FINANCE COMMITTEE REPORT

Annual Town Meeting May 8, 2017

FY 17 – Current Year Status

The Town is in stable financial condition. However, it is becoming increasingly difficult to balance our budgets in the era of rising prices and increased (unfunded) mandates from the State and Federal governments. These demands span school administrative tasks, record keeping about our storm drains and quality of our sewer plant output among others. In other changes to this year's budget we will ask the Special Town Meeting to appropriate additional money in the Snow and Ice budget and the Facilities Department to complete Phase 2 of the renovation of the VFW building for the Senior Center and Recreation department.

FY 18 – Proposed Operating Budget

All departments and committees were once again asked to present level-service budgets to help contain costs. Most departments were funded at this level with a few exceptions. Those over $10,000 are discussed below.

Schools

- The Marion portion of the ORR budget assessment increased by $230,009. This assessment is heavily influenced by the State funding formula.
- Sippican School budget increased by $69,959.

Police

- Our portion of a Tri-town School Resource Officer at ORR - $21,800
- New part time Administrative Assistant – $18,000.
- Realistic budget for Overtime requirements increase of - $33,706.
- Costs of new officers and planning for staff retirements - $43,000.

Some large increases are dictated by outside agencies or prior authorizations and are outside the town's control:

- Pension, Insurance and Debt Principal expense increased by a total of $70,057.
- The Legal budget increase of $107,500 is caused by the possibility that we may have to appeal the NPDES permit requirements. This is a transfer from the Sewer Enterprise Fund.

Recurring expenses are being moved from individual Articles into the operating budget. This will more properly reflect the annual cost of operating the Town:

- Fire Department Turn Out Gear - $7,500
- Public Works expense complying with CMOM requirements - $50,000
- Facilities Department has consolidated cleaning services, expanded the number of buildings covered and replaced 3 part-time hires with one full time person. - $53,389

Finally, we have chosen to continue to invest in expanding the offerings by the Council on Aging.

- Council on Aging -- $11,300

The FY 2018 budget is $21,950,375 which is a 3.06% increase over last year's budget as amended in the Special Town Meeting and omitting the legal fee transfer from the Sewer Department. We were able to balance the budget with 27% of the available Free Cash staying well within our policy of using no more than 40% to support the operating budget.

Operating Budget	FY12	FY13	FY14	FY 15	FY 16	FY17	FY 18
Total $ Increase	$379,626	$773,515	$425,364	$441,686	$543,327	$666,893	$645,672
% Increase	2.15%	4.29%	2.26%	2.27%	2.61%	3.26%	3.06%

Looking to the Future

Once the budget is balanced we turn to allocation of available capital (Free Cash). This year we propose to continue a significant allocation to future needs: Capital, School, Other Post Employment Benefits (OPEB) and our regular Stabilization Funds.

In the past several years we have saved enough in our main Stabilization Fund to exceed the State's Department of Revenue goals (10% of the Operating Budget) and we have made serious contributions to the OPEB Trust Fund as well. We also have a long way to go. The most recent estimate of Marion's unfunded OPEB liability is $9,446,885.

Stabilization fund status:

	Current Balance	Proposed Contribution
Stabilization Fund	$2,121,663	$25,000
OPEB	$1,032,977	$240,000
Capital	$157,458	$100,000
School	$209,031	$100,000

The combination of consistent and conservative planning, a reduced reliance on Free Cash, and our willingness to put money away for the future are significant reasons that our bond rating continues to be excellent.

We are, however, facing significant financial challenges due to regulatory issues in the storm water and sewer areas. You will notice that some money is allocated this year to begin to address these issues. Some very large estimates to comply with these requirements continue to loom over our planning. We are trying to reach some definition of the actual requirements to make a firm projection of the costs associated with each area and possible approach before we can finalize a plan.

Respectfully submitted,

2017 Finance Committee

Alan Minard, Chair
Margherita Baldwin
Jeff Dickerson
Karen Kevelson
Peter Winters

TOWN OF MARION
TOWN MEETING WARRANT
For the Annual Town Meeting to be Held
May 8, 2017

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 8th day of May, 2017, 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, 2017

	FY17 Approp	FY18 Recommend	% chg
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 recommends

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.

