

ANNUAL TOWN MEETING
March 8, 2008
Duxbury Performing Arts Center
73 Alden Street, Duxbury, MA

The meeting was called to order by the Moderator at 9:05am, and recessed at 9:17am for a Special Town Meeting which was adjourned sine die at 10:17am. The meeting reconvened at 10:20am and recessed for lunch at 12:15pm and reconvened at 1:20pm until recessing at 5:20pm until Monday, March 10, 2008 reconvening at 7:30pm. The meeting was recessed at 10:30pm until reconvening at 7:30pm on Tuesday, March 11, 2008 and adjourning sine die at 9:55pm. All the meetings were held at the Duxbury Performing Arts Center.

March 8-Articles 1-15
March 10-Articles 16-27
March 11-Articles 28-42

Article 1-Moved and seconded that the Town vote 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 , Committee, and Commissions as printed in the Annual Report.
A report was given by Scott Zoltowski for the Open Space Committee
Motion carried

Article 3-Moved and seconded that the Town fix the compensation of the elected officials for the Twelve month period beginning July 1, 2008 as set forth in column entitled "Finance Committee recommended FY-09" and appropriate the sum of \$77,040 for the purposes of this article as follows:

Moderator	\$40	
Selectmen		
Chair	\$2,000	
Member	\$1,500	
Member	\$1,500	
Assessors		
Chair	\$2,000	
Member	\$1,500	
Member	\$1,500	
Town Clerk	\$67,000	Motion carried

Article 4-State Highway Fund-Moved and seconded that the Town vote to accept the Sum of \$409,278.00 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 6 A. **Motion carried**

Article 5-Operating Budget

Motion 1-General Government-Moved and seconded that the Town vote to appropriate the sum of \$1,900,724 and to meet this appropriation to raise and appropriate the sum of \$1,900,724 for the following purposes:

Selectmen/Manager	Finance Director	Accounting
Salaries \$243,350	Salaries \$81,370	Salaries \$193,894
<u>Expenses 31,122</u>	<u>Expenses 2,000</u>	<u>Expenses 47,125</u>
Total \$274,472	Total \$83,370	Total \$241,019
Computer Department	Assessors	Personnel Board
Salaries \$56,401	Salaries \$195,792	Salaries \$5,575
<u>Expenses 100,427</u>	<u>Expenses 29,945</u>	<u>Expenses 3,000</u>
Total \$156,828	Total \$225,737	Total \$8,575
Treasurer/Collector	Town Clerk	Elections
Salaries \$307,552	Salaries \$42,798	Salaries \$27,375
<u>Expenses 61,000</u>	<u>Expenses 3,250</u>	<u>Expenses 16,800</u>
Total \$368,552	Total \$46,048	Total \$44,175
Planning Board	Conservation Commission	Legal Services
Salaries \$89,978	Salaries \$90,800	<u>Expenses \$190,000</u>
<u>Expenses 13,250</u>	<u>Expenses 12,150</u>	Total \$190,000
Total \$103,228	Total \$102,950	
Town Meeting	Finance Committee	Audit
<u>Expenses \$4,290</u>	<u>Expenses \$500</u>	<u>Expenses \$40,000</u>
Total \$4,290	Total \$500	Total \$40,000
Tax Title	Cable T V Advisory Com.	Historical Commission
<u>Expenses \$10,000</u>	<u>Expenses \$100</u>	<u>Expenses \$250</u>
Total \$10,000	Total \$100	Total \$250
Total General Government		
Salaries \$1,334,885		
<u>Expenses 565,839</u>		
Total \$1,900,724	Motion carried	

Motion 2-Public Safety-Moved and seconded that the Town vote to appropriate the sum of \$6,123,123 and to meet this appropriation raise and appropriate the sum of \$6,123,123 for the following purposes:

Police		Animal Control		Fire	
Salaries	\$2,967,680	Salaries	\$50,777	Salaries	\$1,975,966
Expenses	<u>264,965</u>	Expenses	<u>12,213</u>	Expenses	<u>219,353</u>
Total	\$3,232,645	Total	\$62,990	Total	\$2,195,319
Inspectional Services		Harbor/Coastal Mgt		Public Safety	
Salaries	\$384,521	Salaries	\$187,548	Salaries	\$5,566,492
Expenses	<u>34,100</u>	Expenses	<u>26,000</u>	Expenses	<u>556,631</u>
Total	\$418,621	Total	\$213,548	Total	\$6,123,123

Motion carried

Motion-3 Public Works-Moved and seconded that the Town vote to appropriate the sum of \$5,269,505 and to meet this appropriation transfer the sum of \$40,000 from the Cemetery Perpetual Care Fund, transfer the sum of \$1,612,462 from the Water Enterprise Fund, and raise and appropriate the sum of \$3,617,043 for the following purposes:

Admin/Engineering		Highway/Road Maintenance		Snow and Ice	
Salaries	\$233,469	Salaries	\$379,948	Salaries	\$55,000
Expenses	<u>26,100</u>	Expenses	<u>63,450</u>	Expenses	<u>94,200</u>
Total	\$259,569	Total	\$443,398	Total	\$149,200
Vehicle Maintenance		Lands/ Natural Resources		Cemetery	
Salaries	\$93,561	Salaries	\$342,941	Salaries	\$317,998
Expenses	<u>79,800</u>	Expenses	<u>48,900</u>	Expenses	<u>164,630</u>
Total	\$173,361	Total	\$391,841	Total	\$482,628
Central Bldg Service		Transfer Station		Water	
Salaries	\$39,688	Salaries	\$194,516	Salaries	\$590,283
Expenses	<u>225,350</u>	Expenses	<u>755,212</u>	Expenses	<u>1,022,179</u>
Total	\$265,038	Total	\$949,728	Total	\$1,612,462
Sewer		Central Fuel Depot		Street Lights	
Salaries	\$14,945	Expenses	<u>\$228,400</u>	Expenses	<u>\$39,000</u>
Expenses	<u>221,635</u>		\$228,400	Total	\$39,000
Total	\$236,580				
Town Building Maintenance		Tarkiln Community Center		DPW (W/O Water)	
Expenses	<u>\$36,200</u>	Expenses	<u>\$2,100</u>	Salaries	\$1,672,066
Total	\$36,200	Total	\$2,100	Expenses	<u>1,984,977</u>
				Total	\$3,657,043
DPW					
Salaries	\$2,262,349				
Expenses	<u>3,007,156</u>				

Grand Total \$5,269,505 DPW-Water, Included Motion Carried

Motion 4-Library and Recreation-Moved and seconded that the Town vote to appropriate the sum of \$1,600,976 and to meet this appropriation to raise and appropriate the sum of \$1,600,976 for the following purposes:

Library		Recreation		Percy Walker Pool	
Salaries	\$841,029	Salaries	\$140,626	Salaries	\$178,826
<u>Expenses</u>	<u>302,293</u>	<u>Expenses</u>	<u>5,252</u>	<u>Expenses</u>	<u>109,080</u>
Total	\$1,143,322	Total	\$145,878	Total	\$287,906
Beach Life Guards		North Hill Golf Course		Public Celebrations	
Salaries	\$16,770	<u>Expenses</u>	<u>\$2,000</u>	<u>Expenses</u>	<u>\$4,000</u>
<u>Expenses</u>	<u>1,100</u>	Total	\$2,000	Total	\$4,000
Total	\$17,870				

Library and Recreation
Salaries \$1,177,251
Expenses 423,725
Total \$1,600,976

Motion Carried

Motion 5-Human Services-Moved and seconded that the Town Vote to appropriate the sum of \$476,923 and to meet this appropriation to raise and appropriate the sum of \$476,923 for the following purposes:

Council on Aging		Veterans Services		PlymouthCounty Coop.Ext	
Salaries	\$307,112	Salaries	\$20,911	<u>Expenses</u>	<u>\$200</u>
<u>Expenses</u>	<u>112,250</u>	<u>Expenses</u>	<u>36,450</u>	Total	\$200
Total	\$419,362	Total	\$57,361		

