

**TOWN OF MARION**  
**TOWN MEETING WARRANT**  
**For the Annual Town Meeting to be Held**  
**May 19, 2008**



*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 19<sup>th</sup> day of May next, 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, 2008

Board of Selectmen, each member, per annum	\$ 4,806
Board of Assessors, each member, per annum	\$ 4,744
Board of Health, each member, per annum	\$ 1,830
Town Clerk, per annum	\$19,111
Moderator, for Annual Meeting	\$ 240
for Special Town Meeting	\$ 79

or take any other action thereon.

**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.

	FY 08	FY 09	08 to 09
	Recommend.	FinCom	% Change
		Recommend.	Differ

GENERAL GOVERNMENT

113	Election and Town Meetings	\$7,849	\$10,258	30.69
122	Selectmen	29,343	29,343	0.00
123	Town Administrator	97,920	99,878	2.00
131	Finance Committee	20,365	20,975	3.00
132	Reserve Fund	90,134	261,000	189.50
135	Finance Director/Town Accountant	77,685	77,885	0.26
141	Assessors	85,486	92,953	8.73
145	Treasurer	34,320	34,777	1.33
146	Collector	40,780	41,238	1.12
151	Legal	119,600	112,000	-6.35
155	Computer	59,920	63,600	6.14
159	Administrative Services	587,000	607,500	3.49
161	Town Clerk	20,381	20,381	0.00
163	Registrar of Voters	9,520	9,500	-0.21
171	Conservation	2,412	2,412	0.00
175	Planning Board	16,000	16,000	0.00
176	Zoning Board	2,119	2,119	0.00
191	Town Facilities	89,000	89,000	0.00
195	Town Report	8,200	8,200	0.00
199	Unclassified	1,300	1,300	0.00
	<i>Total General Government</i>	\$1,399,334	\$1,600,319	14.36

PUBLIC SAFETY

210	Police Department	\$1,189,231	\$1,186,961	-0.19
210	Police cruiser	25,500	26,500	3.92
220	Fire Department	329,605	309,605	-6.07
230	Emergency Medical Services	95,021	95,020	0.00
241	Building Department	81,970	85,795	4.67
291	Emergency Management	848	848	0.00
292	Animal Control	43,491	44,991	3.45
295	Marine Resources	164,786	164,786	0.00
299	Tree Warden	10,700	10,700	0.00
	<i>Total Public Safety</i>	1,941,152	1,925,206	-0.82

## SCHOOLS

300	Sippican School	\$4,920,145	\$5,049,736	2.63
301	ORR operating	3,777,987	3,825,666	1.26
301	ORR debt	325,356	314,987	-3.19
302	Upper Cape operating	294,181	315,199	7.14
302	Upper Cape debt	27,388	26,380	-3.68
	<i>Total Education</i>	<i>\$9,345,057</i>	<i>\$9,531,968</i>	<i>2.00</i>

## PUBLIC WORKS ADMINISTRATION

420	Public Works	\$753,856	\$753,856	0.00
439	Regional landfill assessment	11,893	12,369	4.00
490	Utilities and fuel	271,450	302,550	11.46
	<i>Total Public Works</i>	<i>1,037,199</i>	<i>1,068,775</i>	<i>3.04</i>

## HUMAN SERVICES

511	Board of Health	\$74,724	\$76,497	2.37
541	Council on Aging	55,612	56,775	2.09
543	Veterans	10,620	10,620	0.00
	<i>Total Human Services</i>	<i>140,956</i>	<i>143,892</i>	<i>2.08</i>

## CULTURE & RECREATION

610	Library	\$130,335	\$133,593	2.50
630	Recreation	64,136	64,136	0.00
670	Natural History Museum	5,050	6,600	30.69
692	Celebrations (parades, band conc.)	13,300	13,300	0.00
	<i>Total Culture &amp; Recreation</i>	<i>212,821</i>	<i>217,629</i>	<i>2.26</i>