		FY17 Appropriation	FY18 FinCom Recommend.	17 to 18 % chg Differ
GENERAL GOVERNMENT				
113	Election and Town Meetings	$9,050	$9,050	0.00%
122	Selectmen	$46,381	$46,694	0.67%
123	Town Administrator	$121,264	$123,689	2.00%
131	Finance Committee	$29,450	$30,200	2.55%
132	Reserve Fund	$124,894	$130,000	4.09%
135	Finance Director/Town Acct	$99,264	$101,250	2.00%
141	Assessors	$114,294	$108,112	-5.41%
145	Treasurer	$54,570	$55,677	2.03%
146	Collector	$50,227	$51,334	2.20%
151	Legal	$82,000	$189,500	131.10%
155	Computer	$95,500	$97,800	2.41%
159	Administrative Services	$684,975	$698,950	2.04%
161	Town Clerk	$21,593	$21,593	0.00%
163	Registrar of Voters	$13,000	$12,800	-1.54%
171	Conservation	$2,962	$2,960	-0.07%
175	Planning Board	$18,400	$18,400	0.00%
176	Zoning Board	$2,119	$2,119	0.00%
191	Town Facilities	$265,318	$318,707	20.12%
195	Town Report	$6,525	$6,525	0.00%
199	Unclassified	$1,900	$1,904	0.21%
	Total General Government	**$1,843,686**	**$2,027,264**	**9.96%**
PUBLIC SAFETY				
210	Police Department	$1,678,297	$1,804,479	7.52%
210	Police Cruiser	$36,262	$38,518	6.22%
220	Fire/EMS Department	$999,465	$1,021,782	2.23%
241	Building Department	$101,464	$102,533	1.05%
292	Animal Control	$53,015	$53,896	1.66%
295	Marine Resources	$224,851	$231,721	3.06%
299	Tree Warden	$20,700	$20,700	0.00%
	Total Public Safety	**$3,114,054**	**$3,273,629**	**5.12%**
SCHOOLS				
300	Sippican School	$6,013,630	$6,083,589	1.16%
301	ORR Operating	$3,975,082	$4,205,091	5.79%
302	ORR Debt	$223,195	$216,728	-2.90%
302	Upper Cape Cod Oper.	$282,815	$291,309	3.00%
302	Upper Cape Cod Debt	$22,378	$23,343	4.31%
	Total Education	**$10,517,100**	**$10,820,060**	**2.88%**

PUBLIC WORKS ADMIN.				
420	Public Works	$838,315	$902,910	7.71%
439	Regional Landfill Assessment	$0	$25,310	%
490	Utilities & Fuel	$358,260	$351,360	-1.93%
	Total Public Works	**$1,196,575**	**$1,279,580**	**6.94%**
HUMAN SERVICES				
511	Board of Health	$145,088	$147,882	1.93%
541	Council on Aging	$137,076	$148,369	8.24%
543	Veterans	$66,120	$66,426	.46%
	Total Human Services	**$348,284**	**$362,677**	**4.13%**
CULTURE & RECREATION				
610	Library	$158,110	$163,644	3.50%
630	Recreation	$131,577	$137,470	4.48%
670	Natural History Museum	$6,600	$6,600	0.00%
692	Celebrations-Parades & Band Concerts	$18,900	$18,900	0.00%
	Total Culture & Recreation	**$315,187**	**$326,614**	**3.63%**
DEBT SERVICE				
710	Principal Payments	$439,500	$456,900	3.96%
711	Interest Payments	$149,465	$146,821	-1.77%
	Total Debt Services	**$588,965**	**$603,721**	**2.51%**
PENSION & INSURANCE				
911	Pension Assessment	$939,265	$973,158	3.61%
914	Group insurance	$1,667,284	$1,672,557	.32%
940	Town Insurance	$592,351	$611,115	3.17%
	Total Pension & Insurances	**$3,198,900**	**$3,256,830**	**1.81%**
	TOTAL OPERATING BUDGET	**$21,122,751**	**$21,950,375**	**3.92%**
	Less Transfers	$339,648	$294,471	
	Less Indirect Costs	$625,527	$790,617	
	Less Free Cash Transfer	$362,349	$370,139	
	Raise and Appropriate	**$19,795,227**	**$20,495,148**	

Finance Committee recommends

Article 3. To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of $2,150,401 to be used to operate the water enterprise fund, the following sums to be appropriated to salaries and expenses, $924,663; reserve fund, $60,000; debt, $818,948; and indirect costs, $346,790; and the funds be raised from department receipts, $1,750,401 and $400,000 from water retained earnings; or take any other action thereon.