Human Services
Salaries \$328,023
Expenses 148,900
Total \$476,923

Motion carried

Motion 6-Schools-Moved and seconded that the Town vote to appropriate the sum of \$26,746,458 for the Duxbury Schools, and to meet this appropriation to raise and appropriate the sum of \$26,746,458 for the following purposes:

Duxbury Schools
Salaries \$20,147,418
Expenses 6,599,040
Total \$26,746,458

Motion carried

Motion 7-Shared Costs-Moved and seconded that the town vote to appropriate the sum of \$14,782,734 for shared costs and to meet this appropriation to transfer the amount of

\$150,000 from the Pension Reserve Fund, transfer the amount of \$901,165 from the Water Enterprise Fund, and the sum of \$300,000 from the Water Enterprise Fund Retained Earnings, and Raise and appropriate the sum of \$13,431,569 for the following purposes:

Town and School Shared Costs

Employee Benefits

Medicare	\$400,000
Employee Life & Health Insurance	7,290,000
Contributory Pensions	1,843,795
Non-Contributory Pensions	29,500
Unemployment Compensation	50,000
<u>Workers Compensation</u>	<u>308,610</u>
Sub-Total Employee Benefits	\$9,921,905

Other Shared Costs

Fire, Liability, Insurance	\$291,718
<u>Reserve Fund</u>	<u>100,000</u>
Sub-Total Liability Ins/Res Fund	\$391,718

Debt Service Town and School

Principal Payments	\$2,554,860
Interest on Bonded Debt	673,086
Interest on Temp. Notes	20,000
<u>Bond Expense</u>	<u>20,000</u>
Sub-Total Debt	\$3,267,946

Debt Service Water

Principal Payments	\$880,000
Interest on Bonded Debt	216,165
Interest on Temp. Notes-Water	25,000
<u>Bond Expense</u>	<u>80,000</u>
Sub-Total Water Debt	\$1,201,165

Town and School Shared Costs \$14,782,734 Motion carried

Motion 8-Total Budget Summary Article 5-Moved and seconded that the vote to appropriate the sum of \$56,900,443 as the Operating Budget of the Town for the FY-09 beginning July 1, 2008 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 \$53,896,816 and transfer the amount of \$3,003,627 in accordance with the transfers voted in Motions previously voted as follows:

Items	Appropriation	Transfer	Raise
General Government	\$1,900,724	-----	\$1,900,724
Public Safety	\$6,123,123	-----	\$6,123,123

Public Works	\$5,269,505	\$1,652,462	\$3,617,043
Library & Recreation	\$1,600,976	-----	\$1,600,976
Human Services	\$476,923	-----	\$476,923
Education	\$26,746,458	-----	\$26,746,458
Emp.Ben.Shared Costs	\$14,728,734	\$1,351,165	\$13,431,569
Total	\$56,900,443	\$3,003,627	\$53,896,816

A Motion was made to reconsider, but was withdrawn.

Motion carried

Recessed for lunch at 12:10 pm and reconvened at 1:17 pm.

Article 6-Capital Requests-General Government

Motion 1-Moved and seconded that the town vote to appropriate the sum of \$71,879 for the purposed and amounts as follows:

\$30,000 for Document Management Software

\$41,879 for Emergency Management Services Software (Fire Dept)

And to meet this appropriation to transfer the sum of \$25,000 from the Isabelle Freeman Fund and transfer the sum of \$46,879 from Free Cash to be expended under the direction of the Town Manager.

Motion carried

Motion 2-Moved and seconded that the Town vote to appropriate the sum of \$128,070 for Public Safety for purposes and in the amounts as follows:

\$96,000 for Brush-Breaker Refurbishment-Fire Dept.

\$10,000 for Inflatable Boat & Motor-Fire Dept

\$10,000 for Defibrillators-Fire Dept

\$10,700 for Outboard Motor Replacement-Marine Unit#2-Harbormaster

\$2,000 for Town Pier Mooring Gear-Harbormaster

And to meet this appropriation transfer the sum of \$10,000 from Overlay Surplus and transfer the sum of \$118,070 from Free Cash to be expended under the direction of the Town Manager. **Motion carried**

Motion 3-Moved and seconded that the Town vote to appropriate the sum of \$187,000 for Public Works

For the purposes and in the amounts as follows:

\$40,000 for Town Hall Air Handler

\$60,000 for Stake Body Truck

\$7,000 to pave Shipyard Lane Parking Lot

\$50,000 for One-Ton Dump Truck

\$30,000 to Re-Line Crematory Retorts

And to meet said appropriation transfer \$50,000 from the sale of lots and graves and transfer the sum of \$130,000 from Overlay Surplus and transfer the sum of \$7,000 from Free Cash to be expended under the direction of the Town Manager. **Motion carried**

Motion 4-Moved and seconded that Town vote to appropriate the sum of \$8,000 for Library and Recreation to purchase replacement components for the Irrigation System at North Hill Golf Course and to meet this appropriation transfer the sum of \$8,000 from Free Cash to be expended under that direction of the Town Manager. **Motion carried**

Motion 5-Moved and seconded that the town vote to appropriate the sum of \$720,000 for the Water Department for the purpose and in the amounts as follows:

\$620,000 Damon Well Construction
\$100,000 PCE Main Pipe Replacement

And to meet this appropriation transfer the sum of \$150,000 from Water Enterprise Fund Retained Earnings, and the Treasurer with the approval of the Board of Selectmen is authorized to borrow the sum of \$570,000 in accordance with M.G.L. Chapter 44, or any other enabling authority, to be expended under the direction of the Town Manager. 2/3 vote required **Motion received the requisite 2/3 vote and carried.**

Article 7-Motion 1-Capital Exclusion-Public Safety-Moved and seconded that the Town vote to appropriate the sum of \$36,000 to replace the Fire Chief's vehicle , and to meet this appropriation to raise the sum of \$36,000 to be expended under the direction of the Town Manager and that the appropriation of these funds be subject to passage of a Capital Exclusion override. **Motion carried**

Article 7-Motion 2-Capital Exclusion-Public Works-Moved and seconded that the Town vote to appropriate the sum of \$92,000 for Public Works for the purposes and in the amounts as follows:

\$22,000 for Town Hall Roof
\$30,000 for Old Town Hall Shingles & Trim
\$40,000 for Hazardous Tree Removal

And to meet this appropriation raise the sum of \$92,000 to be spent under the direction of the Town Manager, and that the appropriation of these funds be subject to the passage of a Capital Exclusion Override. **Motion carried**

Article 7-Motion 3-Capital Exclusion-Library & Recreation-Moved and seconded that the town vote to appropriate the sum of \$22,000 to repair the Alden Tennis Courts and to meet this appropriation to raise the sum of \$22,000 to be expended under the direction of the Town Manager, and that the appropriation of these funds be subject to the passage of a Capital Exclusion Override. **Motion carried**

Article 7-Motion 4-Capital Exclusion Schools- Moved and seconded that the Town vote to appropriate the sum of \$466,774 for the Duxbury Schools for the purpose and in the amounts as shown in a Hand-Out and to meet this appropriation to raise and appropriate the sum of \$466,774 to be expended under the direction of the Town Manager, and that the appropriation of these funds be subject to the passage of a Capital Exclusion override. **Motion carried**

Article 8-Personnel Bylaw-Moved and seconded that the Town vote to amend the Personnel Bylaw originally accepted March 12, 1955 and last amended March 10, 2007 by replacing the current Management Schedule, Regular Employee Provisions, and Compensation Schedules Q, T, and R with revised July 1, 2008 Management Schedule, Regular Employee Provisions, and compensation Schedules Q, T, and R which are on file at the Town Clerk's office, to become effective July 1, 2008 and to appropriate the sum of \$129,800 for the purposes of this article and to meet this appropriation to raise and appropriate the sum of \$125,800 and transfer the sum of \$4,000 from the Water Enterprise Fund. **Motion carried**

Article 9-Union Contracts-DPW-Moved and seconded that the Town vote to appropriate the sum of \$64,000 for the purpose of funding a Collective Bargaining Agreement with the American Federation of State, County and Municipal Employees, Council 93, Local 1700, Duxbury DPW Employees Unit for the Fiscal year beginning July 1, 2008 and ending June 30, 2009, and to meet this appropriation to raise and appropriate the sum of \$49,000 and transfer the sum of \$15,000 from the Water Enterprise Fund. **Motion carried**

