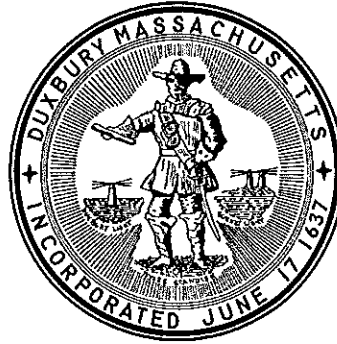


PLEASE READ
ARTICLES IN THE WARRANT
FOR THE
ANNUAL TOWN MEETING



TOWN OF DUXBURY
SATURDAY, MARCH 13, 2010
AT 9:00 A.M.

DUXBURY SCHOOLS PERFORMING ARTS CENTER

73 ALDEN STREET

PLEASE BRING THIS WARRANT TO TOWN MEETING

ANNOUNCEMENT FROM MUNICIPAL COMMISSION ON DISABILITY

The Annual Town Meeting will take place at the Duxbury Schools Performing Arts Center, 73 Alden St. on March 13, 2010. This location will be equipped with an assistive listening system. The system amplifies the sound and transmits to a personal assistive listening device. You can control the volume. To borrow a receiver, please stop by the designated table to sign out a device. When you are through for the day please return the receiver to the sign-out table, as they are in limited supply. This is a program of your Municipal Commission on Disability to make the Town Meetings more accessible to all.

ANNUAL TOWN MEETING WARRANT

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24. CPC: Isaac Keene Barn Restoration
25. CPC: Continue Survey of Historic Properties
26. CPC: Land Purchase (Congress Street)
27. CPC: Land Purchase (Kingstown Way)
28. CPC: Affordable Housing (Franklin Street)
29. Change Number of Selectmen from 3 to 5
30. Add Recall Procedure to General Bylaws
31. Resolution on Water
32. Pilgrim Station Monitoring Program
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Annual Town Election.....

Terms Used in Municipal Finance.....

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COMMONWEALTH OF MASSACHUSETTS

TOWN OF DUXBURY - TOWN MEETING

WARRANT

Saturday, March 13, 2010

at

9:00 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 thirteenth day of March, 2010 next, at 9:00 o'clock in the forenoon for the transaction of any business that may legally come before said meeting:

Article 1

To see what action the Town will take relative to the appointment of necessary officers not chosen by ballot,

or take any action in relation thereto.

(Board of Selectmen)

Finance Committee Recommendation: Approval

Article 2

To hear the reports of various Town Officers and Committees,
or take any action in relation thereto.

(Board of Selectmen)

Finance Committee Recommendation: Approval

Article 3

To see what action the Town will take with regard to fixing the compensation of elected Town officers for the twelve month period beginning July 1, 2010, in accordance with M.G.L. Chapter 41, Section 108,

or take any action in relation thereto.

(Board of Selectmen)

	Appropriated	Requested	BOS Recommend	Finance Committee Recommend
	FY10	FY11	FY11	FY11
Moderator	\$40	\$40	\$40	\$40
Selectmen				
Chair	\$2,000	\$2,000	\$2,000	\$2,000
Member	\$1,500	\$1,500	\$1,500	\$1,500
Member	\$1,500	\$1,500	\$1,500	\$1,500
Assessors				
Chair	\$2,000	\$2,000	\$2,000	\$2,000
Member	\$1,500	\$1,500	\$1,500	\$1,500
Member	\$1,500	\$1,500	\$1,500	\$1,500
Town Clerk	\$67,000	\$69,000	\$69,000	\$69,000
TOTAL	\$77,040	\$79,040	\$79,040	\$79,040

Article 5: FY 2011 Operating Budget

	FY 09 ACTUAL	FY 10 BUDGET	FY 11 DEPT REQ	FY 11 FIN DIR	FY 11 TN MGR	FY 11 FIN COMM
GENERAL GOVERNMENT						
113 - Town Meeting						
Expenses	3,783	4,920	4,920	4,300	4,300	4,300
Total	3,783	4,920	4,920	4,300	4,300	4,300
114 - Moderator						
Salaries	40	40	40	40	40	40
Total	40	40	40	40	40	40
119 - Cable TV Advisory Committee						
Expenses	70	100	100	0	0	0
Total	70	100	100	0	0	0
122 - Selectmen/Manager						
Salaries	278,404	245,703	236,109	236,109	236,109	236,109
Expenses	27,975	26,724	24,800	15,330	15,330	15,330
Total	306,379	272,427	260,909	251,439	251,439	251,439
129 - Historical Commission						
Expenses	112	250	250	200	200	200
Total	112	250	250	200	200	200
131 - Finance Committee						
Expenses	310	500	500	450	450	450
Total	310	500	500	450	450	450
133 - Finance Director						
Salaries	90,500	90,500	90,500	90,500	90,500	90,500
Expenses	1,818	2,500	2,000	2,000	2,000	2,000
Total	92,318	93,000	92,500	92,500	92,500	92,500

Article 5: FY 2011 Operating Budget

	FY 09 ACTUAL	FY 10 BUDGET	FY 11 DEPT REQ	FY 11 FIN DIR	FY 11 TN MGR	FY 11 FIN COMM
135 - Accounting						
Salaries	189,946	193,950	195,855	195,855	195,855	195,855
Expenses	46,859	48,600	8,300	7,980	7,980	7,980
Total	236,805	242,550	204,155	203,835	203,835	203,835
136 - Audit						
Expenses	40,000	40,000	42,000	42,000	42,000	42,000
Total	40,000	40,000	42,000	42,000	42,000	42,000
141 - Assessors						
Salaries	200,067	206,792	206,792	206,792	206,792	206,792
Expenses	26,511	21,800	21,789	21,540	21,540	21,540
Total	226,578	228,592	228,581	228,332	228,332	228,332
145 - Treasurer/Collector						
Salaries	263,229	278,883	284,087	281,087	281,087	281,087
Expenses	48,789	62,000	57,350	55,250	55,250	55,250
Total	312,018	340,883	341,437	336,337	336,337	336,337
151 - Legal Services						
Expenses	240,835	195,000	245,000	220,000	220,000	220,000
Total	240,835	195,000	245,000	220,000	220,000	220,000
152 - Human Resources						
Salaries	0	62,500	63,750	62,500	62,500	62,500
Expenses	984	3,000	4,890	4,450	4,450	4,450
Total	984	65,500	68,640	66,950	66,950	66,950
155 - Information Systems						
Salaries	56,399	58,201	59,401	58,201	58,201	58,201
Expenses	92,690	114,979	115,279	154,189	154,189	154,189
Total	149,090	173,180	174,680	212,390	212,390	212,390

Article 5: FY 2011 Operating Budget

	FY 09 ACTUAL	FY 10 BUDGET	FY 11 DEPT REQ	FY 11 FIN DIR	FY 11 TN MGR	FY 11 FIN COMM
158 - Tax Title						
Expenses	9,966	15,000	15,000	15,000	15,000	15,000
Total	9,966	15,000	15,000	15,000	15,000	15,000
161 - Town Clerk						
Salaries	109,324	109,375	108,202	108,202	108,202	108,202
Expenses	2,053	3,450	3,100	3,100	3,100	3,100
Total	111,377	112,825	111,302	111,302	111,302	111,302
162 - Elections						
Salaries	24,433	8,894	23,124	13,487	13,487	13,487
Expenses	14,100	14,200	17,190	17,190	17,190	17,190
Total	38,533	23,094	40,314	30,677	30,677	30,677
171 - Conservation Comm						
Salaries	90,004	106,880	107,040	106,606	106,606	106,606
Expenses	10,342	12,120	12,299	11,440	11,440	11,440
Total	100,346	119,000	119,339	118,046	118,046	118,046
175 - Planning Board						
Salaries	90,632	91,479	104,244	104,244	104,244	104,244
Expenses	11,043	13,170	13,170	11,520	11,520	11,520
Total	101,675	104,649	117,414	115,764	115,764	115,764
General Government						
Salaries	1,392,980	1,453,197	1,479,144	1,463,623	1,463,623	1,463,623
Expenses	578,239	578,313	587,937	585,939	585,939	585,939
Total Gen. Gov't	1,971,218	2,031,510	2,067,081	2,049,562	2,049,562	2,049,562

Article 5: FY 2011 Operating Budget

	FY 09 ACTUAL	FY 10 BUDGET	FY 11 DEPT REQ	FY 11 FIN DIR	FY 11 TN MGR	FY 11 FIN COMM
PUBLIC SAFETY						
210 - Police						
Salaries	2,951,268	2,994,806	3,004,792	2,787,728	2,787,728	2,787,728
Expenses	249,106	222,050	231,884	194,884	194,884	194,884
Total	3,200,374	3,216,856	3,236,676	2,982,612	2,982,612	2,982,612
220 - Fire						
Salaries	1,971,638	1,986,192	2,009,585	1,964,490	1,964,490	1,964,490
Expenses	229,318	228,275	235,550	235,550	235,550	235,550
Total	2,200,956	2,214,467	2,245,135	2,200,040	2,200,040	2,200,040
241 - Inspectional Services						
Salaries	356,141	382,846	391,018	387,669	387,669	387,669
Expenses	27,926	25,610	25,610	24,400	24,400	24,400
Total	384,068	408,456	416,628	412,069	412,069	412,069
295 - Harbor/Coastal Mgt						
Salaries	186,936	173,235	173,235	177,243	177,243	177,243
Expenses	25,403	20,000	24,200	24,600	24,600	24,600
Total	212,338	193,235	197,435	201,843	201,843	201,843
Public Safety						
Salaries	5,515,498	5,537,079	5,578,630	5,317,130	5,317,130	5,317,130
Expenses	538,626	495,935	517,244	479,434	479,434	479,434
Total Public Safety	6,054,123	6,033,014	6,095,874	5,796,564	5,796,564	5,796,564