## DEBT SERVICE

710	Principal payments	\$485,000	\$396,000	-18.35
711	Interest payments	295,625	160,886	-45.58
	<i>Total Debt Service</i>	<i>780,625</i>	<i>556,886</i>	<i>-28.66</i>

PENSION AND INSURANCE

911	Pension assessment	\$489,401	\$517,052	5.65
914	Group insurance	924,602	1,016,230	9.91
940	Town insurance	355,000	381,060	7.34
	<i>Total Pension and Insurance</i>	1,769,003	1,914,342	8.22
	<b>TOTAL OPERATING BUDGET</b>	\$16,626,147	\$16,959,017	2.00
	<i>Less Transfers</i>	241,500	\$366,800	
	<i>Less Indirect Costs</i>	308,583	355,712	
	<i>Less Transfers from Free Cash</i>	570,290	444,367	
	<b>RAISE AND APPROPRIATE</b>	\$15,505,774	\$15,792,138	

**Article 3.** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$1,501,596 to be used to operate the Water Enterprise Fund, the following sums to be appropriated to salaries and expenses, \$807,713, reserve fund, \$60,000; debt, \$448,136; and indirect costs, \$185,747; and the funds be raised from departmental receipts, \$1,301,596, and \$200,000 from water retained earnings; or take any other action thereon.

	<i>FY08 Approp.</i>	<i>FY 09 Recommend.</i>	<i>% Chg Differ.</i>
<b>WATER ENTERPRISE FUND</b>			
Salaries and Expenses	\$ 800,125	\$ 807,713	.95
Reserve Fund		\$ 60,000	
Debt (principal, interest & charges)	<u>487,429</u>	<u>448,136</u>	-8.06
Subtotal	1,287,554	1,315,849	2.20
Indirect Costs	<u>151,226</u>	<u>185,747</u>	22.83
Total Water Enterprise Budget	1,438,780	1,501,596	4.37
<i>Less Water Retained Earnings</i>	249,093	200,000	
<i>Water Revenues</i>	\$1,189,687	\$1,301,596	

**Article 4.** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$2,146,321 to be used to operate the sewer enterprise fund, the following sums to be appropriated to salaries and expenses, \$620,747, reserve fund, \$60,000; debt, \$1,295,609; and indirect costs. \$169,965; and the funds

be raised from departmental receipts, \$2,046,321 and \$100,000 from sewer retained earnings; or take any other action thereon.

	<i>FY 08</i>	<i>FY 09</i>	<i>%Chg</i>
	<i>Approp.</i>	<i>Recommend.</i>	<i>Differ.</i>
<i>SEWER ENTERPRISE FUND</i>			
Salaries and Expenses	\$ 579,034	\$ 620,747	7.20
Reserve Fund		\$ 60,000	
Debt (principal, interest & charges)	<u>1,325,266</u>	<u>1,295,609</u>	<u>-2.24</u>
Subtotal	1,904,300	1,976,356	3.78
Indirect Costs	<u>157,357</u>	<u>169,965</u>	<u>8.01</u>
Total Sewer Enterprise Budget	2,061,657	2,146,321	4.11
<i>Less Sewer Retained Earnings</i>	72,317	100,000	
<i>Sewer Revenues</i>	\$1,989,340	\$2,046,321	

**Article 5.** To see if the Town will vote to raise and appropriate a sum of money for the purpose of final design, construction and equipping, including costs incidental and related thereto, a new police building; 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 under the provisions of Chapter 44 of the General Laws, or other appropriate enabling authority; subject to voters' approval of a debt exclusion under the provisions of Chapter 59, Section 21C of the General Laws; or to take any other action thereon

**Article 6.** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$24,000 to be used by the Police Dept. for the purpose of completing necessary upgrades to the police radio system; or take any other action thereon.

**Article 7.** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$26,500 to be used by the Police Department for purchasing and equipping one (1) new police cruiser; or take any other action thereon.

**Article 8.** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$185,000 to be used by The Department of Public Works for the replacement of a rubbish truck; or take any other action thereon.

**Article 9.** To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury the sum of \$374,000 to the Stabilization Fund; or take any other action thereon.