Article 10-Duxbury Beach Lease-Moved and seconded that 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 Shorebirds 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, 2008 and ending June 30, 2009 on such terms as may be approved by the Board of Selectmen. **2/3 vote required- Received the requisite 2/3 vote and carried**

Article 11-July 4th Parade-Move and carried that the Town vote to raise and appropriate the sum of \$10,000 to fund the Town of Duxbury's Fourth of July Parade and ceremony. **Motion carried**

Article 12-Conservation Fund-Moved and seconded that the Town vote to raise and appropriate the sum of \$17,000 to be added to the Conservation Fund and to be used under the direction of the Conservation Commission for any purpose authorized by Chapter 40, Section 8C. **Motion Carried**

Article 13-Council on Aging Revolving Fund-Motion 1-Moved and seconded that the Town vote to re-authorize a Revolving Fund under M.G.L. Chapter 44 Section 53E1/2 to allow the Council on Aging to be credited with all fees and charges received from 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 13-Motion 2-GIS Revolving Fund-Moved and seconded that the Town vote to re-authorize a Revolving Fund under MGL Chapter 44 Section 53E1/2 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 \$40,000.00 from said revolving fund to be expended under the direction of the Town Manager, for GIS Program Development. **Motion carried**

Article 13-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 53E1/2 To allow the Conservation Commission to set Fees and charges received from the operation of the Jaycox Christmas Tee Farm and to authorize the expenditure in an amount not to exceed \$15,000.00 from said revolving fund to be expended under the direction of the Conservation Administrator for supplies and any needs of the Jaycox Christmas Tree Farm. **Motion carried**

Article 14- Rescind Debt-Moved and seconded that the Town vote to rescind the balance of authorized and un-issued debt from:

The March 10, 2001 Special Town Meeting under Article 1 (School Facilities); \$39,436,000 authorized, and \$20,000 to be rescinded.

The 2005 Annual Town Meeting under Article 6 (Department Equipment: Jaws of Life); \$25,000 authorized, and \$100 to be rescinded.

The 2005 Annual Town Meeting under Article 6 (Building Alarms); \$100,000 authorized, \$16,000 to be rescinded.

The March 10, 2007 Special Town Meeting under Article 5 (Seawall Construction); \$350,000 authorized, \$212,000 to be rescinded. **Motion carried to rescind**

Article 15-Public Safety Buildings-Moved and seconded that the Town vote to appropriate the sum of \$1,000,000 for Architectural, Engineering, and Design Services, including construction bid documents, for the renovation and improvement or reconstruction of Public Safety Buildings, consisting of a Fire Station and /or Police Station, this sum to be expended under the direction of the Town Manager, and to meet this appropriation, authorize the Treasurer with approval of the Board of Selectmen, to borrow the sum of \$1,000,000 pursuant to Chapter 44 of the MGL or any other enabling authority, and further to authorize the Town Manager to take all necessary actions to

carry out this project, this appropriation to be contingent upon approval by Town voters of a ballot question at the Annual Town Election to be held on March 22, 2008, this ballot question to ask the voters to allow the Town to exempt the debt from the provisions of Proposition 2-1/2 so called, the amounts required to pay for the bonds to be issued for said services.

A detailed schematic site design for alternative sites and building sizes be done prior to commencing the preliminary building plan.

1.A motion to divide the question into two sections \$500,000 for Police and \$500,000 for Fire. Failed Yes-144 and No-240

2. An amendment was made: Moved and seconded to amend the article by requesting that a detailed schematic site design for alternative sites and building sizes be done prior to commencing the preliminary building plan. Yes-208 and No-108 Amendment carried (included in the article in the last sentence)

3. Another amendment to reduce the amount to \$750,000. Motion to amend failed.

2/3 vote required- Main motion, as amended, received a 2/3 vote by count Yes-229 and No-67

Meeting recessed at 5:20pm until Monday, this place at 7:30pm

Reconvened at 7:30pm Monday, March 10th at 7:30pm

Article 16- Percy Walker Pool- Moved and seconded that the Town vote the sum of \$163,000 for Architectural, Engineering, and Design Services, including Construction bid documents, for the renovation and improvement of the Percy Walker Pool, said sum to be expended under the direction of the Town Manager, and to meet said appropriation, authorize the Treasurer with the approval of the Board of Selectmen, to borrow the sum of \$163,000 pursuant to Chapter 44 of the Massachusetts General Laws or any other enabling authority, and further to authorize the Town Manager to take all necessary actions to carry out this project, said appropriation to be contingent upon approval by Town Voters of a Ballot Question at the Annual Town Election to be held on March 22, 2008, said Ballot Question to ask the voters to allow the Town to exempt the debt from the Provisions of Proposition 2-1/2 so called, the amounts required to pay for bonds to be issued for said services. **2/3 vote required. Motion received the requisite 2/3 votes and carried**

Article 17 CPC-Operating Costs- Moved and seconded that the Town vote upon recommendation of the Community Preservation Committee, to raise and appropriate the sum of \$80,000 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, 2008 and ending June 30, 2009, said funds to be expended under the direction of the Town Manager. **Motion carried**

Article 18-CPC Allocations- Moved and seconded that the Town vote to raise and appropriate, upon recommendation of the Community Preservation Committee, the sum of \$552,000 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 19- CPC Transfer Unused Funds-Moved and seconded and carried to indefinitely postpone.

Article 20-CPC Land Exchange-Moved and seconded that the Town vote to authorize the Board of Selectmen, under terms and conditions deemed to be in the best interest of the Town, to grant an easement on a portion of a parcel of land, identified on Duxbury, Assessors Map as parcel 020-500-005, currently under the care, custody, and control of the Board of Selectmen, as shown on a Plan of Land on file at the office of the Town Clerk. 2/3 vote required-**Motion received the requisite 2/3 vote and carried**

Article 21-CPC Tarklin Building- Moved and seconded that the Town vote to appropriate, upon recommendation of the Community Preservation Committee, the sum of \$1,555,000 for the purpose of Reconstructing and Rehabilitating the Tarklin Community Center located on Summer Street; and to meet said appropriation transfer the sum of \$430,000 from the Community Preservation Fund Historical Reserves and authorize the Treasurer with approval of the Board of Selectmen to borrow the sum of \$1,125,000 pursuant to M.G.L. Chapters 44 and 44B and further to authorize the Town Manager to expend said sums of money from the Community Preservation Fund for the purposes of this Article. 2/3 vote required-Motion for the previous question-Received the requisite 2/3 vote and carried. **Main motion Yes-162 and No-245 motion failed to receive the 2/3 vote and failed to pass.**

Article 22-CPC Land Purchase-Winter ST. (Berrybrook)-Moved and seconded that the Town vote to appropriate, upon recommendation of the Community Preservation Committee, the sum of \$2,163,000 to acquire for Conservation purposes, to be under the care and control of the Conservation Commission, with a permanent restriction under MGL Chapter 184, parcels of land, approximately 40.5 acres in area, shown on Plans of Land on file at the office of the Town Clerk, and for costs related thereto and authorize the Board of Selectmen to solicit grants or receive gifts for said purchase and to meet said appropriation to raise and appropriate the sum of \$1,143,000 from estimated Community Preservation Fund Annual Revenue, transfer the sum of \$30,000 from Open Space Reserves of the Community Preservation Fund, and transfer \$990,000 from the FY-07 undesignated Fund Balance of the Community 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 Conservation Commission, under MGL, Chapter 40, Section 8C to manage the properties and to enter in an agreement of up to ten (10) years for management of the Hayfields. **2/3 vote required-Received the requisite 2/3 vote and carried**

Article 23-CPC Land Purchase-Temple ST. (Crossroads For Kids)-Moved and seconded that the Town vote to appropriate, upon the recommendation of the Community Preservation Committee, the sum of \$1,040,000 to acquire by purchase and/or by eminent domain, for Conservation and Community Housing purposes, with a permanent restriction under MGL Chapter 184, parcels of land, approximately 106 acres in area, shown on a Plan of Land on file at the office of Town Clerk, with the Conservation

