

*Please Read*



**COMMONWEALTH OF MASSACHUSETTS**

**TOWN OF DUXBURY  
SPECIAL TOWN MEETING  
WARRANT**

**SATURDAY, MARCH 12, 2016  
AT 9:10 A.M.**

**DUXBURY SCHOOLS PERFORMING ARTS CENTER  
73 ALDEN STREET**

**Plymouth, SS  
Greetings:**

**To either of the Constables of the Town of Duxbury, in said County:**

**In the name of the Commonwealth of Massachusetts you are directed to NOTIFY and WARN the INHABITANTS OF THE TOWN OF DUXBURY, qualified to vote in elections and in Town affairs, to meet in the Duxbury Schools Performing Arts Center, 73 Alden Street, in said Duxbury on SATURDAY, the TWELFTH day of MARCH, 2016 next, at 9:10 A.M. for a SPECIAL TOWN MEETING, for the transaction of any business that may legally come before said meeting:**

## **ARTICLE 1 – SUPPLEMENTAL APPROPRIATIONS**

To see if the Town will authorize the Town Manager to transfer from available funds sums of money to supplement appropriations previously voted under Article 5 at the Annual Town Meeting of March 14, 2015, for the Fiscal Year beginning July 1, 2015, for various Town Departments, in order to fund the expenses associated with the following:

Item #	Department	Budget	Adjustment	Revised FY16 Budget	Funding Source
1	132 -- Reserve Fund	\$185,700	\$25,000	\$210,700	Free Cash
2	122 – Town Manager - Other Expenses	\$12,650	\$5,000	\$17,650	Dept 122 - Town Manager – Personal Services
3	161 – Town Clerk – Personal Services	\$136,101	\$23,653	\$159,754	Free Cash
4	419 – DPW Administration – Personal Services	\$267,657	\$11,000	\$278,657	294 – DPW Lands & Natural Resources – Personal Services
5	421 – DPW Vehicle Maintenance – Other Expenses	\$119,000	\$48,000	\$167,000	Free Cash
6	423 – Snow & Ice Removal – Personal Services	\$60,400	\$50,000	\$110,400	Free Cash
7	423 – Snow & Ice Removal – Other Expenses	\$111,000	\$100,000	\$211,000	Free Cash
8	431 – DPW Transfer Station – Other Expenses	\$473,000	\$125,000	\$598,000	294 – DPW Lands & Natural Resources – Personal Services (\$10,000) 418 – Fuel Depot – Other Expenses (\$115,000)

; or take any action in relation thereto.

Proposed by the Board of Selectmen/Town Manager

**Explanation:** The purpose of this article is to supplement a number of line items in the current fiscal year's budget (FY16) in order to fund a number of additional expenses associated with the aforementioned departments.

**Recommendations:** *Board of Selectmen Voted 3-0 to Recommend  
Finance Committee Voted 6-0 to Recommend*

## **ARTICLE 2 – UNPAID BILLS**

To see if the Town will appropriate by transferring from available funds a sum of money to pay unpaid bills of previous years which may be legally unenforceable due to the insufficiency of an appropriation therefor, as follows:

<b>Line #</b>	<b>Vendor</b>	<b>Department</b>	<b>Amount</b>
1	Ahold USA Pharmacy	Veterans' Services	\$172.95
2	Verizon	DPW Administration	\$361.99
3	Brody Hardoon Perkins & Kesten	Legal Services	\$26,613.36
4	ACE – Duxbury Solar, LLC	Police	\$5,058.19
5	ACE – Duxbury Solar, LLC	Fire	\$1,945.46
6	ACE – Duxbury Solar, LLC	DPW Transfer Station	\$218.90
7	ACE – Duxbury Solar, LLC	DPW Cemetery	\$61.28
8	ACE – Duxbury Solar, LLC	Pool Enterprise	\$8,949.11

; or take any action in relation thereto.

Proposed by the Town Manager

**Explanation:** These funds are needed to pay for bills received after the close of Fiscal Year 2015. Requires a 9/10 vote.