**Article 10.** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$25,000 for the purpose of instituting tax foreclosure procedures on delinquent real estate parcels in the Town in and recorded in accordance with the provisions of Massachusetts General Laws, Chapter 60, Section 53; or take any other action thereon.

**Article 11.** To see if the Town will vote to appropriate, upon recommendation of the Community Preservation Committee, \$102,393 for the purpose of meeting the requirements of the Community Preservation Act, G.L. C. 44B, Section 6, for the purposes of Open Space, Community Housing and Historic Resources, for Fiscal Year 2009; or take any other action thereon.

**Article 12.** To see if the Town will vote to act upon the recommendation of the Community Preservation Committee to appropriate, from Fiscal Year 2009 estimated annual revenues, \$6,645 to the Community Preservation Committee for administrative expenses; or take any other action thereon.

**Article 13.** To see if the Town will vote to appropriate, upon the recommendation of the Community Preservation Committee on the Fiscal Year 2009 Community Preservation Committee Budget and appropriate from Fiscal Year 2009 estimated annual reserves fund balance reserves—Historic Preservation—\$30,000 to Michael Baldwin and David Barrett, for the purpose of restoration and renovation of the “Gurney House” located at 202 Spring Street, subject to compliance with the requirements of the Community Preservation Act, including, but not limited to, the imposition of a permanent restriction pursuant to G.L. c. 184; or take any other action thereon.

**Article 14.** To see if the Town will vote to act upon the recommendation of the Community Preservation Committee on the Fiscal Year 2009 Community Preservation Committee Budget and appropriate from the Fiscal Year 2009 estimated annual revenues fund balance reserves—Open Space—\$34,131 and \$97,424 from the CPA undesignated fund balance, for a total of \$131,555 to the Marion Land Bank Fund for the purposes set forth in the Open Space and Recreation Plan; or take any other action thereon.

**Article 15.** To see if the Town will vote to act upon the recommendation of the Community Preservation Committee on the Fiscal Year 2009 Community Preservation budget and appropriate from the Fiscal Year 2009 estimated annual revenues fund balance reserves—Community Housing—\$34,131 and \$194,848 from the CPA undesignated fund balance, for a total of \$228,979 to the Marion Affordable Housing Trust for use by the Trust, as it deems appropriate, to expand, improve or support affordable housing at Little Neck Village, Wareham Road and subject to the terms and conditions that the Trust may impose upon

the expansion, improvement or support of affordable housing at Little Neck Village; or take any other action thereon.

**Article 16.** To see if the Town will vote to amend Article III of the General By-Laws by adding the following new Section 5:

#### Section 1. Application

Any person who holds elective office in the Town of Marion may be recalled therefrom by the registered voters of the Town in the manner provided herein.

#### Section 2. Recall Petition

Any two hundred fifty (250) or more qualified voters of the Town may file with the Town Clerk an affidavit containing the name of the elected official sought to be recalled and a statement of the grounds of recall. The Town Clerk, within ten (10) working days, shall thereupon deliver to any one or more of the voters making such affidavit a sufficient number of copies of petition blanks demanding such recall. Said blanks shall be issued by the Town Clerk with his signature and official seal attached thereto; they shall be dated and addressed to the Board of Selectmen of the Town; shall contain the name of the official sought to be recalled, the office from which the recall is sought, the grounds of recall as stated in said affidavit and shall demand the election of a successor to such office.

A copy of the petition shall be entered in a record book to be kept in the office of the Town Clerk. Said recall petition shall be returned and filed with the Town Clerk within forty-five (45) days after the issuance.

Said petition before being returned and filed with the Town Clerk shall have been signed by no less than twenty percent (20%) of the qualified voters as of the most recent Town Election and to every signature shall be added the place of residence of the signer, giving the street and number, if any.

The Town Clerk shall, within five (5) working days following the date of such filing, submit the petition to the Registrars of Voters and the Registrars shall forthwith certify thereon the number of signatures which are names of registered voters as of the date of the most recent Town Election.

