

PLEASE READ

ARTICLES IN THE WARRANT

FOR THE

ANNUAL TOWN MEETING



TOWN OF DUXBURY

SATURDAY, MARCH 8, 2014

AT 9:00 A.M.

DUXBURY SCHOOLS PERFORMING ARTS CENTER

73 ALDEN STREET

***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 8, 2014. 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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COMMONWEALTH OF MASSACHUSETTS

TOWN OF DUXBURY - TOWN MEETING

WARRANT

Saturday, March 8, 2014

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 eighth day of March, 2014 next, at 9:00 o'clock in the forenoon for the transaction of any business that may legally come before said meeting:

Duxbury Annual Town Election

Saturday, March 22, 2014

Polls are open 8:00 am – 8:00 p.m.

ALL PRECINCTS at the
T. Waldo Herrick Memorial Gymnasium
Duxbury Middle School
71 Alden Street, Duxbury, MA

Article 1 – ELECTION OF OFFICES

To bring in their votes for the following offices: one SELECTMAN for a term of three years; one ASSESSOR for a term of three years; one MODERATOR for a term of one year; one TOWN CLERK to fill an unexpired term of two years; two SCHOOL COMMITTEE MEMBERS for a term of three years; two PLANNING BOARD MEMBERS for a term of five years; two LIBRARY TRUSTEES for a term of three years, and for any other matters that may be brought forward to the voters on the Town Ballot, or take any action in relation thereto.

(Board of Selectmen)

Article 2 – REPORTS

To receive the reports of Town Officials, Boards, Committees, and Commissions, or take any action in relation thereto.

(Board of Selectmen)

Article 3 - COMPENSATION OF ELECTED OFFICIALS

To see what action the Town will take with regard to fixing the compensation of the elected Town Officers for the twelve month period beginning July 1, 2014, in accordance with M.G.L. Chapter 41, Section 108, or take any action in relation thereto.

(Board of Selectmen)

	Appropriated FY14	Requested FY15	BOS Recommended FY15	Finance Committee Recommended FY15
Moderator	\$40	\$40		**
Selectmen				
Chair	\$2,000	* \$2,000	*	**
Member	\$1,500	* \$1,500	*	**
Member	\$1,500	* \$1,500	*	**
Assessors				
Chair	\$2,000	\$2,000		**
Member	\$1,500	\$1,500		**
Member	\$1,500	\$1,500		**
Town Clerk	\$80,000	\$80,000	\$65,000	**
TOTAL	\$90,040	\$90,040	*	**

* = *The Board of Selectmen takes no position on these items.*

** = *Available at Town Meeting*

Explanation: This article sets the salary limits for the elected officials. Article 5 funds the salaries.

Article 4 - PERSONNEL PLAN REVISION

To see if the Town will amend the Town By-law, known as the "Duxbury Personnel Plan", as originally accepted on March 12, 1955, and last amended as of March 9, 2013 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, 2014 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)

Explanation: Also known as the "Personnel Article," this Article is presented annually at Town Meeting. It includes a) the monetary request for tuition reimbursement, merit/adjustments and in some years, compensation/classification efforts and, b) any changes to the language in the Personnel Plan. The Personnel Plan's purpose is to provide guidelines to ensure that sound human resources practices are applied equitably and reasonably to those managers, department heads and other employees covered by the Plan. Generally speaking, the Plan covers appointed employees not covered by union contracts.

Article 5 - OPERATING BUDGET

To see if the Town will raise and appropriate, and/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, Section 53F ½, 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, 2014 and ending June 30, 2015 inclusive, in accordance with the following schedule, which is incorporated by reference herein (See Article 5 FY15 Operating Budget on following pages), or take any action in relation thereto.

(Finance Committee)

Explanation: This article refers to the FY 2015 Annual Budget lines. *Budget available at Town Meeting*

Article 6 - CAPITAL BUDGET

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)

Explanation: This article refers to the FY 2015 Capital Budget lines. *Budget available at Town Meeting.*

Article 7 - UNION CONTRACTS

To see if the Town will raise and appropriate, and/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, 2014:

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

or take any action in relation thereto.

(Board of Selectmen & School Committee)

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

Article 8 - REVOLVING FUNDS

To see if the Town will re-authorize the following revolving accounts pursuant to Massachusetts General Laws, Chapter 44, section 53E ½, for the following programs and purposes and further authorize department receipts of such programs be credited to respective revolving accounts, to be expended without further appropriation by the officer so designated in the table below not to exceed the FY 2015 dollar limit indicated in the table below.

