

TOWN OF MARION
TOWN MEETING WARRANT
For the Special Town Meeting to be Held
May 14, 2018



Plymouth, ss:

To either of the Constables of the Town of Marion in the Commonwealth of Massachusetts

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are directed to notify and warn the inhabitants of the Town of Marion qualified to vote in Town election and Town affairs to meet at the Sippican School Auditorium in said Marion, on Monday, the 14th day of May, 2018, at 7:30 o'clock in the evening, then and there to act on the following Articles, to wit:

Article S1 To see if the Town will vote to transfer from available funds in the Treasury the sum of \$150,000 (Free Cash) to supplement the Fiscal Year 2018 budgets of the various Town Departments to pay expenses associated with the removal of snow and ice, including related storm cleanup activities, from public ways during said Fiscal Year; or take any other action thereon.

Finance Committee will make recommendation at Town Meeting

Article S2 To see if the Town will vote to appropriate a sum of money to provide for the installation of 2,700 linear feet, more or less, of 12-inch water main on County Road from Point Road to Blackmore Pond Road to include engineering services during construction; and to determine whether this appropriation shall be raised by authorizing the Treasurer, with the approval of the Board of Selectmen, to issue bonds or notes in the amount of \$817,105 under the provisions of Chapter 44 of the General Laws, or other appropriate enabling authority; or take any other action thereon.

Finance Committee will make recommendation at Town Meeting

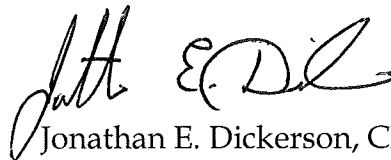
Article S3 To see if the Town will vote to supplement each prior vote of the Town that authorizes the borrowing of money to pay costs of capital projects to provide that, in accordance with Chapter 44, Section 20 of the General Laws, the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bond or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied; or take any other action thereon.

Finance Committee will make recommendation at Town Meeting

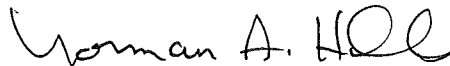
And you are directed to serve this Warrant by posting up attested copies thereof, one at the Elizabeth Taber Library, one at the Town House, and one at the Marion Post Office, all in said Marion, fourteen days at least before the time of holding said meeting aforesaid.

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

Given under our hands this 20th day of March in the Year Two Thousand and Eighteen.



Jonathan E. Dickerson, Chairman

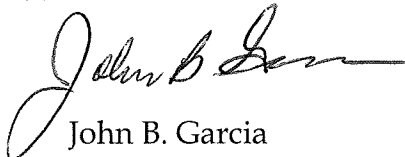


Norman A. Hills

BOARD OF SELECTMEN

A true copy, ATTEST:

I, John B. Garcia, being a duly appointed constable of the Town of Marion, in the County of Plymouth, Commonwealth of Massachusetts, hereby make affidavit that legal notice of the meeting called under this Warrant has been served on the voters of said Town of Marion by posting up attested copies in not less than three public places within the said Town on April 17, 2018, said date being fourteen days, at least, before the date of the meeting, in accordance with Chapter 64, Section 3(A) of the Code of the Town of Marion.



John B. Garcia

CONSTABLE

**TOWN OF MARION
TOWN MEETING WARRANT
For the Annual Town Meeting to be Held
May 14, 2018**

RECEIVED
TOWN CLERK OF MARION, MA
2018 APR 17 A 9:46



Plymouth, ss:

To either of the Constables of the Town of Marion in the Commonwealth of Massachusetts

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are directed to notify and warn the inhabitants of the Town of Marion qualified to vote in Town election and Town affairs to meet at the Sippican School Auditorium in said Marion, on Monday, the 14th day of May, 2018, at 6:45 o'clock in the evening, then and there to act on the following Articles, to wit:

Article 1. To see what compensation the Town will pay its elected Town officials:

EFFECTIVE JULY 1, 2018

	FY18	FY19	
	<u>Approp</u>	<u>Recommend</u>	<u>% chg</u>
Board of Selectmen, each member, per annum	\$ 4,902	\$ 4,902	0.0%
Board of Assessors, each member, per annum	\$ 4,839	\$ 4,839	0.0%
Board of Health, each member, per annum	\$ 1,866	\$ 1,866	0.0%
Town Clerk, per annum	\$19,493	\$19,493	0.0%
Moderator, for Annual Meeting	\$ 245	\$ 245	0.0%
per Special Town Meeting	\$ 81	\$ 81	0.0%

or take any other action thereon.

Finance Committee will make recommendation at Town Meeting

Article 2. To see what sums of money the Town will raise and appropriate and/or transfer from available funds in the treasury in order to pay interest and maturing debt and for charges, expenses and outlays of the several Town departments and Reserve Fund for the ensuing year.