#### Section 3. Recall Election

If the petition shall be found and certified by the Town Clerk to be sufficient, the Town Clerk shall submit it with the Town Clerk's certification to the Board of Selectmen without delay. The Board of Selectmen shall forthwith give written notice of the certificate to the official sought to be recalled. If the official does not resign within five (5) calendar days after receipt of such written notice, the Board of Selectmen shall order a recall election to be held on a date fixed by them not less than sixty (60) nor more than ninety (90) days after the date of the Town Clerk's certificate that a sufficient petition has been filed; provided, however, that if any other Town Election is scheduled to be held within one hundred twenty (120) days after the date of the certificate, the Board of Selectmen may, at its discretion, postpone the holding of the recall election to the date of the other Town Election. If a vacancy occurs in said office after a recall election has been ordered by the Board of Selectmen, the election shall proceed as provided in this section.

#### Section 4. Nomination of Candidates

Any officer whose recall is sought may be a candidate to succeed himself, and unless he requests otherwise in writing, the Town Clerk shall place his name on the ballot without nomination. The nomination of other candidates, the publication of the warrant for the recall election and the conduct of the same, shall be in accordance with the general laws related to Town Elections, unless otherwise provided in this Article.

#### Section 5. Incumbent Status

The incumbent shall continue to perform the duties of his office until the recall election. If he is not recalled, he shall continue in office for the remainder of his unexpired term, subject to recall as before, except as provided in Sub-Section G herein.

If the elected official is recalled, he shall be deemed removed upon the qualification of his successor, who shall serve for the balance of the unexpired term of the officer removed. If the successor fails to qualify within five (5) working days after receiving notification of his election, the incumbent shall thereupon be removed and the office deemed vacant.

#### Section 6. Proposition on Ballot

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

For the recall of (name of officer)



Against the recall of (name of officer)

Adjacent to each proposition there shall be a place to vote on either of the said propositions. After the propositions shall appear the word "Candidates". The directions to voters required by Section 42 of Chapter 54 of the Massachusetts General Laws, as amended and supplemented, and beneath this the names of the candidates nominated as hereinbefore provided. If the elected official who is the subject of the recall petition is a candidate, his name shall be the first listed; all such others shall be listed alphabetically. If the majority of the votes cast upon the question of recall is in the affirmative, the official shall be deemed to be recalled and the candidate receiving the highest number of votes shall be declared elected. If a majority of the votes cast upon the question of recall is in the negative, the ballots for candidate(s) need not be counted.

Section 7. Time Limitation

No recall petition shall be accepted by the Town for filing against an elected official within six (6) months after he takes office, nor in the case of an elected official subjected to a recall petition and not removed thereby, until at least six (6) months after that recall election.

Section 8. Limit on Recalled Official

No person who has been recalled from an office or who has resigned from an office while recall proceedings were pending against him shall be elected or appointed to any Town office within one (1) year after such recall or resignation.

or take any other action thereon.

**BY PETITION**

**Article 17.** To see if the Town will vote to advise the Board of Selectmen:

1. to reconsider their vote at the Selectmen's Meeting of February 19, 2008 to institute third party billing for ambulance services in Marion;
2. to hold at least two open advertised hearings on the subject to consider all pertinent reports and public opinion, and;
3. to delay charging for ambulance services until they have done so.

or take any other action thereon.

**BY PETITION**

**Article 18.** To see if the Town will vote to accept the following Report of the Emergency Medical Services Financial Review Committee as established by the Board of Selectmen in February of 2005 and to file it with the Town Clerk

*Report of the*  
EMERGENCY MEDICAL SERVICES FINANCIAL REVIEW COMMITTEE

*To the Honorable Board of Selectmen:*

*The Marion Police Department, through the years, had accepted the responsibility of providing transportation for emergency medical calls. In 1953, when it became obvious that a police cruiser was not suitable for transporting many patients, the members of the VFW Post #2425 appealed to the public for donations to fund an ambulance for the Police Emergency Services. The appeal was successful and, after purchasing and repairing a hard-used, older ambulance for a total of \$10,000, the VFW presented the Town of Marion with its first ambulance. Our VFW has continued to be responsible for providing replacement ambulances over the past fifty-two years. The most recent appeal resulted in \$139,000 in donations. There are two completely equipped ambulances in the Police/Fire Station on Spring Street.*