Program	Purpose	Department Receipts	Expended under direction of:	FY 2015 limit
Senior Center	Senior Center program operations	Senior Center program fees	Director, Council on Aging	\$175,000

Jaycox Tree Farm	Supplies for and operation of Tree Farm	Revenues of Tree Farm	Conservation Administrator	\$20,000
Hazardous Materials Response	Replacement, repair, and purchase of equipment and supplies and for administrative and firefighter wage expenses associated with fire operations and responses to hazardous materials incidents	Reimbursements allowed under MGL c. 21E ½ for response to hazardous materials releases	Fire Chief	\$50,000

or take any other action in relation thereto.

Explanation: These revolving funds are required in order to receive and disburse funds generated through programs supported by such revolving funds. Revenues will be used to offset expenses related to these programs and activities and disbursed under the direction of those indicated.

Article 9 - DUXBURY BEACH LEASE

To see if the Town will 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 an area of land excluded at High Pines used by the Duxbury Beach Reservation) 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, 2014, and ending June 30, 2015, on such terms as the Board of Selectmen may approve, or take any action in relation thereto.

(Board of Selectmen)

Explanation: This article will fund the lease for the use of Duxbury Beach which is owned by the Duxbury Beach Reservation, Inc. The annual lease period will run from July 1, 2014 to June 30, 2015, for which the annual payment will be \$600,000.

Article 10 - FOURTH OF JULY

To see if the Town will raise and appropriate and/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)

Explanation: This is an annual article which allocates funds to be used to fund Duxbury's Fourth of July parade and celebration

Article 11 - SOLID WASTE DISPOSAL

To see if the Town will authorize the Board of Selectmen to enter into a contract for the disposal of the Town's solid waste for a period not to exceed twenty (20) years commencing on January 1, 2015, on such terms and conditions as the Board of Selectmen deem to be in the best interest of the Town; or to take any action in relation thereto.

(Board of Selectmen)

Explanation: The current contract for solid waste disposal will expire on December 31, 2014. For the last several years the Town has been working with a number of other communities to negotiate a new contract terms and rates which will result in a significant savings to the Town.

Article 12 – AMEND BY-LAW - DUXBURY BEACH COMMITTEE

To see if the Town will (1) delete in its entirety Subsection 6.6.2.b of the General Bylaws; (2) re-alphabetize the current Subsection 6.6.2.c as “6.6.2.b;” and (3) substitute in current Subsection 6.6.2.c the word “Residents” for the word “Improvement”, so that the amended by-law reads as follows:

6.6. DUXBURY BEACH COMMITTEE

- 6.6.1. The Duxbury Beach Committee shall consist of twelve Members appointed by the Moderator, which shall include the Police Chief, the Harbormaster/Shellfish Warden and the Conservation Administrator or their designees; three designees of the Duxbury Beach Reservation, Inc., and six members at-large, one of whom shall be a Duxbury Beach year-round resident, to three-year staggered terms.
- 6.6.2. The Duxbury Beach Committee shall have the following powers and duties:
 - a. The Committee shall advise the Board of Selectmen, the Town Manager, the Finance Committee and any other relevant agency of the Town on the use and management of the town leased portion of the beach, and make recommendations to the Town Manager for the coordinated management of the beach so that its use will be a safe, sanitary and enjoyable recreation experience, and for the proper maintenance of the Powder Point Bridge.
 - b. ~~The Committee shall also prepare a Beach Use Management Plan for action by the 1995 Town Meeting and every five years thereafter.~~
 - e.b. The Committee shall consult and cooperate with the Duxbury Beach Reservation,

Inc., the Gurnet Saquish Association and the Duxbury Beach Improvement Residents Association, for the protection and preservation of the beach.

Or take any action in relation thereto.

(Moderator)

Explanation: The proposed article serves to update the provisions of the Duxbury Town By-Law pertaining to the Duxbury Beach Committee by deleting an outdated section of the bylaw, re-alphabetizing the remaining section(s) accordingly and substituting a word which will accurately reflect the correct title of the organization noted therein.