		FY18	FY19	18 to 19
		Appropriation	FinCom Recommend.	% chg Differ
GENERAL GOVERNMENT				
113	Election and Town Meetings	\$9,050	\$8,950	-1.10%
122	Selectmen	\$46,694	\$47,006	0.67%
123	Town Administrator	\$123,689	\$123,689	0.00%
131	Finance Committee	\$30,200	\$37,700	24.83%
132	Reserve Fund	\$43,236	\$120,000	177.55%
135	Finance Director/Town Acct	\$118,050	\$120,590	2.15%
141	Assessors	\$108,112	\$111,687	3.31%
145	Treasurer	\$55,677	\$59,462	6.80%
146	Collector	\$51,334	\$52,119	1.53%
151	Legal	\$189,500	\$189,500	0.00%
155	Computer	\$97,800	\$104,827	7.19%
159	Administrative Services	\$708,200	\$725,150	2.39%
161	Town Clerk	\$21,593	\$22,043	2.08%
163	Registrar of Voters	\$12,800	\$12,800	0.00%
171	Conservation	\$2,960	\$2,960	0.00%
175	Planning Board	\$18,400	\$18,400	0.00%
176	Zoning Board	\$2,119	\$2,119	0.00%
191	Town Facilities	\$318,707	\$330,674	3.75%
195	Town Report	\$6,525	\$6,525	0.00%
199	Unclassified	\$1,904	\$1,800	-5.46%
	<i>Total General Government</i>	\$1,966,550	\$2,098,001	6.68%
PUBLIC SAFETY				
210	Police Department	\$1,847,788	\$1,895,120	2.56%
210	Police Cruiser	\$38,518	\$41,676	8.20%
220	Fire/EMS Department	\$1,021,782	\$1,062,998	4.03%
241	Building Department	\$102,533	\$104,027	1.46%
292	Animal Control	\$53,896	\$54,795	1.67%
295	Marine Resources	\$231,721	\$237,364	2.44%
299	Tree Warden	\$20,700	\$20,700	0.00%
	<i>Total Public Safety</i>	\$3,316,938	\$3,416,680	3.01%
SCHOOLS				
300	Sippican School	\$6,083,589	\$6,218,768	2.22%
301	ORR Operating	\$4,198,079	\$4,336,188	3.29%
302	ORR Debt	\$233,619	\$224,954	-3.71%
302	Upper Cape Cod Oper.	\$291,309	\$380,675	30.68%
302	Upper Cape Cod Debt	\$23,343	\$25,481	9.16%
	<i>Total Education</i>	\$10,829,939	\$11,186,066	3.29%

PUBLIC WORKS ADMIN.

420	Public Works	\$920,315	\$942,736	2.44%
439	Regional Landfill Assessment	\$25,310	\$27,841	10.00%
490	Utilities & Fuel	\$351,360	\$456,710	29.98%

Total Public Works **\$1,296,985** **\$1,427,287** **10.05%**

HUMAN SERVICES

511	Board of Health	\$147,882	\$148,624	0.50%
541	Council on Aging	\$148,369	\$196,796	32.64%
543	Veterans	\$66,426	\$85,785	29.14%

Total Human Services **\$362,677** **\$431,205** **18.90%**

CULTURE & RECREATION

610	Library	\$163,644	\$167,735	2.50%
630	Recreation	\$137,470	\$141,614	3.01%
670	Natural History Museum	\$6,600	\$6,600	0.00%
692	Celebrations-Parades & Band Concerts	\$18,900	\$19,200	1.59%

Total Culture & Recreation **\$326,614** **\$335,149** **2.61%**

DEBT SERVICE

710	Principal Payments	\$456,900	\$490,800	7.42%
711	Interest Payments	\$146,821	\$124,279	-15.35%

Total Debt Services **\$603,721** **\$615,079** **1.88%**

PENSION & INSURANCE

911	Pension Assessment	\$973,158	\$1,019,533	4.77%
914	Group insurance	\$1,672,557	\$1,702,065	1.76%
940	Town Insurance	\$611,115	\$646,233	5.75%

Total Pension & Insurances **\$3,256,830** **\$3,367,831** **3.41%**

**TOTAL OPERATING
BUDGET**

\$21,960,254 **\$22,877,298** **4.18%**

Less Transfers \$294,471 \$290,592

Less Indirect Costs \$790,617 \$770,377

*Less Transfer from Free
Cash* \$370,139 \$398,371

Raise and Appropriate **\$20,505,027** **\$21,417,958**

Finance Committee will make recommendation at Town Meeting

Article 3. To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$2,123,021 to be used to operate the water enterprise fund, the following sums to be appropriated to salaries and expenses, \$952,662; reserve fund, \$60,000; debt, \$775,588; and indirect costs, \$334,771; and the funds be raised from department receipts, \$1,723,021 and \$400,000 from water retained earnings; or take any other action thereon.

WATER ENTERPRISE FUND	FY18	FY19	% chg
	Appropriation	Recommend.	Differ
Salaries and Expenses	\$929,585	\$952,662	2.48%
Reserve Fund	\$54,078	\$60,000	8.94%
Debt (principal, interest and charges)	\$818,948	\$775,588	-5.29%
Subtotal	\$1,803,611	\$1,788,250	-0.85%
Indirect Costs	\$346,790	\$334,771	-3.47%
TOTAL WATER ENTERPRISE BUDGET	\$2,150,401	\$2,123,021	-1.27%
<i>Less Water Retained Earnings</i>	\$400,000	\$400,000	
<i>Water Revenues</i>	\$1,750,401	\$1,723,021	

Finance Committee will make recommendation at Town Meeting

Article 4. To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$3,069,526 to be used to operate the sewer enterprise fund, the following sums to be appropriated to salaries and expenses, \$1,097,058; reserve fund, \$60,000; debt, \$1,476,862; and indirect costs, \$435,606; and the funds be raised from departmental receipts, \$2,769,526 and \$300,000 from sewer retained earnings; or take any other action thereon.