Article 5: FY 2011 Operating Budget

	FY 09 ACTUAL	FY 10 BUDGET	FY 11 DEPT REQ	FY 11 FIN DIR	FY 11 TN MGR	FY 11 FIN COMM
PUBLIC WORKS						
192 - Central Building Services						
Salaries	40,059	42,811	45,240	57,530	57,530	57,530
Expenses	212,716	239,000	237,000	236,000	236,000	236,000
Total	252,776	281,811	282,240	293,530	293,530	293,530
193 - Buildings Maintenance						
Expenses	37,623	36,900	36,900	34,400	34,400	34,400
Total	37,623	36,900	36,900	34,400	34,400	34,400
194 - Tarkiln Community Center						
Expenses	502	1,200	18,300	16,500	16,500	16,500
Total	502	1,200	18,300	16,500	16,500	16,500
292 - Animal Control						
Salaries	49,515	50,777	50,777	50,777	50,777	50,777
Expenses	6,872	11,087	10,687	10,150	10,150	10,150
Total	56,387	61,864	61,464	60,927	60,927	60,927
294 - Lands & Natural Resources						
Salaries	259,798	364,108	362,648	360,648	360,648	360,648
Expenses	43,835	39,800	47,000	42,000	42,000	42,000
Total	303,633	403,908	409,648	402,648	402,648	402,648
418 - Central Fuel Depot						
Expenses	254,535	242,500	242,500	242,500	242,500	242,500
Total	254,535	242,500	242,500	242,500	242,500	242,500
419 - DPW Administration						
Salaries	254,239	251,073	253,911	253,911	253,911	253,911
Expenses	30,946	31,250	33,550	31,350	31,350	31,350
Total	285,184	282,323	287,461	285,261	285,261	285,261
421 - Vehicle Maintenance						
Salaries	88,642	98,796	103,743	145,998	145,998	145,998
Expenses	75,257	79,200	84,900	112,500	112,500	112,500
Total	163,899	177,996	188,643	258,498	258,498	258,498

Article 5: FY 2011 Operating Budget

	FY 09 ACTUAL	FY 10 BUDGET	FY 11 DEPT REQ	FY 11 FIN DIR	FY 11 TN MGR	FY 11 FIN COMM
422 - Highway/Road Maintenance						
Salaries	386,152	416,407	428,120	425,090	425,090	425,090
Expenses	59,997	52,300	52,300	49,800	49,800	49,800
Total	446,149	468,707	480,420	474,890	474,890	474,890
423 - Snow and Ice						
Salaries	126,974	55,000	55,000	55,000	55,000	55,000
Expenses	335,292	94,200	94,200	94,200	94,200	94,200
Total	462,266	149,200	149,200	149,200	149,200	149,200
424 - Street Lights						
Expenses	38,934	39,000	40,000	40,000	40,000	40,000
Total	38,934	39,000	40,000	40,000	40,000	40,000
431 - Transfer Station						
Salaries	223,390	203,181	205,342	205,342	205,342	205,342
Expenses	478,320	551,928	558,700	537,200	537,200	537,200
Total	701,709	755,109	764,042	742,542	742,542	742,542
440 - Sewer						
Salaries	0	14,900	14,900	14,900	14,900	14,900
Expenses	158,063	208,400	226,500	216,000	216,000	216,000
Total	158,063	223,300	241,400	230,900	230,900	230,900
491 - Cemetery						
Salaries	329,146	336,321	355,149	353,148	353,148	353,148
Expenses	172,580	173,206	181,620	178,720	178,720	178,720
Total	501,726	509,527	536,769	531,868	531,868	531,868
DPW						
Salaries	1,708,400	1,833,374	1,874,830	1,922,344	1,922,344	1,922,344
Expenses	1,898,599	1,799,971	1,864,157	1,841,320	1,841,320	1,841,320
Total DPW	3,607,000	3,633,345	3,738,987	3,763,664	3,763,664	3,763,664

Article 5: FY 2011 Operating Budget

	FY 09 ACTUAL	FY 10 BUDGET	FY 11 DEPT REQ	FY 11 FIN DIR	FY 11 TN MGR	FY 11 FIN COMM
HUMAN SERVICES						
541 - Council on Aging						
Salaries	314,300	297,183	302,917	284,808	284,808	284,808
Expenses	112,191	118,765	128,615	125,615	125,615	125,615
Total	426,491	415,948	431,532	410,423	410,423	410,423
543 - Veterans Services						
Salaries	20,911	20,911	20,911	20,911	20,911	20,911
Expenses	53,113	45,650	58,593	77,985	77,985	77,985
Total	74,023	66,561	79,504	98,896	98,896	98,896
840 - Ply. Cty. Coop. Ext.						
Expenses	200	200	200	200	200	200
Total	200	200	200	200	200	200
Human Services						
Salaries	335,211	318,094	323,828	305,719	305,719	305,719
Expenses	165,504	164,615	187,408	203,800	203,800	203,800
Total Human Services	500,714	482,709	511,236	509,519	509,519	509,519

Article 5: FY 2011 Operating Budget

	FY 09 ACTUAL	FY 10 BUDGET	FY 11 DEPT REQ	FY 11 FIN DIR	FY 11 TN MGR	FY 11 FIN COMM
LIBRARY & RECREATION						
610 - Library						
Salaries	848,757	856,921	869,715	855,926	855,926	855,926
Expenses	272,339	307,071	312,360	306,460	306,460	306,460
Total	1,121,096	1,163,992	1,182,075	1,162,386	1,162,386	1,162,386
630 - Recreation						
Salaries	140,063	141,826	141,826	140,626	140,626	140,626
Expenses	4,706	1,900	1,900	2,850	2,850	2,850
Total	144,769	143,726	143,726	143,476	143,476	143,476
631 - Percy Walker Pool						
Salaries	172,896	0	0	0	0	0
Expenses	90,860	7,000	0	0	0	0
Total	263,757	7,000	0	0	0	0
633 - Beach Life Guards						
Salaries	13,577	16,770	17,273	16,770	16,770	16,770
Expenses	148	1,100	1,100	600	600	600
Total	13,725	17,870	18,373	17,370	17,370	17,370
632 - North Hill Golf Course						
Expenses	1,447	2,000	2,000	2,000	2,000	2,000
Total	1,447	2,000	2,000	2,000	2,000	2,000
692 - Public Celebrations						
Expenses	4,071	4,500	4,750	4,500	4,500	4,500
Total	4,071	4,500	4,750	4,500	4,500	4,500
Library & Recreation						
Salaries	1,175,293	1,015,517	1,028,814	1,013,322	1,013,322	1,013,322
Expenses	373,572	323,571	322,110	316,410	316,410	316,410
Total Library & Rec.	1,548,865	1,339,088	1,350,924	1,329,732	1,329,732	1,329,732

Article 5: FY 2011 Operating Budget

	FY 09 ACTUAL	FY 10 BUDGET	FY 11 DEPT REQ	FY 11 FIN DIR	FY 11 TN MGR	FY 11 FIN COMM
SCHOOLS						
300 - Duxbury Schools						
Salaries	21,157,721	21,007,868	21,146,072	21,146,072	21,146,072	21,146,072
Expenses	4,899,630	6,638,590	6,800,386	6,800,386	6,800,386	6,800,386
Total - Schools	26,057,351	27,646,458	27,946,458	27,946,458	27,946,458	27,946,458

Article 5: FY 2011 Operating Budget

	FY 09 ACTUAL	FY 10 BUDGET	FY 11 DEPT REQ	FY 11 FIN DIR	FY 11 TN MGR	FY 11 FIN COMM
TOWN & SCHOOL						
SHARED COSTS						
EMPLOYEE BENEFITS						
916 - Medicare	396,925	420,700	450,000	450,000	450,000	450,000
915 - Life Insurance	11,776	15,000	15,000	13,000	13,000	13,000
914 - Employee Health Insurance	6,942,752	6,716,744	7,529,455	6,900,000	6,900,000	6,900,000
911 - Contributory Pensions	1,843,795	1,905,038	2,712,284	2,174,974	2,174,974	2,174,974
909 - Non-Contributory Pensions	29,457	29,500	29,500	29,500	29,500	29,500
945 - Unemployment Compensation	45,876	50,000	75,000	0	0	0
945 - Workers Compensation	200,363	235,000	273,500	255,000	255,000	255,000
Sub-Total Employee Benefits	9,470,943	9,371,982	11,084,739	9,822,474	9,822,474	9,822,474
OTHER SHARED COSTS						
945 - Fire, Liability, Insurance	274,266	310,000	282,800	277,800	277,800	277,800
132 - Reserve Fund	89,617	100,000	100,000	100,000	100,000	100,000
Sub-Total Liab Ins/ResFd	363,883	410,000	382,800	377,800	377,800	377,800
DEBT SERVICE TOWN & SCH						
710 - Principal Payments	2,584,860	1,761,774	1,738,513	1,738,513	1,738,513	1,738,513
751 - Interest on Bonded Debt	652,995	569,680	649,309	646,666	646,666	646,666
752 - Interest on Temporary Notes	13,115	20,000	20,000	20,000	20,000	20,000
753 - Bond Expense	505	20,000	20,000	20,000	20,000	20,000
Sub-Total Debt	3,251,475	2,371,454	2,427,822	2,425,179	2,425,179	2,425,179
Total Town/Sch Shared Costs	13,086,300	12,153,436	13,895,361	12,625,453	12,625,453	12,625,453