**Recommendations:** *Board of Selectmen Voted 3-0 to Recommend  
Finance Committee Vote – Available at Town Meeting*

## **ARTICLE 3 – FUND COLLECTIVE BARGAINING AGREEMENTS**

To see if the Town will raise and appropriate, or transfer from available funds, a sum of money to fund collective bargaining agreements with any one or more of the following employee organizations for the fiscal year commencing July 1, 2015:

- Duxbury Police Union, MCOP Local 376B
- Duxbury Police Commanders Association
- Duxbury Police Dispatchers Union, MCOP Local 376A
- Duxbury Free Library Employees, Service Employees International Union, Local 888
- Duxbury Permanent Firefighter's Association, International Association of Firefighters Local 2167
- Duxbury Municipal Employees, AFSCME, Council 93, Local 1700, Duxbury DPW Employees
- Town of Duxbury Secretaries and Clerks, SEIU Local 888
- Duxbury Teachers Association
- Duxbury Teachers Association Instructional Assistants Unit C
- Duxbury Secretaries/Clerks Association (School)



- Local 1700, AFSCME, A.F.L.-C.I.O., Council 93 (School Custodians)

; or take any action in relation thereto.

Proposed by the Board of Selectmen/School Committee

**Explanation:** This article will fund collective bargaining agreements for positions in each of the contracts to be noted in the motion to be made at Town Meeting.

**Recommendations:** *Board of Selectmen Vote – Available at Town Meeting, if applicable*  
*Finance Committee Vote – Available at Town Meeting, if applicable*

#### **ARTICLE 4 – ASSESSOR’S LEGAL AND APPRAISAL SERVICES**

To see if the Town will vote to move the amount of \$30,000 from Overlay Reserve to Assessor’s Legal and Appraisal Services; or take any action in relation thereto.

Proposed by the Board of Assessors

**Explanation:** The Board of Assessor’s is asking that \$30,000 be moved from Overlay Reserve to Legal Services in anticipation of a potential ATB (Appellate Tax Board) Hearing to cover legal and appraisal costs. The Village of Duxbury filed for abatement of valuation on two parcels in FY 2015 and we anticipate they will file again in FY 2016.

**Recommendations:** *Board of Selectmen Voted 3-0 to Recommend*  
*Finance Committee Voted 6-0 to Recommend*

#### **ARTICLE 5 – FISCAL 2009 OVERLAY**

To see if the Town will vote to move the amount of \$480.04 from Overlay Reserve to Fiscal 2009 Overlay; or take any action in relation thereto.

Proposed by the Board of Assessors

**Explanation:** The purpose of this article is to fund a shortfall in the FY2009 Overlay Reserve in the amount of \$480.04. This was due to a Chapter 58, Section 8 request for abatement of taxation to the DOR on a parcel of land the Town purchased (053-500-031). The parcel was accepted as a Land Gift under Article 30 at the March 8, 2008, Annual Town Meeting. However it took another three years to get a new Deed recorded with the Town as Grantee for the parcel. During that time tax bills were committed to the eventual grantor of the parcel as the Assessor’s office had no guarantee that the parcel would be transferred to the Town. At the eventual time of transfer the grantor refused to pay any of the taxes since it was accepted as a gift at the 2008 Town Meeting. The Town proceeded with the purchase and a deed was recorded January 20, 2011. The property was taxed through FY2011 until the Deed was recorded showing the Town was the legal owner. Through a review with the Treasurer/Collector this amount is needed to write off outstanding Personal Property balances that are uncollectible in FY2009.

***Recommendations: Board of Selectmen Voted 3-0 to Recommend  
Finance Committee Voted 6-0 to Recommend***

**ARTICLE 6 – PERCY WALKER POOL ENTERPRISE FUND**

To see if the Town will transfer from available funds a sum of money to be added to the Percy Walker Pool Enterprise Fund to supplement appropriations previously voted under Article 5 at the Annual Town Meeting on March 14, 2015, for the Fiscal Year beginning July 1, 2015; or take any action in relation thereto.

Proposed by the Finance Department

**Explanation:** The purpose of this article is to transfer money from Article 4 of the March 14, 2015, Annual Town Meeting to the Pool Enterprise Fund for purposes related to support salary increases awarded through the merit process as prescribed in the Personnel By-Law.

***Recommendations: Board of Selectmen Voted 3-0 to Recommend  
Finance Committee Voted 6-0 to Recommend***

**ARTICLE 7 - CPC – LAND PURCHASE COSTS**

To see if the Town will, upon recommendation of the Community Preservation Committee, appropriate from the Community Preservation Act Fund a sum of money from the Community Preservation Fund to be utilized to pay legal, surveying, and any other expenses associated with the acquisition of the Conservation Land voted as Article 15 of the March 2015 Annual Town Meeting; or take any action related thereto.