Parcel to be under the care and control of the Conservation Commission, and for costs related thereto, and authorize the Board of Selectmen to solicit grants or receive gifts for said purchase and to meet this appropriation to raise and appropriate the sum of \$47,000 from estimated Annual Revenue of the Community Preservation Fund, to transfer the sum of \$368,000 from Open Space Reserves of the Community Preservation Fund, to transfer the sum of \$225,000 from the Community Housing Reserves of the Community Preservation Fund, and to authorize the Treasurer, with the approval of the Board of Selectmen to borrow the sum of \$400,000 and further to authorize the Town Manager to expend said sums of money from the Community Preservation Fund for the purpose of this article. 2/3 vote required. **Motion received the requisite 2/3 vote and carried**

Article 24-CPC Land Purchase-Grange (Franklin ST.)- Moved and seconded that the Town vote to appropriate, upon recommendation of the Community Preservation Committee, the sum of \$70,000 to acquire for Community Housing purposes with a permanent restriction under MGL Chapter 184, a parcel of land, to be held under the care and control of the Board of Selectmen, approximately 0.13 acres in area, identified as parcel 120-441-006 on Duxbury Assessors Maps, and for costs related thereto and to meet said appropriation to transfer the sum of \$70,000 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 purposes of this article, and authorize the Board of Selectmen to solicit grants or receive gifts for said purchase, and to authorize the Board of Selectmen to enter into a lease agreement for the property. 2/3 vote required. **Received the requisite 2/3 vote and carried**

Article 25-Town of Duxbury Affordable Housing Trust-Moved and seconded that the Town vote to accept:

ARTICLE 25

TOWN OF DUXBURY

AFFORDABLE HOUSING TRUST

Pursuant to a vote at the Duxbury 2008 Annual Town Meeting and pursuant to the provisions of M.G.L. c. 44 Section 55C adopted at the Duxbury 2008 Annual Town Meeting, the Town of Duxbury hereby establishes the Town of Duxbury Affordable Housing Trust for the benefit of all of the inhabitants of the Town of Duxbury in the manner and under the terms and conditions set forth herein.

ARTICLE FIRST: Name of the Trust

The trust shall be called the "Town of Duxbury Affordable Housing Trust", herein referred to as the Trust.

ARTICLE SECOND: Purpose

The purpose of the Trust shall be to provide for the preservation and creation of affordable housing in the Town of Duxbury for the benefit of low and moderate income households.

ARTICLE THIRD: Tenure of Trustees

There shall be a Board of Trustees consisting of five Trustees who shall be appointed by the Board of Selectmen. One of the Trustees shall be a member of the Board of Selectmen. Only persons who are residents of the Town of Duxbury shall be eligible to hold the office of Trustee. The Chairman of the Town of Duxbury Local Housing Partnership shall be an ex-officio member with no right to vote. Trustees shall serve for a term of two years, except that two of the initial trustee appointments shall be for a term of one year. Trustees may be reappointed by the Board of Selectmen for succeeding terms, and there is no limit on the number of terms which a Trustee can serve. Any Trustee may resign by written instrument signed and acknowledged by such Trustee and duly filed with the Town Clerk. If a Trustee shall die, resign, or for any other reason cease to fulfill the duties of a Trustee hereunder before his/her term of office expires, a successor shall be appointed by the Board of Selectmen to fill the remainder of the term of such vacancy provided that said appointment and acceptance in writing by the newly appointed Trustee are filed with the Town Clerk. Upon the appointment of any Trustee and the filing of such appointment with the Town Clerk, the title to the Trust estate shall thereupon and without the necessity of any conveyance be vested in such succeeding Trustee jointly with the remaining Trustees. Reference to the Trustee shall mean the Trustee or Trustees for the time being hereunder. Trustees may be removed at any time for cause by a majority vote of the Board of Selectmen following a properly noticed public hearing. Cause shall include, but not be limited to, violation of any local, state or federal law; non-participation in business of the Trust; incapacity to perform the duties of a Trustee; acts of the Trustee, that in the opinion of the Board of Selectmen, are grossly negligent or detrimental to the Town of Duxbury or the Trust.

ARTICLE FOURTH: Meetings of the Trust

The Trust shall meet at least quarterly at such time and at such place as the Trustees shall determine. Notice of all meetings of the Trust shall be given in accordance with the provisions of the Open Meeting Law, G.L. Chapter 39, Sections 23A, 23B and 23C. A quorum at any meeting shall be a majority of the Trustees qualified and present in person. Minutes of all meetings shall be recorded and filed with the Town Clerk in accordance with the provisions of the Open Meeting Law, M.G.L. Chapter 39, Sections 23A, 23B and 23C.

ARTICLE FIFTH: Powers of Trustees

The Powers of the Trust, shall be the following, except that any purchase, sale, lease, exchange, transfer or conveyance of any interest in real property is subject to a two-thirds (2/3rds) vote of the Trustees:

- (1) to accept and receive property, whether real or personal, by gift, grant, devise, or transfer from any person, firm, corporation or other public or private entity, including without limitation grants of funds or other property tendered to the trust in connection with provisions of any zoning ordinance or by-law or any other ordinance or by-law;
- (2) to purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;
- (3) to sell, lease, exchange, transfer or convey any personal, mixed or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise and to make such contracts and enter into such undertakings relative to trust property as the Trust deems advisable notwithstanding the length of any such lease or contract;
- (4) to execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the Board engages for the accomplishment of the purposes of the Trust;

(5) to employ advisors and agents, such as accountants, appraisers and lawyers as the Trust deems necessary;

(6) to pay reasonable compensation and expenses to all advisors and agents as the Trust deems advisable;

(7) to apportion receipts and charges between incomes and principal as the Trust deems advisable, to amortize premiums and establish sinking funds for such purpose and to create reserves for depreciation, depletion or otherwise;

(8) to participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;

(9) to deposit any security with any protective reorganization committee and to delegate to such committee such powers and authority with relation thereto as the Trust may deem proper and to pay out of Trust property, such portion of expenses and compensation of such committee as the Trust may deem necessary and appropriate;

(10) to carry property for accounting purposes other than acquisition date values;

(11) to make distributions or divisions of principal in kind;

(12) to comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the Trust, including claims for taxes and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation and subject to the provisions of state statutes, to continue to hold the same for such period of time as the Trust may deem appropriate;

(13) to manage or improve real property and to abandon any property which the Trust determines not to be worth retaining;

(14) to hold all or part of the Trust property uninvested for such purposes and for such time as the Trust may deem appropriate; and

(15) to extend the time for payment of any obligation to the Trust.

ARTICLE SIXTH: Funds Paid to the Trust

Notwithstanding any general or special law to the contrary, all monies paid to the Trust in accordance with any Town of Duxbury zoning by-law, exaction fee, or private contribution shall be paid directly into the Trust and need not be appropriated or accepted and approved into the Trust.

Funds appropriated by the Town of Duxbury Town Meeting for payment into the Trust become Trust property and these funds need not be further appropriated to be expended except as set forth in Article Fifth herein. All monies remaining in the Trust at the end of any fiscal year, whether or not expended by the Trust, remain Trust property. The Trust shall comply with any conditions stipulated in the article's motion for monies appropriated by the Duxbury Town Meeting.

ARTICLE SEVENTH: Acts of Trustees

A majority of Trustees may exercise any or all of the powers of the Trustees hereunder, unless otherwise provided, and may execute on behalf of the Trustees any and all instruments with the same effect as though executed by all the Trustees. No Trustee shall be required to give bond. No license of court shall be required to confirm the validity of any transaction entered into by the Trustees with respect to the Trust Estate. Any expenditures by the trust to any one party in a cumulative amount exceeding \$100,000.00 or donations to any charitable organization by the Trust shall also be approved by the Board of Selectmen prior to finalizing the transaction.