*In the Fall of 1976, more than twenty-six public-spirited residents, police, firefighters and private individuals completed the State requirements and were sworn in as Marion EMTs, who volunteered their services to the Marion Police Department on an as-needed basis. About a year later, Police Chief Ralph Shore asked this group to take over the responsibility of all medical runs and, within a week, the Marion Emergency Medical Services was organized and active. Thirty years later and three of the original Marion EMTs are still making regular runs – Dale Jones, Joan Wing and Paramedic Lee Dougall.*

*At a Selectmen's meeting in February, 2005 Selectman Jonathan F. Henry initiated the establishment of the EMS Financial Review Committee. The charge to this Committee was to determine if the taxpayers of Marion would prefer that the services of the Town EMTs should be billed to the individuals who use the service and which would be staffed by paid personnel, or should it remain as it has been since 1977 – staffed by volunteers and offered as a community service by the Town of Marion.*

*The Committee was formed, consisting of representatives of the following:*

<i>Finance Committee</i>	<i>Robert Bost</i>
<i>EMS representative</i>	<i>Jeff Habicht</i>
<i>VFW Post #2425</i>	<i>Joe Napoli</i>
<i>Council on Aging</i>	<i>Eunice Manduca</i>
<i>Interested citizen</i>	<i>Eric Radin, M.D.</i>

Selectman Henry announced that he would be a non-voting representative of the Board of Selectmen. At the first meeting of the Committee on March 8, 2005, Eunice Manduca was appointed Chairman and Jeff Habicht accepted the position as Secretary.

With four Paramedics and seventeen EMT volunteers with pagers on call as of February, 2006 (24 hours a day, 7 days a week), the Town of Marion is certainly prepared for any emergency and is frequently called on for mutual aid by surrounding towns. Two EMTs usually respond to a call. They are paid \$14.00 an hour and the usual run is one and one-half hours, for a total of \$21.00 each. It becomes obvious that these remarkable people do what they do because they enjoy helping their neighbors – especially when you realize that they do not receive any payment for any paperwork, any required training or refresher courses, any ambulance maintenance (such as replacing used equipment or supplies) or washing the ambulance. They also do not have the following: retirement benefits, health insurance or mileage to and from headquarters.

Unsolicited donations from grateful patients have permitted the EMS group to pay for all capital improvements and have even financed fifteen defibrillators, which are now in use in all police cruisers and the following departments: Town House, Harbormaster, Sippican School and Old Rochester Regional Junior and Senior High Schools. All participants have been trained in the use of the equipment by our EMTs at no cost to the Town and several lives have been saved.

The most recent Town budget appropriation to support Emergency Medical Services is \$93,000. Divide that sum by 4,000 taxpayers and the result is a yearly average of \$24 per taxpayer. Knowing that a single local ambulance run could cost at least \$800 helps one appreciate the incredible services we get from our Marion Emergency Medical Services! The time may come when it is to Marion's advantage to charge for ambulance service, but the present system works well and because we have so many volunteers who are willing to respond at any time in any kind of weather for minimum wages, we would be unwise to change this system.

*Respectfully submitted*

*Eunice C. Manduca*

or take any other action thereon.

**BY PETITION**

**Article 19.** To see if the Town will vote to increase the gross receipts that seniors may have in the prior calendar year to be eligible to defer property taxes under Massachusetts General Laws, Chapter 59, Section 5, Clause 41A from \$20,000 to \$40,000, with such increase to be effective for deferrals granted for taxes assessed

for any fiscal year beginning on or after July 1, 2008; or take any other action thereon.

**Article 20.** To see if the Town will vote to reduce the rate of interest that accrues on property taxes deferred by eligible seniors under Massachusetts General Laws, Chapter 59, Section 5, Clause 41A from 8% to 4%, with such reduced rate to apply to taxes assessed for any fiscal year beginning on or after July 1, 2008; or take any other action thereon.