WATER ENTERPRISE FUND	FY17 Appropriation	FY18 Recommend.	% chg Differ
Salaries and Expenses	$932,138	$924,663	-.80%
Reserve Fund	$60,000	$60,000	0.00%
Debt (principal, interest and charges)	$785,128	$818,948	4.31%
Subtotal	**$1,777,266**	**$1,803,611**	**1.48%**
Indirect Costs	$316,110	$346,790	9.71%
TOTAL WATER ENTERPRISE BUDGET	**$2,093,376**	**$2,150,401**	**2.72%**
Less Water Retained Earnings	**$400,000**	**$400,000**	
Water Revenues	**$1,693,376**	**$1,750,401**	

Finance Committee recommends

Article 4. To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of $2,930,572 to be used to operate the sewer enterprise fund, the following sums to be appropriated to salaries and expenses, $1,020,432; reserve fund, $60,000; debt, $1,406,313; and indirect costs, $443,827; and the funds be raised from departmental receipts, $2,530,572 and $400,000 from sewer retained earnings; or take any other action thereon.

SEWER ENTERPRISE FUND	FY17 Appropriation	FY18 Recommend.	% chg Differ
Salaries and Expenses	$942,111	$1,020,432	8.31%
Reserve Fund	$60,000	$60,000	0.00%
Debt (principal, interest and charges)	$1,425,591	$1,406,313	-1.35%
Subtotal	**$2,427,702**	**$2,486,745**	**2.43%**
Indirect Costs	$309,417	$443,827	43.44%
TOTAL SEWER ENTERPRISE BUDGET	**$2,737,119**	**$2,930,572**	**7.07%**
Less Sewer Retained Earnings	**$400,000**	**$400,000**	
Sewer Revenues	**$2,337,119**	**$2,530,572**	

Finance Committee recommends

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 recommends

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 recommends

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 recommends

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 $25,000 to the Stabilization Fund; or take any other action thereon.

Finance Committee recommends

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 $100,000 to the Capital Improvement Projects Stabilization Fund; or take any other action thereon.

Finance Committee recommends

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 $100,000 to the School Department Stabilization Fund; or take any other action thereon.

Finance Committee recommends

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 $8,000 to conduct an actuarial study update in compliance with the provisions of GASB 45; or take any other action thereon.

Finance Committee recommends

Article 12. To see if the Town will vote to raise and appropriate a sum of money to provide for the renewal and replacement of mechanical, electrical, HVAC and process equipment at

the Town's wastewater treatment plant; 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 $1,900,000 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 13. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of $37,077 to be expended for the purpose of replacing the main Police and Fire radio repeaters at the transmitter site on Mill St. and for the purchase of seven (7) new portable radios for both departments; or take any other action thereon.

Finance Committee recommends

Article 14. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury the sum of $75,000 to fund the necessary engineering and design of the County Road water main replacement and interconnection with the Town of Wareham municipal water system, and that to meet this appropriation, the sum of $75,000 be transferred from Water Enterprise Retained Earnings; or take any other action thereon.

Finance Committee recommends

Article 15. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of $15,000 to be expended under the direction of the Fire Department to purchase and maintain IV infusion pumps on each ambulance; or take any other action thereon.

Finance Committee recommends

Article 16. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury the sum of $60,000 to fund the replacement of navigation and radar systems on Harbormaster vessels to include tablets, software, and web-based interface systems, and that to meet this appropriation, the sum of $60,000 be transferred from Waterways Account; or take any other action thereon.

Finance Committee recommends

Article 17. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury the sum of $385,000 to study alternative methods of NPDES Permit compliance (for discharge from the Town's wastewater treatment plant), including but not limited to, groundwater discharge and constructed wetlands, and that to meet this appropriation, the sum of $385,000 be transferred from Sewer Enterprise Retained Earnings; or take any other action thereon.