SEWER ENTERPRISE FUND	FY18	FY19	% chg
	Appropriation	Recommend.	Differ
Salaries and Expenses	\$1,025,844	\$1,097,058	6.94%
Reserve Fund	\$54,588	\$60,000	9.91%
Debt (principal, interest and charges)	\$1,406,313	\$1,476,862	5.02%
Subtotal	\$2,486,745	\$2,633,920	5.92%
Indirect Costs	\$443,827	\$435,606	-1.89%
TOTAL SEWER ENTERPRISE BUDGET	\$2,930,572	\$3,069,526	4.74%
<i>Less Sewer Retained Earnings</i>	\$400,000	\$300,000	
<i>Sewer Revenues</i>	\$2,530,572	\$2,769,526	

Finance Committee will make recommendation at Town Meeting

Article 5. To see if the Town will vote to transfer from the Overlay Surplus Account the sum of \$25,000 to be used by the Board of Assessors for the revaluation of real and personal property as mandated by the Department of Revenue; or take any other action thereon.

Finance Committee will make recommendation at Town Meeting

Article 6. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of \$120,000 to the compensated absence account for the purpose of funding accrued benefits for retiring employees; or take any other action thereon.

Finance Committee will make recommendation at Town Meeting

Article 7. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of \$240,000 to the Other Post-Employment Benefit Liability Trust Fund as established at the Annual Town Meeting of 2010 under Article 14; or take any other action thereon.

Finance Committee will make recommendation at Town Meeting

Article 8. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of \$50,000 to the Stabilization Fund; or take any other action thereon.

Finance Committee will make recommendation at Town Meeting

Article 9. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of \$75,000 to the Capital Improvement Projects Stabilization Fund; or take any other action thereon.

Finance Committee will make recommendation at Town Meeting

Article 10. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of \$75,000 to the School Department Stabilization Fund; or take any other action thereon.

Finance Committee will make recommendation at Town Meeting

Article 11 To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of \$38,000 to be used by the Police Department for purchasing and equipping one (1) new police cruiser; or take any other action thereon.

Finance Committee will make recommendation at Town Meeting

Article 12 To see if the Town will vote to appropriate the sum of \$2,500,000 for the construction of project CWSRF 4435 - Wastewater Treatment Plant Improvements; to

determine whether this appropriation shall be raised by borrowing or otherwise; and to take any other action relative thereto.

Finance Committee will make recommendation at Town Meeting

Article 13 To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury the sum of \$115,000 to fund the necessary engineering and design of the Mill Street water main replacement, and that to meet this appropriation, the sum of \$115,000 be transferred from Water Enterprise Retained Earnings; or take any other action thereon.

Finance Committee will make recommendation at Town Meeting

Article 14 To see if the Town will vote to appropriate the sum of \$7,817,269 for the purpose of renovating the 1876 historic Marion Town House located at 2 Spring Street, Marion, MA, including final design, construction and equipping thereof, and also including costs incidental or related thereto; and, further, to see if the Town will vote to act upon the recommendation of the Community Preservation Committee to (i) appropriate from CPA undesignated fund balance the amount of \$860,000 to the purposes of this vote; and (ii) to determine whether this appropriation shall be raised by authorizing the Treasurer, with the approval of the Board of Selectmen, to issue bonds or notes under the provisions of Chapter 44 of the General Laws, or other appropriate enabling authority; subject to the voters' approval of a debt exclusion under the provisions of Chapter 59, Section 21C of the General Laws; or take any other action thereon.

Finance Committee will make recommendation at Town Meeting

Article 15 To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury the sum of \$320,000 to replace approximately 770 feet of 6-inch diameter sewer pipe with new 8-inch PVC sewer pipe in Mill Street between Route 6 and Wells Road, and that to meet this appropriation, the sum of \$320,000 be transferred from Sewer Enterprise Retained Earnings; or take any other action thereon.

Finance Committee will make recommendation at Town Meeting

Article 16 To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of \$50,357 to be expended by the Fire Department for the necessary repairs and upgrades to the Department's newly acquired SAFE Boat; or to take any other action thereon.

Finance Committee will make recommendation at Town Meeting

Article 17 To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of \$31,290 to be expended by the Police Department to institute a replacement program of the Department's laptops in 5 cruisers; or to take any other action thereon.

Finance Committee will make recommendation at Town Meeting

Article 18 To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of \$109,500 to be expended by the Facilities Manager to purchase a new Skyjack SJ66T telescopic boom lift and trailer; or to take any other action thereon.

Finance Committee will make recommendation at Town Meeting

Article 19 To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury the sum of \$62,000 to be expended by the Harbormaster for the purchase of one (1) SUV-type vehicle for use by the Marine Department, and that to meet this appropriation, the sum of \$62,000 be transferred from Waterways Account; or take any other action thereon.

Finance Committee will make recommendation at Town Meeting

Article 20 To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of \$34,200 to be expended by the Fire Dept. to resurface the apparatus bay floor at Fire Headquarters on Spring Street; or take any other action thereon.

Finance Committee will make recommendation at Town Meeting

Article 21 To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of \$25,000 to be expended by the School Dept. to continue the phased replacement of VTC flooring in various sections of the Sippican School; or take any other action thereon.