Article 13 – GRANT EASEMENT—NSTAR: SOLAR FARM, MAYFLOWER STREET

To see if the Town will authorize the Selectmen to grant, on such terms and conditions as the Selectmen shall determine, to NSTAR Electric Company, and their respective successors and assigns, a non-exclusive easement, substantially in the location shown on a plan dated 6/12 prepared by American Capital Energy, Inc. on file with the Town Clerk, to access, erect, construct, operate, maintain, connect, extend, replace, and remove a pole or poles which may be erected at different times with the necessary conduits, cables, wires, anchors, guys, supports and fixtures appurtenant thereto, for the transmission and/or distribution of electricity upon, over and across that certain parcel of land on Mayflower Street as now laid out and show as Property ID 092-500-039 on the Town of Duxbury Assessor's Map, or take any action in relation thereto.

(Board of Selectmen)

Explanation: This easement is granted to NSTAR Electric Company to allow for transmission of power at the solar array to be constructed at the Transfer Station located on Mayflower Street.

Article 14 – ACQUIRE EASEMENT FOR FIBER OPTIC CABLE -- RICKER PROPERTY

To see if the Town will authorize the Selectmen to (1) acquire by purchase, gift or eminent domain, on such terms and conditions as the Selectmen shall determine, a non-exclusive easement, shown more or less on a plan by Alpha Surveying and Engineering Inc. dated February 14, 2014, on file with the Town Clerk to access, erect, construct, operate, maintain, connect, extend, replace, and remove a pole or poles which may be erected at different times with the necessary conduits, cables, wires, anchors, guys, supports and fixtures appurtenant thereto, for the transmission and/or distribution of electricity and telecommunications upon, under, over and/or across all or a portion of that certain parcel of land located at 293 Mayflower Street, Duxbury, Massachusetts, as shown on Assessor's Map 093, Block 509, Lot 033, and (2) authorize the Selectmen to enter into a lease of space on one or more poles located therein for a term not to exceed 20 years and subject to other terms and conditions as the Selectmen shall determine, or take any action in relation thereto.

(Board of Selectmen)

Explanation: This easement is granted by Mr. Earl Ricker for the purpose of allowing the Town of Duxbury to install fiber optic data lines for telecommunications transmission on utility poles located on property owned by Mr. Ricker, which will lines allow for and electricity for the Town's communication network.

Article 15 – CPC: OPERATING FUND

To see if the Town will, upon recommendation of the Community Preservation Committee, appropriate from the Community Preservation Act 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, 2014 and ending June 30, 2015 inclusive, or take any action in relation thereto.

(Community Preservation Committee)

Explanation: To provide annual funding for the administrative and operational costs of the Community Preservation Committee which includes incidental project costs associated to and incidental to the Community Preservation Committee. Under the CPA Act, up to 5% of the annual CPA funds may be spent on the operation and administrative costs of the Community Preservation Committee. It is necessary to re-authorize the appropriation on an annual basis as administrative and operational funds revert back to the Community Preservation Budgeted Reserve.

Article 16 – CPC: ALLOCATIONS

To see if the Town will, upon recommendation of the Community Preservation Committee, reserve for future appropriation for Open Space, Community Housing (Affordable) and Historic Resources (Preservation) sums of money from the Community Preservation Fund in compliance with requirements of the Community Preservation Act, M.G.L., Chapter 44B, Section 6, or take any action in relation thereto.

(Community Preservation Committee)

Explanation: The purpose of this article is to comport with the provisions of M.G.L., Chapter 44B, Section 6 which requires that every fiscal year, upon recommendation of the Community Preservation Committee, Town Meeting shall spend, or set aside for later spending, not less than 10 per cent of the annual revenues in the Community Preservation Fund for open space, not less than 10 per cent of the annual revenues for historic resources and not less than 10 per cent of the annual revenues for community housing. The community preservation funds shall not replace existing operating funds, only augment them.

Article 17 - CONSERVATION FUND

To see if the Town will, upon recommendation of the Community Preservation Committee, raise and appropriate and/or transfer from available funds, a sum of money from the Community Preservation Fund to be added to the Conservation Fund to be used under the direction of the Conservation Commission for any purpose authorized by Chapter 40, Section 8C, and in accordance with Chapter 44B, or take any action in relation thereto.

(Community Preservation Committee/Conservation Commission)

Explanation: The purpose of this article is to move money from the Community Preservation Fund into the Conservation Fund. The Conservation Fund is used by the Conservation Commission to buy small parcels of land.

Article 18 – CPC: KAYAK RACKS

To see if the Town will, upon recommendation of the Community Preservation Committee, raise and appropriate and/or transfer from available funds, a sum of money to purchase and install kayak racks, and any signage that may be necessary to better manage recreation at the Shipyard Beach and Cove Street landings, or take any action in relation thereto.

