw may also be enforced by the Conservation Commission or its agent, by non-criminal complaint pursuant to the provisions of MGL, c. 40, s 21D. The penalty for violation of any provision of this Bylaw shall be \$300.00 for the first offense; and each subsequent offense. Each provision of the chapter, regulations or permit violation that is violated shall constitute a separate offense.”

Voted at the Monday, March 15, 2010 session.

Motion Carried.

Article 21-CPC-Operating Fund-Moved and seconded that the Town vote, upon recommendation of the Community Preservation Committee, to raise and appropriate the sum of \$76,405 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, 2010 and ending June 30, 2011, said funds to be expended under the direction of the Town Manager.

Motion carried

Article 22-CPC Allocations-Moved and seconded that the Town vote to raise and appropriate, upon recommendation of the Community Preservation Committee, the sum of \$458,430 for the purpose of meeting the requirements of the Community Preservation Act, MGL Chapter 44B, Section 6, for the purposes of Open Space,

Community Housing (Affordable) and Historic Resources (Preservation). **Motion carried**

Article 23-CPC-First Parish Church-2/3 vote required (due to permanent restriction)-Moved and seconded that the Town vote to appropriate, upon recommendation of the Community Preservation Committee, the sum of \$55,000 for the Historic Preservation of the First Parish Church, located on Tremont Street, and for costs related thereto, and to meet said appropriation, to transfer the sum of \$55,000 from the Historic Resources Reserve of the Community Preservation Fund, said funds to be expended 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 deemed by the Board of Selectmen to be in the best interest of the Town. **2/3 vote required. Yes-151 and No-37 Motion carried**

Article 24-CPC-Isaac Keene Barn- 2/3 vote required (due to permanent restriction)-Moved and seconded that the Town vote to appropriate, upon recommendation of the Community Preservation Committee, the sum of \$90,000 for the Historic Preservation of the Isaac Keene Barn, located on Keene Street, including costs related thereto, and to meet said appropriation, to transfer the sum of \$90,000 from the Historic Resources Reserve of the Community Preservation Fund, 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 deemed to be in the best interest of the Town. **2/3 vote required. Yes-125 and No-52 Motion carried**

Article 25-CPC-Survey of Historic Properties-Moved and seconded that the Town vote to appropriate, upon recommendation of the Community Preservation Committee, the sum of \$55,000 to continue a survey of Historic properties, and to meet said appropriation, to transfer the sum of \$55,000 from the Historic Resources Reserve of the Community Preservation Fund, said funds to be expended under the direction of the Town Manager. **Motion carried**

Article 26-CPC-Land Purchase on Congress Street-(Open Space and/or Water Supply)-Moved and seconded that the Town vote to appropriate, upon recommendation of the Community Preservation Committee, the sum of \$185,000 to acquire by purchase and/or eminent domain, for Open Space and/or Water Supply purposes, approximately 60 acres in area, shown on a plan of land on file at the office of the Town Clerk, and for costs related thereto, and to authorize the Board of Selectmen to solicit grants or receive gifts for said purchase and to meet said appropriation, to transfer the sum of \$185,000 from the Open Space Reserves of the Community Preservation Fund, and further to authorize the Town Manager to expend said sums of money from the Community Preservation Fund for the purposes of this Article, and further to authorize the Board of Selectmen to enter into a Permanent Conservation and/or Watershed Preservation Restriction, pursuant to

the Massachusetts General Laws Chapter 44B, Section 12 and Chapter 184, Section 31, on the terms and conditions deemed by the Board of Selectmen to be in the best interest of the Town.

2/3 vote required.

A motion “for the previous question”- a 2/3 vote required- received the requisite

2/3 vote called by the Moderator and carried.

Main motion received the requisite 2/3 vote called by the Moderator and carried.

Article 27-Land Purchase on Kingstown Way for Affordable Housing-Moved, seconded and voted that this article be indefinitely postponed.