Proposed by the Conservation Commission

**Explanation:** The purchase of the Merry property was a unique opportunity for the Town to acquire 277 acres of important open space and agricultural land. The process was more complex than previous land acquisition projects in Duxbury because it involved 19 separate parcels of land, including some working bogs with agricultural certificates that required transfer. Additional CPC funding for a variety of costs, including those for surveying, title searches, Registry of Deeds fees, and legal fees, is required due to the complexity of the purchase.

***Recommendations: Board of Selectmen Voted 3-0 to Recommend  
Finance Committee Voted 6-0 to Recommend***

**ARTICLE 8 – FUND SUBMERSIBLE IRRIGATION PUMPING SYSTEM – NORTH HILL COUNTRY CLUB**

To see if the Town will raise and appropriate, or transfer from available funds, a sum of money to fund the purchase of a submersible pumping system for the irrigation system at North Hill Country Club; or to take any action in relation thereto.



Proposed by the Recreation Director/Town Manager

**Explanation:** The current submersible pump for the North Hill Country Club irrigation system is 20 years old and failed in the fall of 2015. Irrigation technicians and representatives from the firm that manufactured the pump system determined, after inspection, that the pump needs to be replaced. The submersible pump is used to draw water from North Hill Pond to provide the necessary irrigation to maintain the golf course. The season for irrigation will start before July 1<sup>st</sup>.

**Recommendations:** *Board of Selectmen Voted 3-0 to Recommend*  
*Finance Committee Voted 6-0 to Recommend*

#### **ARTICLE 9 – POLICE OUTSIDE DETAIL ACCOUNT**

To see if the Town will transfer from available funds a sum of money to be added to the Police Outside Detail Account; or take any action in relation thereto.

Proposed by the Finance Department

**Explanation:** From July 1, 2015, through the end of November, outside details performed by Duxbury Police Officers were being paid at an incorrect rate. This has since been corrected. As a result, vendors for whom the details were performed for that period were billed at the lower rate and cannot be retroactively billed. In order for the officers to be paid appropriately, funds need to be in place. By transferring monies into this account, the officers can be made whole for the work that they performed.

**Recommendations:** *Board of Selectmen Voted 3-0 to Recommend*  
*Finance Committee Voted 6-0 to Recommend*

#### **ARTICLE 10 – PENSION RESERVE FUND**

To see if the Town will transfer from available funds a sum of money to be added to the Pension Reserve Fund; or take any action in relation thereto.

Proposed by the Finance Department

**Explanation:** The purpose of this article is to fund the Town's municipal pension reserve fund. It has been the practice of the Town over the last several years to transfer funds from the Pension Reserve Fund to the General Fund to offset increases in the Town's Contributory Pension Assessment to Plymouth County. Since FY 2006, the fund has provided over \$890,000 to the General Fund. These are monies that would otherwise have to be found within the Tax Levy. While financial markets have begun to improve in recent years, we need to continue to replenish this valuable reserve in order to provide future funding support. The current balance in the fund is \$866,626.43 which includes year-to-date interest earnings of \$17,899.43 through December. Approval of this transfer in the amount of \$80,000 from Free Cash will continue the program of replenishing the fund, thereby providing higher earnings potential.

***Recommendations: Board of Selectmen Voted 3-0 to Recommend  
Finance Committee Voted 6-0 to Recommend***

#### **ARTICLE 11 – OTHER POST EMPLOYMENT BENEFITS**

To see if the Town will transfer from available funds a sum of money to be added to the Other Post-Employment Benefits Trust Fund; or take any action in relation thereto.

Proposed by the Finance Department

**Explanation:** Employees of state and local governments may be compensated in a variety of forms. In addition to a salary, many employees earn benefits during their years of service that will not be received until after their employment with the government ends. The most common type of these post-employment benefits is a pension. Post-employment benefits other than pensions generally take the form of health insurance and dental, vision, prescription, or other healthcare benefits provided to eligible retirees, including in some cases their beneficiaries. They may also include some type of life insurance. As a group, these non-pension benefits are referred to as Other Post-Employment Benefits, or OPEB. In FY13, the voters at Town Meeting, with the support of the Board of Selectmen and the Finance Committee, established an OPEB Trust Fund. The Town currently funds retiree health insurance on a pay-as-you-go basis. This amount for FY15 is approximately \$1,038,000. Through various health plan changes coupled with increased funding, our Actuarial Accrued Liability of \$44,676,698 showed a reduction of over \$40,000,000. In order to control this liability, the Town's actuary has assumed a minimum annual contribution of \$300,000. We must make every effort to fund this liability. Through December 2015 the balance in the fund has reached \$1,149,451.33. This has been made possible through Medicare Part D reimbursements and previous Town Meeting appropriations. The purpose of this article is to fund the OPEB trust fund established for the aforementioned purposes. The transfer of \$300,000 from Free Cash is an important step in recognizing our obligation.