(Community Preservation Committee/Duxbury Harbormaster/
Coastal Natural Resources)

Explanation: The purpose of this article is to provide funding for the construction of kayak racks to be located at the Shipyard Beach and Cove Street landings. The number of kayaks stored on the ground at these town landings has increased and are coming in conflict with other uses in addition to obstructing access to the landings.

Article 19 – CPC: HISTORIC ARCHIVES DIGITAL SCANNER PURCHASE

To see if the Town will, upon recommendation of the Community Preservation Committee, raise and appropriate and/or transfer from available funds, a sum of money to acquire a scanner, and portable hard drives, and fund administrative expenses for a publically accessible online database of Town Of Duxbury historical documents and artifacts, or take any action in relation thereto.

(Duxbury Historical Committee)

Explanation: The Duxbury Historic Archives Project began in November, 2012 as an effort by the Duxbury Historical Committee to create a thorough index and database of the large collection of pre-1850 documents within the Town of Duxbury and to make those documents available online via the Town's website. The purpose of this article is to fund the purchase of a scanner (and any related peripherals and/or software) to be used by the Duxbury Historical Committee to digitize the historical documents in the Town's collection as part of the Archive Project. Once

scanned, these public documents will be made available for use by researchers, students and the general public without subjecting them to constant wear and risk. The equipment for this multi-year project will reside at Duxbury Town Hall to ensure that any of the historical documents housed in the facility do not leave the premises.

Article 20 – CPC: SURVEY OF HISTORIC PROPERTIES AND SUBMITTING APPLICATIONS TO THE MASSACHUSETTS HISTORICAL COMMISSION AND NATIONAL REGISTER

To see if the Town will, upon recommendation of the Community Preservation Committee, raise and appropriate or transfer from available funds, a sum of money for contracted work for the purpose of surveying historic properties and submitting applications to the Massachusetts Historical Commission and the National Register of Historic Places, or take any action in relation thereto.

(Community Preservation Committee/Duxbury Historical Commission)

Explanation: The purpose of this article is to request funding for surveying and mapping work necessary to prepare applications for three historic Duxbury neighborhoods for submission to the National Register of Historic Places. The subject neighborhoods are in the following areas – Cedar Street/Cove Street; Old Town Hall, First Parish Church and Mayflower Cemetery; and High Street.

Article 21 - NET METERING POWER PURCHASE AGREEMENT

To see if the Town will authorize the Town Manager to negotiate the terms of and authorize the Board of Selectmen to execute, on such terms and conditions as the Town Manager and Board of Selectmen deem in the best interest of the Town, a net metering power purchase agreement with Future Generation Wind, LLC ("FGW") for the purchase of net metering credits to be generated from FGW's planned wind energy project to be co-located with the Mann Farms cranberry farm off Head of the Bay Road in Buzzard's Bay, Massachusetts (the "FGW Project"), or take any action in relation thereto.

(Board of Selectmen)

Explanation: The Massachusetts Green Communities Act of 2008 created a virtual net metering mechanism that enables municipalities to acquire electricity credits from renewable energy projects that can be used to offset their own electricity costs. The purpose of this article is to authorize the Town Manager and Board of Selectmen to enter into an agreement to acquire net metered electricity credits from Future Generation Wind, LLC (FGW) for about half of the Town's electricity usage in its publicly owned properties. The electricity credits will be a product of wind generation from up to four wind turbines proposed to be constructed by FGW at Mann Farms, a 380-acre cranberry farm located on Head of the Bay Road in Plymouth. These credits will allow the town to save between 20-30% on its electricity bill and are projected to translate into savings of \$2-3 million over the next 20 years.

Article 22 – TOWN-WIDE COMPENSATION AND CLASSIFICATION STUDY

To see if the Town will transfer a sum of money from Free Cash or other available funding sources for the purpose of funding a Town-wide compensation and classification study, or take any action in relation thereto.

(Human Resources)

Explanation: The purpose of this article is to appropriate funds for a comprehensive Town-wide compensation and classification study to be performed by the Collins Center. This effort will ‘globally’ examine our the updated Personnel Plan, all collective bargaining units and personal services contracts with a total compensation view in an effort to provide greater internal and external compensation and classification equity across our organization.

Article 23 - REAL ESTATE DISPOSITION - SALE OF FORMER DUXBURY POLICE STATION PROPERTY ON WEST STREET

To see if the Town will authorize the Board of Selectmen to sell, convey, release or otherwise dispose of any interests in all or any portion of the property located at 443 West Street, Duxbury, Massachusetts, which parcel is shown on Assessor’s Map 069, Block 507, Lot 11, subject to the provisions of Chapter 30B of the Massachusetts General Laws, and further that such disposition to be on such other terms and conditions the Board of Selectmen deem appropriate, which may include the reservation of easements and restrictions; or take any action in relation thereto.

