

*Please Read*



**COMMONWEALTH OF MASSACHUSETTS**

**TOWN OF DUXBURY  
SPECIAL TOWN MEETING  
WARRANT**

**SATURDAY, MARCH 8, 2014  
AT 9:10 A.M.**

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

**Plymouth, SS**

**Greetings:**

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

**In the name of the Commonwealth of Massachusetts you are directed to NOTIFY and WARN the INHABITANTS OF THE TOWN OF DUXBURY, qualified to vote in elections and in Town affairs, to meet in the Duxbury Schools Performing Arts Center, 73 Alden Street, in said Duxbury on SATURDAY, the EIGHTH day of MARCH, 2014 next, at 9:10 A.M. for a SPECIAL TOWN MEETING, for the transaction of any business that may legally come before said meeting:**

## Article 1 – SUPPLEMENTAL APPROPRIATIONS

To see if the Town will authorize the Town Manager to transfer from available funds sums of money to supplement appropriations previously voted under Article 5 at the Annual Town Meeting of March 9, 2013 for the Fiscal Year beginning July 1, 2013, for various Town Departments, in order to fund the expenses associated with: 1) Personal Services (Overtime) related to the Snow & Ice Removal budget line; 2) Other Expenses (sand, salt, plow blades, etc.) related to the Snow & Ice Removal budget line; 3) Costs associated with the retirement of an employee in the Assessor's Office; 4) Increased utility (gas and electric) and cleaning services costs associated with the new Police headquarters, 5) increased gas and utilities costs; 6) Additional chemical costs; 7) DPW tree work costs; 8) DPW Vehicle repair supplies as follows:

Item #	Department	Budget	Adjustment	Revised FY14 Budget	Funding Source
1	423 – Snow & Ice Removal – Personal Services	\$60,000	Available at Town Meeting	Available at Town Meeting	Free Cash
2	423 – Snow & Ice Removal – Other Expenses	\$100,000	Available at Town Meeting	Available at Town Meeting	Free Cash
3	141 – Assessor – Personal Services	\$218,515	\$9,040	\$227,555	Dept. 914 – Health Insurance
4	210 – Police – Other Expenses	\$281,400	\$35,000	\$316,400	Dept. 914 – Health Insurance
5	491 – Cemetery – Other Expenses	\$157,550	\$22,000	\$179,550	Free Cash
6	631 – P.W. Pool – Other Expenses	\$176,873	\$7,500	\$184,373	Dept. 631 – P.W. Pool – Personal Services
7	294 – DPW Lands and Natl. Resources – Other Expenses	\$43,300	\$10,000	\$53,300	Dept. 294 – DPW Lands and Natl. Resources – Personal Services
8	DPW Vehicle Maintenance – Other Expenses	\$117,500	\$20,000	\$137,500	(\$10,000) Dept. 419 DPW Admin – Personal Services + (\$10,000) Dept. 419 DPW Admin. - Other Expenses

or take any action in relation thereto.

(Board of Selectmen/Town Manager)

**Explanation:** The purpose of this article is to supplement a number of line items in the current fiscal year's budget (FY14) in order to fund a number of additional expenses associated with the following: 1) overtime costs related to the Snow & Ice Removal budget line; 2) other expenses (i.e., sand, salt, plow blades, etc.) related to the Snow & Ice Removal budget line; 3) costs associated with the retirement of an employee in the Assessor's Office; 4) increased utility (gas and electric) and cleaning services costs associated with the new Police headquarters;

5) increased gas and utilities costs; 6) Additional chemical costs; 7) DPW tree work costs; 8) DPW Vehicle repair supplies.

## **Article 2 – UNPAID BILLS**

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

Line #	Vendor	Department	Amount
1	W.B. Mason	Town Clerk	\$98.40
2	W.B. Mason	Conservation	\$48.76

or take any action in relation thereto.

(Town Manager)

**Explanation:** These funds are needed to pay for bills received after the close of fiscal year 2013. Requires a 9/10 vote.

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

To see if the Town will raise and appropriate, or transfer from available funds, a sum of money to fund collective bargaining agreements with any one or more of the following employee organizations for the fiscal year commencing July 1, 2013:

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

or take any action in relation thereto.

(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 4 – PERCY WALKER POOL ENTERPRISE FUND**

To see if the Town will transfer from available funds a sum of money to be added to the Percy Walker Pool Enterprise Fund to supplement appropriations previously voted under Article 5 at the Annual Town Meeting of March 9, 2013 for the Fiscal Year beginning July 1, 2013, or take any action in relation thereto.

