

**Special Town Meeting  
Saturday October 29, 2011  
Duxbury Performing Arts Center  
73 Alden Street, Duxbury, MA**

**Special Town Meeting called for October 29, 2011 at the Performing Arts Center,  
73 Alden St, Duxbury, MA at 9am and recessed sine die at 1:55pm.**

**Article 1 - School Building Project** - Moved and seconded that the Town vote to appropriate the sum of One Hundred and Twenty Million Five-Hundred and Five-Thousand and Thirty-Four Dollars (\$120,505,034.) for the design and construction of a new co-located middle school and high school to be located on the site of the current middle school, 71 Alden Street, Duxbury, MA, including the payment of all costs incidental or related thereto (the "Project"), which school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years, and for which the Town may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"); and that the Town appropriate the sum of Five-Million Eight-Hundred and Sixty-Six Thousand One-Hundred and Twenty-Seven Dollars (\$5,866,127) for the design and construction of a new Field House Facility, to be located on the site of the current High School, 130 St. George Street, Duxbury, MA, for which the Town shall not be eligible for a School Construction Grant from the MSBA, and that the Town appropriate the sum of Four-Hundred and Thirty-Five Thousand Dollars (\$435,000.) for the relocation of the Central Office and for minor modifications to the Performing Arts Center, for which the Town shall not be eligible for a School Construction Grant from the MSBA; said amounts to be expended under the direction of the School Committee. To meet said appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said sums of money, pursuant to M.G.L. Chapter 44, or pursuant to any other enabling authority. The Town acknowledges that the MSBA's Grant Program is a non-entitlement, discretionary program based on need, as determined by the 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; provided further any Grant that the Town may receive from the MSBA for the Project shall not exceed the lesser of (1) Forty-Four and Thirteen-Hundredths percent (44.13%), or Forty-Five and Thirteen-Hundredths percent (45.13%) if the district receives final approval from the State's Inspector General to utilize the Construction Manager-At-Risk Construction Delivery Method for this Project, of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum Grant amount determined by the MSBA; provided that any appropriation hereunder shall be subject to and contingent upon an affirmative vote of the Town of a Ballot Question at an Election 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 Project Funding Agreement that may be executed between the Town and the MSBA.

**There was a motion to move the previous question. Motion received the requisite 2/3 vote and carried.**

**Article 1 was voted – received requisite 2/3 vote required: Yes - 955 and No – 209**

**There was a motion to Reconsider Article 1. Motion received the requisite 2/3 vote and carried.**

**A voice vote for reconsideration of Article 1 did not receive the requisite 2/3 vote and failed. A negative vote for Reconsideration ends discussion for the Article for the remainder of the Town Meeting.**

**Article 2 - Re-zoning of a parcel off Franklin St. -** Moved and seconded that the Town vote to amend the zoning map by modifying the boundary of the Wetlands Protection Overlay District on a property shown on the assessor's map as 020C-038-005 and known and numbered as 1 Cape Verde Terrace, located off Franklin Street, from its current location, to the edge of the "50' Wetland Buffer" line as shown on the attached plan entitled, "Wetlands Protection Overlay District Modification Plan" prepared by McKenzie Engineering Group, Inc. dated 1/28/11 with revisions through 2/16/11 on file with the Town Clerk.

**Voice vote - Received the requisite 2/3 voted and carried.**

**Article 3 – Re-zoning of a parcel on Tremont St. -** Moved and seconded that the Town vote to amend the zoning map by modifying the boundary of the Wetlands Protection Overlay District on a property shown on the assessor's map as 180A-002-002 and known and numbered as 1053 Tremont Street, from its current location, to the edge of the "50' Wetland Buffer" line as shown on the attached plan entitled "Wetlands Protection Overlay District Modification Plan" prepared by Grady Consulting, LLC, dated September 13, 2011, on file with the Town Clerk.

**2/3 vote required. Yes-168 and No- 47**

**After Article 4, there was a motion to reconsider Article 3. Motion to Reconsider Carried. The vote to Reconsider Article 3 did not receive the requisite 2/3 vote and failed.**

**Article 4 - Solar Array Project -** Moved and seconded that the Town vote to authorize the Town Manager to enter into a contract with a third-party vendor that will be responsible for the installation, operation, maintenance and removal of the proposed solar array project at 145 Mayflower Street, and further to see if the Town will vote to authorize the Board of Selectmen to enter into a leasing or licensing agreement for the operation of said project.