Finance Committee recommends

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 $20,700 to be expended by the Facilities Dept. to remove and replace carpeting throughout the first floor of the Elizabeth Taber Library; or take any other action thereon.

Finance Committee recommends

Article 19. 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 Department to replace vinyl composition tile (VCT) in various areas of the Sippican School; or to take any other action thereon.

Finance Committee recommends

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 $45,000 to be expended by the Fire Department for the purchase of a new command vehicle; or to 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 $16,950 to be expended by the Facilities Department to (1) purchase and install a new 8-foot fiberglass service body to include a new aluminum ladder rack system and (2) repair and re-paint the existing cab and chassis on the Department's existing vehicle; or to take any other action thereon.

Finance Committee recommends

Article 22. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of $180,000 to be expended by the Department of Public Works to support the development of procedures and the initial implementation of MS4 permit requirements, together with the development of required permit documents and the partial implementation to include GIS mapping, field investigations and training; or to 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 $12,600 to be expended by the Recreation Department for the purchase and installation of a new fiberglass utility box for the Department's 2005 Ford utility pick-up truck; or to take any other action thereon.

Finance Committee recommends

Article 24. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of $20,000 to be expended by the Fire Dept. to purchase and install mini split air conditioner units in the second floor training room of the Marion Fire Headquarters; or take any other action thereon.

Finance Committee will make recommendation at Town Meeting

Article 25. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of $20,000 to be expended by the Board of Selectmen for the purpose of developing/updating job descriptions for town employees and to develop a salary classification plan for non-union, non-contracted employees; or take any other action thereon.

Finance Committee recommends

Article 26. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury the sum of $25,500 to be expended by the Fire Department to install a ventilation system at Station 2, and that to meet this appropriation, transfer the sum of $25,500 from Article 17 of the 2016 Annual Town Meeting; or take any other action thereon.

Finance Committee recommends

Article 27. To see if the town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of $5,000 for the purpose of having the Board of Selectmen engage the services of an analyst for the purpose of reviewing past ORR expenditure levels and uses, determine if adjustments need to be made in categories of expenditure for the future development of a strategic educational funding plan, with a

schedule of implementation and appropriate allocation of funds to various areas and categories of the strategic plan; or take any action thereon.

Finance Committee recommends

Article 28. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of $35,000 for a reorganized Town House Committee to be used for developing alternative Town House options and recommendations for presentation to Town Meeting on or before Spring 2018 Town meeting including, but not limited to, the following criteria:

1. Relocating Town administrative offices to separate standalone facility constructed on the town-owned VFW property or alternative town-owned site;

2. Preservation of the architectural heritage and integrity of the existing Spring Street Town House building; and

3. Development of strategic options and recommendations for the Town House building including, but not limited to, transferring the building to private sector ownership for historical preservation and property tax generation use.

The Board of Selectmen is directed to reorganize and appoint a committee for new Town House Planning consisting of five members which shall include a member from the Planning Board and member of the Finance Committee. The three remaining members at large shall have backgrounds from either business, finance, development, construction or architecture. No Town employee shall be a member of the committee; or take any other action thereon.

Presented by Citizen Petition

Finance Committee will make recommendation at Town Meeting

Article 29. To see if the Town will vote, pursuant to the provisions of MGL Chapter 44, §53E ½, to establish and authorize for FY17 a revolving fund for the following purposes: Recreation Revolving Fund, for the purpose of accepting receipts from fees collected from participants in the various recreation programs. Said funds to be received by the Treasurer and credited to the said revolving fund and said funds to be dispersed by the Town Accountant to offset the costs of these programs, total expense not to exceed $150,000; or take any other action thereon.

Finance Committee recommends

Article 30. To see if the Town will vote to act upon the recommendation of the Community Preservation Committee to appropriate, from Fiscal Year 2018 estimated annual revenues, $2,000 to the Community Preservation Committee for administrative expenses; or take any other action thereon.

Finance Committee recommends

Article 31. To see if the Town will vote to act upon the recommendation of the Community Preservation Committee, from the Fiscal Year 2018 estimated annual revenues, $87,900 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 2018; and $203,100 to the Community Preservation Act Budgeted Reserves; or take any other action thereon.