(Board of Selectmen)

Explanation: This article would allow for the sale of the former Police Department property on West Street following a public procurement process.

Article 24 - AMEND ZONING BY-LAWS: MEDICAL MARIJUANA MORATORIUM

To see if the Town will amend the Town of Duxbury Zoning Bylaws by adding a new section under *ARTICLE 600 – SPECIAL REGULATIONS*, as follows:

617 TEMPORARY MORATORIUM ON MEDICAL MARIJUANA TREATMENT CENTERS

There is hereby enacted a temporary moratorium on the location of any medical marijuana treatment center in any zoning district. The temporary moratorium will end on June 30, 2014 unless this moratorium is sooner repealed by Town Meeting upon recommendation of the Planning Board. The moratorium enacted by this paragraph will provide Town boards and officials sufficient time to determine the best way to regulate facilities that grow, process and sell marijuana for medical use in light of the enactment of Initiative Petition for the Humanitarian Medical Use of Marijuana effective January 1, 2013 and regulations relating thereto promulgated

by the Massachusetts Department of Public Health, or take any other action in relation thereto.

(Planning Board)

Explanation: This article will allow the Planning Board time to draft regulations regarding growing and dispensing medical marijuana.

Article 25 – LONG-TERM LEASE AUTHORIZATION – 235 CRESCENT STREET

To see if the Town will authorize the Board of Selectmen to lease a portion of the property located at 235 Crescent Street, Duxbury, Massachusetts, which parcel is shown on Assessor's Map 111, Block 509, Lot 43, described in a deed recorded with the Plymouth Registry of Deeds in Book 2467, Page 230, and which portion is depicted on a plan entitled, "235 Crescent Street" dated January 9, 2014, on file with the Town Clerk, for telecommunications purposes on such terms and conditions and for such consideration as the Board of Selectmen shall determine to be appropriate, such lease to be for a term of up to twenty (20) years; and further to grant such access and utility easements on said property as may be necessary or convenient to serve the facilities installed pursuant to said lease, or take any action relative thereto.

(Board of Selectmen)

Explanation: The purpose of this article is to authorize the Board of Selectmen to enter into a lease agreement with a wireless telecommunications provider to be named following a procurement process for the use of a portion of a Town-owned water tank upon which will be located cellular equipment. The installation of said equipment would result in greater cellular coverage in Duxbury in addition to providing an anticipated revenue stream of approximately \$3,000 per year.



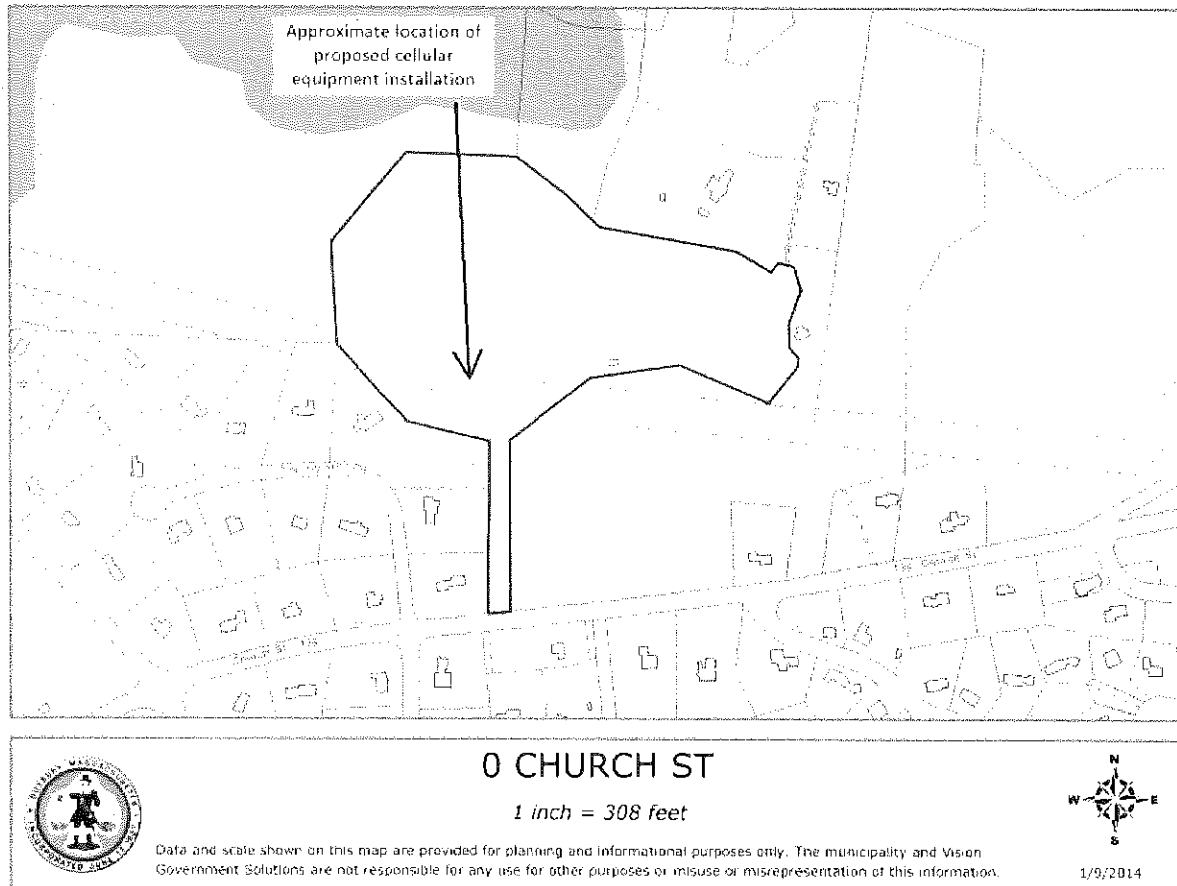
Article 26 – LONG-TERM LEASE AUTHORIZATION – 0 CHURCH STREET