Article 5: FY 2011 Operating Budget

	FY 09 ACTUAL	FY 10 BUDGET	FY 11 DEPT REQ	FY 11 FIN DIR	FY 11 TN MGR	FY 11 FIN COMM
OPERATING BUDGET - WATER						
450 - Water						
Salaries	500,629	620,311	631,591	626,241	626,241	626,241
Expenses	828,291	1,026,638	1,051,538	1,038,538	1,038,538	1,038,538
Sub-Total Water Operations	1,328,921	1,646,949	1,683,129	1,664,779	1,664,779	1,664,779
DEBT SERVICE WATER						
710 - Principal Payments	550,000	760,922	804,000	731,539	731,539	731,539
751 - Interest on Bonded Debt	127,315	233,789	193,015	172,987	172,987	172,987
752 - Interest on Temporary Notes	68,000	20,000	20,000	20,000	20,000	20,000
753 - Bond Expense	0	20,000	20,000	20,000	20,000	20,000
Sub-Total Water Debt	745,315	1,034,711	1,037,015	944,526	944,526	944,526
OPERATING BUDGET - P.W.POOL						
631 - Pool						
Salaries	0	0	179,000	179,000	179,000	179,000
Expenses	0	0	198,531	198,531	198,531	198,531
Sub-Total P.W.Pool Operations	0	0	377,531	377,531	377,531	377,531

Article 5: FY 2011 Operating Budget

	FY 09 ACTUAL	FY 10 BUDGET	FY 11 DEPT REQ	FY 11 FIN DIR	FY 11 TN MGR	FY 11 FIN COMM
EXPENSES						
OPERATING PROGRAMS						
General Government	1,971,218	2,031,510	2,067,081	2,049,562	2,049,562	2,049,562
Public Safety	6,054,123	6,033,014	6,095,874	5,796,564	5,796,564	5,796,564
Public Works	3,607,000	3,633,345	3,738,987	3,763,664	3,763,664	3,763,664
Human Services	500,714	482,709	511,236	509,519	509,519	509,519
Library & Recreation	1,548,865	1,339,088	1,350,924	1,329,732	1,329,732	1,329,732
Education	26,057,351	27,646,458	27,946,458	27,946,458	27,946,458	27,946,458
Town & School Shared Costs	13,086,300	12,153,436	13,895,361	12,625,453	12,625,453	12,625,453
TOTAL - OPERATING BUDGET	52,825,572	53,319,560	55,605,921	54,020,952	54,020,952	54,020,952
Water						
Operating	1,328,921	1,646,949	1,683,129	1,664,779	1,664,779	1,664,779
Debt	745,315	1,034,711	1,037,015	944,526	944,526	944,526
TOTAL - WATER ENTERPRISE	2,074,236	2,681,660	2,720,144	2,609,305	2,609,305	2,609,305
Percy Walker Pool						
Salaries	0	0	179,000	179,000	179,000	179,000
Expenses	0	0	198,531	198,531	198,531	198,531
TOTAL - P. W. POOL ENTERPRISE	0	0	377,531	377,531	377,531	377,531

DUXBURY PUBLIC SCHOOLS FY11 BUDGET

FY07 EXPENDED	FY08 EXPENDED	FY09 EXPENDED	FY10 APPROVED BUDGET	FY11 BUDGET PROPOSED xx/xx/10
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POLICY and ADMINISTRATION					
(includes salaries and expenses covering School Committee, Retirements and K-12 support services for schools)					
School Committee	47,686	28,301	23,176	25,947	26,544
Central Office	868,822	798,728	898,198	766,753	764,237
Curriculum & Assessment	121,119	118,450	132,374	136,627	138,030
Admin Computer Services	237,079	257,274	278,561	289,283	290,058
Retirement Incentive	24,794	78,794	32,294	42,294	42,728
TOTAL POLICY AND ADMINISTRATION	1,299,500	1,281,547	1,364,603	1,260,905	1,261,598

REGULAR INSTRUCTION					
(includes academic programs which are either required or available on an elective basis to all)					
Principal	1,253,476	1,336,154	1,306,397	1,436,718	1,409,828
Art	370,541	410,584	433,586	452,423	444,821
Elementary Education	4,537,355	3,661,983	3,674,875	3,789,777	3,707,066
English	1,027,261	1,288,745	1,347,941	1,342,492	1,327,499
Health Education	54,155	84,448	87,115	111,137	123,586
Kindergarten	477,943	551,442	496,247	374,887	317,630
Mathematics/Business Education	1,098,234	1,244,143	1,284,232	1,378,591	1,366,012
Music	574,839	601,467	647,543	649,940	627,457
Physical Education	668,590	700,685	743,165	763,976	807,867
Science/Computer Sci/Fam & Cons Sci/Tech Ed	1,519,369	1,657,964	1,711,788	1,756,046	1,792,632
Social Studies	1,022,841	1,161,358	1,153,058	1,230,034	1,190,490
Reading	222,124	127,487	82,009	116,619	104,545
Remedial Education	233,644	184,563	285,239	281,925	291,857
World Language	964,533	1,021,783	1,084,263	1,137,761	1,216,762
Classroom Supplies	80,497	55,219	64,810	65,395	62,101
Educational Computer Services	307,491	315,655	289,842	393,253	386,080
TOTAL REGULAR INSTRUCTION	14,412,893	14,403,680	14,692,111	15,280,976	15,176,233

SPECIAL INSTRUCTION					
(includes programs for students with special learning needs, vocational and occupational education)					
Special Education Administration	132,305	140,907	159,962	172,616	174,577
Occupational and Vocational Education	194,343	231,059	257,513	289,780	287,466
Special Needs	2,914,441	3,374,367	3,580,670	3,465,183	3,541,645
Special Ed Transportation	313,164	379,144	346,478	398,100	410,043
Special Needs Pre-School	354,572	717,763	730,548	785,852	830,870
TOTAL SPECIAL INSTRUCTION	3,908,825	4,843,240	5,075,172	5,111,631	5,244,601

DUXBURY PUBLIC SCHOOLS FY11 BUDGET

FY07 EXPENDED	FY08 EXPENDED	FY09 EXPENDED	FY10 HIRE REVISION APPROVED BUDGET	FY11 BUDGET APPROVED xx/xx/10
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INSTRUCTIONAL SUPPORT SERVICES

(includes programs providing support for classroom teaching or programs which provide direct services to students)

Athletics	348,821	345,524	340,895	327,273	329,406
Cocurricular Activities	101,745	118,950	155,040	140,785	132,070
Guidance	530,206	521,886	531,142	638,996	730,350
Health Services	271,713	304,798	318,457	317,756	345,256
Library	186,487	189,641	198,989	218,875	230,150
Media	51,222	46,464	53,563	61,991	62,697
Out-of-State-Travel	2,961	0	0	0	0
Professional Development	78,037	50,691	40,646	54,940	56,355
Psychological Services	244,612	248,238	264,791	322,186	332,485
Substitutes	278,880	326,841	286,737	336,646	337,738
TOTAL INSTRUCTIONAL SUPPORT SERVICES	2,094,684	2,153,033	2,190,262	2,419,448	2,556,508

OPERATIONAL SERVICES

(includes programs related directly to operating the school facilities)

Custodial	814,796	851,698	880,880	864,800	889,812
Maint of Bldg & Grnds	222,622	277,652	257,287	254,391	261,880
Security	3,773	0	0	4,874	4,944
Traffic Supervisors	18,227	10,163	0	0	0
Extraordinary Building Repairs	357,722	409,145	365,379	331,589	341,537
Transportation	969,091	983,538	957,528	1,010,888	1,046,796
Energy Heat/Light	698,404	727,850	890,809	1,027,992	1,079,392
Telephone	47,106	57,529	47,271	59,254	56,754
Water	23,815	19,233	25,155	19,810	26,404
TOTAL OPERATIONAL SERVICES	3,155,556	3,336,808	3,424,309	3,573,598	3,707,519

TOTAL SCHOOL BUDGET	24,871,458	26,018,308	26,746,458	27,646,458	27,946,458
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	Article 6 Capital Projects Requests				
	Fiscal 2011 Request	Town Manager Recommendation	Fiscal Advisory Recommendation	Finance Committee Recommendation	TOWN MEETING & NOTES
GENERAL GOVERNMENT					Fiscal Advisory Committee votes on items of \$15,000 and greater.
<u>Assessing</u>					
Ricoh MP4000 B Printer/Copier/Scanner	7,373	7,373	-	7,373	
<u>Information Systems</u>					
Building Floor Plan Integration with Pictometry	3,000	3,000	-	3,000	
HP Designjet	5,000	-	-	-	
HP Scanjet Document Sheet -feed Scanner	1,000	-	-	-	
Technology Master Plan	30,000	30,000	30,000	30,000	
GENERAL GOVERNMENT TOTAL	46,373	40,373	30,000	40,373	
PUBLIC SAFETY					
<u>Fire Department</u>					
Replace 2005 Ambulance	200,000	200,000	200,000	200,000	
Replace Cardiac Monitors/Defibrillators (3)	75,000	50,000	50,000	50,000	
Replace 1999 Deputy Chiefs' Vehicle	35,000	30,000	30,000	30,000	
Replace 1992 Rescue Truck	190,000	-	-	-	
Repainting Exterior of Station 2	15,000	-	-	-	
Finish Plymovent Truck Exhaust Sys in Station 1	15,000	-	-	-	
Station 1 Roof Repairs	3,500	-	-	-	
Turnout Gear Pants & Coats (5)	15,000	12,000	-	12,000	
EMS Training Mannequin	5,000	5,000	-	5,000	
Renovate Station 1 Bunkroom	10,000	10,000	-	10,000	
<u>Harbormaster</u>					
Replace 2001 Patrol Vehicle	33,731	31,666	31,666	31,666	
Replace 2004 4X4 Truck	33,731	-	-	-	
Replace 2005 Patrol Vehicle	33,731	-	-	-	
Replace 2000 Ford Expedition	28,925	31,666	31,666	31,666	
Philips AED (2)	4,000	-	-	-	
DynaMed Rescue Responder Kit	640	-	-	-	
Telephone System Upgrade	4,200	4,200	-	4,200	
<u>Police Station Building Committee</u>					
Site Feasibility Study & Testing	30,000	30,000	30,000	30,000	
PUBLIC SAFETY TOTAL	732,459	404,532	373,332	404,532	