Finance Committee recommends

Article 32. To see if the Town will vote to act upon the recommendation of the Community Preservation Committee to appropriate $24,500 from Historic Resources reserves and $24,500 from CPA undesignated fund balance for a total of $49,000, to the Marion Arts Center for the purpose of window replacement and trim preservation of its facility located at 80 Pleasant St; or take any other action thereon.

Finance Committee recommends

Article 33. To see if the Town will vote to act upon the recommendation of the Community Preservation Committee to appropriate $10,000 from Open Space/Recreation reserves and $10,000 from CPA undesignated fund balance for a total of $20,000, and transfer the same to the Department of Public Works for the purposes of open space and public water resource protection and to authorize the purchase in fee of approximately 164 acres, more or less, of land within the Mattapoisett River Valley, as shown on portions of the Rochester Assessors Map 1, Lots 7 and 8 and Map 3, Lots 3 and 5A and on the Mattapoisett Assessors Map 25, Lot 4; said fee purchase for the primary purpose, in conjunction with other government and nonprofit entities, to permanently preserve said 164 acres as the same serves as a multi-town public drinking water supply aquifer, and further, to authorize the imposition of a Conservation Restriction on said 164 acres, more or less, to be held, among others, the Town of Mattapoisett, the Town of Fairhaven and the Buzzards Bay Coalition and to authorize the Board of Selectmen to negotiate the terms of said Conservation Restriction in the best interests of the Town of Marion and consistent with the conservation purposes of this Article, and thereafter to authorize the Board of Selectmen to execute the same, provided, however, that should the Town of Marion not acquire the fee interest in the entirety of said 164 acres, more or less, any approval of this Article as authorized by Town Meeting shall be null and void, or take any other action thereon.

Finance Committee recommends

Article 34. 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 recommends

Article 35. To see if the Town will vote to amend Section 5.3 of the Marion Zoning Bylaw as follows:

ADD NEW SUBSECTION 5.3.4 AS FOLLOWS:

"5.3.4 A special permit from the Planning Board, in compliance with the requirements of Section 7.2, shall be required for all residential developments greater than four (4) dwelling units."

ALSO, ADD NEW LINE WITHIN SECTION 4.2 (TABLE OF PRINCIPAL USE REGULATIONS) WITHIN SECTION A. "RESIDENTIAL USE" AS FOLLOWS:

"Multi-Family Residence (See Section 5.3)" and place the initials "PB" under the heading "RE", corresponding with the line "Multi-Family Residence (See Section 5.3)"

ALSO, ADD TO THE FIRST SENTENCE OF 9.1.2 AFTER THE WORD "SPACES" ON LINE FOUR (4) OF THE FOLLOWING:

Or result in residential development of more than four (4) dwelling units of Multi – Family Residence (see Section 5.3)

Or take any other action thereon.

Finance Committee has no recommendation, as no financial impact

Article 36. 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 37. To see if the Town will vote to amend the General Bylaws of the Town of Marion by striking Article I, Section 5 in its entirety and inserting in place thereof the following:

"The tax collector or other municipal official responsible for the records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the tax collector, shall annually, and may periodically, furnish to each department, board, commission or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of every person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.

The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the tax collector or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the tax collector; provided, however, that written notice is given to the party and the tax collector, as required by applicable provisions of law, and the party is given a hearing to be held not earlier than fourteen days after said notice. Said list shall be prima facie evidence for a denial, revocation or suspension of said license or permit to any party. The tax collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the licensing authority receives a certificate issued by the tax collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as of the date of issuance of said certificate.

Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit, provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

The Board of Selectmen may waive such denial, suspension or revocation if it finds that there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in section one of chapter two hundred and sixty-eight A in the business or activity conducted in or on said property.

This section shall not apply to the following licenses and permits: open burning: section thirteen of chapter forty-eight; bicycle permits: section eleven A of chapter eighty-five; sales of

articles for charitable purposes, section thirty-three of chapter one hundred and one; children work permits, section sixty-nine of chapter one hundred and forty-nine; clubs, associations dispensing food or beverage licenses, section twenty-one E of chapter one hundred and forty; dog licenses, section one hundred and thirty-seven of chapter one hundred and forty; fishing, hunting, trapping license. Section twelve of chapter one hundred and thirty-one; marriage licenses, section twenty-eight of chapter two hundred and seven and theatrical events, public exhibition permits, section one hundred and eighty-one of chapter one hundred and forty."

