

**Duxbury Annual Town Meeting
March 14, 2009 at 9AM
The Duxbury Schools Performing Arts Center
73 Alden Street, Duxbury, MA**

The Town Meeting was called to order on Saturday, March 14, 2009 at 9:05am recessed at 9:20am until the adjournment of the Special Town Meeting sine die at 9:50am and recessed between Noon and reconvened at 1:10pm, and recessed at 5:20pm, reconvened on Monday, March 16th at 7:37pm and recessed at 10:30pm until reconvening on Tuesday, March 17th at 7:30pm until the adjournment of the meeting at 11:43pm all at the Duxbury Schools Performing Arts Center.

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

Article 2-Report of Officers and Committees-Moved and seconded that the Town receive the reports of its Town Officials, Boards, Committees and Commissions, as printed in the Annual Report.
A report was given by the Economic Advisory Committee.
Motion carried

Article 3 Compensation of Elected Officials-Moved and seconded that the Town vote to fix the compensation of the elected Officials for the twelve month period beginning July 1, 2009, in accordance with MGL Chapter 41, Section 108.

	FY-09	FY-10
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	\$67,000
Total	\$77,040	\$77,040
Motion carried		

Article 4-State Highway Funds-Moved and seconded that the Town vote to accept the sum of \$408,876 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

Richard MacDonald-Gave a report of the state of Town finances.
Sue Skeiber- Spoke about School Plans

Article 5-Motion 1-General Government-Moved and seconded that the Town vote to appropriate the sum of \$1,982,825 for General Government and to meet said appropriation to raise and appropriate the sum of \$1,982,825 for the following:

Moderator	Town Meeting	Finance Committee
Salaries \$40	Expenses \$4,920	Expenses \$500
Total \$40	Total \$4,920	Total \$500
Finance Director	Accounting	Selectman/Town Manager
Salaries \$81,370	Salaries \$188,400	Salaries \$224,190
Expenses 2,500	Expenses 48,600	Expenses 26,724
Total \$83,870	Total \$237,000	Total \$250,914
Information Systems	Assessors	Treasurer/Collector
Salaries \$58,201	Salaries \$206,792	Salaries \$276,891
Expenses 114,979	Expenses 21,800	Expenses 62,000
Total \$173,180	Total \$228,592	Total \$338,891
Personnel Board	Town Clerk	Elections
Salaries \$52,000	Salaries \$109,375	Salaries \$8,894
Expenses 3,000	Expenses 3,450	Expenses 14,200
Total \$55,000	Total \$112,825	Total \$23,094
Audit	Legal Services	Tax Title
Expenses \$40,000	Expenses \$195,000	Expense \$15,000
Total \$40,000	Total \$195,000	Total \$15,000
Planning Board	Conservation Com.	Historical Com.
Salaries \$91,479	Salaries \$106,880	Expenses \$250
Expenses 13,170	Expenses 12,120	Total \$250
Total \$104,649	Total \$119,000	
Cable TV Advisory Committee	Total General Government	
Expenses \$100	Salaries \$1,404,512	
Total \$100	Expenses 578,313	
	Total \$1,982,825	Motion carried

Article 5-Motion 2-Public Safety-Moved and seconded that the Town vote to appropriate the sum of \$6,024,054 for Public Safety and to meet said appropriation raise and appropriate the sum of \$6,024,054 for the following:

Police		Fire		Inspectional Services	
Salaries	\$2,991,334	Salaries	\$1,982,353	Salaries	\$381,197
<u>Expenses</u>	<u>222,050</u>	<u>Expenses</u>	<u>228,275</u>	<u>Expenses</u>	<u>25,610</u>
Total	\$3,213,384	Total	\$2,210,628	Total	\$406,807

Harbor/Costal Mgt	
Salaries	\$173,235
<u>Expenses</u>	<u>20,000</u>
Total	\$193,235

Total Public Safety	
Salaries	\$5,528,119
<u>Expenses</u>	<u>495,935</u>
Total	\$6,024,054

Motion carried

Article 5-Motion 3-Public Works-Moved and seconded that the Town vote to appropriate the sum of \$3,633,345 for Public Works-Exclusive of Water with the following change in the warrant: Street Light expenses are increased to \$39,000 and to meet the total appropriation raise and appropriate the sum of \$3,603,345 and transfer the sum of \$30,000 from the Cemetery Perpetual Care Fund to fund the following:

Admin/Engineering	Highway/Road Maintenance	Snow and Ice
Salaries \$251,073	Salaries \$416,407	Salaries \$55,000
<u>Expenses 31,250</u>	<u>Expenses 52,300</u>	<u>Expenses 94,200</u>
Total \$282,323	Total \$468,707	Total \$149,200
Central Fuel Depot	Street Lights	Tarkiln Com. Center
<u>Expenses \$242,500</u>	<u>Expenses \$39,000</u>	<u>Expenses \$1,200</u>
Total \$242,500	Total \$39,000	Total \$1,200
Vehicle Maintenance	Lands /Nat. Resources	Cemetery
Salaries \$98,796	Salaries \$364,108	Salaries \$336,321
<u>Expenses 79,200</u>	<u>Expenses 39,800</u>	<u>Expenses 173,206</u>
Total \$177,996	Total \$403,908	Total \$509,527
Central Bldg. Services	Animal Control	Transfer Station
Salaries \$42,811	Salaries \$50,777	Salaries \$203,181
<u>Expenses 239,000</u>	<u>Expenses 11,087</u>	<u>Expenses 551,928</u>
Total \$281,811	Total \$61,864	Total \$755,109

Town Bldg Maintenance	
<u>Expenses</u>	<u>\$36,900</u>
Total	\$36,900

Sewer	
Salaries	\$14,900
<u>Expenses</u>	<u>208,400</u>
Total	\$223,300

Total DPW	
Salaries	\$1,833,374
<u>Expenses</u>	<u>1,799,971</u>
Total	\$3,633,345

Motion carried

Article 5-Motion 4-Library and Recreation-Moved and seconded that the Town vote to appropriate the sum of \$1,331,464 for Library and Recreation and to meet said appropriation raise and appropriate the sum of \$1,331,464 for the following:

Library	
Salaries	\$849,297
<u>Expenses</u>	<u>307,071</u>
Total	\$1,156,368

Recreation	
Salaries	\$141,826
<u>Expenses</u>	<u>1,900</u>
Total	\$143,726

Percy Walker Pool	
Salaries	\$0
<u>Expenses</u>	<u>7,000</u>
Total	\$7,000

Beach Life Guards	
Salaries	\$16,770
<u>Expenses</u>	<u>1,100</u>
Total	\$17,870

North Hill Golf Course	
<u>Expenses</u>	<u>\$2,000</u>
Total	\$,2000

Public Celebrations	
<u>Expenses</u>	<u>\$4,500</u>
Total	\$4,500

Total Library and Recreation	
Salaries	\$1,007,893
<u>Expenses</u>	<u>323,571</u>
Total	\$1,331,464

Motion carried

Article 5-Motion 5-Human Services-Moved and seconded that the Town vote to appropriate the sum of \$466,840 for Human Services, and to meet said appropriation to raise and appropriate the sum of \$466,840 for the following:

Council on Aging	
Salaries	\$281,314
<u>Expenses</u>	<u>118,765</u>
Total	\$400,079

Veterans Services	
Salaries	\$20,911
<u>Expenses</u>	<u>45,650</u>
Total	\$66,561

Ply. Cty. Coop. Ext.	
<u>Expenses</u>	<u>\$200</u>
Total	\$200

Total Human Services	
Salaries	\$302,225
<u>Expenses</u>	<u>164,615</u>
Total	\$466,840

Motion carried

Article 5-Motion 6- Schools- Moved and seconded that the Town vote appropriate the sum of \$27,646,458 for the Duxbury Schools and to meet said appropriation raise and appropriate the sum of \$27,646,458 for the following:

Duxbury Schools**Salaries \$21,007,868****Expenses 6,638,590****Total \$27,646,458**

Motion carried

Article 5-Motion 7-Shared Costs (Benefit), Insurance & Debt-Moved and seconded that the Town vote to appropriate the sum of \$12,153,436 for Town and Schools shared costs-excluding Debt Service for Water with the following change: Employee Life and Health Insurance is decreased to \$6,731,744 and to meet this appropriation, transfer the sum of \$61,243 from the Pension Reserve Fund and raise and appropriate the sum of \$12, 092,193 for the following:

Town & School Shared Costs**Employee Benefits**

Medicare	\$420,700
Employee Life & Health Insurance	6,731,744
Contributory Pensions	1,905,038
Non-Contributory Pensions	29,500
Unemployment Compensation	50,000
Workers Compensation	235,000
Sub-Total Employee Benefits	\$9,371,982

Other Shared Costs

Fire, Liability, Insurance	\$310,000
<u>Reserve Fund</u>	<u>100,000</u>
Sub-Total Liability Ins/Res Fund	\$410,000

Debt Service Town & School

Principal Payments	\$1,761,774
Interest on Bonds	569,680
Interest on Temp. Notes	20,000
<u>Bond Expense</u>	<u>20,000</u>
Sub-Total School & Town	\$2,371,454

Debt Service Water

Principal Payments	\$760,922
Interest on Bonded Debt	233,789
Interest on Temp. Notes-Water	20,000
<u>Bond Expense</u>	<u>20,000</u>
Sub-Total Water Debt	\$1,034,711