	Article 6 Capital Projects Requests					
	Fiscal	Town	Fiscal	Finance	TOWN MEETING & NOTES	
	2011 Request	Manager Recommendation	Advisory Recommendation	Committee Recommendation		
PUBLIC WORKS						
Central Buildings Services						
Replace Cemetery Office Roof	25,000	-	-	-		
Replace Old Town Hall Roof	25,000	-	-	-		
Repair & Paint Old Town Hall Exterior	30,000	-	-	-		
Town Hall Office Reconfiguration	5,065	5,065	-	5,065		
Lands & Natural Resources						
Replace 1998 Bucket Truck H-23	175,000	175,000	175,000	175,000		
Replace 2000 Toro Grounds Master	87,000	-	-	-		
Replace 2002 3/4 Ton Truck H-29	35,000	-	-	-		
Replace 2002 1/2 Ton Truck	26,000	-	-	-		
Fuel Depot						
Replace Fuel Pumps	30,000	-	-	-		
Administration						
Seawall Maintenance	120,000	-	-	-		
Repair Powder Point Bridge	522,500	-	-	-		
Highway						
Replace 1993 Six Wheel Dump Truck H-28	147,000	-	-	-		
Replace 2001 JCB Backhoe H-9	153,112	153,000	153,000	153,000		
Replace 2000 Six Wheel Dump Truck	144,000	-	-	-		
Replace 1999 Chevy Blazer	26,000	-	-	-		
Replace 1997 Skid Steer Bob Cat Tractor	65,000	-	-	-		
10' Power Angle Plow	15,202	15,202	15,202	15,202		
Transfer Station						
Replace Fencing	17,100	17,100	17,100	17,100		
Cemetery						
Reline Crematory Retorts (2)	80,000	80,000	80,000	80,000		
DEPARTMENT OF PUBLIC WORKS TOTAL	1,727,979	445,367	440,302	445,367		

Article 6 Capital Projects Requests						
	Fiscal 2011 Request	Town Manager Recommendation	Fiscal Advisory Recommendation	Finance Committee Recommendation	TOWN MEETING & NOTES	
HUMAN SERVICES						
Council On Aging						
Folding Tables 6' x 30" (1)	170	-	-	-		
Folding Tables 8' x 30" (6)	1,110	-	-	-		
Dining Chairs (25)	6,375	-	-	-		
Shipping & Handling	1,545	-	-	-		
HUMAN SERVICES TOTAL	9,200	-	-	-		
LIBRARY & RECREATION						
Library						
Intergrated Materials Flow Management Sys - Ph I	50,000	-	-	-		
Lawn Mower	700	-	-	-		
Carpet Replacement	2,600	2,600	-	2,600		
Light Blocking Window Shades	900	-	-	-		
Recreation						
Telephone System Upgrade	4,300	4,300	-	4,300		
LIBRARY & RECREATION TOTAL	58,500	6,900	-	6,900		

Article 6 Capital Projects Requests						
	Fiscal 2011 Request	Town Manager Recommendation	Fiscal Advisory Recommendation	Finance Committee Recommendation	TOWN MEETING & NOTES	
DUXBURY SCHOOLS						
Information Technology						
Network Upgrades - System Wide	28,000	10,000	10,000	10,000		
Mobile Class Computer System - System Wide	60,000	30,000	30,000	30,000		
Replace Printers - System Wide	13,000	13,000	13,000	13,000		
Replace Computers - System Wide	234,000	110,000	110,000	110,000		
Projectors - System Wide	38,560	38,500	38,500	38,500		
Wireless Technology Phase II - DHS	12,000	10,000	10,000	10,000		
Technology TV Studio Upgrades - DHS	30,810	-	-	-		
World Language Lab Hardware & Software - DMS	35,000	-	-	-		
Other Capital Items						
Tile Installation	15,000	-	-	-		
Carpet Replacement	45,000	24,000	24,000	24,000		
New Classrooms & Furniture	25,000	-	-	-		
Classroom Furniture	31,500	6,500	6,500	6,500		
White Marker Boards	9,600	8,000	8,000	8,000		
Window Blinds - DHS	12,000	-	-	-		
Cafeteria Tables	7,200	-	-	-		
Musical Instruments	10,000	-	-	-		
Wall Repairs - DMS	19,000	-	-	-		
Tankless Water Heating System - PAC/DHS	21,000	-	-	-		
SCHOOL DEPARTMENT TOTAL	646,670	250,000	250,000	250,000		
GENERAL FUND TOTAL	3,221,181	1,147,172	1,093,634	1,147,172		
WATER ENTERPRISE FUND						
Leak Detection	15,000	-	-	-		
Water System Master Plan Update	50,000	50,000	50,000	50,000		
Replace 2002 S-10 Pickup	24,000	24,000	24,000	24,000		
System Rehabilitation	150,000	-	-	-		
PCE Main Pipe Replacement	100,000	100,000	100,000	100,000		
WATER ENTERPRISE FUND TOTAL	339,000	174,000	174,000	174,000		

LONG TERM DEBT AND INTEREST BUDGET

DATE OF BOND ISSUE		EXPENDED Fiscal Year 2009	PROJECTED Fiscal Year 2010	REQUESTED Fiscal Year 2011
PRINCIPAL PAYMENTS:				
SEWER:				
04/01/97	Bluefish/Snug Harbor (2017)	33,275	34,189	35,162
10/25/00	Community Septic Management (2019)	10,872	10,872	10,872
07/24/03	Community Septic Management (2021)	10,713	10,713	10,479
12/15/02	Bay Road (2023)	55,000	55,000	55,000
		\$ 109,860	\$ 110,774	\$ 111,513
WATER:				
12/15/98	Muni Purpose Bond (2013)	225,000	100,000	100,000
06/15/00	Muni Purpose Bond (2010)	40,000	40,000	-
08/15/01	Muni Purpose Bond (2012)	20,000	20,000	20,000
12/15/02	Muni Purpose Bond (2013)	60,000	60,000	60,000
11/15/03	Muni Purpose Bond (2013)	40,000	40,000	40,000
05/15/04	Muni Purpose Bond (2014)	110,000	110,000	110,000
12/15/05	Muni Purpose Bond (2016)	50,000	50,000	50,000
02/15/07	Muni Purpose Bond (2017)	95,000	99,000	95,000
05/15/08	Damon Well (2023)	85,000	85,000	85,000
05/15/08	Route 3/Temple St Water Main (2023)	40,000	40,000	40,000
01/01/09	Birch Street Tank (2029)	-	139,851	131,539
		\$ 765,000	\$ 783,851	\$ 731,539
SCHOOL:				
06/15/00	Alden School Remodel (2010)	150,000	150,000	-
12/15/05	School Sewer (2021)	100,000	100,000	100,000
12/15/05	Chandler/Alden School (2021)	775,000	775,000	775,000
02/15/07	School Sewer (2010)	20,000	20,000	-
		\$ 1,045,000	\$ 1,045,000	\$ 875,000
OTHER BUILDINGS:				
12/15/97	Library (2017)	175,000	175,000	170,000
06/15/00	Ashdod Fire Station (2010)	60,000	60,000	-
08/15/01	Senior Center (2017)	145,000	145,000	145,000
12/15/05	Animal Shelter (2009)	15,000	-	-
02/15/07	Fire Alarms (2012)	20,000	20,000	20,000
		\$ 415,000	\$ 400,000	\$ 335,000

Article 4

To see if the Town will raise and appropriate, and/or borrow in anticipation of receipt of state grants(s) or reimbursement(s), in accordance with M.G.L. Chapter 44, Sections 4 and 6A, any sum or sums of money to be used with such sum or sums as may be available from the State Highway Fund (or more commonly referred to as Chapter 90 Fund) or allotted by the County Commissioners for maintenance, together with the acquisition of easements and for the payment of damages and expenses in connection therewith, as well as to authorize the transfer and use for said purposes of any unused balances,

or take any action in relation thereto.

(Board of Selectmen)

Finance Committee Recommendation: Approval

Article 5

To see if the Town will raise and appropriate, or transfer from available funds, including the Water Enterprise Fund and the Percy Walker Pool Enterprise Fund, in accordance with M.G.L. Chapter 44 such sums of money as it determines necessary for Town expenses and charges, including, without limitation of the foregoing, debt and interest, wages, salaries, Reserve Fund, and expenses for operation of the Town's departments and offices, all for the Fiscal Year beginning July 1, 2010 and ending June 30, 2011 inclusive, in accordance with the following schedule, which is incorporated by reference herein (See Article 5 FY11 Operating Budget on following pages),

or take any action in relation thereto.

(Finance Committee)

(See Finance Committee Recommendations on Following Pages)

Article 6

To see if the Town will raise and appropriate, transfer from the Water Enterprise Fund, the Percy Walker Pool Enterprise Fund, the Stabilization Fund, or other available funds, or authorize borrowing or leasing, a sum or sums of money for capital projects and/or equipment in accordance with the following capital budget schedule, which is incorporated by reference herein and further to authorize the Board of Selectmen, acting as Water Commissioners, to impose betterments pursuant to M.G.L. Chapters 80 and 83 (See Article 6 Capital Projects Requests on following pages),

or take any action in relation thereto.

(Fiscal Advisory and Finance
Committees)

(See Fiscal Advisory Committee and Finance Committee Recommendations on Following Pages)

Article 7

To see if the Town will vote to amend the Town By-law, known as the "Duxbury Personnel Plan", as originally accepted on March 12, 1955, and last amended as of March 14, 2009 by replacing it with a new revised By-Law, a copy of which is on file in the Town Clerk's Office, which revised By-Law is incorporated herein, to become effective July 1, 2010 and to raise and appropriate, or transfer from available funds, such sums of money as are necessary to implement the Personnel Plan and provide funding for other salary compensation not a part of the Personnel Plan,

or take any action in relation thereto.