Finance Committee will make recommendation at Town Meeting

Article 38. To see if the Town will vote to amend the General Bylaws of the Town of Marion by inserting the following "Marion Water Resource Protection Bylaw":

A. Purpose

The purpose of this bylaw is to protect water resources in the Town of Marion, including surface and sub-surface water sources, from point and non-point source contamination, including the negative effects of unauthorized water withdrawals and water divisions.

B. Water Withdrawal Prohibition

Except as hereinafter provided, no persons shall withdraw water from surface or ground waters (including, but not limited to, wetlands, streams, rivers, lakes, springs, and ponds) within the Town of Marion into any tank vehicle or into any tank contained in or on any vehicle.

C. Exceptions

The prohibitions contained in Paragraph B above shall not apply to withdrawals or diversions associated with the following:

1. Any withdrawal or diversion permitted under a permit issued by the Marion Board of Water Commissioners or their designee, the Commonwealth of Massachusetts and/or the United States Government.

2. Any withdrawal or diversion associated with agricultural operations by either the owner of a private water supply or any other persons or entity having withdrawal rights of said water body.

3. Withdrawals or diversions associated with firefighting or training activities associated with firefighting.

D. Violations, Penalties and Enforcement

Any person or entity in violation of the provisions herein shall be punished by a fine of $100 for the first violation and $300 for each subsequent violation.

This bylaw shall be enforced under the non-criminal disposition provisions of Massachusetts General Laws, Chapter 40, Section 21D and may be enforced by the Conservation Commission, the Board of Health, the Fire Department, and/or the Police Department or their designees.

Finance Committee will make recommendation at Town Meeting

Article 39. To see if the Town will vote to direct the Board of Selectmen of the Town of Marion to declare a moratorium from the date of the approval by Town Meeting of this Article on the issuance, transfer or renewal of aquaculture licenses in the Town of Marion until such time as a review by the Board of Selectmen and Planning Board of the strategic use of all waterways under the jurisdiction of the Board of Selectmen of the Town of Marion can be undertaken and completed to determine the best harbor use, development and protection consistent with community consensus. The Board of Selectmen and the Planning Board will then develop a Harbor Bylaw consistent with the objectives hereinabove stated and direct the Marine Resources Committee to propose adoption consistent with the bylaws; or take any other action thereon.

Presented by Citizen Petition

Finance Committee has no recommendation, as no financial impact

Article 40. To see if the Town will vote to extend the use of Silvershell Beach by residents and their dogs from September 15th through June 15th to allow use by said residents and their dogs before 8:00 a.m. and after 6:00 p.m. during the summer months, except when events are being held. Users agree to pick up waste and will incur a fine to be determined by the Town if they do not.

Presented by Citizen Petition

Finance Committee has no recommendation, as no financial impact

Article 41. To see if the Town will vote to renumber and recaption the General Bylaws of the Town as follows: to assign a new number to each chapter of the General Bylaws; to renumber each section accordingly; to insert chapter and section titles; to update internal references to reflect the new numbering system; to reorganize defined terms to be indented and capitalized in the definitions sections of various chapters; and to enact certain global changes to the text of the General Bylaws of the Town as follows:

1. To cite statutory references to the Massachusetts General Laws in a consistent manner, to read in the following form: **MGL c.__, §__.**

2. To impose a standard system of capitalization and citation of numbers throughout the General Bylaws.

all as incorporated in the document entitled "Town of Marion Final Draft," dated March 1, 2017, and on file in the office of the Town Clerk; or take any other action thereon.

Finance Committee has no recommendation, as no financial impact

Article 42. To see if the Town will vote to enact certain changes to the text of the General Bylaws of the Town, as noted by strikethroughs (indicating deletion) and underlines (indicating additions), all as set forth in the document entitled "Town of Marion Final Draft (Red Line)," dated March 1, 2017, on file in the office of the Town Clerk; or take any other action thereon.