ARTICLE EIGHTH: Liability

Neither the Trustees nor any agent or officer of the Trust shall have the authority to bind the Town of Duxbury, except in the manner specifically authorized herein. The Trust is a public employer and the Trustees are public employees for the purposes of M.G.L. Chapter 268A. The Trust shall be deemed a municipal agency and the Trustees special municipal employees for the purposes of M.G.L. Chapter 268A.

ARTICLE NINTH: Taxes

The Trust is exempt from M.G.L. Chapter 59 and 62, and from any other provisions concerning payment of taxes based upon or measured by property or income imposed by the Commonwealth or any subdivision thereto.

ARTICLE TENTH: Custodian of Funds

The Town of Duxbury Treasurer shall be the custodian of the funds of the Trust. The books and records of the Trust shall be audited annually by the Town of Duxbury's auditor in accordance with accepted accounting practices for municipalities. Costs associated with the independent audit shall be born by the Trust.

ARTICLE ELEVENTH: Governmental Body

The Trust is a governmental body for purposes of Sections 23A, 23B and 23C of M.G.L. Chapter 39.

ARTICLE TWELFTH: Board of the Town

The Trust is a Board of the Town for purposes of M.G.L. Chapter 30B and Section 15A of M.G.L. Chapter 40; but agreements and conveyances between the Trust and agencies, boards, commissions, authorities, departments and public instrumentalities of the town shall be exempt from said Chapter 30B.

ARTICLE THIRTEENTH: Duration of the Trust

This Trust shall be of indefinite duration until terminated by a vote of the Duxbury Town Meeting. Upon termination of the Trust, subject to the payment of or making provisions for the payment of all obligations and liabilities of the Trust and the Trustees, the net assets of the Trust shall be transferred to the Town of Duxbury and held by the Board of Selectmen for affordable housing purposes. In making any such distribution, the Trustees may, subject to the approval of the Board of Selectmen, sell all or any portion of the Trust property and distribute the net proceeds thereof to the Town of Duxbury. The powers of the Trustees shall continue until the affairs of the Trust are concluded. Once the Duxbury Town Meeting has voted to terminate the Trust, all financial transactions made on behalf of the Trust shall be approved by the Board of Selectmen.

ARTICLE FOURTEENTH: Registry of Deeds

The Board of Selectmen may authorize the Trustees to execute, deliver and record with the Registry of Deeds any documents required for any conveyance authorized hereunder.

ARTICLE FIFTEENTH: Titles

The titles to the various Articles herein are for convenience only and are not to be considered part of said Articles nor shall they affect the meaning or the language of any such Article.

ARTICLE SIXTEENTH: Compensation of Trustees

Trustees shall not receive a salary, stipend, bonus or other means of compensation for their service as a Trustee, nor shall they be eligible for any benefits from the Town of Duxbury. Trustees may be compensated for reasonable out-of-pocket expenses for travel and other Trust-related expenses. All such out-of-pocket expenses shall be fully documented with receipts for expenses prior to payment by the Trust.

ARTICLE SEVENTEENTH: Amendments

The provisions of this Trust can only be amended by a vote of the Duxbury Town Meeting.

ARTICLE EIGHTEENTH: Conflicts of Interest

The Trust shall be considered a public employer and the Trustees shall be subject to the conflict of interest provisions of M.G.L. Chapter 268A.

ARTICLE NINETEENTH: Trustee Agreements

Trustees will be required to execute an agreement with the Trust at the time of their appointment by the Board of Selectmen outlining their roles and responsibilities in accordance with the provisions of this Trust. Such form of agreement shall be developed by the Board of Selectmen and approved as to form by the Duxbury Town Counsel.

ARTICLE TWENTIETH: Annual Report

The Trustees shall prepare an annual report describing the activities of the Trust on a fiscal year basis beginning on July 1 and ending on June 30. The annual report shall be submitted to the Duxbury Board of Selectmen by August 1 of each year. The annual report shall list all financial transactions conducted by the Trust including all revenues and costs, provide a balance sheet of liabilities and assets of the Trust, list an inventory of all affordable housing units created, sold, and or managed by the Trust, and any other pertinent information related to the business of the Trust. Twenty copies hard copies and an electronic copy of the annual report shall be submitted to the Board of Selectmen. **Motion carried**

Article 26-CPC-Fund Housing Assistance Program-Moved and seconded the Town vote to appropriate, upon the recommendation of the Community Preservation Committee, the sum of \$500,000 to fund a Housing Assistance Program as established by the Board of Selectmen and to meet this appropriation to transfer the sum of \$500,000 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. **Motion carried**

Article 27- Housing Trust Allocation Plan-Moved and seconded that the Town vote to adopt a Plan for relocation of the resources of the Duxbury Affordable Housing Trust for Fiscal Year 2009 as set forth under Article 27 of the warrant, with the following change:

that the word “Fund” follows the words, “Duxbury Affordable Housing Trust” in the first sentence of the Article:

The Town will adopt a Plan for the Allocation of the Resources of the **Duxbury Affordable Housing Trust Fund** for Fiscal Year 2009 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 low-interest loans or deferred payment loans 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 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 28-South Shore Recycling Cooperative-Moved and seconded that the Town vote to authorize the Board of Selectmen to enter into a five-year extension of the Inter-Municipal agreement relative to the South Shore Recycling Cooperative, effective July 1, 2008, on terms and conditions deemed to be in the best interests of the Town.

Motion carried

Article 29-Right-To-Farm Bylaw-Moved and seconded that the Town vote to amend the General Bylaws of the Town by adding the following new Chapter 11 entitled, “Right to Farm Bylaw”:

RIGHT TO FARM BYLAW

Section 1: Purpose and Intent

The Town of Duxbury finds that farming is an essential and valued activity, which provides fresh food, clean air, economic diversity, local employment, and open spaces to all the citizens of the town. This by-law is intended to encourage the pursuit of agriculture, promote agricultural-based economic and employment opportunities, and protect farmland within the Town of Duxbury.

The purpose and intent of this by-law is to allow agricultural uses and related activities to function in harmony with the community, Town agencies, and others. This By-law shall apply to all jurisdictional areas within the Town.

This by-law re-states with emphasis the Right to Farm accorded to all citizens of the Commonwealth of Massachusetts as stated under the Constitution and General Laws and Regulations, including but not limited to Article 97, of the Constitution, Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; (The Zoning Act) Chapter 90, Section 9, Chapter 111, Section 125A and Chapter 128 Section 1A.

Section 2: Definitions

Farm: Any parcel or parcels of land, or water bodies, used for the purpose of commercial or private agriculture, or accessory thereto.

“Farming” or “Agriculture” or their derivatives shall include, but not be limited to commercial and private pursuit of the following:

- Farming in all its branches and the cultivation and tillage of the soil;
- Production, cultivation, growing, and harvesting of any agricultural, aquaculture, floriculture, viticulture, or horticultural commodities including orchards;
- Growing and harvesting of forest products, including the production of maple syrup and other related forestry or lumbering operations;
- Breeding, raising, keeping, dairying, and/or selling of livestock, e.g. cattle, sheep, swine, goats, llamas, and alpacas;
- Breeding, raising, keeping, and/or selling horses; e.g. boarding, training, or as an adjunct to farming;
- Breeding, raising, keeping, and/or selling poultry, owls, rabbits, bees, fur-bearing animals and other domesticated animals for food, fiber, fur or other agricultural purposes.

“Farming” shall encompass activities including, but not limited to, the following:

- Operation and transportation of slow-moving farm equipment over roads with the Town;
- Control of pests, including but not limited to, insects, weeds, predators, and disease organism of plants and animals under generally accepted management practices;
- Application and storage of manure, pesticides, and fertilizers under generally accepted management practices;
- Conducting agriculture-related educational and farm-based recreational activities, including agri-tourism, provided that the activities are related to marketing and agricultural output or services of the farm;
- Processing and packaging of the agricultural output of the farm and the operation of a farmer’s market or farm stand including signage thereto.

- Maintenance, repair, or storage of farm equipment, or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of the agricultural products;
- On-farm relocation of earth or sale of material and the clearing of ground for farming operations;
- Constructing and maintaining farm buildings used for shelter, feed, and storage;
- Maintaining drainage or irrigation ditches; picking stone; constructing, repairing, or maintaining fences; and clearing, renovating and maintaining pastures.