Total: Town/School Shared Costs w/o Water \$12,153,436 Motion carried

Article 5-Motion 8-Total Budget Summary All Motions-Moved and seconded that the Town vote to appropriate the sum of \$53,238,422 as the Operating Budget for the Town for the FY beginning July 1,2009, exclusive of Water Department and Water Debt Service, for 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 \$53,147,179 and transfer the sum of \$91,243 in accordance with the transfer voted in motions previously voted:

MOTIONS	APPROPRIATION	TRANSFER	RAISE
General Government	\$1,982,825		\$1,982,825
Public Safety	\$6,024,054		\$6,024,054
Public Works	\$3,633,345	\$30,000	\$3,603,345
Library and Recreation	\$1,331,464		\$1,331,464
Human Services	\$466,840		\$466,840
Education	\$27,646,458		\$27,646,458
Shared Costs	\$12,153,436	\$61,243	\$12,092,193
Total	\$53,238,422	\$91,243	\$53,147,179

Motion carried

Article 5-Motion 9-Water Operating Budget-Moved and seconded that the town vote to appropriate the sum of \$2,681,660 for the Water Enterprise Budget and to meet this appropriation raise and appropriate the sum of \$2,381,660 from User Fees, and transfer the amount of \$300,000 from Water Enterprise Fund Retained Earnings as follows:

Debt Service Water		Water Enterprise Budget	
Principal Payments	\$760,922	Operating Budget	\$1,646,949
Interest on Bonded Debt	233,789	Debt	<u>1,034,711</u>
Interest on Temp. Notes-Water	20,000	Total	\$2,681,660
<u>Bond Expense</u>	<u>20,000</u>		
Sub-Total Water Debt	\$1,034,711		

Motion carried

The meeting was recessed from Noon until 1:10pm
The meeting reconvened at 1:10pm

Article 6-Capital Requests- Motion 1-General Government-Moved and seconded that the Town vote to appropriate the sum of \$33,045.00 for General Government for the purposes and in the amounts as follows:

\$14,730	For Mobile Cruiser Data Units
\$ 5,315	For Emergency Management Services Software
\$13,000	For Conservation Vehicle

And to meet said appropriation transfer the sum of \$33,045 from Free Cash to be expended under direction of the Town Manager. Motion carried

Article 6-Motion 2-Capital Requests-Public Safety- Moved and seconded that the town vote to appropriate the sum of \$83,456 for Public Safety for purposes and in the amounts as follows:

Purchasing:

\$40,000	Inflatable Boat & Motor-Fire Dept.
\$19,521	Fire Hose Replacement
\$8,000	Self-contained Breathing Apparatus
\$5,000	Fire Engine-Tire Replacement
\$10,935	Aids to Navigation-Harbormaster

And to meet said appropriation transfer the sum of \$83,456 from Free Cash to be expended under the direction of the Town Manager. Motion carried

Article 6- Motion 3-Capital Requests-Dept. of Public Works-Moved and seconded that the Town vote to appropriate the sum of \$184,640 under Public Works for the following purposes and in the amounts as follows:

\$12,000	For Garage Metal Walls
\$70,000	For Re-Lining of Crematory Retorts
\$22,640	For Toro Workman
\$80,000	For New Crematory Design

And to meet said appropriation transfer \$22,640 from the Sale of Lots and Graves, and transfer \$80,000 from Article 6 of the 2004 Annual Town Meeting (Remodel Crematory) and transfer the sum of \$82,000 from Free Cash to be expended under the direction of the Town Manager. Motion carried

Article 6-Motion 4-Capital Request Human Services-Moved and seconded that the Town vote to appropriate the sum of \$5,931 for Human Services to replace flooring in the Kitchen of the Duxbury Senior Center and to meet said appropriation transfer the sum of \$5,931 from Free Cash to be expended under the direction of the Town Manager. Motion carried

Article 6-Motion 5-Capital Request-Library and Recreation-Moved and seconded that the Town vote to appropriate the sum of \$17,000 for Library & Recreation for the purposes and in the amounts as follows:

\$2,000	Replace Gas Water Heater-Library
\$5,000	Install Playground Surfacing
\$10,000	Replace Irrigation Pump- North Hill Golf Course

And to meet said appropriation transfer the sum of \$17,000 from Free Cash, to be expended under the direction of the Town Manager. Motion carried

Article 6-Motion 6-Capital Requests-Schools-Moved and seconded that the Town vote to appropriate the sum of \$400,668 for the Duxbury Public Schools for the purposes and in the amounts as shown in the Finance Committee Recommendation Column and to meet this appropriation raise and appropriate the sum of \$400,668:

Information Technology

Library Software Upgrades-All Schools	\$14,268
Network Upgrades-All Schools	10,000
Mobile Class Computer System-All Schools	35,000
Replace Computers-All Schools	90,000
Install Wireless System Phase II-DHS	12,000
World Language Lab Hardware & Software-DHS	32,500