Finance Committee has no recommendation, as no financial impact

Article 43. To see if the Town will vote to number and caption the Zoning Bylaw of the Town as Chapter 230, Zoning, of the "Code of the Town of Marion," as set forth in the document entitled "Town of Marion Final Draft," dated March 1, 2017, on file in the office of the Town Clerk; or take any other action thereon.

Finance Committee has no recommendation, as no financial impact

Article 44. To see if the Town will vote to enact certain changes to the text of the Zoning Bylaw of the Town, as noted by strikethroughs (indicating deletion) and underlines (indicating additions), all as set forth in the document entitled "Town of Marion Final Draft (Red Line)," dated March 1, 2017, on file in the office of the Town Clerk; or take any other action thereon.

Finance Committee has no recommendation, as no financial impact

Article 45. To see if the Town will authorize the Board of Selectmen to take all appropriate actions to accept a gift of real property consisting of approximately 0.19 acres and currently owned by the Estate of Donal and Elizabeth Durfee, said real property identified on the Town of Marion Assessors' records on Map 23, Lot 85C and found at the Plymouth County Registry of Deeds at Book 17962, Page 0206; or take any other action thereon.

Finance Committee will make recommendation at Town Meeting

Article 46. 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 recommends

Article 47. 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 recommends

Article 48 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 recommends

Article 49. 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 recommends

Article 50. 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 51. To choose by ballot all necessary officers for the ensuing year, viz; one Selectman for three years; one Assessor for three years; one Moderator for one year; one Board of Health member for three years; three Planning Board members for three years; one Town Clerk for three years; one Tree Warden for three years; two Marion School Committee members for three years; one member of the Old Rochester Regional School Committee for three years; two Open Space Acquisition Commission members for three years; commencing on Friday, the 12th of May, 2017, at 8:00 o'clock in the morning in the Benjamin D. Cushing Community Center, 465 Mill Street (Route 6), in said Marion:

Given under our hands this 4th day of April in the Year Two Thousand and Seventeen.

Jonathan E. Dickerson, Chairman

Stephen M. Cushing

Stephen C. Gonsalves

BOARD OF SELECTMEN

A true copy, ATTEST:

I, Lincoln W. Miller, 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 6, 2017, said date being fourteen days, at least, before the date of the meeting, in accordance with Article 2, Section 3 of the By-laws of said Town.

Lincoln W. Miller

CONSTABLE

TOWN OF MARION
TOWN MEETING WARRANT
For the Special Town Meeting to be Held
May 8, 2017

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 8th day of May, 2017, at 8:00 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 (Free Cash) the sum of $100,000 to supplement the Fiscal Year 2017 budget of the Department of Public Works to pay expenses associated with the removal of snow and ice from public ways during said Fiscal Year; or take any other action relative thereto.

Finance Committee recommends

Article S2 To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of $33,539 to be expended under the direction of the Board of Selectmen for costs related to ongoing mitigation with the Sprague's Cove; or take any other action thereon.

Finance Committee will make recommendation at Town Meeting

Article S3 To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of $27,115 to be expended by the Facilities Department to install a fire alarm system at the Benjamin D. Cushing Senior/Community/Recreation Center; or take any other action thereon.

Finance Committee recommends

Article S4 To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of $35,000 to be expended under the direction of the Board of Selectmen for costs related to ongoing capped landfill post-closure monitoring activities; or take any other action thereon.

Finance Committee recommends

Article S5. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of $34,300 to obtain designer services, including architectural and owners project manager, for the purpose of completing feasibility study of a new Town House on the Benjamin D. Cushing Senior/Community/Recreation Center site as recommended to the Board of Selectmen including, but not limited to, those recommendations made by the Town House Building Committee; or take any 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 4th day of April in the Year Two Thousand and Seventeen.

Jonathan E. Dickerson, Chairman

Stephen M. Cushing

Stephen C. Gonsalves

BOARD OF SELECTMEN

A true copy, ATTEST:

I, Lincoln W. Miller, 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 6, 2017, said date being fourteen days, at least, before the date of the meeting, in accordance with Article 2, Section 3 of the By-laws of said Town.

Lincoln W. Miller

CONSTABLE