(Finance Department)

**Explanation:** The purpose of this article is to transfer money to the Pool Enterprise Fund for purposes related to support salary increases in the Classification & Compensation study.

#### **Article 5 – PENSION RESERVE FUND**

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

(Finance Department)

**Explanation:** The purpose of this article is to fund the Town's municipal pension reserve fund. It has been the practice of the Town over the last several years to transfer funds from the Pension Reserve Fund to the General Fund to offset increases in the Town's Contributory Pension Assessment to Plymouth County. Since FY 2006, the fund has provided over \$830,000 to the General Fund. These are monies that would otherwise have to be found within the Tax Levy. While financial markets have begun to improve in recent years, we need to continue to replenish this valuable reserve in order to provide future funding support. The current balance in the fund is \$826,476, which includes year-to-date interest earnings of \$10,947.41 through December. Approval of this transfer in the amount of \$100,000 from Free Cash will continue the program of replenishing the fund, thereby providing higher earnings potential.

#### **Article 6 – OTHER POST EMPLOYMENT BENEFITS**

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

(Finance Department)

**Explanation:** Employees of state and local governments may be compensated in a variety of forms in exchange for their services. In addition to a salary, many employees earn benefits during their years of service that will not be received until after their employment with the government ends. The most common type of these post-employment benefits is a pension. Post-employment benefits other than pensions generally take the form of health insurance and dental,

vision, prescription, or other healthcare benefits provided to eligible retirees, including in some cases their beneficiaries. They may also include some type of life insurance. As a group, these non-pension benefits are referred to as Other Post-Employment Benefits, or OPEB. In FY13, the voters at Town Meeting, with the support of the Board of Selectmen and the Finance Committee, established an OPEB Trust Fund. The Town currently funds retiree health insurance on a pay-as-you-go basis. This amount for FY14 is approximately \$1,162,000. Without some sort of funding effort, our Actuarial Accrued Liability of \$87,999,907 will only continue to grow. Through January 2014 the balance in the fund has reached just over \$406,000. This has been made possible through Medicare Part D reimbursements and previous Town Meeting appropriations. The purpose of this article is to fund the OPEB trust fund established for the aforementioned purposes. The transfer of \$200,000 from Free Cash is an important step in recognizing our obligation.

#### **Article 7 – STABILIZATION FUND**

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

(Finance Department)

**Explanation:** It has been the practice of the Town over the last several years to transfer available funds into the Stabilization Fund. In FY 2007 the balance in the fund was \$680,427. At the same time Duxbury had a Standard & Poor's rating of AA and a Moody's Rating of AA2. Today that balance is \$2,494,822 - an increase of 267%. At the same time Duxbury continues to enjoy a Standard & Poor's rating of AAA and a Moody's Rating of AA1. The enhancement of this most important reserve is a major factor when rating agencies consider upgrades.

With the approval of this transfer, coupled with projected earnings For FY 2014, this will provide an end-of-year balance exceeding \$2,750,000. This amount will equal slightly more than 4.8% of the Town's operating budget net of debt. This puts us on schedule to fund Stabilization to our goal of 5% of the operating budget by the end of FY 2015.

Approval of this transfer in the amount of \$200,000 from Free Cash will ensure that our reserves are maintained at levels which will appeal to bond rating agencies. Duxbury still has approximately \$10 million in debt needs on its books; additionally there will be bonding possibilities in the near future. Increases to reserves are critical to maintaining our bond rating and ensuring the best interest rates possible.

#### **Article 8 – REPEAL OF CHAPTER 112 OF ACTS OF 2005**

To see if the Town will authorize the Board of Selectmen to petition the General Court to repeal Chapter 112 of the Acts of 2005 (An Act Establishing an Affordable Housing Trust Fund in the Town of Duxbury), or take any other action in relation thereto.

(Board of Selectmen/Duxbury Affordable Housing Trust)

**Explanation:** This Article seeks authorization for the repeal of special legislation, enacted in 2005, authorizing the Affordable Housing Trust Fund. In 2008, Town Meeting accepted the provisions of a general law, MGL Chapter 44, Section 55C, and authorized the establishment of the Town of Duxbury Affordable Housing Trust, as later amended at Town Meeting 2013, governed by a board of trustees with duties and powers to promote affordable housing in Duxbury. Because the Town of Duxbury Affordable Housing Trust now is able to implement affordable housing initiatives, the 2005 special legislation and the Affordable Housing Trust Fund created thereby have been superseded by the Town of Duxbury Affordable Housing Trust. This Article will eliminate duplicative and inefficient administration of affordable housing programs and initiatives.