Finance Committee will make recommendation at Town Meeting

Article 22 To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury the sum of \$45,000 to be expended by the Water Dept. to purchase one (1) 4x4 pick-up truck with plow and that, to meet this appropriation, the sum of \$45,000 be transferred from Water Enterprise Retained Earnings; or take any other action thereon.

Finance Committee will make recommendation at Town Meeting

Article 23 To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of \$32,500 to be expended by the Facilities Manager to purchase and install generators for various town-owned buildings including costs incidental and related thereto; or take any other action thereon.

Finance Committee will make recommendation at Town Meeting

Article 24 To see if the Town will vote to act upon the recommendation of the Community Preservation Committee to appropriate, from Fiscal Year 2019 estimated annual revenues, \$2,000 to the Community Preservation Committee for administrative expenses; or take any other action thereon.

Finance Committee will make recommendation at Town Meeting

Article 25 To see if the Town will vote to act upon the recommendation of the Community Preservation Committee, from the Fiscal Year 2019 estimated annual revenues, \$88,500 for the purpose of meeting the requirements of the Community Preservation Act, MGL c. 44B, s. 6 for the purpose of Open Space, Community Housing, and Historic Reserves for Fiscal Year 2019; and \$204,500 to the Community Preservation Act Budgeted Reserves; or take any other action thereon.

Finance Committee will make recommendation at Town Meeting

Article 26 To see if the Town will vote to act upon the recommendation of the Community Preservation Committee to appropriate \$50,000 from Historic Reserves to the Sippican Historical Society to catalogue historical documents and artifacts and for an architectural historian to update and organize the 1998 Architectural Survey of Marion; or take any other action thereon.

Finance Committee will make recommendation at Town Meeting

Article 27 To see if the Town will vote to act upon the recommendation of the Community Preservation Committee to appropriate \$15,000 from Historic Reserves and \$10,000 from the CPA undesignated fund balance for a total appropriation of \$25,000 to the Marion Firefighters' Association to restore its Maxim 1937 Ford Fire Truck to include professional painting, re-lettering, and body work; or take any other action thereon.

Finance Committee will make recommendation at Town Meeting

Article 28 To see if the Town will vote to act upon the recommendation of the Community Preservation Committee to appropriate \$29,328 from Open Space/Recreation Reserves to the Marion Recreation Dept. to replace the aging playground at Silvershell Beach; or take any other action thereon.

Finance Committee will make recommendation at Town Meeting

Article 29 To see if the Town will vote to act upon the recommendation of the Community Preservation Committee to appropriate \$35,000 from Open Space/Recreation Reserves to the Charles R. Washburn Memorial Trust to make needed electrical upgrades to meet code together with the replacement of aging fencing and retaining wall reinforcement and land improvements at its property at Washburn Park Lane; or take any other action thereon.

Finance Committee will make recommendation at Town Meeting

Article 30 To see if the Town will vote to transfer the sum of \$2,000 from the Chester A. Vose Fund, said monies to be used by the Assessors for the reduction of taxes; or take any other action thereon.

Finance Committee will make recommendation at Town Meeting

Article 31 To see if the Town will vote, pursuant to the provisions of MGL Chapter 44, §53E 1/2 , to authorize for Fiscal Year 2019 a revolving fund for the following purposes: Recreation Revolving Fund, to accept fees collected from participants in the various recreation programs. Said funds shall be received by the Treasurer and credited to the said Revolving Fund and said funds to be disbursed by the Town Accountant to offset the costs of these programs, total expenses not to exceed \$150,000; or take any other action thereon.

Finance Committee will make recommendation at Town Meeting

Article 32 To see if the Town will vote to establish, commencing in Fiscal Year 2019, a revolving fund pursuant to MGL Chapter 44, §53E 1/2 for the lawful collection of monies by the Town Treasurer and the expenditure by the Marion Board of Health for all lawful purposes, including but not limited to, purchasing medical supplies and vaccines and the provision of public health and related services within the Town of Marion. The provisions, limitations, and requirements of MGL Chapter 44, §53E 1/2 as amended, shall apply to said fund, and the total expenses shall not exceed \$17,500; or take any other action thereon.

Finance Committee will make recommendation at Town Meeting

Article 33 To see if the Town will vote to amend the zoning map of the Town of Marion to re-classify the following lots, located on Spring Street, as Zoning District Residence E:

- Map 24 - Lot 36A
- Map 24 - Lot 37
- Map 24 - Lot 37A
- Map 24 - Lot 38

Or take any other action thereon.

Finance Committee has no recommendation, as no financial impact

Article 34 To see if the Town will vote to amend the Code of the Town of Marion as noted by strikethroughs (indicating deletion) and underlines (indicating additions), all as set forth in the document entitled "Town of Marion Bylaw Extract" dated February 6, 2018, on file in the Office of the Town Clerk and the office of the Marion Planning Board; or take any other action thereon.

Finance Committee has no recommendation, as no financial impact

Article 35 To see if the Town will vote to amend Chapter 230 of the Code of the Town of Marion by adding the following section entitled "Demolition Delay Bylaw":

Section 1. Intent and Purpose

This Bylaw is enacted for the purposes of preserving and protecting significant buildings and structures within the Town constituting or reflecting distinctive features of the architectural, cultural, economic, political or social history of the Town; and limiting the detrimental effect of demolition on the character of the Town. Through this bylaw, owners of such buildings are encouraged to seek out alternative options that will preserve, rehabilitate or restore such buildings, rather than demolish them, and residents of the Town are alerted to impending demolitions of buildings significant to the history and heritage of the Town. To achieve these purposes the Marion Historical Commission is authorized to advise the Building Commissioner with respect to demolition permit applications. The issuance of demolition permits for significant buildings is regulated as provided by this Bylaw.