Section 3: Right to Farm Declaration

The Right to Farm is hereby recognized to exist within the Town of Duxbury. The above-described agricultural activities may occur on holidays, weekdays, and weekends; by night or day and shall include the attendant incidental noise, odors, dust, and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practices of agriculture is more than offset by the benefits of farming to the neighborhood, community, and society in general. The benefits and protections of this By-law are intended to apply to those commercial and private agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. For any agricultural practice, in determining the reasonableness of the time, place, and methodology of such practice, consideration shall be given to both traditional customs and procedures as well as to new practices and innovations. Moreover, nothing in this Right to Farm By-law shall be deemed as acquiring any interest in land, or as imposing any land use regulation, which is properly the subject of state statute, regulation, local zoning law, and local Board of Health rules and regulations.

Section 4: Disclosure Notification

In order to ensure that prospective owners and prospective tenants are aware of the policy of the Town of Duxbury expressed in this By-law regarding agricultural uses, the following notification shall be prominently posted in the Duxbury Town Hall, Duxbury Free Library, and on the Town of Duxbury website within 30 days of this bylaw becoming effective. In addition, the notification language required by this section shall appear each year in the Town's Annual Report.

It is the policy of this community to conserve, protect, and encourage the maintenance and improvement of agricultural land for the production of food and other agricultural products, and for its natural and ecological value. This disclosure notification is to inform buyers or occupants that the property they are about to acquire or occupy lies within a community where farming activities occur and are encouraged. Such farming activities may include, but are not limited to, activities that cause noise, dust, and odors. Buyers and occupants are informed that any property within the Town of Duxbury may be impacted by commercial agricultural and farming activities.

Property owners should make efforts to inform prospective tenants or buyers that Duxbury is a Right to Farm community.

Section 5: Resolution of Disputes

Any person having a complaint about a farm activity or practice is encouraged to seek an amicable resolution to the complaint, including talking directly with the involved farmer.

Any person who seeks to complain about the operation of a farm may, notwithstanding pursuing any other available remedy, file a grievance with the Board of Selectmen, the Zoning Enforcement Officer, or the Board of Health, depending upon the nature of the grievance. The filing of the grievance does not suspend the time within which to pursue any other available remedies that the aggrieved may have. The Zoning Enforcement Officer or Board of Selectmen may forward a copy of the grievance of the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the referring Town authority within sixty days.

The Board of Health shall forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report on its recommendations to the Board of Health within an agreed upon time frame.

Section 6: Severability Clause

If any part of this By-law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this By-law. The Town of Duxbury hereby declares the provisions of this By-law to be severable.

An amendment was made to add the words “and the rules and regulations of the Board of Health.” Be added the Section 3 and to the end of the last sentence. This has been added to the text above in Article 28. Amendment carried -Yes 100 and No-62

An amendment was made to add in Section 2 “Any parcel of land five (5) acres or more” Amendment failed -Yes-71 and No-102

An amendment to move the previous question .2/3 vote required –Received the requisite 2/3 vote and carried.

Main motion, as amended, carried Yes-103 and No-89

Article 30- Land Gift-Moved and seconded that the Town vote to accept a gift of land located on Lincoln Street and consisting of approximately 2.34 acres in area, identified as parcel 070-031-000 as shown on Duxbury’s Assessors record, a copy of which is on file at the office of the Town Clerk, currently owned by the Natalie S. Goodrich Realty Trust and the Anderson /Youse Nominee Trust, 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 2/3 vote and carried.**

Article 31-North Hill Golf Course-Moved and seconded that the Town vote to authorize the Town Manager to issue a request for proposals and enter into a lease of the North Hill Golf Course on terms and conditions deemed to be in the best interest of the Town. **2/3 vote required. Received the requisite 2/3 vote and carried.**

Article 32-Affordable Housing Bylaw-Moved and seconded that the Town vote to accept the new language as written and amend the Duxbury Protective Bylaw under Article 500 by adding the following new Section 570 as written:

570 AFFORDABLE HOUSING:

570.1 Purpose

To facilitate affordable housing development on qualified pre-existing non-conforming lots as defined in this Bylaw. The intent of this section is to provide a mechanism for the construction of affordable housing units to satisfy the needs of the present and future inhabitants of Duxbury of low and moderate income. The Planning Board is designated as the Special Permit Granting Authority (SPGA) for purposes of this Bylaw and may grant a special permit for the specific and sole purpose of constructing an Affordable Housing dwelling pursuant to this section of this Bylaw.

570.2 Definitions

1. Affordable Housing Unit: See Section 560.2.1
2. Low and Moderate Income Household: A household income not exceeding eighty percent (80%) of the median household income, adjusted for household size, in the metropolitan or non-metropolitan statistical area that includes the Town of Duxbury, as determined annually by the U.S. Department of Housing and Urban Development (HUD).
3. Median Household Income: The median household income for the metropolitan or non-metropolitan statistical area that includes the Town of Duxbury, as determined annually by the U.S. Department of Housing and Urban Development (HUD).
4. Qualified Affordable Housing Unit Purchaser: See Section 560.2.2.
5. Use Restriction: A deed restriction or other legal instrument recorded in the Plymouth County Registry of Deeds or land court registry district which effectively restricts the occupancy of an affordable housing unit to households of low and moderate income during the term of affordability. Selection of eligible tenant/owners shall be made in a fair and reasonable manner in compliance with any and all applicable fair housing and antidiscrimination laws.
6. Upland Area: All lands not defined herein as wetlands.

7. Floor Area Ratio (FAR): Gross floor area of all buildings on the lot measured in square feet, divided by the total square footage of the entire lot.
8. Vacant Lot: A lot absent of any man-made structure above the surface.
9. Appraised Value – An opinion of value developed by a Massachusetts licensed real estate appraiser that conforms to the Uniform Standards of Professional Appraisal Practice (USPAP).
10. Effective Date – March 8, 2008.

570.3 Special Permit Criteria for Eligible Lots

The Planning Board, as the Special Permit Granting Authority (SPGA) under this section of the Bylaw, may grant a special permit to allow construction of an Affordable Single Family Housing Unit on an eligible parcel of land in the Residential Compatibility (RC) and Planned Development (PD) Zoning Districts that meets the following criteria:

1. Pre-Existing Lot: Eligible parcels must have existed as a separate lot of record prior to the effective date of this Bylaw (the “Effective Date”). No landowner shall be eligible for more than one (1) affordable housing unit lot from a single parcel of land, or from adjoining parcels of land in common ownership, based on the ownership status of the land as determined by instruments and plans on file at the Plymouth County Registry of Deeds as of the Effective Date. No affordable housing unit lot shall be further divided. The Planning Board shall note such limitations, with a description of the land affected by such limitations, in its written decision.
2. Existing Ownership and Use: Eligible lots must be in private ownership and vacant prior to and following the Effective Date. Eligible lots may also be owned by the Duxbury Affordable Housing Trust and/or any other non-profit housing entity.
3. Dimensional Characteristics: Eligible lots must meet the dimensional characteristics prior to the Effective Date:
 - a. Lot Area: Minimum 10,000 square feet of upland area.
 - b. Continuous Frontage: 25 feet on a public road.
 - c. Lot Shape: See Section 570.3.13 below.
4. Setbacks: All structures must be set back 30 feet from all front, side and rear property lines.
5. Access: The applicant shall provide for safe access for public safety vehicles and personnel to the dwelling unit to be constructed on the lot, and the intersection of such access driveway to the public way shall be placed across the frontage in the best location available to the applicant.