***Recommendations: Board of Selectmen Voted 3-0 to Recommend  
Finance Committee Voted 6-0 to Recommend***

#### **ARTICLE 12 – STABILIZATION FUND**

To see if the Town will transfer from available funds, a sum of money to be added to the Stabilization Fund; or take any action in relation thereto.

Proposed by the Finance Department

**Explanation:** It has been the practice of the Town over the last several years to transfer available funds into the Stabilization Fund. In FY 2007 the balance in the fund was \$680,427. At the same time Duxbury had a Standard & Poor's rating of AA and a Moody's Rating of AA2. As of December 31, 2015 the balance is \$3,033,937.11 - an increase of 346%. At the same time Duxbury continues to enjoy a Standard & Poor's rating of AAA and a Moody's Rating of AA1.



The enhancement of this most important reserve is a major factor when rating agencies consider upgrades.

With the approval of this transfer, coupled with projected earnings for FY 2016, this will provide an end-of-year balance exceeding \$3,062,000. This amount will equal slightly more than 5.1% of the Town's operating budget net of debt.

Approval of this transfer in the amount of \$100,000 from Free Cash will ensure that our reserves are maintained at levels which will appeal to bond rating agencies. Duxbury still has approximately \$4 million in debt needs on its books; additionally there will be bonding possibilities in the near future. Increases to reserves are critical to maintaining our bond rating and ensuring the best interest rates possible.

***Recommendations: Board of Selectmen Voted 3-0 to Recommend  
Finance Committee Voted 6-0 to Recommend***

#### **ARTICLE 13 - ACCRUED LIABILITIES AND COMPENSATED ABSENCES FUND**

To see if the Town will transfer from available funds, a sum of money to be added to the Accrued Liabilities and Compensated Absences Fund; or take any action in relation thereto.

Proposed by the Finance Director

**Explanation:** Each year the Town experiences separations of employee service. These separations may include, but are not limited to, terminations, retirements, and even loss of life. At the time the annual departmental budgets are presented for Town Meeting approval no allowances are made for potential circumstances. The current balance in the fund as of December 31, 2015 is \$75,750.53. With funding of \$100,000 from Free Cash requested for this article, such payouts would not come from the individual departmental budgets. This would also mitigate future Special Town Meeting action to make individual budgets whole.


***Recommendations: Board of Selectmen Voted 3-0 to Recommend  
Finance Committee Voted 6-0 to Recommend***


AND YOU ARE HEREBY DIRECTED TO SERVE THIS WARRANT by posting attested copies thereof as prescribed by M.G.L. Chapter 39, Section 10 and by Chapter 2, Section 2.3 of the Town of Duxbury General Bylaws, and by publishing a copy of this Warrant in a Plymouth County Newspaper, as prescribed by Article 2, Section 2.3 of the Duxbury By-Laws, at least fourteen (14) days before the time of holding said Meeting.

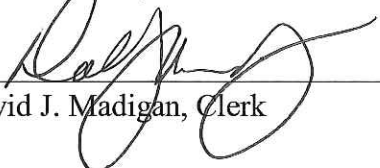
**Hereof fail not and make due return of this Warrant, with your doings thereon, to the Town Clerk, at the time and place of this meeting.**

Given under our hands this 11<sup>th</sup> day of February, 2016.

**BOARD OF SELECTMEN**

  
\_\_\_\_\_  
Theodore J. Flynn, Chair

  
\_\_\_\_\_  
Shawn Dahlen, Vice-Chair

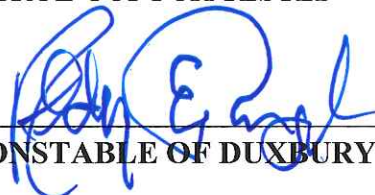
  
\_\_\_\_\_  
David J. Madigan, Clerk

**Plymouth SS:**

\_\_\_\_\_  
*February 17,* \_\_\_\_\_, 2016

Pursuant to the warrant I have this day notified and warned the inhabitants of the Town of Duxbury, herein described, to meet at the time and place and for the purposes as prescribed by the bylaws of the Town.

A TRUE COPY ATTESTED

  
\_\_\_\_\_  
**CONSTABLE OF DUXBURY**