(Personnel Board)

Finance Committee Recommendation: Approval

Article 8

To see if the Town will vote to 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, 2010:

- Duxbury Police Association
- Duxbury Police Commanders Association
- Duxbury Police Dispatchers Union
- Service Employees International Union, CTW-CLC Local 888 (Library Employees)
- Local 2167 International Association of Firefighters A.F.L.-C.I.O.
- Local 1700, Council 93, AFSCME, Duxbury DPW Employees
- Local 888, SEIU, Town of Duxbury Secretaries and Clerks
- Local 888, SEIU, Duxbury Professional & Supervisory Unit
- Local 888, SEIU, Duxbury Professional Support Unit
- Duxbury Teachers Association
- Duxbury Teachers Association Unit C—Instructional Assistants
- Duxbury Secretaries/Clerks Association (School)
- Local 1700, AFSCME, Council 93, A.F.L.-C.I.O., School Custodians
- Local 1700, AFSCME Council 93, A.F.L.-C.I.O., Duxbury School Cafeteria Unit

or take any action in relation thereto.

(Board of Selectmen) (School Committee)

Finance Committee Recommendation: Available at Town Meeting

Article 9

To see if the Town will vote to rescind any Town debt as authorized and unissued at previous Town Meetings, or take any action in relation thereto.

(Finance Department)

Finance Committee Recommendation: Indefinite Postponement

Article 10

To see if the Town will vote, upon recommendation of the Board of Selectmen, to authorize revolving funds under M.G.L. Chapter 44, Section 53E 1/2 for the following purposes:

Council on Aging Revolving Fund: to be credited with all fees and charges received from the Senior Center Programs as established by the Board of Selectmen 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 Director of the Council on Aging, for Senior Center Programs;

Finance Committee Recommendation: Approval

GIS Revolving Fund: to be credited with all fees and charges received for the Geographic Information System (GIS) program as established by the Board of Selectmen and to authorize the expenditure of no more than \$6,000 from said Revolving Fund, to be expended under the direction of the Town Manager for maintenance of and upgrades to the GIS program;

Finance Committee Recommendation: Approval

Jaycox Tree Farm Revolving Fund: to be credited with all fees and charges received from the operation of the Jaycox Tree Farm as established by the Conservation Commission and to authorize the expenditure of no more than \$20,000 from said Revolving Fund, to be expended under the direction of the Conservation Administrator for supplies and any needs of the Jaycox Christmas Tree Farm;

Finance Committee Recommendation: Approval

or take any action in relation thereto.

(Finance Department)

Article 11

To see if the Town will vote to raise and appropriate and/or transfer from available funds, a sum of money 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 Duxbury Beach Reservation, Inc., south of a line running approximately east to west along the northerly edge of the northerly parking area at the east end of the Powder Point Bridge (subject to the migratory shorebird refuge at High Pines and excluding the land at High Pines leased to a third party) and authorize the Board of Selectmen to execute a lease in the name and on behalf of the Town, for a period beginning on July 1, 2010 and ending June 30, 2011 on such terms as the Board of Selectmen may approve,

or take any action in relation thereto.

(Board of Selectmen)

Finance Committee Recommendation: Approval

Article 12

To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money to fund the Town of Duxbury's Fourth of July parade and ceremony,

or take any action in relation thereto.

(Board of Selectmen)

Finance Committee Recommendation: Approval

Article 13

To see if the Town will vote to adopt the Allocation of the Resources of the Duxbury Affordable Housing Trust Fund for Fiscal Year 2011 in accordance with the provisions of Chapter 112 of the Acts of 2005. The Provisions of this Allocation Plan are as follows:

A. First Time Homeownership Program

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

B. Conversion of Existing Properties

1. Acquire and rehabilitate or redevelop existing residential units for purchase or rental by low income 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.

or take any action in relation thereto.

(Board of Selectmen/Local Housing Partnership)

Finance Committee Recommendation: Approval

Article 14

To see if the Town will vote to appropriate a sum of money for architectural, engineering, and design services to prepare contract bid documents and to construct and furnish a new crematory/cemetery office facility to be located on a portion of Parcel 140-501-019 off of Tremont Street as shown on a site plan on file with the Town Clerk, to determine whether this appropriation shall be raised by borrowing or otherwise, and if by borrowing, to authorize the

Treasurer with the approval of the Board of Selectmen to borrow a sum of money under Chapter 44 of the General Laws or any other enabling authority, said appropriation to be expended under the direction of the Town Manager, and that said appropriation be contingent upon approval by Town voters of a ballot question at an election, said ballot question to ask voters to allow the Town to exempt from the provisions of Proposition 2 1/2 so-called, the amounts required to pay for the principal and interest on the bonds or notes to be issued for said purposes, or take any action in relation thereto.

(Board of Selectmen/Crematory Building Committee)

Finance Committee Recommendation: Approval

Fiscal Advisory Committee Recommendation: Approval

Article 15

To see if the Town will vote to appropriate a sum of money for architectural, engineering and design services to prepare contract bid documents for the rehabilitation of the Fire Department Headquarters Building on Parcel 150-503-040 on Tremont Street and to determine whether this appropriation shall be raised by borrowing or otherwise, and if by borrowing to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow a sum of money under Chapter 44 of the General Laws or any other enabling authority, said appropriation to be expended under the direction of the Town Manager, to authorize the Town Manager to accept any grants for such project, and that said appropriation be contingent upon approval by Town voters of a ballot question at an election, said ballot question to ask voters to allow the Town to exempt from the provisions of Proposition 2 ½ so-called, the amounts required to pay the principal and interest on the bonds or notes to be issued for said purposes,

or take any action in relation thereto.

(Board of Selectmen/
Public Safety Building Feasibility Study Committee)

Finance Committee Recommendation: Approval

Fiscal Advisory Committee Recommendation: Approval

Article 16

To see if the town will vote to amend Section 302 (Definitions) of the Duxbury Protective Bylaw by inserting in alphabetical order the following new definition:

Open Space- Any portion of the lot comprised of vegetative organic matter. Open space shall be free of vehicular traffic, parking, utilities and structures.

And further amend Section 425 as follows: (Additions to the original text are shown in ***bold italicized print***, prior bylaw in italicized print)

425 INTENSITY AND DIMENSIONAL REGULATIONS FOR ALL NEIGHBORHOOD BUSINESS DISTRICTS

425.1 Lot Area, Frontage, Depth Dimensions and Coverage

1. Minimum lot size for NB-1 and NB-2 is 15,000 square feet.

2. Lot Dimension for NB-1 and NB-2:

Frontage 100 linear feet

Depth 100 linear feet

Front setback 10 linear feet

Side setback 0 linear feet

Rear setback 0 linear feet

3. In a Neighborhood Business District where present buildings are less than forty (40) Feet from the right-of way line, new buildings may be placed as near the right-of way line as the average buildings on said adjoining lots. A vacant lot shall, for this purpose, be treated as though occupied by a building set back forty (40) feet.

4. The minimum front setback shall be measured from the right-of-way giving legal access to any lot where a plan of the way is on file with the Registry of Deeds or, in the absence of such a plan, from a line twenty feet from and parallel with the center line of the traveled way. In the case of a corner lot, the distance of the front setback shall apply to any structure adjacent to either right-of-way.

5. In a Neighborhood Business District, no accessory building or structure shall be located within the required front setback. Accessory structures may be appended to the principal building or to another accessory building.

a) Corner Clearance – Within the triangle formed by the lines of intersecting ways and a line joining points on such lines fifteen feet distance from their point of intersection, or in the case of a rounded corner, the point of intersection, or in the case of a rounded corner, the point of intersection of their tangents, no structure and no foliage shall be maintained between a height three and one-half (3.5) feet and height of eight (8) feet above the plan through their curb grades.

b) Projections – Nothing herein shall prevent the projection of steps, stoops, not exceeding thirty square feet in any area, cornices, window sills or belt courses into any required setback.

c) Height – Maximum height shall be thirty (30) feet in NB 1 and NB 2.

d) Exemptions to Height Regulations – The limitations of height in feet shall not apply to chimneys, elevators, poles, ventilators, skylights, tanks, bulkheads, and other accessory structural features usually carried above roofs, nor to domes, towers, or spires of churches or other buildings provided such features are in no way used for living purposes and further provided that no such structural feature of any building shall exceed a height of sixty-five (65) feet from the ground. The

Board of Appeals may grant a special permit for greater height for such structures and provided such greater height would not be hazardous or detrimental to the neighborhood.

e) Open space- In NB1 and NB2 Districts the minimum open space of a lot shall be no less than:

Lot up to but not including 3 acres: twenty percent (20%)

Lot of 3 acres up to but not including 5 acres: thirty-five percent (35%)

Lot of 5 acres or more: fifty percent

See Section 302 for the definition of Open Space and Lot Area.

f) Site Coverage – In NB1 and NB2 Districts the maximum site coverage of a lot shall be no more than:

Lot up to but not including 3 acres: eighty percent (80%)

Lot of 3 up to but not including 5 acres: sixty-five percent (65%)

5 acres or more: fifty percent (50%)

PRIOR BYLAW:

{e) Site Coverage – In NB1 and NB2 Districts the maximum site coverage of a lot shall be no more than fifty percent (50%) of the total area of the lot as defined in Section 302 and not "Lot Area."}

g) f) Bedrooms – Above ground floor apartments in Neighborhood Business Districts 1 and 2 shall be limited to no more than two (2) bedrooms.

h) g) Reduction of Minimum Requirements – No lot, setback, court or other open space already having less than the minimum requirements in this Bylaw shall be further divided or reduced with respect to such minimum requirement or requirements.,

or take any action in relation thereto.

(Citizen Petition)

Finance Committee Recommendation: Approval

Article 17

To see if the Town will vote to amend the Protective Bylaw section 421.3.7 to add the words 'renewable and alternative energy research and development' as follows:

421: Neighborhood Business District 1: Use and Regulation

"421.3.7: Professional office for dental, architectural, engineering, renewable and alternative energy research and development, legal, medical, and other similar recognized professions;

medical and dental clinics, including retail uses accessory thereto providing no more than twenty-five percent of the rentable floor space in a principal building exclusive of all storage areas is used therefor."

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

302 DEFINITIONS

Research and Development

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

or take any action in relation thereto.