**Motion carried**

**Article 5 - Pilgrim Nuclear Power Station Monitoring -** Moved and seconded that the Town vote to demonstrate their support for a system of real-time monitoring of airborne radionuclide emissions from Pilgrim Nuclear Power Station and meteorological data be implemented so that reliable and timely data shall be available by which exposure can be assessed more precisely. The radiation/weather monitors would measure alpha, beta, and gamma radiation at high and low detection levels and placed in offsite communities ringing Pilgrim Station based on meteorological analysis. The data shall be computer linked to MDPH for analysis and future epidemiological studies; to MEMA and Emergency Planning Zone Emergency Operations Centers for emergency planning purposes; and made publicly available. The Clerk of Duxbury shall forward the text of this Article to the Honorable Deval Patrick; the Executive Secretary of Health and Human Services; the Executive Secretary of Public Safety, State legislators representing the five Emergency Planning Zone communities (Carver, Duxbury, Kingston, Marshfield, Plymouth); and to all Select Boards within the Emergency Planning Zone of Pilgrim NPS; so that the intent of the Citizens of Duxbury is widely known.

**Motion carried.**

**Article 6 - Town Clerk Salary -** Moved and seconded that the Town vote to appropriate the sum of \$6,000.00 to be added to the compensation of the Town Clerk for the period beginning July 1, 2011, and to meet this appropriation, to transfer the sum of \$6,000.00 from Overlay Reserve.

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

**Article 7 - Transfer to Percy Walker Pool Enterprise Fund** - Moved and seconded that the Town vote to appropriate the sum \$7,717.60 to the Percy Walker Pool Enterprise Fund, and to meet said appropriation, transfer the sum of \$7,717.60 from Overlay Reserve.

**Motion carried**

**Article 8 - Unpaid Bills** - Moved and seconded that the Town Vote to appropriate the sum of \$15,712.49 to pay the following unpaid bills of previous fiscal years which may be legally unenforceable due to the insufficiency of an appropriation; and to meet said appropriation to transfer the sum of \$422.50 from Overlay Reserve and \$15,289.99 from the Water Enterprise Fund Fiscal Year 2012 Expenses:

<b>Tammy Brynie, Arbitrator/ Legal Expenses</b>	<b>\$422.50</b>
<b>Maher Services, Inc. / Water Enterprise Fund Expenses</b>	<b>\$15,289.99</b>

*9/10 vote required-Motion Carried Unanimously*

**Article 9 - Quinn Bill** - Moved and seconded that the Town vote to rescind the acceptance of the provisions of Massachusetts General Law Chapter 41, §108L, entitled “Career Incentive Pay” and further vote to authorize the Board of Selectmen to Petition the General Court to permit the Town to rescind acceptance of Massachusetts General Laws Chapter 41, Section 108L.

**Motion carried.**

**Article 10 - Motion 1 - Union Contracts, Police** - Moved and seconded that the Town vote to appropriate the sum of \$132,885.00 for the purpose of funding a Collective Bargaining Agreement with the Duxbury Police Union, MCOP Local 376B, for the Fiscal Year beginning July 1, 2011 and ending June 30, 2012, and to meet said appropriation, transfer the sum of \$92,885.00 for Police Salaries and Educational incentives from the Overlay Reserve Account to the Police Salaries Account, and further, transfer the sum of \$40,000.00 for Police Uniforms from the Police-Personal Services Account to the Police-Other Expenses Account.

**Motion carried**

**Article 10 - Motion 2 - Union Contracts, Police Commanders** - Moved and seconded that the Town vote to appropriate the sum of \$26,020.00 for the purpose of funding a Collective Bargaining Agreement with the Duxbury Police Commanders Association, for the Fiscal Year beginning July 1, 2011 and ending June 30, 2012, and to meet said appropriation, transfer the sum of \$26,020.00 from Overlay Reserve.

**Motion carried**

**Article 10 - Motion 3 - Union Contracts, Police Dispatchers** - Moved and seconded that the Town vote to appropriate the sum of \$19,745.00 for the purpose of funding a Collective Bargaining Agreement with the Duxbury Police Dispatchers Union, MCOP Local 376A, for the Fiscal Year beginning July 1, 2011 and ending June 30, 2012, and to meet said appropriation, transfer the sum of \$19,745.00 from Overlay Reserve.

**Motion carried**

**Article 10 - Motion 4 - Union Contract, DPW Laborers** - Moved and seconded that the Town vote to raise and appropriate the sum of \$18,348.00 for the purpose of funding a Collective Bargaining Agreement with the Duxbury Municipal Employees, AFSCME, Council 93, Local 1700, Duxbury DPW employees, for the Year beginning July1, 2011 and ending June 30, 2012, and to meet said appropriation, raise and appropriate the sum of \$14,189.00 from General Fund Revenue and raise and appropriate \$4,159.00 from Water Enterprise Revenue.

**Motion carried**

Total Appropriation-	\$127,032,589.09
Borrowing	\$126,806,161.00
Overlay Reserve	\$152,790.10
General Fund Revenue	\$14,189.00
Water Enterprise FY12 Other Expenses	\$15,289.99
Water Enterprise Revenue	\$4,159.00
Police Personnel Service Acct	\$40,000.00

I hereby certify the appropriations and the provisions for meeting them were voted at a Special Town Meeting held on October 29, 2011 all at the Performing Arts Center, 73 Alden St., from 9:00am and was recessed sine die at 1:55pm.

Nancy M. Oates  
Duxbury Town Clerk