**Article 21.** To see if the Town will vote to amend the General By-Laws of the Town of Marion, Article XXVI (Animal Control), Section 8 (Licenses and Tags) by deleting the second paragraph in its entirety and inserting in place thereof the following:

There shall be a fee that is paid by the owner for each license and tag and any replacement tag issued by the Town Clerk. All fees under this section shall be determined by the Board of Selectmen, and may be changed from time to time as they deem appropriate. No fee shall be charged for a license for a dog owned by a person aged 70 years or over.

or take any other action thereon.

**Article 22.** To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 40, Section 57 that allows the Town of Marion, by by-law or ordinance, to deny any application for, or revoke or suspend a building permit, or any local license or permit including renewals and transfers issued by any board, officer, or department for any person, corporation, or business enterprise, who has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges, including amounts assessed under the provisions of section twenty-one D (non-criminal citations) 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 on or about real estate whose owner has neglected or refused to pay any local taxes, fees, assessments, betterments, or any other municipal charge; or take any other action thereon.

**Article 23.** To see if the Town will vote to amend Article I (General Provisions) of the General By-Laws by inserting the following new Section 5:

(a) The tax collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the tax collector, shall annually 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 any 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 for not less than a twelve month period, 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.

(b.) 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 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 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 findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be issued 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.

(c.) 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 that 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.

(d.) The Board of Selectmen may waive such denial, suspension or revocation if it finds 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.

(e.) 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); 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).

Comment [h1]: Ch 48, sec. 13?

or take any other action thereon.

**Article 24.** To see if the Town will vote to amend the Zoning By-Laws, Section 9.11.4 by deleting paragraph 4 in its entirety and inserting in place thereof the following:

4. The location of the proposed stormwater management system components with proposed grading, pipe sizes, inverts elevations and rates of gradient shall be provided. Typical cross-sections and elevation details of all stormwater management and collection system components shall also be provided.

The design of the proposed stormwater management systems and the required Stormwater Management Plan (SWMP) submittals for all Site Plans, Open Space Development Plans and Flexible Development Plans shall comply with the Subdivision Rules and Regulations of the Planning Board and the applicable requirements of the Board of Health and the Conservation Commission.

Pursuant to MGL Chapter 41, Section 81R strict compliance with the Subdivision Rules and Regulations may be waived when, in the judgment of the Planning Board, such action is in the public interest, not inconsistent with the Subdivision Control Law, and promotes public health and safety. Requests for Waivers shall follow the procedures set forth in Section 2800 of the Rules and Regulations; or take any other action thereon.

**Article 25.** To see if the Town will vote to amend Section 3.1 of the Zoning By-Laws by adding a new zoning district entitled "Neighborhood Overlay District (NOD)"; or take any other action thereon

Comment [t2]: Check with Planning Board to be sure that this is the language they want

**Article 26.** To see if the Town will vote to amend the Zoning Map, by creating a new Overlay District entitled "Neighborhood Overlay District (NOD)" including the following identified parcels according to the Assessors' Maps of the Town of Marion:

Map 11

Lots 61, 61A, 62, 63,64, 65, 66, 67, 45, First 415 feet of Lot 60

Map 13

Lots 1A, 1B, 1D, 17, 18, 19, 20, 21, 21A, 22A, 22B, 22C, 22O, 22H, 22J, 22S, 47, 48, 48A, 49, 49D, 49E, 49F, 22P

Map 24

Lots 13G, 13M, 33, 34, 35, 36, 37, 37A, 38

or take any other action **thereon**.

**Comment [t3]:** Check with the Planning Board to be sure that this is the language they want

**Article 27.** To see if the Town will vote to grant to Commonwealth Electric Company and to Verizon New England a perpetual right and easement to locate, relocate, erect, construct, reconstruct, install, lay, dig-up, operate, maintain, patrol, inspect, repair, replace, and remove a line with necessary poles, wires, cables, guys, and other fixtures and appurtenances for the transmission of electricity and intelligence along, upon, over, under and across town-owned land identified on Assessors' Map 27, Lot 13 (the former railroad bed); or take any other action thereon.