(Alternative Energy Committee)

Finance Committee Recommendation: Approval

Article 18

To see if the Town will vote to amend the Protective Bylaw by adding a new Section 616 entitled "Community-Scale Wind Facilities":

616 COMMUNITY-SCALE WIND FACILITIES

616.1 Purpose and Applicability

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

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

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

616.2 Definitions

Community-Scale Wind Facility. A Community-Scale Wind Facility is a Wind Facility where the primary use of the facility is to generate electrical power for use by the Town, inclusive of all

equipment, machinery and structures utilized in connection with the conversion of wind energy to electricity. This includes, but is not limited to, transmission, storage, collection and supply equipment, substations, transformers, service and access roads, and one or more Wind Facility.

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

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

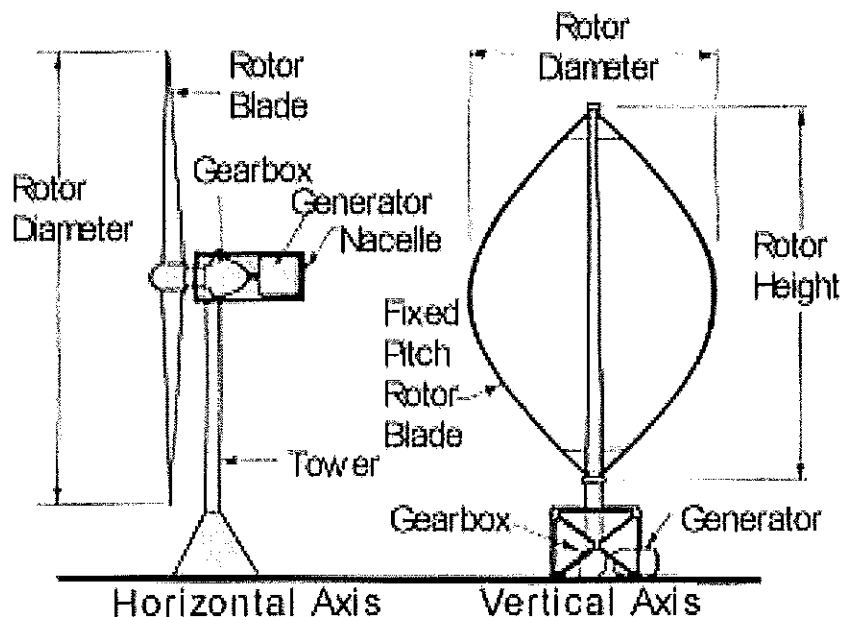
Rated Nameplate Capacity: The maximum rated output of electric power production equipment. This output is typically specified by the manufacturer with a "nameplate" on the equipment.

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

Special Permit Granting Authority: The Special Permit Granting Authority shall be the Zoning Board of Appeals.

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

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



Wind Turbine Configurations

Diagram 616.2a

616.3 Permitting

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

- (a) the specific site is an appropriate and approved location for such use;
- (b) the use is not expected to adversely affect the neighborhood;
- (c) there is not expected to be any appreciable hazard to pedestrians, vehicles or wildlife from the use;
- (d) adequate and appropriate infrastructure will be provided for the proper and safe operation of the Community-Scale Wind Facility; and
- (e) the requirements of section 616.4, 616.5 and 616.6 are complied with in all respects;

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

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

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

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

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

616.4 Certain Specific Requirements

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

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

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

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

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

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

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

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

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

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

616.5 Emergency Services

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

616.6 Specific Environmental Considerations

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

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

- (a) Increases the broadband sound level by more than 10 dB(A) above ambient level, or
- (b) Produces a "pure tone" condition – when an octave band center frequency sound pressure level exceeds the two adjacent center frequency sound pressure levels by 3 decibels or more.

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

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

616.7 Facility Conditions

The applicant shall maintain the Community-Scale Wind Facility in good condition and as a condition for the permit, shall submit with the application a plan for maintaining the Community-Scale Wind Facility in accordance herewith. Maintenance shall include, but not be limited to,

painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Medical Services. The project owner shall be responsible for the cost of maintaining the Community-Scale Wind Facility and any access road, unless accepted as a public way, and the cost of repairing any damage occurring as a result of operation and construction. All material modifications to a Community-Scale Wind Facility made after issuance of the special permit shall require approval by the Special Permit Granting Authority as provided in this section.

616.8 Removal

1) Removal Requirements - Any Community-Scale Wind Facility, Wind Monitoring or Meteorological Tower which has reached the end of its useful life, permit term or has been abandoned shall be removed by the facility owner. When the Community-Scale Wind Facility, Wind Monitoring or Meteorological Tower is scheduled to be decommissioned, the applicant shall notify the Special Permit Granting Authority by certified mail of the proposed date of discontinued operations and plans for removal. The owner/operator shall physically remove the Community-Scale Wind Facility, Wind Monitoring or Meteorological Tower no more than 150 days after the date of discontinued operations. At the time of removal, the Community-Scale Wind Facility, Wind Monitoring or Meteorological Tower site shall be restored to the state it was in before the facility was constructed, or to other less stringent restorative conditions approved by the Special Permit Granting Authority. More specifically, decommissioning shall include provision for:

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

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

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

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

616.9 Duration

A special permit issued for a Community-Scale Wind Facility shall be valid for the projected useful life of the facilities as determined by the Special Permit Granting Authority based on submissions of the applicant, but in any case not more than 25 years, unless extended or renewed. The time period may be extended or the permit renewed by the Special Permit Granting Authority upon satisfactory operation of the facility. Request for renewal must be

submitted at least 180 days prior to the expiration date of the Special Permit. Submitting a renewal request shall allow for continued operation of the facility until the Special Permit Granting Authority acts. At the end of that period (including extensions and renewals), the Community-Scale Wind Facility shall be removed as required by this section.

616.10 Application Procedures

1) General - The application for a Community-Scale Wind Facility shall be filed in accordance with section 906 of this Bylaw and the rules and regulations of the Special Permit Granting Authority concerning special permits as the same maybe revised from time to time, including such revisions and requirements as may be imposed that are consistent with this section and including the items set forth below. Each application for a Special Permit shall be filed by the applicant with the Duxbury Town Clerk pursuant to Massachusetts General Laws.

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

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

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

- (a) Copy of a portion of the most recent USGS Quadrangle Map, at a scale of 1:25,000, showing the proposed facility site, including turbine sites, and the area within at least two miles from the facility. Zoning district designation for the subject parcel and surrounding parcels shall be included.
- (b) A one inch equals 40 feet site plan of the proposed Community-Scale Wind Facility site, with contour intervals of no more than two (2) feet, showing the following:

- (i) Property lines for the subject parcel and adjacent parcels within 500 feet;
- (ii) Outline of all existing buildings, including purpose (e.g. residence, garage, etc.) on subject parcel and all adjacent parcels within 500 feet. Include distances from the Community-Scale Wind Facility to each building shown;
- (iii) Location of all roads, public and private on the site parcel and adjacent parcels within 500 feet, and proposed roads or driveways, either temporary or permanent, including any associated drainage facilities;
- (iv) Existing areas of tree cover, including average height of trees, on the site parcel and adjacent parcels within 500 feet;
- (v) Proposed location and design of Community-Scale Wind Facility, including all turbines, ground equipment, appurtenant structures, transmission infrastructure, access, fencing, exterior lighting, etc; and
- (vi) Location of viewpoints referenced below in 616.10.4 of this section.

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

- (a) View representations shall be in color and shall include actual pre-construction photographs and accurate post-construction simulations of the height and breadth of the Community-Scale Wind Facility (e.g. superimpositions of the Community-Scale Wind Facility onto photographs of existing views); and
- (b) All view representations will include existing, or proposed, buildings or tree coverage.

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

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

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

costs shall be pre-paid by the applicant per the rules and regulations of the Special Permit Granting Authority.

616.11 RIGHT OF APPEAL

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

or take any action in relation thereto.

(Alternative Energy Committee)

Finance Committee Recommendation: Approval

Article 19

To see if the Town will vote to amend the Duxbury Protective Bylaw, Section 615.1 as follows: (insertions to original text are shown in ***bold italicized print***. Deletions from the original text are shown in strike-through-format.)

615.1 Purpose

The purpose of this bylaw is to promote functional and aesthetic design, construction, and maintenance of certain developments and to minimize any harmful effects on surrounding areas. Such ~~developments~~ ***include but are not limited to*** ~~designed to be used for certain multi-family residential, non-residential or mixed use activities, including, but not limited to business and professional offices, religious and government activities, commercial establishments, educational and not-for-profit facilities, medical-service facilities, and public recreational facilities, together with their associated outdoor areas for vehicular movement and parking invite and accommodate varying degrees of open and continuous use by the general public. Owing to their physical characteristic and the nature of their operations, such developments may affect neighboring properties and adjacent sidewalks and streets. It is in the interest of the Town to promote functional and aesthetic design, construction, and maintenance of such developments and to minimize any harmful effects on surrounding areas, while simultaneously respecting the provisions of G.L. 40A sec. 3.~~

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

1. Protection of neighboring properties against harmful effects of uses on the development site;
2. Convenient and safe access for fire-fighting and emergency rescue vehicles within the development site and in relation to adjacent streets;
3. Convenience and safety of vehicular and pedestrian movement within the development site and in relation to adjacent streets, properties or improvements;
4. Satisfactory methods for drainage of surface water to and from the development site;
5. Satisfactory methods for storage, handling, and disposal of wastewater, refuse, and other wastes resulting from the normal operations of the establishment(s) on the development site;
6. Convenience and safety of off-street loading and unloading of vehicles, goods, products, materials and equipment incidental to the normal operation of the establishment(s) on the development site; and

7. Harmonious relationships to the terrain and to existing buildings in the vicinity of the development site.

or take any action in relation thereto.

(Planning Board)

Finance Committee Recommendation: Approval

Article 20

To see if the Town will vote to amend the General By-laws, Chapter 9.1.10. by amending the last paragraph, as follows: (insertions to original text are shown in ***bold italicized print***. Deletions from the original text are shown in ~~strike through format~~.)

“Non-criminal Disposition -- In addition to the procedure of enforcement as described above, the provisions of this Bylaw may also be enforced by the Conservation Commission or its agent, by non-criminal complaint pursuant to the provisions of MGL, c. 40, s 21D. The penalty for violation of any provision of this Bylaw shall be ***\$300.00*** ~~\$100.00~~ for the first offense; ~~\$200.00~~ ***\$300.00*** for the second offense; ~~\$300.00~~ ***\$300.00*** for the third offense and each subsequent offense. Each provision of the chapter, regulations or permit violation that is violated shall constitute a separate offense.”

Or take any action in relation thereto.

(Conservation Commission)

Finance Committee Recommendation: Approval

Article 21

To see if the Town will vote to raise and appropriate, or transfer, upon recommendation of the Community Preservation Committee, from the Community Preservation Fund, in accordance with M.G.L. Chapter 44B such sums of money as it determines necessary for the expenses and charges for operation of the Community Preservation Committee, all for the Fiscal Year beginning July 1, 2010 and ending June 30, 2011 inclusive,

or take any action in relation thereto.

(Community Preservation Committee)

Finance Committee Recommendation: Approval

Article 22

To see if the Town will vote to appropriate, upon recommendation of the Community Preservation Committee, a sum of money for the purpose of meeting the requirements of the Community Preservation Act, M.G.L., Chapter 44B, Section 6, for the purposes of Open Space, Community Housing (Affordable) and Historic Resources (Preservation),

or take any action in relation thereto.

(Community Preservation Committee)

Finance Committee Recommendation: Approval

Article 23

To see if the Town will vote to raise and appropriate or transfer from available funds, upon recommendation of the Community Preservation Committee, a sum of money from the Community Preservation Fund to be utilized for the historic restoration of the First Parish Church located on Tremont Street, including costs related thereto, and further to authorize the Board of Selectmen to enter into certain agreements with the First Parish Church, on terms deemed by the Selectmen to be in the best interest of the Town, and to authorize the Town Manager to expend sums of money from the Community Preservation Fund for the purposes of this Article,

or take any other action in relation thereto.

(Community Preservation Committee)

Finance Committee Recommendation: Available at Town Meeting

Fiscal Advisory Committee Recommendation: Disapproval

Article 24

To see if the Town will vote to raise and appropriate or transfer from available funds, upon recommendation of the Community Preservation Committee, a sum of money from the Community Preservation Fund to be utilized for the historic restoration of the Isaac Keene Barn located on Keene Street, including costs related thereto, and further to authorize the Board of Selectmen to enter into certain agreements with Crossroads for Kids, Inc., on terms deemed by the Selectmen to be in the best interest of the Town, and to authorize the Town Manager to expend sums of money from the Community Preservation Fund for the purposes of this Article,

or take any other action relative thereto.

(Community Preservation Committee)

Finance Committee Recommendation: Available at Town Meeting

Fiscal Advisory Committee Recommendation: Disapproval

Article 25

To see if the Town will vote to raise and appropriate or transfer from available funds, upon recommendation of the Community Preservation Committee, a sum of money from the Community Preservation Fund to continue the survey of historic properties, including costs related thereto, and to authorize the Town Manager to expend sums of money from the Community Preservation Fund for the purposes of this article,

or take any other action in relation thereto.

(Community Preservation Committee/Historical
Commission)

Finance Committee Recommendation: Approval

Fiscal Advisory Committee Recommendation: Approval

Article 26

To see if the Town will vote upon recommendation of the Community Preservation Committee, to acquire by purchase, gift or eminent domain, on terms that the Board of Selectmen deems to be in the best interests of the Town, for open space purposes and possible water supply purposes, a fee simple interest in land, encumbered with a permanent restriction pursuant to M.G.L. Chapter 184, certain parcels of land, approximately 60 acres in area, as shown on a plan of land on file at the Office of the Town Clerk and identified as parcels 130-005-000, 130-007-003, and 130-020-000 on the Duxbury Assessors maps, and to raise and appropriate or transfer from available funds a sum of money from the Community Preservation Fund for the purposes of this Article, including costs related thereto, and to meet this appropriation, to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow a sum of money, and to further authorize the Board of Selectmen to solicit grants or receive gifts for the purposes of this Article, or take any action in relation thereto.

(Community Preservation Committee/
Conservation Commission)

Finance Committee Recommendation: Available at Town Meeting

Fiscal Advisory Committee Recommendation: Available at Town Meeting

Article 27

To see if the Town will vote, upon recommendation of the Community Preservation Committee, to authorize the acquisition for community housing purposes of a fee simple interest in land, encumbered with a permanent restriction pursuant to M.G.L. Chapter 184, a parcel of land, approximately 1 acre in area, identified as Parcel 110-034-002 on Duxbury Assessors map and shown on a plan of land on file at the Office of the Town Clerk, and to raise and appropriate or transfer from available funds, a sum of money from the Community Preservation Fund for the purposes of this Article, including costs related thereto, and to meet this appropriation, to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow a sum of money, and further to authorize the Board of Selectmen to solicit grants or receive gifts for the purposes of this Article, and further to authorize the Board of Selectmen to enter into a lease of said property on terms and conditions deemed to be in the best interest of the Town,

or take any action in relation thereto.

(Community Preservation Committee/
Local Housing Partnership)

Finance Committee Recommendation: Available at Town Meeting

Fiscal Advisory Committee Recommendation: Available at Town Meeting

Article 28

To see if the Town will vote to appropriate or transfer from available funds, upon recommendation of the Community Preservation Committee, a sum of money from the Community Preservation Fund for the purpose of plans and specifications, exterior historical preservation and development costs of two affordable housing units on the sites of land at 153 and 159 Franklin Street, including costs related thereto, and to authorize a permanent restriction

on parcels 120-512-006 and 120-503-007 on the Duxbury Assessors' Maps for community housing pursuant to M.G.L. Chapter 184 and further to authorize the Board of Selectmen to solicit grants and receive gifts for this purpose, and further to authorize the Town Manager to expend sums of money for the purpose of this article from the Community Preservation Fund and from grants and gifts designated for this purpose

or take any action in relation thereto.

(Community Preservation Committee/
Local Housing Partnership)

Finance Committee Recommendation: Available at Town Meeting

Fiscal Advisory Committee Recommendation: Disapproval

Article 29

To see if the Town will vote to petition the General Court of the Commonwealth of Massachusetts pursuant to section eight (8) of article 89 of the amendments to the state Constitution and Chapter 43B of the M.G.L., to enact special legislation providing for a change in the composition of the Town of Duxbury Board of Selectmen, to increase the number of selectmen from three (3) to five (5). Said special law to be subject to approval by a majority vote at the first town wide general election held following its enactment,

or take any action in relation thereto.

(Citizen Petition)

Finance Committee Recommendation: Disapproval

Article 30

To see if the Town will vote to amend the General Bylaws by adding the following new Chapter 3.12, entitled, "An Act Providing for Recall Elections in the Town of Duxbury":

SECTION 1. Any holder of an elected office in the Town of Duxbury with more than six (6) months remaining in the term of office may be recalled therefrom by the voters in the manner provided in this act. A recall petition shall not be filed against an officer within six (6) months after taking office or within six (6) months of the end of the term of office.

SECTION 2. A registered voter of the Town of Duxbury may file with the Town Clerk an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for recall, provided that the affidavit is signed by at least 100 registered voters of the Town of Duxbury.

The Town Clerk shall thereupon deliver to the registered voters who filed such affidavit a sufficient number of copies of petition blanks demanding such recall, printed forms of which he shall keep on hand. The blanks shall be issued by the Town Clerk with his signature and official seal attached thereto; they shall be dated and addressed to the Selectmen and shall contain the name of the person sought to be recalled, the office and the grounds of recall as stated in the affidavit, and shall demand the election of a successor to such office. A copy of this petition shall be entered in the record book kept in the office of the Town Clerk.

Said recall petition shall be returned and filed with the Clerk within thirty days following the date of filing of the affidavit, and shall have been signed by at least ten percent (10%) of the registered voters of the town of Duxbury as of the date of the most recent Town election and must contain such signatories names and street addresses.

The Town Clerk shall within twenty-four (24) hours of receipt of said recall petition submit the petition to the registrars of voters of the Town who shall within five (5) business days certify thereon the number of signatures which are the names of the registered voters of the Town of Duxbury.

SECTION 3. If the recall petition shall be found and certified by the Town Clerk to be sufficient, he shall submit the same with the Town Clerk's certificate to the Board of Selectmen within five (5) business days. Upon receipt of the certificate, the Board of Selectmen shall within five (5) business days give written notice of such petition and certificate to the officer sought to be recalled. If said officer does not resign his office within five (5) business days after delivery of such written notice, the Board of Selectmen shall order an election to be held on a date fixed by them not less than sixty (60) nor more than ninety (90) days after the date of the Town Clerk's certificate of sufficient petition. If, however, any other Town election is to occur within one hundred days after the date of the certificate, the Board of Selectmen shall hold the recall election on the date of such other election. If a vacancy occurs in said office after a recall election has been ordered, the election shall not proceed.

SECTION 4. Any officer sought to be recalled may be a candidate to succeed himself and, unless he requests otherwise in writing, the Town Clerk shall place his name on the ballot without nomination. The nomination of other candidates, the publication of the warrant for the recall election, and the conduct of the same shall all be in accordance with the provisions of law relating to elections, unless otherwise provided in this Act.

SECTION 5. The incumbent shall continue to perform the duties of the office until the recall election. If he is not recalled, the incumbent shall continue in the office for the remainder of the unexpired term subject to recall as before the recall election, except as provided in this act. If recalled in the election, the officer shall be deemed removed upon the qualification of his successor, who shall hold office during the unexpired term. If the successor fails to qualify within five (5) days after receiving notification of his election, the incumbent shall thereupon be deemed removed and the office vacant.

SECTION 6. Ballots used in a recall election shall state the following propositions in the order indicated:

- *For the recall of (name of officer)*
- *Against the recall of (name of officer)*

Under the propositions shall appear the phrase "Candidates to fill vacancy if recall vote is in the affirmative," the directions to the voters required by section forty-two of chapter fifty-four of the General Laws, and beneath this the names of candidates nominated in accordance with the provisions of law relating to elections shall be listed on the ballot.

If a majority of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected. If a majority of votes on the question is in the negative, the ballots for candidates shall not be counted.

SECTION 7. No recall petition shall be filed against an officer within six (6) months after he takes office, nor, in the case of an officer subject to a recall election and not recalled thereby, until at least six (6) months after the election at which his recall was submitted to the voters. No recall petition shall be filed against an officer within six (6) months of the end of the term of office of such officer.

SECTION 8. This act shall take effect upon its passage,
or take any action in relation thereto.

(Board of Selectmen)

Finance Committee Recommendation: Approval

Article 31

To see if the Town will adopt the following resolution pertaining to water:

Water is a basic human right. The water system in Duxbury is held in public trust for the benefit and use by the residents. It should be operated by the Town of Duxbury for the greater good. The Town of Duxbury should not privatize or out-source the water---its maintenance or delivery systems,

or take any action in relation thereto.

(Citizen Petition)

Finance Committee Recommendation: Disapproval

Article 32

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

or take any action in relation thereto.

(Duxbury Nuclear Advisory Committee/
Duxbury Emergency Management Agency)

Finance Committee Recommendation: Approval

Article 33

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

or take any action in relation thereto.

(Duxbury Nuclear Advisory Committee/
Duxbury Emergency Management Agency)

Finance Committee Recommendation: Approval

Article 34

To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money to be added to the Stabilization Fund,

or take any action relative thereto.

(Board of Selectmen)

Finance Committee Recommendation: Indefinite Postponement

Fiscal Advisory Committee Recommendation: Available at Town Meeting

Article 35

To see if the Town will vote to authorize the use of Free Cash to reduce the tax rate,
or take any action in relation thereto.

(Board of Selectmen)

Finance Committee Recommendation: Available at Town Meeting

Annual Town Election
Saturday, March 27, 2010
Polls are open 8:00 am – 8:00 p.m.

ALL PRECINCTS at the T. WALDO HERRICK MEMORIAL GYMNASIUM,
DUXBURY MIDDLE SCHOOL, ST. GEORGE STREET, DUXBURY, MA.

Article 1

TO BRING IN THEIR VOTE FOR:

ONE SELECTMAN for a term of three years;

ONE ASSESSOR for a term of three years;

ONE TOWN CLERK for a term of three years;

ONE MODERATOR for a term of one year;

TWO SCHOOL COMMITTEE MEMBERS for a term of three years;

ONE PLANNING BOARD MEMBER for a term of five years;

TWO LIBRARY TRUSTEES for a term of three years;

ONE DUXBURY HOUSING AUTHORITY MEMBER for a term of five years;

AND FOR THE FOLLOWING TWO QUESTIONS:

QUESTION 1
DEBT EXCLUSION
DESIGN SERVICES FOR FIRE STATION REHABILITATION

Shall the Town of Duxbury be allowed to exempt from the provisions of proposition two and one-half, so called, the amounts required to pay for the bond issued in order to fund the architectural, engineering, and design services to prepare contract bid documents for the rehabilitation of the Fire Department Headquarters Building on Tremont Street?

QUESTION 2
DEBT EXCLUSION
NEW CREMATORY AND NEW CEMETERY OFFICE BUILDING

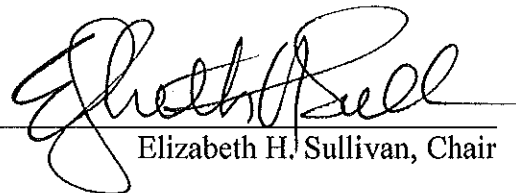
Shall the Town of Duxbury be allowed to exempt from the provisions of proposition two and one-half, so called, the amounts required to pay for the bond issued in order to fund the architectural, engineering, and design services to prepare contract bid documents and to construct and furnish a new crematory and a new cemetery office building at Mayflower Cemetery off Tremont Street?

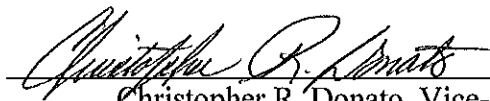
AND YOU ARE HEREBY DIRECTED TO SERVE THIS WARRANT by posting attested copies thereof as prescribed by M.G.L. Chapter 39, Section 10 and by Chapter 2, Section 2.3 of the Town of Duxbury General Bylaws, seven (7) days before the time of holding said meeting.

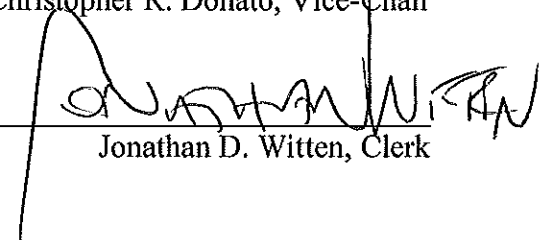
Hereof fail not and make due return of this warrant, with your doings thereon, to the Town Clerk at the time and place of this meeting.

Given under our hands this 8th day of February, 2010.

BOARD OF SELECTMEN


Elizabeth H. Sullivan, Chair


Christopher R. Donato, Vice-Chair


Jonathan D. Witten, Clerk

Plymouth ss:
_____, 2010

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

TERMS USED IN MUNICIPAL FINANCE

APPROPRIATION: An amount of money that has been authorized by vote of Town Meeting to be spent for a designated purpose.

AVAILABLE FUNDS: In Duxbury we use the term Available Funds when referring to the Stabilization Fund, Library funds, Cemetery funds, Free cash and continued appropriations left in Articles voted at previous Town Meetings.

OVERLAY ALSO CALLED ALLOWANCE FOR ABATEMENTS AND EXEMPTIONS: The overlay is the amount raised by the Assessors in excess of appropriations and other charges for the purpose of creating a fund to cover tax abatements granted and avoiding fractions in the tax rate.

FREE CASH OR FUND EQUITY (SURPLUS REVENUE): This is the amount certified annually by the State Bureau of Accounts. Town Meeting may appropriate from Free Cash for any purpose. Often referred to as "Excess and Deficiency" or E&D.

TRANSFER: The authorization to use an appropriation for a different purpose, in most cases only the Town Meeting may authorize a transfer.

RESERVE FUND: The fund is established by the voters at an Annual Town Meeting only and is composed of an appropriation (not exceeding 5 percent of the tax levy of the preceding year). Transfers from the Reserve Fund are within the exclusive control of the Finance Committee and are for "extraordinary or unforeseen" situations, normally emergencies.

STABILIZATION FUND: This is a special reserve created for capital expenditures. The aggregate amount in this fund shall not exceed at any time 10 percent of the valuation in the preceding year. Money may be appropriated from the Fund only by a two-thirds vote at Town Meeting.

CHERRY SHEET: Also known as the State revenue distribution and assessment sheets. Named for the cherry colored paper on which the State traditionally printed it, the cherry sheet carries the figures which must be used by the Assessors in county tax and state assessments, as well as the estimated tax distributions from the State General Fund, reimbursements, agency funds, the Sales and Use Taxes, lottery distribution and State Aid to Education.

DUXBURY TALENT BANK FORM

DATE: _____

Duxbury's excellence as a residential community is due in large part to citizen participation in government and community affairs.

The Duxbury Talent Bank was established by the Selectmen and Town Moderator to register the names, interests and qualifications of Duxbury registered voters willing to volunteer to serve their community. Residents serve as volunteers on a wide variety of town boards, committees, commissions and councils listed below. They are appointed to these organizations by the Selectmen or the Moderator as vacancies occur.

The Selectmen and Moderator encourage you to register by completing this Talent Bank Form, indicating your occupation, background, areas of interest and organizations you would consider serving. Please return your completed form to:

Board of Selectmen, Duxbury Town Hall, 878 Tremont Street, Duxbury, MA 02332 .

Please keep in mind that Talent Banks are kept on file for only two years.

NAME _____ PHONE _____ E-MAIL _____

STREET ADDRESS _____ P.O. BOX _____

OCCUPATION _____

BACKGROUND _____

No. of Years in Duxbury: _____

Please feel free to attach additional sheet or resume, if available.

Land Use & Conservation

- ☐ Agricultural Commission
- ☐ Alternative Energy Commission
- ☐ Community Preservation Committee
- ☐ Conservation Commission
- ☐ Design Review Board
- ☐ Duxbury Bay Management Commission
- ☐ Duxbury Beach Committee*
- ☐ North Hill Advisory Committee
- ☐ Open Space & Recreation Committee
- ☐ Sidewalk & Bike Path Committee
- ☐ Zoning Board of Appeals

Cable

- ☐ Cable TV Advisory Committee

Recreational Activities

- ☐ Duxbury Youth Commission
- ☐ Fourth of July Committee
- ☐ Percy Walker Pool Long-Range Study Committee*
- ☐ Recreation Activities Committee

Government

- ☐ Board of Health
- ☐ Cemetery Trustees*
- ☐ Council on Aging
- ☐ Cultural Council
- ☐ Economic Advisory Committee
- ☐ Highway Safety Committee
- ☐ Historical Commission
- ☐ Local Historic District Study Comm.
- ☐ Local Housing Partnership
- ☐ Trustee to Affordable Housing Trust
- ☐ Municipal Comm. On Disability
- ☐ Nuclear Advisory Committee
- ☐ Personnel Board*
- ☐ Shellfish Advisory Committee
- ☐ Water & Sewer Advisory Board*

Finance

- ☐ Finance Committee*
- ☐ Fiscal Advisory Committee*

PLEASE INDICATE ANY OTHER AREAS OF INTEREST: _____