Section 2 Definitions

APPLICATION: An application for the demolition of a Building in whole or in part.

BUILDING OR STRUCTURE: Any combination of materials forming a shelter for persons, animals, or property. Where used in this Chapter, the term "Building" shall include both Buildings and Structures.

COMMISSION: The Marion Historical Commission.

DEMOLITION: Any act of pulling down, destroying, removing, dismantling or razing a building or commencing the work of total or substantial destruction with the intent of completing the same.

DEMOLITION BY NEGLECT: A process of ongoing damage to the features, viability and/or function of an unoccupied building leading towards and/or causing its eventual demolition due to decay and/or structural failure and/or severe degradation over a period of time as a result of a general lack of maintenance, and/or failure to secure the building from pests or vandals, and/or failure to take reasonable measures to prevent the ingress of water, snow, ice, and wind through the roof, walls, or apertures.

DEMOLITION PERMIT: The building permit issued by the Building Commissioner for demolition of a building, excluding a building permit issued solely for the demolition of the interior of a building.

PREFERABLY PRESERVED: Any significant building which the Commission determines, following a public hearing, that it is in the public interest to be preserved rather than demolished. A preferably preserved building is subject to the twelve month demolition delay period of this bylaw.

SIGNIFICANT BUILDING: Any building which is, in whole or in part, 75 years old or older and:

- 1) is included in the Marion Massachusetts Historic Properties Survey prepared by the Commission in 1998 on file with the Town Clerk's office, or any update of such Survey; or
- 2) is listed on, or is within an area listed on, the National Register of Historic Places; or is the subject of a pending application for listing on such National Register; or has been found eligible for listing on such National Register; or
- 3) is found by the Commission to be:
 - (a) historically or architecturally important (in terms of period, style, method of building construction or association with a recognized architect or builder) either by itself or in the context of a group of buildings; or
 - (b) importantly associated with one or more historic persons or events, or is within the broad architectural, cultural, political, economic or social history of the Town or the Commonwealth.

Section 3. Procedure

3.1. Compliance with Bylaw. No demolition permit for a building which is in whole or in part fifty years old or older shall be issued except in strict conformity with this Bylaw. If a building is of unknown age, it shall be assumed that the building is over 75 years old for the purposes of this Bylaw.

3.2. Application. An Applicant proposing to demolish a building 75 years old or older, or otherwise subject to this Bylaw, shall file with the Building Commissioner an Application containing the following information:

- (a) The address of the building to be demolished;
- (b) The name, address and telephone number of the applicant (and, if applicant is not the owner of the property, the name, address and telephone number of the owner);
- (c) A description of the building;

- (d) The reason for requesting a demolition permit;
- (e) A brief description of the proposed reuse, reconstruction or replacement;
- (f) A photograph or photograph(s) of the building; and
- (g) If Applicant is not the owner of the property, a statement by the owner of consent to the Application.

3.3. Referral to Commission. Within seven days of receiving an application for demolition pursuant to sections 3.1 and 3.2 above, the Building Commissioner shall forward a copy of the application to the Commission. No demolition permit may issue during this time.

3.4. Public Hearing. The Commission shall within thirty (30) days of receipt of an application hold a public hearing, subject to the notice requirements in Section 3.5 below. The purpose of the hearing is to determine whether the Building that is the subject of the demolition permit is a Significant Building and, if a Significant Building, whether it should be Preferably Preserved. No demolition permit may issue during this time.

3.5. Notice. No fewer than fourteen days before the hearing date, the Commission shall: 1) provide public notice of the time, place, and purpose of the hearing by publication in a newspaper of general circulation in the Town, and notice posted at the Town House or otherwise conspicuously visible to the public at all hours consistent with the Open Meeting Law; and 2) mail a copy of the notice to the Applicant; the Building Commissioner; all owners of abutting property as appearing on the most recent assessor's records; and to such other persons as the Commission shall deem entitled to notice. The Applicant shall pay the costs of such notice and mailings.

3.6. Findings.

3.6.1 Significant Building. At the public hearing, the Commission shall determine as a threshold issue whether the Building is a Significant Building as that term is defined in Section 2. The Commission may, in determining the architectural or historic significance of the Building, reference the federal Secretary of the Interior's standards for historic buildings.

(a) If the Commission determines that the Building is not a Significant Building, the Commission shall make a written finding to that effect, and shall provide notice of such finding to the Building Commissioner and the applicant. Upon receipt of the Commission's written notice of finding that the Building is not a Significant Building, the Building Commissioner may issue a demolition permit.

(b) If the Commission determines as a threshold issue that the Building is a Significant Building, the Commission shall proceed to the question of whether the Building should be Preferably Preserved.

3.6.2 Preferably Preserved. The Commission shall render a determination as to whether the Building is Preferably Preserved within fourteen days of the close of public hearing.