To see if the Town will vote to authorize the Board of Selectmen to lease for a term not exceeding twenty (20) years a portion of the property located at 0 Church Street, Duxbury, Massachusetts, which parcel is shown on Assessor's Map 88, Block 509, Lot 18, described in a deed recorded with the Plymouth Registry of Deeds in Book 4069, Page 677, and which portion is depicted on a plan entitled, "0 Church Street" dated January 9, 2014, on file with the Town Clerk, for telecommunications purposes on such terms and conditions and for such consideration as the Board of Selectmen shall determine to be appropriate; and further to grant such access and utility easements on said property as may be necessary or convenient to serve the facilities installed pursuant to said lease, or take any action relative thereto.

(Board of Selectmen)

Explanation: The purpose of this article is to authorize the Board of Selectmen to enter into a lease agreement with a wireless telecommunications provider to be named following a procurement process for the use of a portion of Town-owned land upon which will be located cellular equipment. The cellular antenna equipment would be affixed to an existing NSTAR-owned utility pole which is located within an easement (benefitting NSTAR) and constructed on

Town-owned property. The associated utility shed/structure (+/- 240 square feet) would be located within an easement for that purpose on Town-owned property. The installation of said equipment would result in greater cellular coverage in Duxbury in addition to providing an anticipated revenue stream of approximately \$500-700 per year.



Article 27 - CIVIL FINGERPRINTING

To see if the Town will amend the General Bylaws by inserting a new section, Chapter 7.21, entitled "Civil Fingerprinting for Occupational Licenses" as follows:

7.21 CIVIL FINGERPRINTING FOR OCCUPATIONAL LICENSES

- 7.21.1 The purpose of this By-law is to authorize the Chief of Police to utilize the results of fingerprint-based criminal record background checks for the sole purpose of determining the suitability of applicants for certain designated occupational licenses, pursuant to authority granted by M.G.L. Chapter 6, Section 172B½ and subject to the provisions of this By-law, policies and procedures of the Chief of Police promulgated pursuant to this By-law, and other applicable state and federal law and regulations.