6. Dwelling Unit Size and Coverage: The size of a dwelling unit and number of bedrooms in the Aquifer Protection Overlay District (APOD) zone shall meet the requirements of Section 406 herein.
7. Floor Area Ratio: The maximum floor area ratio (FAR) of the dwelling shall not exceed 0.15 up to a maximum of 2,500 square feet per dwelling unit.
Future additions or alterations that would exceed the 2,500 square feet maximum floor area ratio are prohibited once a special permit has been issued.
8. Minimum and Maximum and Dwelling Unit Size - Each Affordable Housing Unit shall contain a minimum area of 700 square feet with one bedroom; a minimum area of 850 square feet with two bedrooms; a minimum area of 1,200 square feet with three bedrooms; or a minimum area of 1,400 square feet with four bedrooms or more. The maximum dwelling unit size shall not exceed the FAR.
9. Utilities: All utilities shall be installed underground.
10. Purchase or Rent: The Affordable Housing Unit permitted by this section shall be restricted for purchase or rent by only low and moderate households, in accordance with the standards set forth in this section.
11. Parking – All private parking areas shall be contained entirely on the property.
12. Plans: The applicant shall submit, along with the special permit application, a surveyed site plan depicting the proposed affordable housing unit and lot layout. The plan shall be prepared by a registered land surveyor, and shall be in such form as will be required for recording with the Registry of Deeds or filing with the Land Court.
13. Control of Substantially Irregular Lot Shape - No lot shall be created which is substantially irregular in shape. For the purposes of this section, a lot is “substantially irregular” if it has a regularity factor which is less than 0.4 as determined by the following formula: $r = 16A/P^2$ where r = regularity factor; A = area of the lot (in square feet); and P = perimeter of the lot (in feet). Lots less than 0.4 by the applied formula shall be considered ineligible for the purposes of this Bylaw. (See Figure 1 below).
14. Other Requirements: All other requirements of Article 500 and the remainder of this Bylaw shall remain applicable and in full force and effect.

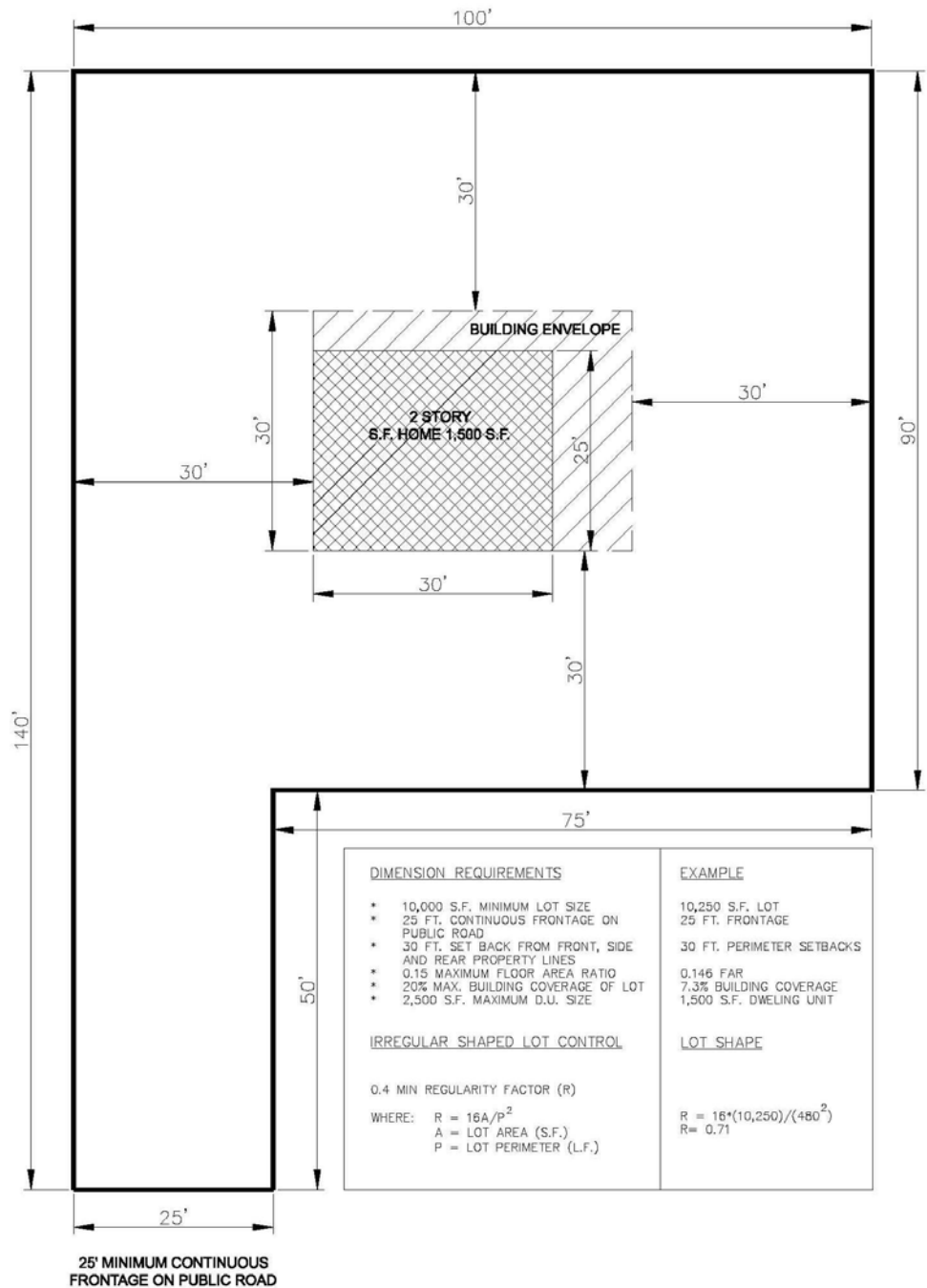
570.4 Use Restrictions

Any affordable housing unit created under this section shall be subject to a use restriction/regulatory agreement on the lot conforming to the following criteria:

1. The restriction shall be assured in perpetuity or for the longest period of time allowed by applicable law.
2. The restriction shall be recorded as a condition of deed or mortgage.
3. The restriction shall have a legal mechanism for compliance that occurs without Town intervention in any form or manner.
4. The restriction shall include a process for verification of compliance.
5. The restriction shall ensure that the affordable housing unit may only be sold to Qualified Affordable Housing Unit Purchasers at an affordable price, or leased to Qualified Affordable Housing Unit Renters at affordable rents, subject to Section 570.6.3 herein.
6. The restriction shall provide that the affordable housing unit must be sold or rented on a fair and open basis.

For purposes of this bylaw, the Town of Duxbury either through the Duxbury Housing Authority or any designee established by the Town, agrees to perform the duties of Monitoring Agent and to adhere to the responsibilities as defined in the Monitoring and Marketing Agreement entered into between the Town and the applicant.

EXAMPLE OF ELIGIBLE LOT FOR AFFORDABLE HOUSING UNIT



570.5 Maximum Incomes and Selling Prices: Initial Sale

1. Proof of Income Eligibility: To ensure that only eligible households may purchase affordable housing units pursuant to this Bylaw, the purchaser of an affordable housing unit shall be required to submit copies of the last three years' federal and state income tax returns and certify, in writing and prior to transfer of title, to the developer of the housing units or his/her/their agent, and within thirty (30) days following transfer of title, to the local housing trust, community development corporation, housing authority or other agency as established by the Town, that his/her or their family's annual income level does not exceed the maximum level as established by the Commonwealth's Department of Housing and Community Development, and as may be revised from time to time.
2. Maximum Housing Cost: The maximum housing cost for affordable units created under this Bylaw is as established by the Commonwealth's Department of Housing and Community Development, Local Initiative Program, as may be revised from time to time, or as revised from time to time by the Town.

570.6 Preservation of Affordability; Restrictions on Resale

1. Preservatin of Affordability: Each affordable unit created in accordance with this Bylaw shall have limitations governing its resale. The purpose of these limitations is to preserve the long-term affordability of the unit and to ensure its continued availability for affordable income households. The resale controls shall be established through a use restriction on the property pursuant to Section 570.4 above and shall be in full force and effect in perpetuity or the longest period of time allowed by applicable law.
2. Resale Price: Sales beyond the initial sale to a qualified affordable income purchaser shall include the initial discount sale price not to exceed ninety percent (90%) of the property's appraised value (as defined under Section 570.1 above) at the time of sale. This percentage shall be recorded as part of the restriction on the property pursuant to Section 570.4 above.
3. Right of First Refusal to Purchase: The purchaser of an affordable housing unit developed as a result of this Bylaw shall agree to execute a deed rider approved by the Town, consistent with model riders prepared by Department of Housing and Community Development, granting, among other things, the Town of Duxbury or the Duxbury Affordable Housing Trust the right of first refusal to purchase the property in the event that a subsequent qualified purchaser cannot be located.
4. Deed Restrictions: The Planning Board shall require, as a condition for a special permit under this Bylaw, that the applicant comply with the mandatory set-asides and accompanying restrictions on affordability, including the execution of a regulatory agreement pursuant to Section 570.4 above. The Building Commissioner/Inspector shall not issue a building permit for any affordable unit until the regulatory agreement is recorded.