Article 28 CPC-Affordable Housing (Grange)- 2/3 vote required (due to permanent restriction)-Moved and seconded that the Town vote to appropriate, upon recommendation of the Community Preservation Committee, the sum of \$150,000 for the purpose of plans and specifications, exterior Historical Restoration and development costs of two affordable housing units on land at 153 and 159 Franklin Street, including costs related thereto, identified as Parcels 120-512-006 and 120-503-007 on the Duxbury Assessors’ Maps as shown on a Plan of Land on file with the Town Clerk, and to authorize the Board of Selectmen to solicit grants or receive gifts for said purposes and to meet said appropriation to transfer the sum of \$150,000 from the Community Housing Reserves of the Community Preservation Fund, and further to authorize the Town Manager to expend said sums of money from the Community Preservation Fund for the purposes of this Article, and further to authorize the Board of Selectmen to enter into a Permanent Affordable Housing 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. **2/3 vote required-Received the requisite vote called by the Moderator and carried**

Article 29- Increase Number of Selectmen from to Three to Five (Citizen’s Petition)-

Moved and seconded that the Town vote to increase the number of Selectmen from three to five.

2/3 vote required-A motion to “move the previous question” and end debate failed.

Called by the Moderator did not reach the requisite 2/3 vote. Debate continued.

Main motion failed.

Article 30-Recall Elections-Moved and seconded that the Town vote to amend the General Bylaws by adding a new Chapter 3.12 entitled, “An Act providing for Recall Elections in the Town of Duxbury. Motion failed. Yes-65 and No -78

Article 31- Water Resolution-Moved and seconded that the Town vote to adopt the Resolution pertaining to Water. Motion failed. Yes-62 and No- 67

Article 32-Pilgrim Station Monitoring-Moved and seconded the Town approve the following: The Town of Duxbury advocates that Pilgrim Nuclear Power Station’s Buried Pipes and Tanks Inspection and Monitoring Program be required to consist

of: a more robust inspection system; cathodic protection; a base line inspection prior to any license extension; and an effective monitoring wells program that adheres to well-established protocols for proper design of monitoring networks. These design standards include: a sufficient number of wells and screen placement; sampling frequency and selection of sampled contaminants to include tritium and a range of other radionuclides that, taken together, serve as specific source indicators; split samples with the Massachusetts Department of Public Health with all reports made public and available to the Commonwealth and local EPZ communities. The current 4-well monitoring system used by Entergy at Pilgrim Station does not meet reasonable standards for monitoring network design. The Clerk of Duxbury shall forward the text of this Article to the Town of Duxbury's State and Federal delegations, to all Select Boards within the Emergency Planning Zone of Pilgrim NPS, the Nuclear Regulatory Commission and Entergy Corp., so that the intent of the Citizens of Duxbury is widely known. **Motion carried**

Article 33- Financial Compensation from Entergy- Moved and seconded that the Town vote to approve the following: The Town of Duxbury recognizes that the operation of the Pilgrim Nuclear Power Station and the storage of radioactive waste on site have an economic impact on the Town of Duxbury that deserves commensurate compensation from the licensee. Therefore the Town is directed to take all appropriate measures to assure that equitable funding is provided to each community annually within the Emergency Planning Zone. The Clerk of Duxbury shall forward the text of this Article to the Town of Duxbury's State and Federal delegations, to all Select Boards within the Emergency Planning Zone of Pilgrim NPS, the Nuclear Regulatory Commission and Entergy Corp., so that the intent of the Citizens of Duxbury is widely known. **Motion carried**

Article 34-Stabilization Fund-Moved, seconded and carried that this article be indefinitely postponed.

Article 35-Free Cash-Moved, seconded and carried that this article be indefinitely postponed.

The Annual Town Meeting was adjourned sine die at 10:55pm on Monday, March 15, 2010

Total-	\$62,750,795.00
Tax Levy-	\$57,712,623.00
Free Cash-	\$1,157,172.00
Other available Funds-	\$ 989,000.00
Borrowing-	\$2,892,000.00

Attendance:

3-13-10 session and 3-15-10 session

Prec. 1 - 74	36
Prec. 2-104	61
Prec. 3- 57	35
Prec. 4- 35	24
Prec. 5- 41	14
Prec. 6- 33	17
Total 244	187

Respectfully submitted,

Nancy M. Oates
Duxbury Town Clerk