**Article 28.** To see if the Town will vote to authorize the Board of Selectmen, pursuant to G.L. c. 40, s.15A, to transfer the care and custody of the real property and improvements thereon known as Little Neck Village, more specifically located at 330 Wareham Road, consisting of 8.6 acres, more or less, and identified on Marion Assessor's Map 12, lot 28, being the premises shown as Lot 3 on a plan of land entitled "Plan of Land in Marion, Mass. Surveyed for Trustees under will of Donald Angier" dated April 4, 1977 by Arthur. C. Thompson, Inc., Engineers and Surveyors, filed in the Land Registration Office as Plan 1322C, to the Marion Affordable Housing Trust, to be placed under the Trust's care and custody for the purposes of continuing and expanding the use of the parcel for affordable rental housing and further, to authorize the Trust, if the Trustees so vote, to lease or convey said property and improvements for the purposes of improving, expanding and the perpetual management of the property for affordable rental housing pursuant to the requirements of G.L. c.40, s.3 and G.L. c.30B, et seq. and

upon terms and conditions acceptable to the Trust and pursuant to the authority granted the Trust by G.L. c.44, s.55C, and further, that if the Trust is to convey said property, that said conveyance be subject to the prior placement of a restriction on said property, including but not limited to that found at G.L. c.184, ss.31-33, ensuring that all dwelling units constructed thereon be restricted for affordable housing purposes in perpetuity; or take any other action thereon.

**Article 29.** To see if the Town will vote, pursuant to the authority granted by Massachusetts General Laws, Chapter 40, Section 15A, to transfer from the Marion Board of Selectmen to the Marion Conservation Commission, to be held and managed as conservation lands pursuant to Massachusetts General Laws, Chapter 40, Section 8C, the following parcels of land, more fully described as follows:

1. Andrew Weeks land, as described in Plan 22, lot 11 and Plan 23, lot 1, and recorded in Plymouth County Registry of Deeds, Book 2884, Page 79
2. Smellie and Stinson land, as described in Plan 24, lots 24 and 24A, and recorded in Plymouth County Registry of Deeds Book 2113, Page 25
3. Frank Briggs Land, as described in Plan 5, lot 34 and recorded in Plymouth County Registry of Deeds, Book 2165, Page 259
4. Brown land, as described in Plan 11, lot 124 and recorded in Plymouth County Registry of Deeds, Book 2165, Page 261

or take any other action thereon.

**Article 30.** To see if the Town will vote, pursuant to the authority granted by Massachusetts General Laws, Chapter 40, Section 15A, to transfer from the Marion Board of Selectmen to the Marion Open Space Acquisition Commission, to be held and managed as conservation lands pursuant to Massachusetts General Laws, Chapter 40, Section 8C, the following parcels of land, more fully described as follows:

1. West land, as described in Plan 7, lot 1 and Plan 7A, lot 64 and recorded in Plymouth County Registry of Deeds, Book 4934, Page 89
2. Mecke land, as described in Plan 7B, lots 69, 70 and 71, and recorded in Plymouth County Registry of Deeds, Book 14606, Page 241
3. Clapp's Island, as described in Plan 2, Lot 183 and recorded in Plymouth County Registry of Deeds, Book 6479, Page 333



4. Briggs Land, as described in Plan 11, lot 26 and recorded in Plymouth County Registry of Deeds, Book 4048, Page 715
5. Route 6 parcel, as described in Plan 11, lot 94 and recorded in Plymouth County Registry of Deeds Book 3679, Page 9
6. Bessie and Hiller land, as described in Plan 25, lots 18 and 19 and recorded in Plymouth County Registry of Deeds, Book 5797, Page 169
7. Henley-Lungren lots, as described in Plan 25, lots 27-31, Plan 23, lots 41A and 54 and recorded in Plymouth County Registry of Deeds, Book 4113, Page 432
8. Parlow land, as described in Plan 25, lot 25 and recorded in Plymouth County Registry of Deeds, Book 5367, Page 304
9. Delano land, as described in Plan 8, lot 1C and recorded in Plymouth County Registry of Deeds, Book 4666, Page 455
10. Onset Trolley Line, as described in Plan 11, lot 60 and recorded in Plymouth County Registry of Deeds, Book 2165, Page 266

or take any action thereon.

**Article 31.** To see if the Town will vote, pursuant to the authority granted by Massachusetts General Laws, Chapter 40, Section 15A, to transfer from the Marion Board of Selectmen to the Marion Water and Sewer Commissioners, to be held and managed for water supply protection purposes, the following parcel of land, more fully described as follows:

Town Well Field, as described in Plan 23, lot 114 and recorded in Plymouth County Registry of Deeds, Book 6054, Page 130

or take any other action thereon.

**Article 32.** To see if the Town will vote, pursuant to the authority granted by Massachusetts General Laws, Chapter 40, Section 15A, to transfer from the Marion Board of Selectmen to the Marion Recreation Committee, to be held and managed as park and recreational lands, the following parcels of land, more fully described as follows:

1. Silvershell Beach, as described in Plan 16, lots 95-96 and recorded in Plymouth County Registry of Deeds, Book 1630, Page 86 (lot 95) and Book 2441, Page 295 (lot 96) and lot 30 as recorded in Plymouth County Registry of Deeds, Book 1779, Page 113
2. Wewentic Beach, as described in Plan 9, lot 20L and recorded in Plymouth County Registry of Deeds, Book 2341, Page 131
3. Town Landing at Island Wharf, as described in Plan 14, lot 76 and recorded in Plymouth County Registry of Deeds, Book 847, Page 95

4. Old Landing, as described in Plan 13, lot 12 and lot 13A and recorded in Plymouth County Registry of Deeds, Book 1099, Page 543 (lot 12) and Book 5339, Page 302 (lot 13A)
5. Washburn Park, as described in Plan 11, lots 30, 40, 42, 48 and 50 and recorded in Plymouth County Registry of Deeds, Book 2523, Page 267 (lots 30 and 42), Book 1696, Page 230 (lot 40), Book 1936, Page 586 (lot 49), Book 3506, Page 16 (lot 50)
6. Point Road Park, as described in Plan 10, lot 12 and recorded in Plymouth County Registry of Deeds, Book 1592, Page 458
7. Joanne Drive Park, as described in Plan 7B, lot 57 and recorded in Plymouth County Registry of Deeds, Book 14281, Page 309 and Book 14606, Page 239 and with the acknowledgement that said parcel is subject to a conservation restriction pursuant to Massachusetts General Laws, Chapter 184, Section 31, et seq.

or take any other action thereon.

**Article 33.** 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 fund
- 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 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

**Article 34.** To see if the Town will vote to transfer the sum of \$9,000 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

**Article 35.** 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

**Article 36.** 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

**Article 37.** 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

**Article 38.** To consider the reports of the Town officers and committees and act thereon; or take any other action thereon

**Article 39.** 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; one Board of Health member for two years; three Planning Board members for three years; one Marion School Committee member for three years; one Marion School Committee member for one year; two Open Space Acquisition Commission members for three years; one Town Clerk for three years; one Old Rochester Regional School Committee member for three years; one Tree Warden for three years; and to act on the following ballot question, commencing on Friday, the 23rd of May, next, at 8:00 o'clock in the morning in the Music Hall, 164 Front Street, in said Marion:

Comment [h4]: BALLOT  
QUESTIONS

**Question 1.** Shall the Town of Marion be allowed to exempt from the provisions of Proposition 2-1/2, so called, the amounts required to pay for the bond issued in order to finance the final design, construction and equipping of a new police building, including the costs incidental and related thereto?

Yes \_\_\_\_\_

No \_\_\_\_\_

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 our hands this 1st day of April in the Year Two Thousand and Eight.

Roger F. Blanchette, Chairman

Andrew N. Jeffrey

Jonathan F. Henry  
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 , 2008, 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