570.7 Conflict with Other Bylaws

The provisions of this Bylaw shall be considered supplemental of existing zoning bylaws. To the extent that a conflict exists between this Bylaw and others, the more restrictive bylaw, or provisions therein, shall apply.

570.8 Review by Special Permit Granting Authority

Prior to granting a special permit for an affordable housing unit under this section, the Planning Board must make the following findings:

1. The proposed affordable housing unit will be in harmony with the general purpose and intent of the Bylaws;
2. The increase in density resulting from the grant of a special permit will not adversely affect the surrounding neighborhood
3. The placement of a new single family housing unit on the non-conforming lot can be accomplished without jeopardizing public health or safety, and without detriment to the environment: and
4. In determining whether or not to grant a special permit for development of an affordable housing unit lot, and in determining what conditions, if any, to impose on such a special permit, the Planning Board may consider, among other things, circumstances related to soil conditions, topography, lot history, wetlands, proposed building locations, and public safety and convenience.

570.9 Severability

If any provision of this Bylaw is held invalid by a court of competent jurisdiction, the remainder of this Bylaw shall remain in full force and effect.

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

Article 33-Fees in lieu of Affordable Units-Moved and seconded that the Town vote to amend the Duxbury Protective Bylaw under Article 500, Section 560.11 as follows: (Deletions from the original text are shown with strike through format. Additions to the original text are shown in bold italicized print).

560.11

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

1. Calculation of fees-in-lieu of units. The applicant for development subject to this Bylaw may pay a fee in lieu of the construction of affordable units. For each affordable unit not constructed or provided through one or a combination of the methods specified in 560.5 (a) through (c), the fee shall be an amount equal to the difference between the median sale price for new single-family homes built in Duxbury during the preceding three fiscal years, as determined and reported by the

Board of Assessors, and the purchase price of a home that is affordable to a qualified purchaser.

- a) For developments of multi-family condominiums, the Planning Board may substitute the median sale price for new condominiums built in Duxbury during the preceding three fiscal years for the median sale price of new single-family homes.
 - b) The methodology used to determine an affordable purchase price shall comply with Local Initiative Program guidelines in effect at the time of application for a special permit.
 - c) The assumptions used to determine an affordable purchase price, including but not limited to minimum down payment, mortgage interest rate, term, closing and other costs shall be consistent with first-time homebuyer mortgage products available from commercial lending institutions located in or serving Duxbury at the time of application for a special permit, all in accordance with the Inclusionary Housing Submission Requirements and Procedures Manual adopted by the Planning Board and filed with the Town Clerk.
 - d) Upon adoption of this bylaw by town meeting, the Planning Board shall prepare and adopt an Inclusionary Housing Submission Requirements and Procedures Manual after holding a public hearing on same.
2. Schedule in lieu of construction shall be paid to the Affordable Housing Trust Fund by the applicant at the time of application for building permits, according to the applicant's choice of one of the two following payment schedules:

- a) A lump sum total payment submitted with the initial building permit application in the amount calculated in accordance with Section 560.11 and established with the Planning Department;

or

- b) A prorated payment calculated in accordance with Section 560.11 and divided as equal per unit established by the Planning Department, initiated with the first building permit application and paid in full with the filing of the building permit application representing the project's eighty percent (80%) completion.

2/3 vote required. **Received the requisite 2/3 vote and carried**

Article 34-Surveyor Requirement-Moved, seconded and carried to indefinitely postpone.

Article 35- Parking Design Standards-Moved, seconded and carried to indefinitely postpone.

Article 36-Citizen's Petition-Moved, seconded and carried to indefinitely postpone.

Article 37-Sale Town Owned Land-Moved, seconded and carried to indefinitely postpone.

Article 38-Citizen's Petition-Pay- As You-Throw-Moved and seconded that the Town vote to direct the Selectmen to stay implementation of the Pay- As-You-Throw trash disposal program, scheduled to take effect on April 1, 2008, until such time as the issue has been presented to Town Meeting for consideration.
Motion to move the question vote required. 2/3-Received the requisite 2/3 vote and carried. **Main motion failed.**

Article 39-N-Star Easement-Moved and seconded that the Town vote to authorize the Selectmen to grant N-star Electric Company, its successors and assigns, or any licensee from it, (hereinafter called the Grantee) the perpetual right and easement to locate, erect, install, maintain, inspect, repair, replace, extend or remove one or more lines for the transmission and/or distribution of intelligence by electricity or otherwise, and all necessary and proper wires, cables, conduits, conductors, transformers, poles, crossarms, guys, braces, anchors and supports, deemed necessary for the purposes specified above, under, above, upon and over that certain parcel of Town owned land namely:

Being shown as a lot on Church Street on a plan entitled: "Plan of Land in Duxbury, Mass, 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 N-Star Electric Company.

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

Article 40-Compensation from Entergy-Pilgrim Nuclear Power Station is licenses to operate until 2012. Pilgrim NPS has applied to extend its operations to 2032; and, irrespective of when operations cease, highly toxic spent fuel assemblies will be stored on site for the indefinite future requiring emergency preparedness and response in the event of a nuclear disaster. Pilgrim NPS adds substantial additional expenses to our emergency planning requirements; and those expenses should be compensated by the licensee, Entergy. Therefore the Town of Duxbury is directed to negotiate with Entergy, and examine all other means, to assure proper compensation so that responsible Town Departments are able to provide reasonable assurance that our citizens will be protected in a radiological disaster. Current equipment needs include, but are not limited to; Emergency Management Agency -Replace or refurbish EOC; electronic message boards, trailer mounted for traffic; four wheel drive vehicle; weather monitoring station; 2 portable lighting units on trailers; filtration masks for shelters
Fire Department - Replace Station One Radio System; (5) truck mounted radiological monitors; 22' Boat with Motor. DPW - 12 Portable Radios High Band 24 Saw Horses; Police Department - 68 Portable Radios Narrow Band Technology; 50 traffic cones; Incident Command mapping software and hard copy maps. Harbormaster - GPS Marine Navigational System; Marine radar 16 mile; 3 Portable radios; Marine boat motor 130 HP; School Department - 12 Portable radios. The Clerk of Duxbury shall forward the text of this Article to the U.S. Nuclear Regulatory Commission; The Honorable Deval Patrick, Governor of the Commonwealth; Secretary Kevin Burke, Executive Office Public Safety; Joint Committee on Public Safety and Homeland Security, Massachusetts

Legislature; Senator Robert Hedlund; Representatives Thomas Calter and Daniel Webster; and Entergy Corp., so that the intent of the Citizens of Duxbury is widely known. **Motion carried**

Article 41- Use of the Stabilization Fund-Moved, seconded and carried to indefinitely postpone

Article 42-Use Free Cash To Reduce The Tax Rate-Moved and seconded that the Town vote to use Free Cash in the amount of \$1,922,114 to reduce the Tax Rate.
Motion carried

Moved, seconded and carried to adjourn sine die at 9:55pm on Tuesday,
March 11, 2008

I hereby certify the funds voted at the ATM and the methods for achieving them. The Meeting was held on March 8th and continued on the evening of March 10th and 11th where was adjourned sine die at 10pm all at the Duxbury Performing Arts Center, Duxbury, MA

<u>Total Appropriation-</u>	<u>\$66,820,120</u>
Tax Levy	57,014,430
Other Available Funds	5,570,627
Free Cash	179,949
Free Cash to reduce Tax levy	1,922,114
Borrowing	2,133,000

Respectfully submitted,

Nancy M. Oates
Duxbury Town Clerk