- 7.21.2 As a condition for receiving a license for the occupations listed in this section, the license applicant shall submit a full set of fingerprints to the Chief of Police, or his designee, in accordance with forms and procedures prescribed by the Chief of Police.
- a) Hawking and Peddling or other Door-to-Door Salespeople, including Solicitors and Canvassers, as defined in Section 7.19 of the General Bylaws
 - b) Owners or Operators of Public Conveyance
 - c) Dealers of Second-hand Articles
 - d) Pawn Dealers
 - e) Hackney Drivers
 - f) Ice Cream Truck Vendors
- 7.21.3 The Chief of Police, or his designee, is authorized to submit fingerprints to the Identification Section of the Massachusetts State Police, the Massachusetts Department of Criminal Justice Information Systems (DCJIS) and the Federal bureau of Investigation (FBI) or their successor agencies to screen license applicants with respect to their suitability for the licensed occupation or activity.
- 7.21.4 An application for a license may be denied on account of a negative determination of suitability on the basis of the results of a fingerprint-based criminal background check subject to the following conditions:
- a) Before a license application is denied, the applicant shall be notified of a potential adverse determination, and provided a copy of and afforded a reasonable opportunity to contest the accuracy or completeness of the fingerprint-based criminal history results.
 - b) The applicant shall be advised, in the case of finger-print based criminal history results provided by the Federal Bureau of Investigation (FBI), of the procedures to change, correct, or update said record as set forth in Title 28 CFR 16.34; and in the case of results provided by state authorities, of the procedures to correct said record under state law, regulation and procedures.
 - c) If an applicant chooses to contest the accuracy or completeness of such results, the applicant shall be afforded a reasonable period of time to correct and/or complete the information in the criminal history results.
 - d) The Chief of Police may only render a negative determination of suitability after considering applicable laws, regulations and municipal policies bearing on an applicant's suitability and if he determines that the results of the check render the applicant unsuitable for the proposed occupation for which the license is sought.
 - e) Factors that will be considered in making a suitability determination include, but are not limited to:
 - 1) relevance of the criminal record to the licensed occupation;
 - 2) nature of the work;

- 3) time since a conviction;
- 4) age of the applicant at the time of the criminal offense;
- 5) number of offenses;
- 6) whether any charges are pending against the applicant;
- 7) any relevant evidence of rehabilitation efforts or lack thereof;
- 8) applicable laws and regulations setting forth criminal history disqualifications;
- 9) other relevant information, including information submitted by the applicant.

7.21.5 The Chief of Police may utilize determinations of suitability in licensing decisions under his authority and may communicate such determinations to other local licensing authorities, only after the procedures in Section 7.21.4 have been completed.

7.21.6 Every applicant for a license subject to civil fingerprinting shall pay a fee of one-hundred dollars (\$100) for the processing of such fingerprinting and administration of this By-law. In accordance with state law, thirty dollars (\$30) of said fee shall be paid over by the Town to the Firearms Fingerprint Identity Verification Trust Fund or any successor state fund.

7.21.7 The Chief of Police shall promulgate policies and procedures to effectuate the purpose of this By-law, including but not limited to obtaining applicant consent to fingerprinting on prescribed forms, the secure handling, storage and destruction of criminal history information and documentation required under applicable state and federal law.

and authorize the Town Clerk to make non-substantive changes to the numbering of this By-law in order to make numbering conform to the numbering format of the General By-laws, or take any action in relation thereto.

(Chief of Police)

Explanation: In the Acts of 2010, the Legislature authorized local communities to screen individuals applying for certain licenses through State and Federal fingerprint databases. Previously, these fingerprint databases were not available for civil screening uses. If approved by voters, the Town can require applicants for certain town-issued licenses to be screened using fingerprints providing a heightened level of security for our community by identifying unsuitable applicants, while ensuring appropriate protection and confidentiality for information obtained concerning the license applicants.

Article 28 - SPECIAL POLICE FORCE & RETIRED OFFICERS

To see if the town will authorize the Board of Selectmen to petition the General Court to enact legislation to establish a special police force not subject to Chapter 31 of the General Laws to

augment the regular police force as needed and enabling retired officers of the regular force to join this special force, or take any action in relation thereto.

(Chief of Police)

Explanation: This is housekeeping in nature as the Town has used special officers for decades but has not sought legislative approval to do so outside of Chapter 31 (Civil Service). The Town's regular force is constituted under Chapter 31 as voted in Town Meeting in 1941.