- (a) If after public hearing the Commission determines that demolition of the Significant Building would not be detrimental to the historical or architectural heritage or resources of the Town, the Commission shall make a written finding that the Significant Building is not Preferably Preserved, and shall provide notice of such finding to the Building Commissioner and the Applicant. Upon receipt of the Commission's written notice of finding that the Significant Building is not Preferably Preserved, the Building Commissioner may issue a demolition permit.
- (b) If after public hearing the Commission determines that demolition of the Significant Building would be detrimental to the historical or architectural heritage or resources of the Town, the Commission shall make a written finding that the Significant Building is Preferably Preserved, and shall provide notice of such finding to the Building Commissioner and the Applicant.
- (c) The Commission shall offer the Applicant (and owner, if different) information about alternative to demolition, and shall direct the Applicant to resources, including the Massachusetts Historical Commission, which might assist in exploring alternatives to demolition of the Building, including preservation, rehabilitation, adaptive reuse, or sale to a person or group interested in such alternatives.

3.6.3 The Building Commissioner shall not issue a demolition permit for a Significant Building found to be Preferably Preserved until one of the following conditions is met:

- (a) the Commission provides written notice that it is satisfied that there is no reasonable likelihood that either the owner or some other person or group is willing to purchase, preserve rehabilitate and restore the Preferably Preserved Significant Building; or
- (b) the Commission provides written notice that it is satisfied that the owner has made continuing, bona fide and reasonable efforts to locate a purchaser to preserve, rehabilitate and restore the Preferably Preserved Significant Building, and that such efforts have been unsuccessful; or
- (c) a period of at least twelve (12) months shall have elapsed following the date of the Commission's determination that the Significant Building is Preferably Preserved.

Section 4. Administration

4.1. Rules. The Commission may adopt such rules and regulations as are necessary to administer the provisions of this Bylaw.

4.2. Fees. The Commission may adopt a schedule of reasonable fees to cover the costs associated with the administration of this Bylaw.

4.3. Responsibilities of Owner. The owner of any Building subject to this Bylaw shall be responsible for participation in the procedures described above, including providing requested information; allowing access to the property; participating in the investigation of preservation options; and cooperating in seeking alternatives to demolition.

Section 5. Enforcement and Remedies

5.1. No building permit shall be issued with respect to any premises upon which a Building subject to this Bylaw is demolished in violation of this Bylaw for a period of two years after the date of completion of such demolition, unless otherwise agreed to by the Commission. As used herein, "premises" refers to the parcel of land upon which the demolished Building was located and all adjoining parcels of land under common ownership or control.

5.2. Upon a determination by the Commission that a Building is Preferably Preserved, the owner shall be responsible for securing the Building to the satisfaction of the Building Commissioner. Should the owner fail to secure the Building, the loss of such building through fire or other cause shall be considered demolition in violation of the Bylaw for the purposes of Section 5.1 above.

5.3 The owner of a Building subject to this Bylaw who demolishes such Building without first obtaining a demolition permit in accordance with this Bylaw shall be subject to a fine of Three Hundred Dollars (\$300.00), in addition to any fines that may be imposed for failure to comply with the State Building Code. Each day the violation exists shall constitute a separate offense until a faithful restoration of the demolished building is completed, unless otherwise agreed to by the Commission.

5.4. The Commission and/or the Building Commissioner are each authorized to institute any and all actions and proceedings, in law or equity, as they may deem necessary and appropriate to obtain compliance with the requirements of this Bylaw or to prevent a threatened violation thereof, or to require restoration of the premises to their condition prior to the violation.

Section 6. Emergency Demolition .

Nothing in this Bylaw shall prohibit the Building Commissioner from immediately ordering the demolition of any building in the event of imminent danger to the safety of the public pursuant to the applicable standards under the State Building Code.

Section 7. Demolition by Neglect.

7.1 If the Commission has reason to believe, through visual inspection or other means, that a Significant Building may be undergoing demolition by neglect, the Commission shall notify the owner and the Building Commissioner in writing. The Commission shall hold a public hearing, subject to the notice requirements of Section 3.5, for the purpose of determining whether the building is a Significant Building; and, if a Significant Building, whether the Building is undergoing demolition by neglect. In furtherance of determining the Building's condition, the Commission may request an inspection of the building by the Building Commissioner.

7.2 If the Commission finds that a Significant Building is undergoing demolition by neglect, the Commission shall attempt to negotiate a voluntary agreement with the owner for

appropriate and timely repairs sufficient to structurally stabilize the building and/or prevent further deterioration, to the satisfaction of the Building Commissioner.

7.3 If the Commission is unable to negotiate an agreement with the owner pursuant to Section 7.2 above, or if the owner has agreed to undertake but has failed to satisfactorily complete such repairs in a timely manner, the Commissioner may pursue any lawful remedy, including seeking a court order directing repairs to be undertaken to secure the building against the elements, vandals and vermin; to halt further deterioration; and to stabilize it structurally. The Commissioner may forbear from commencing an action in court for any reason and will consider any claim of undue economic hardship by the owner.

7.4 Upon completion of all repairs that have been agreed upon between the owner and the Commissioner, or ordered by the court, to the satisfaction of the Building Commissioner, the Commission shall find that the building is no longer undergoing demolition by neglect.

Section 8. Severability

If any section, paragraph or part of this Bylaw be for any reason declared invalid or unconstitutional by any court, every other section, paragraph, and part shall continue in full force and effect.

Presented by the Citizen Petition of Judith W. Rosbe, et al.

Finance Committee has no recommendation, as no financial impact

Article 36 To see if the Town will vote to approve and adopt the Marion Town House Preservation Bylaw a Continuous Repair and Maintenance Program ("Program") with the objective and purpose to preserve and prolong the useful life of the Town House ("TH") for its architectural heritage and its use for the Town's administration offices in keeping with the Town's historic character.

Under the Program, the Facilities Manager shall develop a prioritized projects list and estimated costs for TH maintenance and repair for the next five years to be updated annually. This list shall be reviewed by the Capital and Finance Committees for recommendations to the Board of Selectmen for approval consistent with Program objectives.

The Program shall be funded by annual appropriations from the General Fund and in such amounts as approved by the Town Meeting. No board, committee or Town officer shall request Town House spending approval or authorization without first submitting such request to the Finance Committee. The Board of Selectmen shall place no TH spending Articles on the Warrant without having first received a written comments letter with recommendations from the Finance Committee.

The Program shall be effective with Town Meeting approval and shall not be changed, amended or modified except by Town Meeting approval. Failure of Town Meeting to approve annual Program appropriations shall not terminate the Program.

Appropriate and allocate \$200,000 from the Town's General Fund of which \$100,000 shall be allocated to boiler replacement and \$100,000 allocated to the Facilities Manager's budget for immediate Town House stabilization repairs and for preparation of a long term continuous repair and maintenance plan; or take any other action thereon.

Presented by the Citizen Petition of Edwin North, et al.

Finance Committee will make recommendation at Town Meeting

Article 37 To see if the Town will vote to add the following to Sections of the Marion General Bylaws **Limitation of a Selectmen Holding Other Elected or Compensated Office or Employment with the Town and Limitation on Multiple Elected Board Participation.**

A selectman may not hold any other elective or compensated office or position of employment with the Town of Marion during the term for which he/she is elected as a selectman; nor any compensated appointive town office or employment for one year thereafter. Also, that any member of the Board of Selectmen serving in such capacity at the time of adoption of this section shall be allowed to complete his/her current term of office on the Board prior to being subject to the requirements of this vote.

No individual may serve on two or more elected boards at the same time.

or take any other action thereon.

Presented by the Citizen Petition of Edwin North, et al.

Finance Committee has no recommendation, as no financial impact

Article 38 To see if the Town will vote to amend the Code of the Town of Marion by adding the following to the Marion General Bylaws: The public's right to be heard on warrant articles; finance committee comments and recommendations and warrant article disclosures.

Any Committee before taking its first or only vote with respect to an Article on the Warrant, must hold a duly noticed public hearing with respect to the Article, and the committee's permanent record must record that a duly noticed public hearing occurred before such vote. Notice of the public hearing shall be satisfied by compliance with the Open Meeting Law and other such statutory requirements governing the giving of notice as required. The vote on the Warrant Article may take place at any time or date after completion the public hearing. The Board of Selectmen shall not place on the Warrant for any annual or special Town Meeting any Article that has not first had a public hearing.

No Committee or Town officer shall request spending approval or authorization without first submitting such request to the Finance Committee. The Board of Selectmen shall place no spending Articles on the Warrant without having first received a written comments letter with recommendations from the Finance Committee.

Each Warrant Article shall disclose the Committee sponsor and shall contain a discussion and analysis for the purpose, reason and cost as the case maybe for the proposed Article including the disclosure of the forecasted aggregate cost of debt financing thereunder.

“Committee” shall include an elected or appointed board (including the Board of Selectmen), commission, council and trustees as the case maybe and any subcommittee thereof.

or take any other action thereon.

Presented by the Citizen Petition of Edwin North, et al.

Finance Committee has no recommendation, as no financial impact

Article 39 To see if the Town will vote to allow dogs & their owners to use Silvershell Beach from October 1 – June 1 and impose a fine of \$100 to anyone who fails to pick up and properly dispose of waste; or take any other action thereon.

Presented by the Citizen Petition of Susannah Davis, et al.

Finance Committee has no recommendation, as no financial impact

Article 40. To see if the Town will vote to authorize the Board of Selectmen or its designee to make application on behalf of the Town to the appropriate agency of the Federal or State Governments for grants in aid or other funds or to private foundations or other foundations to further carry out certain programs hereinafter listed and to expend such grants to the Town; said applications and expenditures may include, but not be limited to, the following:

- A. Emergency Management Funds
- B. Sewer system, planning and improvements
- C. Water system improvements and aquifer protection
- D. Recreation and conservation land planning, acquisition, and improvements of open space
- E. Open space acquisition
- F. Executive Office of Environmental Affairs self-help program
- G. Executive Office of Environmental Affairs urban self-help program
- H. Executive Office of Environmental Affairs land and water conservation funds
- I. Repairs and renovations to Town properties
- J. Coastal Zone funds for coastal-related activities
- K. Housing-related grants
- L. Public Safety
- M. Title V subsurface disposal of sanitary waste management
- N. Public or private grants deemed by the Selectmen to be in the best interest of the community

O. State Road funds, Chapter 53B and Chapter 150 (commonly known as Chapter 90 funds)

Or take any other action thereon.

Finance Committee will make recommendation at Town Meeting

Article 41 To see if the Town will vote to authorize the Board of Selectmen to institute, defend, or compromise suits of law; or take any other action thereon.

Finance Committee will make recommendation at Town Meeting

Article 42 To see if the Town will vote to authorize the Board of Selectmen to sell any article belonging to the Town, provided the Town has no further use for the same; or take any other action thereon.

Finance Committee will make recommendation at Town Meeting

Article 43 To see if the Town will vote to authorize the Board of Selectmen to sell or transfer any taxation possession property held by the Town, pursuant to General Laws, Chapter 60, Section 77, after the Board of Selectmen has notified the Planning Board, Open Space Acquisition Commission, Conservation Commission, and the Affordable Housing Trust of the availability of such land and said agencies may report in writing within twenty (20) days to the Board of Selectmen any recommendations that they may have with regard to the disposition of said land; or take any other action thereon.

Finance Committee will make recommendation at Town Meeting

Article 44 To consider the reports of the Town officers and committees and act thereon; or take any other action thereon.

Finance Committee has no recommendation, as no financial impact

Article 45 To choose by ballot all necessary officers for the ensuing year, viz; one Selectman for three years; one Selectman for one year; one Assessor for three years; one Moderator for one year; one Board of Health member for three years; two Planning Board members for three years; two Marion School Committee members for three years; and one Open Space Acquisition Commission member for three years; and to act on the following ballot question commencing on Friday, the 18th of May, 2018, at 8:00 o'clock in the morning in the Benjamin D. Cushing Community Center, 465 Mill Street (Route 6), in said Marion:

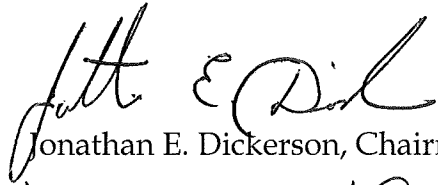
Question 1. Shall the Town of Marion be allowed to exempt from the provisions of proposition two and one half, so called, the amounts required to pay for the bonds to be issued in order to renovate the 1876 historic Marion Town House located at 2 Spring Street, Marion,

MA, including final design, construction and equipping thereof, and also including costs incidental or related thereto?

Yes _____

No _____

Given under our hands this 20th day of March in the Year Two Thousand and Eighteen.



Jonathan E. Dickerson, Chairman

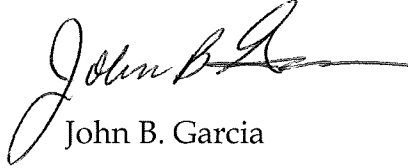


Norman A. Hills

BOARD OF SELECTMEN

A true copy, ATTEST:

I, John B. Garcia, being a duly appointed constable of the Town of Marion, in the County of Plymouth, Commonwealth of Massachusetts, hereby make affidavit that legal notice of the meeting called under this Warrant has been served on the voters of said Town of Marion by posting up attested copies in not less than three public places within the said Town on April 17, 2018, said date being fourteen days, at least, before the date of the meeting, in accordance with Chapter 64, Section 3(A) of the Code of the Town of Marion.



John B. Garcia

CONSTABLE

TOWN OF MARION
TOWN MEETING WARRANT
For the Special Town Meeting to be Held
May 14, 2018



Plymouth, ss:

To either of the Constables of the Town of Marion in the Commonwealth of Massachusetts

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are directed to notify and warn the inhabitants of the Town of Marion qualified to vote in Town election and Town affairs to meet at the Sippican School Auditorium in said Marion, on Monday, the 14th day of May, 2018, at 7:30 o'clock in the evening, then and there to act on the following Articles, to wit:

Article S1 To see if the Town will vote to transfer from available funds in the Treasury the sum of \$150,000 (Free Cash) to supplement the Fiscal Year 2018 budgets of the various Town Departments to pay expenses associated with the removal of snow and ice, including related storm cleanup activities, from public ways during said Fiscal Year; or take any other action thereon.

Finance Committee will make recommendation at Town Meeting

Article S2 To see if the Town will vote to appropriate a sum of money to provide for the installation of 2,700 linear feet, more or less, of 12-inch water main on County Road from Point Road to Blackmore Pond Road to include engineering services during construction; and to determine whether this appropriation shall be raised by authorizing the Treasurer, with the approval of the Board of Selectmen, to issue bonds or notes in the amount of \$817,105 under the provisions of Chapter 44 of the General Laws, or other appropriate enabling authority; or take any other action thereon.

Finance Committee will make recommendation at Town Meeting

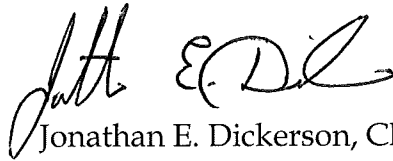
Article S3 To see if the Town will vote to supplement each prior vote of the Town that authorizes the borrowing of money to pay costs of capital projects to provide that, in accordance with Chapter 44, Section 20 of the General Laws, the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bond or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied; or take any other action thereon.

Finance Committee will make recommendation at Town Meeting

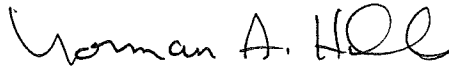
And you are directed to serve this Warrant by posting up attested copies thereof, one at the Elizabeth Taber Library, one at the Town House, and one at the Marion Post Office, all in said Marion, fourteen days at least before the time of holding said meeting aforesaid.

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

Given under our hands this 20th day of March in the Year Two Thousand and Eighteen.



Jonathan E. Dickerson, Chairman

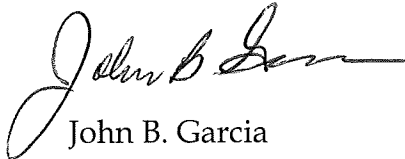


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John B. Garcia

CONSTABLE