#### **Article 9 - HOUSING ALLOCATION PLAN FOR FY15**

To see if the Town will adopt the Allocation of the Resources of the Duxbury Affordable Housing Trust Fund for Fiscal Year 2015 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 or moderate income home buyers to purchase a home in the Town of Duxbury.
2. Purchase rights of first refusal to acquire existing dwelling units for sale to low to moderate income households.

##### **B. Conversion of Existing Properties**

1. Acquire and rehabilitate or redevelop existing residential units for purchase or rental by low to moderate income home buyers or tenants.
2. Acquire, redevelop or convert existing non-residential structures for low to moderate income home buyers or tenants.

##### **C. Develop New Affordable Housing Units**

1. Acquire and/or construct new residential units for purchase or rental by low to moderate income home buyers or tenants.

##### **D. Rental Assistance Program**

1. Provide gifts, grants, or subsidies to assist low or moderate income renters.

or take any action in relation thereto.

(Board of Selectmen/Duxbury Affordable Housing Trust)

**Explanation:** In accordance with Chapter 112 of the Acts of 2005, the Board of Selectmen are authorized to expend funds held by the Affordable Housing Trust Fund in accordance with an Housing Allocation Plan approved annually by Town Meeting. The plan in this article is similar

to plans previously approved, except for the addition of a Rental Assistance Program. This additional program provides the Board of Selectmen with the flexibility to meet the needs of renters, particularly the elderly. If Town Meeting approves the previous article to repeal Chapter 112 of the Acts of 2005, the Board of Selectmen intends to transfer funds currently held in the Affordable Housing Trust Fund to the Town of Duxbury Affordable Housing Trust to be expended consistent with the Housing Allocation Plan.

#### **Article 10 - AMEND ZONING BY-LAWS: AFFORDABLE HOUSING TRUST FUND**

To see if the Town will amend the Town of Duxbury Zoning Bylaws by substituting the words "Town of Duxbury Affordable Housing Trust" for the words "Affordable Housing Trust Fund" in Sections 560.5 and 560.11, or take any other action in relation thereto.

(Board of Selectmen/Duxbury Affordable Housing Trust)

**Explanation:** This Article is a housekeeping amendment to clarify that fees in lieu of construction of Affordable Housing Units shall be paid by developers to the Town of Duxbury Affordable Housing Trust, as established in 2008, instead of the Affordable Housing Trust Fund, established by Chapter 112 of the Acts of 2005.

#### **Article 11 – TOWN CLERK ELECTED/APPOINTED**

To see if the Town will authorize the Board of Selectmen to petition the Legislature for special legislation to change the position of the Town Clerk from a position elected by the voters at the Town's Election to a position appointed by the Town Manager, and further, to amend the General By-Laws by deleting Section 3.4, by deleting the last phrase in Subsection 3.10.1 beginning with the word "except" and ending with the word "election", and by adding "Town Clerk" in Section 5.3 to the list of officials appointed made by the Town Manager, such bylaw amendments to take effect only if such Special Legislation is enacted and upon the expiration of the term of the Town Clerk then in office.

(Board of Selectmen)

**Explanation:** The approval of this article will initiate a process to change the position of Town Clerk from an elected position to an appointed position, which would take effect at the conclusion of the term of office of the elected Town Clerk which will end in March 2016. The appointment will follow the Town's current qualifications-based hiring processes similar to other department head level positions and the appointment will be made by the Town Manager.

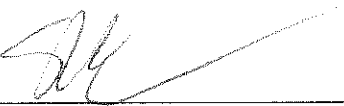


AND YOU ARE HEREBY DIRECTED TO SERVE THIS WARRANT by posting attested copies thereof as prescribed by M.G.L. Chapter 39, Section 10 and by Chapter 2, Section 2.3 of the Town of Duxbury General Bylaws, and by publishing a copy of this Warrant in a Plymouth County Newspaper, as prescribed by Article 2,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

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

Given under our hands this 10<sup>th</sup> 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 prescribed by the bylaws of the Town.

A TRUE COPY ATTESTED

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