Other Capital Items

Construct New Classrooms	\$20,000
New Classrooms Furniture	5,000
Replace Classroom Furniture	20,000
Purchase & Replace Cafeteria Tables	12,000
Convert to White Marker Boards	9,000
Replace Drama Scaffolding	5,000
Repair and Improve Air-conditioning-DMS	10,000
Replace Floor Cleaner/Polishers (2)	11,900
Renovate Tennis Courts-DHS	75,000
Repair Indoor and Outdoor Bleachers-DHS	13,000
Replace 1998 Utility Van	25,910
School Department Total	\$400,668

Motion carried

Article 6- Motion 7-Capital Requests-Water-Moved and seconded that the Town vote to appropriate the sum of \$502,000 for Water Department purposes and in the amounts as follows:

\$390,000	To Upgrade Scada System
\$12,000	For Leak Detection
\$100,000	For PCE Pipe Replacement

And to meet said appropriation, transfer the amount of \$502,000 from Water Department Retained Earnings. Motion carried

Article 7-Personnel Plan-Move and seconded that the Town vote to amend the Town Personnel Bylaw*, originally accepted March 12, 1955 and last amended March 8, 2008 by incorporating the changes shown on a handout entitled "Recommended changes to the Town Personnel Bylaw," a copy of which is on file at the Town Clerk's Office, and appropriate the sum of \$50,000 for the purposes of this article and to meet this appropriation raise and appropriate the sum of \$50,000. Motion carried

*see appendix A.

Article 8-Union Contracts- Moved, seconded and carried to indefinitely postpone.

Article 9-Rescind Debt-Moved and seconded that the town vote to rescind the balance of Authorized and Un-issued Debt from the March 10,2007 Special Town Meeting under Article 5 (Seawall Construction); \$350,000 authorized, and \$13,000 to be rescinded. Motion carried

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 ½ to allow the Council on Aging to be credited with all fees and charges received from the 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 ½ 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 for Jaycox Tree Farm-Moved and seconded that the Town vote to re-authorize a revolving fund under MGL Chapter 44, Section 53E½ to allow the Conservation Commission to set fees and to be credited with all fees and charges received from the operation of the Jaycox Christmas Tree Farm and to authorize the expenditure in an amount not to exceed \$15,000 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-Moved and seconded the Town vote to raise and appropriate 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 the behalf of the Town for the period beginning July 1, 2009 and ending June 30, 2010 on such terms as may be approved by the Board of Selectman. 2/3 vote required-(Unanimous) Received the requisite 2/3 vote and carried. (Moderator)

Article 12-4th 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-CPA Surcharge-Citizen's Petition-Moved and seconded that the Town vote to amend certain provisions of the acceptance by the Town at its' Annual Elections on March 24, 2001, of the Community Preservation Act, Section 3 to 7 of Chapter 44B of Massachusetts General Laws, as follows: To change the level of the surcharge from 3% to.25%, and further to place such change approved by the Town Meeting on the ballot for acceptance by the voters of the Town of Duxbury at the next qualifying Town or State Election.

An amendment to honor the 2001 commitment to revisit the Community Preservation Act. Failed

Move the previous question seconded and passed. (2/3 vote required) received the requisite 2/3 vote and passed.

Article failed Yes-154 and No-187

A vote to reconsider received a No.

Article 14-CPC-Operating Fund-Moved and seconded that the Town vote, upon recommendation of the Community Preservation Committee, to raise and appropriate the sum of \$78,000 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, 2009 and ending June 30, 2010, said funds to be expended under the direction of the Town Manager. Motion carried

Article 15-CPC Allocations-Moved and seconded that the Town vote to raise and appropriate, upon recommendation of the Community Preservation Committee, the sum of \$468,000 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 16-CPC-Conservation Fund-Moved and seconded that the Town vote to appropriate upon recommendation of the Community Preservation Committee, the sum of \$77,450 to be added to the Conservation Fund to be used under the direction of the Conservation Commission for any purpose authorized by Chapter 40, Section 8c, and in accordance with Chapter 44B, and to meet said appropriation to transfer the sum of \$77,450 from Open Space Reserves of the Community Preservation Fund. Motion carried

Article 17- CPC-Historic Properties Survey-Moved and seconded that the Town vote to appropriate, upon recommendation of the Community Preservation Committee, the sum of \$9,000 in order to perform a survey of Historic Properties, and to meet said appropriation, to transfer the sum of \$9,000 from the Historic Resources Reserve of the Community Preservation Fund. Motion carried

Article 18-CPC-Tarkiln Building-Moved and seconded that the Town vote to appropriate, upon recommendation of the Community Preservation Committee, the sum of \$435,720 to fund the partial Restoration of the Historic Tarkiln Community Center, located on Summer Street, including costs related thereto, and to meet said appropriation, to transfer the sum of \$435,720 from the Historic Resources Reserves of the Community Preservation Fund, and further to authorize the Board of Selectmen to solicit grants and receive gifts for this purpose, and further to authorize the Town Manager to expend sums of money for the purposes of this article from the Community Preservation Fund and from grants and gifts designated for this purpose. Motion to move the previous question 2/3 vote received. Received the requisite 2/3 vote and passed. Motion carried
A motion to reconsider Article 18 received a No.

Article 19-CPC-War Monument-Moved and seconded that the Town vote to authorize the placement of the World War Monument on Town-owned property and to appropriate, upon recommendation of the Community Preservation Committee, the sum of \$75,000 to rehabilitate the World War Monument, including costs related thereto, and to meet said appropriation, to transfer the sum of \$75,000 from the Historic Resources Reserves of the Community Preservation Fund, and further to authorize the Board of Selectmen to solicit grants and receive gifts for this purpose, and further to authorize the Town Manager to expend sums of money for the purposes of this article from the Community Preservation Fund and from grants and gifts designated for this purpose. Motion carried

The meeting was recessed at 5:20pm until Monday, March 16, 2009 this place at 7:30pm. The meeting reconvened at 7:37pm, Monday March 16, 2009

Article 20- CPC-Bike Path Design -Moved, seconded and failed.

Article 21- CPC Temple Street Affordable Housing-Moved and seconded that the Town vote to dedicate Parcel Number 010-512-001 for purposes of Community Housing, and to authorize a Permanent Restriction on said parcel for Community Housing, pursuant to MGL Chapter 184, and to authorize the Board of Selectmen to issue requests for proposals for the long-term lease of said parcel and further to authorize the Board of Selectmen to enter into a long-term lease of said parcel under terms and conditions that the Board of Selectmen deem to be in the best interests of the Town, and to appropriate, upon the recommendation of the Community Preservation Committee, the sum of \$50,000 for Engineering, Plans & Specifications, and related costs, and to meet said appropriation to transfer the sum of \$50,000 from the Community Housing Reserves of the Community Preservation Fund, and further to authorize the Board of Selectmen to solicit grants and receive gifts for this purpose, and further to authorize the Town Manager to expend sums of money for the purposes of this article from the Community Preservation Fund and from grants and gifts designated for this purpose. 2/3 vote required-Received the requisite 2/3 vote and passed

Article 22-CPC-Housing Recycling Program-Moved and seconded that the Town vote to appropriate, upon recommendation of the Community Preservation Committee, the sum of \$100,000 for the purposes of funding a housing recycling program for Community Housing purposes, and to meet said appropriation to transfer the sum of \$100,000 from the Community Housing Reserves of the Community Preservation Fund, said sum to be expended under the direction of the Town Manager for the purposes of this article, and further to authorize the Town Manager, at the direction of the Board of Selectmen, to transfer said sum to the Affordable Housing Trust, on terms and conditions deemed by the Board of Selectmen to be in the best interests of the Town, and further to authorize the Board of Selectmen to solicit grants and receive gifts for this purpose, and further to authorize the Town Manager to expend sums of money for the purposes of this article from the Community Preservation Fund and from grants and gifts designated for this purpose. Motion carried

Article 23-CPC-Housing Acquisition Program-Moved, seconded and Failed.

Yes-108 and No-161

Article 24-Affordable Housing Lots-Moved and seconded that the Town vote to transfer Parcels 040-500-121 and 090-500-014 to the Affordable Housing Trust, at such time as these lots have been deemed suitable for affordable housing by all appropriate Town Review Boards, on terms and conditions deemed by the Board of Selectmen to be in the best interest of the Town, for the purposes of promoting affordable housing. 2/3 vote required-Received the requisite 2/3 vote and passed-Moderator

Article 25-Affordable Housing-Franklin St-Moved and seconded that the Town vote to dedicate Parcel 120-503-007 for the purposes of Community Housing, and to authorize a permanent restriction on said parcel for Community Housing, pursuant to MGL Chapter 184, and to authorize the Board of Selectmen to issue requests for proposals for the long-term lease of said parcel and further to authorize the Board of Selectmen to enter into a long-term lease of said parcel under terms and conditions that the Board of Selectmen deem to be in the best interests of the Town, and to authorize the Board of Selectmen to solicit grants and receive gifts for this purpose, and further to authorize the Town Manager to expend sums of money for the purposes of this article from grants and gifts designated for this purpose. 2/3 vote required-Received the requisite 2/3 and passed.- Moderator

Article 26-Housing Allocation Plan-Moved and seconded that the Town vote to adopt a Plan for Allocation of the Resources of the Duxbury Affordable Housing Trust Fund for FY-10 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 home buyers or tenants.
2. Acquire, redevelop or convert existing non-residential structures for low income housing purchasers and 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 27-Increased Fee for Demand Notices-Moved and seconded that the Town vote

to authorize the Collector of Taxes to impose a charge of \$10 (Ten Dollars) for each written demand issued by the Collector to be added to and collected as part of the tax authorized by Massachusetts General Laws, Chapter 60, Section 15. Motion carried

Article 28-Municipal Charge Lien-Moved and seconded that the Town vote to authorize all Town Departments to impose a “Municipal Charge Lien” on Real Property for any unpaid fines, fees or permits that have not been paid by the date due as provided in Massachusetts General Laws Chapter 40, Section 58. Motion carried

Article 29- Cemetery/Crematory Stabilization Fund- Moved and seconded that the Town vote to establish a Stabilization Fund for the Crematory and Cemetery as provided in Massachusetts General Laws Chapter 40, Section 5B and to appropriate the sum of \$60,000 for the purposes of this article, and to meet said appropriation transfer the sum of \$60,000 from Free Cash. 2/3 vote required-Received the requisite 2/3 vote and carried-Moderator.

Article 30-Transfer Town Parcels to Conservation Commission-Moved and seconded that the Town will vote to authorize the transfer of Town-owned land, identified as parcels 170-500-048, 170-500-049, 170-500-069, 210-500-001, 210-500-002, 210-500-010, 210-500-018, 210-500-046, 210-500-060, 210-500-066, 212-500-033 and 212-500-093 to be held in the care and custody of the Conservation Commission for conservation purposes under MGL Chapter 40, Section 8c; said parcels being identified by location on documents on file at the Office of Town Clerk. 2/3 vote required-Received the requisite 2/3 vote and carried-Moderator

Article 31-Penalties for Conservation Violations-Moved and seconded that the Town vote to adopt the Provisions of Massachusetts General Laws, Chapter 40, Section 21D to allow the Town the option to utilize a non-criminal procedure for disposition of violations of the Duxbury Conservation Commission Rules and Regulations for Use of Town of Duxbury Conservation Lands as defined in Regulation #17. Motion carried

Article 32-Bog Management-Moved and seconded that the Town vote to authorize the Town Manager to enter into an agreement pursuant to authority contained in Massachusetts General Laws Chapter 30B for the Management of the Cherry Lane Bog (Parcel 100-502-066) and the Duxbury Bog (Parcels 080-502-010 & 090-502-033) for a term of up to Ten (10) years. 2/3 vote required-Received the requisite 2/3 vote and carried-Moderator

Article 33-Combined Police and Fire Station-Moved, seconded and carried to indefinitely postpone this article.

Article 34- Article 34-New Police Station: Moved and seconded that the Town vote to appropriate the sum of \$435,000 for architectural, engineering, and design services to prepare contract bid documents for a new Police Station to be located on a portion of

Parcel number 150-500-039 on Mayflower 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 \$435,000 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 question to ask voters to allow the Town to exempt from provisions of Proposition 2 ½ 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 and Passed.

Voted at the March 16, 2009 Session

Failed at the ATE, March 28, 2009 Yes-1267 and No-1769

Article 35-Rehabilitate Existing Fire Station: Moved and seconded that the Town vote to appropriate the sum of \$5,200,000 for architectural, engineering, and design services to prepare contract bid documents and to construct and furnish the rehabilitation of the Fire Department Headquarters building on Parcel number 150-503-040 on Tremont Street and to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow the sum of \$5,200,000 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 question 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.

A motion to move the previous question (2/3 vote) Yes-214 and No-37

Main motion 2/3 vote-Received the requisite 2/3 vote and passed.

Voted at the March 16, 2009 Session.

Failed at the ATE, March 28, 2009 Yes-1399 and No-1642

Moved, seconded and carried to recess at 10:30pm until Tuesday, March 17, 2009 at 7:30pm this place. Reconvened at 7:30pm, Tuesday, March 17,2009

Article 36-Study for Middle and High Schools: Moved and seconded that the Town vote to appropriate the sum of \$200,000 for a planning Study including architectural, engineering, and design services for the purpose of determining the replacement, renovation, or modernization needs and budgetary costs of the structure and systems of the Duxbury Middle School and Duxbury High School located at 71 Alden Street, Duxbury, MA and 130 Saint George Street, Duxbury, MA, respectively, including but not limited to boilers, mechanical, electrical (service and distribution), HVAC, flooring, walls, windows, roof, plumbing, and temperature control systems (electric and

pneumatic), said sum to be expended under the direction of the School Building Committee and with the approval of the School Committee, and to meet said appropriation, the Treasurer, with the approval of the Board of Selectmen is authorized to borrow the sum of \$200,000 under Massachusetts General Laws Chapter 44, or any other enabling authority, that the Town acknowledges that the Massachusetts School Building Authority's ("MSBA") Grant Program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town, and to authorize the School Building Committee to take all necessary actions to carry out this project, and further provided that the appropriation hereunder shall be subject to and contingent upon an affirmative vote of the Town to exempt the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G. L. 59, Section 21c (Proposition 2 ½), and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the feasibility study agreement that may be executed between the Town and the MSBA.

2/3 vote required. Received the requisite 2/3 vote and passed.

Voted at the March 17, 2009 Session

Was voted at the ATE held on March 28 and was passed Yes-1740 and No-1320

Article 37-Chandler School Roof: Moved and seconded that the Town vote to appropriate the sum of \$1,540,000 for architectural, engineering, design services, bid documents, and construction work for the purpose of replacing the roof of the original portions of Chandler School located at 93 Chandler St., Duxbury, MA (excludes the additions constructed in 2002), said sum to be expended under the direction of the School Building Committee and with the approval of the School Committee, and to meet said appropriation, authorize the Treasurer to borrow the sum of \$1,540,000, pursuant to Chapter 44 of the Massachusetts General Laws or any other enabling authority, and further to authorize the School Building Committee to take all necessary actions to carry out this project; such proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the Town may be eligible for a grant from the Massachusetts School Building Authority ("MSBA"); further that the Town acknowledges that the MSBA's Grant Program is a non-entitlement, discretionary program based on need, as determined by MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town and any grant that the Town may receive from the MSBA for the project shall not exceed the lesser of (1) forty percent (40%) of eligible, approved project costs as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; said appropriation to be contingent upon approval by Town voters of a ballot question at an election, said ballot question to ask voters to allow the Town to exempt from the Provisions of Proposition 2 ½ so-called, the amounts required to pay 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 and passed.

Voted at the March 17, 2009 Session

Was voted at the ATE held on March 28, 2009 and was passed Yes-2261 and No 820

Article 38- Percy Walker Pool-Moved and seconded that the Town vote to appropriate the sum of \$2,200,000 for construction, furnishings, and associated services for the renovation and improvement of the Percy Walker Pool, and to meet this appropriation, to authorize the Treasurer, with the approval of the Board of Selectmen to borrow the sum of \$2,200,000 for the purposes of this article under Chapter 44 of the General Laws, or other enabling authority, and further to authorize the Board of Selectmen to solicit grants or receive gifts for the purposes of this article, and further to authorize the Town Manager to expend sums of money for the purposes of this article, and that said appropriation be contingent upon approval by Town voters of a ballot question at an election, said ballot question to ask voters to allow the Town to exempt from the Provisions of Proposition 2 ½ 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 for moving the previous question-received the requisite 2/3 vote and passed.

Main motion-2/3 vote required- Received the requisite 2/3 vote and passed.

Motion moved and seconded for reconsideration. A No vote –it may not be reconsidered. Voted at the March 17, 2009 Session.

Was voted at the ATE held on March 28, 2009 and was passed
Yes-2059 and No-1042

Article 39-Open Space Definition and Lot Coverage- (Handout)-Moved, seconded and failed -2/3 vote required Yes-105 and No-80

A motion to reconsider failed 2/3 vote required – A No vote-it may not be reconsidered.

Article 40-Parking Regulations (Zoning Bylaw)-(Hand out)-Moved seconded and carried to indefinitely postpone this article.

Article 41-Street Acceptance-Hillside Lane and Amado Way-Moved and seconded that the Town vote to accept the layouts of Hillside Lane and Amado Lane as Public Ways in the Town of Duxbury, in accordance with the descriptions and 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 ways. (A re-vote from previous ATM 2007) 2/3 required-Received the requisite 2/3 vote and carried

Article 42-Zoning Map-Moved and seconded that the Town vote to adopt an amended Zoning Map entitled, "Town of Duxbury, Massachusetts Zoning Map" dated March 2009 as created by Greatwall GIS Services consisting of seven (7) sheets in total.

That is on file at the Town Clerk's office and then subsequently amend the Protective Bylaw by striking the words "Town of Duxbury, Massachusetts Zoning Map dated March 2007" and substitute in its place the words "Town of Duxbury, Massachusetts Zoning Map dated March 2009" in the following Sections:

Section 202.1 (Zoning Map), Section 410, Section 420 and Section 430.

Voted at the March 17, 2009 Session of the Meeting.

A hearing was held by the Planning Board.

A report was read by the Planning Board.

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

Accepted by the Attorney General on April 7, 2009

Printed in the Duxbury Clipper Legal Notices on May 6 and May 13, 2009

Article 43-Amend Zoning Bylaw (Wireless Telecommunications)-Moved and seconded that the Town vote to amend the Duxbury Protective Bylaw Article 400, Section 403.5

5. Wireless Telecommunication Services Facility in accordance with Section 610

And to further amend Article 400, Section 404.6 by adding the following language;

7. Wireless Telecommunication Services Facility in accordance with Section 610

And to further amend Article 400, Section 410.3 by adding the following language;

11. Wireless Telecommunication Services Facility in accordance with Section 610

And to further amend Article 400, Section 421.4 by adding the following language;

6. Wireless Telecommunication Services Facility in accordance with Section 610

And to further amend Article 400 Section 422.3 by adding the following language;

7. Wireless Telecommunication Services Facility in accordance with Section 610

And to further amend Article 600, Section 610.4 (5) (d) as follows:

Additions to the original text are shown in ***bold italicized print***:

In the dunes Protection District ***and Wetlands Protection Overlay District*** or in wetlands, wetland buffer areas or other environmentally sensitive natural areas that are subject to the jurisdiction of the Conservation Commission under the Massachusetts Wetlands Protection Act, the Duxbury Wetlands Bylaw or this bylaw, without approval of the Conservation Commission. All proposals shall be subject to review by the Conservation Commission as authorized by state and local regulations.

And to further amend Article 600 Section 610.5 (3) as follows: Additions to the original text are shown in ***bold italicized print***. Deletions from the original text are shown in ~~strike through format~~:

The minimum distance from the center of the tower base of any wireless telecommunications service tower to a dwelling unit located on adjacent or nearby property shall be ~~800~~ ***400*** feet.

An amendment to change some typing errors in the first five sentences in the warrant.

Received the requisite 2/3 vote and passed called by the Moderator

2/3 vote required -Main motion, as amended, Received the requisite 2/3 vote and passed called by the Moderator.

Voted at the March 17, 2009 Session

Accepted by the Attorney General on April 7, 2009

Printed in the Duxbury Clipper Legal Notices on May 6 and May 13, 2009

Article 44-Trench Regulations-Moved and seconded the Town vote to authorize the Town Manager to designate a Permitting Authority to implement the Provisions of Excavation and Trench Safety Regulations, as promulgated by the Commonwealth of Massachusetts Department of Public Safety, in accordance with Massachusetts General laws, Chapter 82A. Motion carried

Article 45-Verizon Easement-Moved and seconded that the Town vote to authorize the Selectmen to grant Verizon New England, Inc., its successors and assigns, or any licensee from it (herein after called the Grantee) the Perpetual Right and Easement to access, operate, maintain, connect, extend, replace and remove poles, which may be maintained at different times with the necessary conduits, cables, wires, anchors, guys, supports and fixtures appurtenant thereto for the transmission and/or distribution of telecommunications upon, over and across that certain Parcel of Town-owned land namely:

being shown as Lot A on Church Street on a Plan entitled: "Plan of Land in Duxbury, MA, dated May 24, 1978 Whitman & Howard, Inc., Engineers and Architects" which Plan is on file with the Office of the Town Clerk.

To provide Permanent Rights for Verizon New England, Inc.

2/3 vote required- Received the requisite 2/3 vote and carried-Moderator

Article 46-Amend Zoning Bylaw (Wind Facilities)-Moved, seconded and carried to indefinitely postpone this article.

Article 47-Owner's Re-zoning Petition First Baptist Church-Moved, seconded and carried to indefinitely postpone this article.

Article 48-Owner's Re-zoning Petition Island Creek-Moved, seconded and carried to indefinitely postpone this article.

Article 49- Amend General Bylaws-Public Use Of Marijuana-Moved and seconded that the Town vote to amend the General Bylaws by adding the following new Section 7.5, entitled "Public Use of Marijuana or Tetrahydrocannabinol", and by renumbering the existing sections 7.5 through 7.18 accordingly:

No person shall smoke, ingest, or otherwise use or consume marijuana or tetrahydrocannabinol (as defined in MGL Chapter 94C, Section 1, as amended) while in or upon any street, sidewalk, public way, footway, passageway, stairs, bridge, park,

playground, beach, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned by or under the control of the Town; or in or upon any bus or other passenger conveyance operated by a common carrier; or in any place accessible to the public.

This bylaw may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by non-criminal disposition pursuant to MGL Chapter 40, Section 21D by any police officer. The fine for violation of this bylaw shall be three-hundred dollars (\$300) for each offense. Any penalty imposed under this bylaw shall be in addition to any civil penalty imposed under MGL Chapter 94C, Section 32L. Voted at the March 17, 2009 Session of Town Meeting. Motion carried.

Accepted by the Attorney General on May 18, 2009

Printed in the Duxbury Clipper legal Notices on May 27 and June 3, 2009

Article 50-Stabilization Fund-Moved, seconded and carried to indefinitely postpone this article.

Article 51-Use of Free Cash to Reduce the Tax Rate-Move, seconded and carried to indefinitely postpone this article.

Moved, seconded and carried to adjourn this meeting sine die at 11:43pm on March 17, 2009

Certifications:

Total Appropriation	\$68,534,992.00
Tax Levy	\$56,925,507.00
Other Available Funds	\$1,743,053.00
Free Cash	\$291,432.00
Borrowing	\$9,575,000.00

Attendance:

Saturday, March 14, 2009-480
Monday, March 16, 2009-344
Tuesday, March 17, 2009-333

Respectfully submitted

Nancy M. Oates
Duxbury Town Clerk