Article 29 – PILGRIM NUCLEAR POWER STATION POST OPERATION

To see if the Town will approve a resolution to support: (1) DECOMMISSIONING (immediate dismantlement) as opposed to SAFSTOR (deferred dismantlement) when the Pilgrim Nuclear Power Station ("Pilgrim") permanently ceases to generate electricity; (2) requiring removal from the spent fuel pool of spent fuel which has been more than five years removed from Pilgrim's reactor, to be relocated to dispersed and hardened dry cask storage whether before and after Pilgrim ceases to operate; (3) limiting storage of waste at Pilgrim to only those wastes generated at Pilgrim; and (4) continuing offsite radiological emergency planning with all costs to off-site communities funded by Entergy so long as any fuel remains on-site at Pilgrim, and further to request that the Town Clerk of Duxbury forward the text of the resolution, as approved, to the Town of Duxbury's State and Federal legislative delegations, the Boards of Selectmen within the Emergency Planning Zone of the Pilgrim Nuclear Power Station EPZ, the Nuclear Regulatory Commission and the 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)

Explanation: Pilgrim may close fairly soon; in a deregulated electric market it is unable to compete against cheaper sources of electricity, mainly natural gas. Therefore it is time to consider what actions the town should take to better protect its interests. The most important is to support moving spent fuel more than five years out of Pilgrim's reactor into safer dry casks; the greatest risk to Duxbury is a fire in the spent fuel pool. A second is that Entergy should be required to provide and fund offsite radiological emergency planning so long as any spent fuel remains on-site at Pilgrim. Finally, only radioactive waste generated at Pilgrim should be stored there.

Article 30 – HEIGHTENED RAILINGS AT THE NEW SCHOOL

To see if the Town will vote to require railings on the second and third floor to be six foot in height in the new 1,700 student three-story combo high and intermediate school now under construction by redesigning or retrofitting the existing design or supplementing the existing design using structural glass, plastic, aluminum rods or other material of equal strength and quality to prevent students from falling or objects being dropped over the railing from the second and third floor corridors and balconies overlooking the entranceways, and the two third-story

walkways that bridge the three-floor atrium, and further, shall require that an occupancy permit not be issued until this is completed.

(Citizen Petition)

Article 31 – RE-AUTHORIZATION OF THE SOUTH SHORE RECYCLING COOPERATIVE INTER-MUNICIPAL AGREEMENT

To see if the Town will extend the term of the inter-municipal agreement for regional cooperation in the provision of solid waste and recycling services for the South Shore Recycling Cooperative for an additional term through June 30, 2018 and, further, to see if the Town will authorize the Board of Selectmen to execute and deliver an amended inter-municipal agreement, a copy of which is on file in the office of the Town Clerk, to effect the extension of the term and other changes set forth therein; or act on anything relating thereto.

(Town Manager)

Explanation: The purpose of this article is to re-authorize the Town to enter into a second, five (5) year agreement with the South Shore Recycling Cooperative. The South Shore Recycling Cooperative was established to provide a forum of cooperative management of solid waste by members, to assist each member Town to improve the cost-effectiveness of their recycling efforts by providing economy of scale while maintaining full control over solid waste management; to assist members to improve programs to divert waste materials from the waste stream and to reduce the amount and toxicity of wastes; and to provide such assistance on an individual basis to each member Town and cooperatively in joint programs with other Towns. The prior agreement was made among the Towns of Abington, Cohasset, Duxbury, Hanover, Hanson, Hingham, Holbrook, Hull, Kingston, Marshfield, Norwell, Plymouth, Rockland, Scituate, Weymouth and Whitman.

Article 32 - ELECTRONIC BALLOTING

To see if the Town will support the continued use of electronic balloting technology in subsequent Annual and Special Town Meetings.

(Electronic Balloting Committee)

Explanation: The purpose of this article is to determine whether the voters support the use of Electronic Balloting as an alternative method of recording Town Meeting votes.

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 10th day of February, 2014.

BOARD OF SELECTMEN



David J. Madigan, Chair



Theodore J. Flynn, Vice-Chair



Shawn Dahlen, Clerk

Plymouth ss:

_____, 2014

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 described 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, RETAINED EARNINGS OR FUND EQUITY (SURPLUS REVENUE): This is the amount certified annually by the State Bureau of Accounts. Town Meeting may appropriate from these sources for any purpose.

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 _____
(H) _____ (C) _____

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
- ☐ Opeu Space Committee
- ☐ Sidewalk & Bike Path Committee
- ☐ Zoning Board of Appeals

Recreational Activities

- ☐ Fourth of July Committee
- ☐ Recreation Activities Committee

Government

New & /or Temporary:

- ☐ Canine Committee
- ☐ Wind Advisory Committee
- ☐ Zoning Bylaw Review Committee

- ☐ Board of Health
- ☐ Cemetery Trustees*
- ☐ Council on Aging
- ☐ Cultural Council
- ☐ Duxbury Affordable Housing Trust
- ☐ Economic Advisory Committee
- ☐ Highway Safety Advisory Committee
- ☐ Historical Commission
- ☐ Local Historic District Comm.
- ☐ 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:

