

**TOWN OF MARION
TOWN MEETING WARRANT**

*with
Recommendations of the
Finance Committee*



ANNUAL TOWN MEETING
at Sippican School Auditorium
Spring Street
May 21, 2012
6:45 p.m.

and to elect Officers on

May 25, 2012
at the VFW Hall
465 Mill Street (Route 6)

***BRING THIS COPY WITH YOU
TO TOWN MEETING***

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FINANCE COMMITTEE REPORT

Annual Town Meeting May 21, 2012

FY 12 Current Year Status

We continue to be in a reasonable financial position in spite of the sluggish economy. Local receipts are tracking very close to the conservative estimates in the FY 12 Budget. A recent increase in State Aid to bring it back to last year's level has been a modest help. Our town departments have again conserved their budget funds and due to the very light winter we will not need additional funds for snow and ice removal. There are no known shortfalls at this point and we should be able to finish the year within plan.

Bond Rating

In early 2012 our bond rating was increased to AA Positive due in part to the fact that we are following stated financial policies, aggressively funding our Stabilization Fund and the Other Post-Employment Benefits trust fund. This is very good news as it affects our future borrowing costs.

FY 13 Proposed Budget

Conservative was the watchword again as we constructed the FY 13 Budget. The economy is improving slowly but we do not feel comfortable relying on rapid growth in local revenues such as the excise tax on automobiles and boats. State Aid to towns is uncertain and will begin again at a reduced level. Local revenues and new growth in property valuations continue to be stagnant. For the sixth year in a row all departments and committees were asked to present level-funded and level-service budgets to help contain growth. Most departments were level-funded but we had several very large increases that were beyond the town's control.

The proposed budget for FY 2013 is \$18,797,635. The FY13 Operating Budget calls for a 4.29% increase over last year's budget. This is the largest year-to-year increase since 2007.

Operating Budget	FY07	FY08	FY09	FY10	FY11	FY12	FY13
Total \$ Increase	1,207,292	\$367,777	\$332,870	\$96,979	\$526,837	\$379,626	\$773,515
% Increase	8.13%	2.27%	2.00%	0.57%	3.08%	2.15%	4.29%

Analysis of the Budget Situation

Excluding debt from the calculations, the actual growth in the town's day-to-day operating budget is \$790,803 or 4.68%. The larger percentage increase is caused by a decrease in debt expense (principal and interest) of \$17,288 because we finished paying off a fire truck.

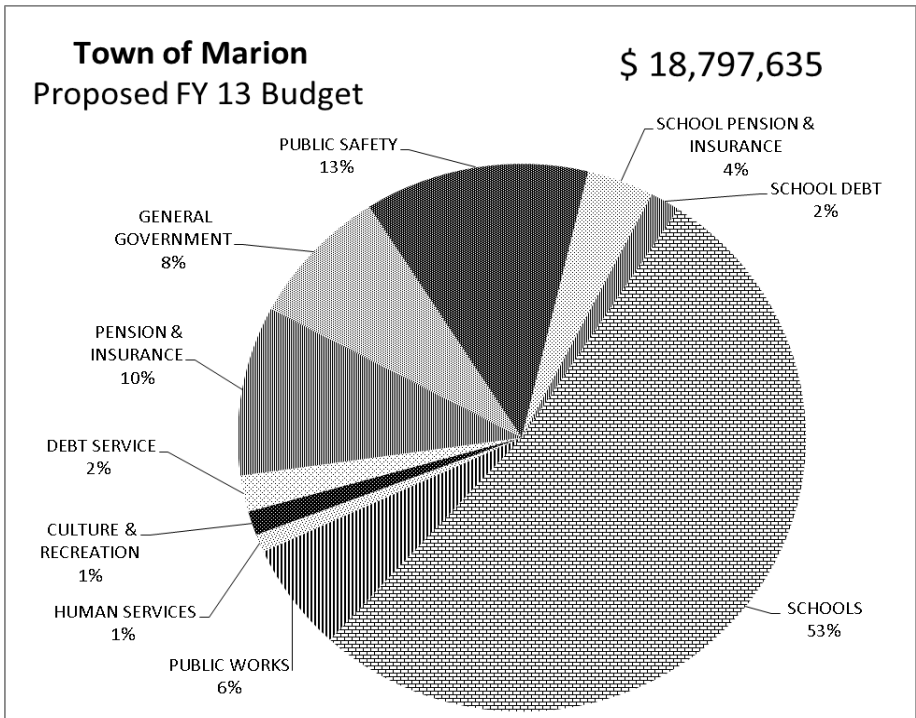
Revenue to pay for town services is dependent on State Aid, local receipts and property taxes. State Aid and local receipts are projected to be the same or slightly lower in FY 13 than in FY12. Tax increases are limited by Proposition 2 ½ to 2.5% of the previous year's total plus new growth in assessed valuation. This year's Operating Budget increase of 4.29% is unusually high and is caused by an increase in the Special Education requirements funded by the Sippican school budget, and by significant increases in Pension, Health and Town Property Insurance. We will cover this budget gap by using free cash and allocating a portion of the unused levy capacity.

MAJOR CHANGES TO THE FY 13 OPERATING BUDGET

Category/Department	\$ Decrease	\$ Increase	Reason
Sippican School		322,135	Special Education requirements
Group Health Insurance		124,438	Rate increases
Pension		100,766	Plymouth County Assessment
ORR Pension		86,175	Plymouth County Pension error from prior years
Sippican School		54,628	Regular Day Budget
Sippican School		34,086	Transportation
Town Insurance		25,650	Rate increases
Administrative Services		23,113	Wages
DPW		23,084	Wages & inflation
Utilities		21,500	Inflation and new building
Police Department		21,243	Inflation
Fire Department		17,386	Increased calls and Inflation
EMS		13,406	Uniform Allowance + Ambulance supplies
Council on Aging		10,321	Additional hours
Debt & Interest	17,288		Paid off the fire truck
Finance Committee	53,628		Reserve Fund Adjustment
Upper Cape Technical	72,435		Fewer students

FY 13 Budget by Sector

This Chart illustrates where we spend our budget. Schools represent the largest portion of the operating expense followed by Pension & Insurance and Public Safety.



Free Cash

DOR Certified Free Cash from previous operations	\$	1,138,912
Less:		
Fall Town Meeting	\$	0
Free cash available for use in FY 13	\$	1,138,912
Available free cash to be allocated as follows:		
Operating Budget	\$	455,564
Proposed GF Articles for Town Meeting	\$	613,700
Balance after town meeting	\$	69,648

At the end of FY 11, free cash was certified to be \$1,138,912. This is the total available for the use in the FY 13 budget and for other procurement decisions proposed at the Annual Town Meeting.

The FY 13 Operating Budget will be balanced by using \$ 455,564 of free cash. This is 40% of available free cash and conforms to the town’s policy guideline of using no more than 40% to support the Operating Budget. If the Town Meeting approves every Article in this Warrant an additional \$ 613,700 will be expended leaving a small balance to carry forward to future years.

Last year we elected to raise the tax levy at a rate lower than Proposition 2½ permitted. This strategy preserves the ability for the Town to raise taxes but leaves the money in taxpayer’s hands until it is needed. To offset the unusual increases in FY 13 we have used \$100,000 or one-half of that reserve in this year’s budget.

The Finance Committee welcomes public input about town finances. We will continue to recommend a conservative course planning future budgets -- managing increases where possible. However, we are predicting continued, significant pressure on the town finances in the coming years.

Other Articles to be Considered This Year

Article 7

The town has a future financial obligation to pay for other post-employment benefits (OPEB) such as health care, unused vacation etc. in addition to employee pensions. In 2010 we established the OPEB Trust Fund that permits us to “save up” for this future requirement. This Article continues our plan to fund the trust by adding \$100,000 bringing the balance to \$179,379.

Article 8

The Finance Committee is recommending that \$100,000 be placed in the Stabilization Fund. The Stabilization Fund balance will then be \$ 1,848,154 just slightly below the State DOR recommendation of 10% of normal operations. A healthy Stabilization Fund helps the town credit rating and is our only cushion for future emergencies.

Respectfully submitted,

Alan Minard, Chairman
Jesse Ferguson
Hamish Gravem
Steve Grima
Karen Kevelson
Lee Vulgaris

TOWN OF MARION
TOWN MEETING WARRANT
For the Annual Town Meeting to be Held
May 21, 2012



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 21st day of May, 2012, 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, 2012

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
per Special Town Meeting	\$ 79

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.

		FY12	FY13	12 to 13
		Appropriation	FinCom Recommend.	% chg
GENERAL GOVERNMENT				Differ
113	Election and Town Meetings	\$10,227.00	\$10,219.00	-0.08%
122	Selectmen	\$56,568.00	\$55,068.00	-2.65%
123	Town Administrator	\$110,210.00	\$112,139.00	1.75%
131	Finance Committee	\$26,375.00	\$24,375.00	-7.58%
132	Reserve Fund	\$170,212.00	\$116,584.00	-31.51%
135	Finance Director/Town Accountant	\$86,610.00	\$88,403.00	2.07%
141	Assessors	\$98,869.00	\$99,119.00	0.25%
145	Treasurer	\$45,932.50	\$47,611.00	3.65%
146	Collector	\$44,192.50	\$45,570.00	3.12%
151	Legal	\$93,000.00	\$93,000.00	0.00%
155	Computer	\$70,700.00	\$74,800.00	5.80%
159	Administrative Services	\$614,550.00	\$637,663.00	3.76%
161	Town Clerk	\$20,611.00	\$20,786.00	0.85%
163	Registrar of Voters	\$10,496.00	\$10,496.00	0.00%
171	Conservation	\$2,512.00	\$2,812.00	11.94%
175	Planning Board	\$14,400.00	\$14,400.00	0.00%
176	Zoning Board	\$2,119.00	\$2,119.00	0.00%
191	Town Facilities	\$69,600.00	\$74,600.00	7.18%
195	Town Report	\$7,825.00	\$7,825.00	0.00%
199	Unclassified	\$1,300.00	\$1,300.00	0.00%
<i>Total General Government</i>		\$1,556,309.00	\$1,538,889.00	-1.12%
PUBLIC SAFETY				
210	Police Department	\$1,445,859.00	\$1,467,102.00	1.47%
210	Police Cruiser	\$29,100.00	\$32,700.00	12.37%
220	Fire Department	\$397,105.00	\$414,491.00	4.38%
230	Emergency Medical Ser.	\$124,353.00	\$137,759.00	10.78%
241	Building Department	\$90,241.00	\$91,205.00	1.07%
291	Emergency Management	\$883.00	\$883.00	0.00%
292	Animal Control	\$48,994.00	\$49,767.00	1.58%
295	Marine Resources	\$198,698.00	\$201,614.00	1.47%
299	Tree Warden	\$10,700.00	\$10,700.00	0.00%
<i>Total Public Safety</i>		\$2,345,933.00	\$2,406,221.00	2.57%
SCHOOLS				
300	Sippican School	\$5,242,769.00	\$5,653,618.00	7.84%
301	ORR Operating	\$3,614,362.00	\$3,705,817.00	2.53%
302	ORR Debt	\$276,791.00	\$270,459.00	-2.29%
302	Upper Cape Cod Oper.	\$286,166.00	\$213,731.00	-25.31%
302	Upper Cape Cod Debt	\$24,405.00	\$27,648.00	13.29%
<i>Total Education</i>		\$9,444,493.00	\$9,871,273.00	4.52%

PUBLIC WORKS ADMIN.				
420	Public Works	\$811,059.00	\$834,143.00	2.85%
439	Regional Landfill Assessmt.	\$ 0	\$ 0	
490	Utilities & Fuel	\$341,100.00	\$362,600.00	6.30%
<i>Total Public Works</i>		\$1,152,159.00	\$1,196,743.00	3.87%
HUMAN SERVICES				
511	Board of Health	\$86,544.00	\$93,478.00	8.01%
541	Council on Aging	\$83,529.00	\$93,850.00	12.36%
543	Veterans	\$15,034.00	\$11,034.00	-26.61%
<i>Total Human Services</i>		\$185,107.00	\$198,362.00	7.16%
CULTURE & RECREATION				
610	Library	\$143,865.00	\$147,462.00	2.50%
630	Recreation	\$90,084.00	\$98,949.00	9.84%
670	Natural History Museum	\$6,600.00	\$6,600.00	0.00%
692	Celebrations-Parades & Band Concerts	\$13,300.00	\$13,300.00	0.00%
<i>Total Culture & Recreation</i>		\$253,849.00	\$266,311.00	4.91%
DEBT SERVICE				
710	Principal Payments	\$479,000.00	\$476,000.00	-0.63%
711	Interest Payments	\$264,201.00	\$249,913.00	-5.41%
<i>Total Debt Services</i>		\$743,201.00	\$725,913.00	-2.33%
PENSION & INSURANCE				
911	Pension Assessment	\$604,127.00	\$704,893.00	16.68%
914	Group insurance	\$1,277,742.00	\$1,402,180.00	9.74%
940	Town Insurance	\$461,200.00	\$486,850.00	5.56%
<i>Total Pension & Insurances</i>		\$2,343,069.00	\$2,593,923.00	10.71%
TOTAL OPERATING BUDGET		\$18,024,120.00	\$18,797,635.00	4.29%
<i>Less Transfers</i>		\$353,500.00	\$359,900.00	
<i>Less Indirect Costs</i>		\$470,379.00	\$518,080.00	
<i>Less Transfers from Free Cash</i>		\$382,287.00	\$455,564.00	
<i>Raise and Appropriate</i>		\$16,817,954.00	\$17,464,091.00	

Finance Committee Recommends

Article 3. To see of the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$2,046,697 to be used to operate the water enterprise fund, the following sums to be appropriated to salaries and expenses, \$879,684; reserve fund, \$60,000; debt, \$836,632; and indirect costs, \$270,381; and the funds be raised from department receipts, \$1,646,697 and \$400,000 from water retained earnings; or take any other action thereon.

Finance Committee Recommends

WATER ENTERPRISE FUND	FY12	FY13	% chg
	Appropriation	Recommend.	Differ
Salaries and Expenses	\$870,386.00	\$879,684.00	1.07%
Reserve Fund	\$60,000.00	\$60,000.00	0.00%
Debt (principal, interest and charges)	\$855,080.00	\$836,632.00	-2.16%
Subtotal	\$1,785,466.00	\$1,776,316.00	-0.51%
Indirect Costs	\$247,372.00	\$270,381.00	9.30%
TOTAL WATER ENTERPRISE BUDGET	\$2,032,838.00	\$2,046,697.00	0.68%
Less Water Retained Earnings	\$400,000.00	\$400,000.00	
Water Revenues	\$1,632,838.00	\$1,646,697.00	

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 \$2,346,639 to be used to operate the sewer enterprise fund, the following sums to be appropriated to salaries and expenses, \$832,372; debt, \$1,206,568; reserve fund, \$60,000; and indirect costs, \$247,699; and the funds be raised from departmental receipts, \$1,996,639 and \$350,000 from sewer retained earnings; or take any other action thereon.

SEWER ENTERPRISE FUND	FY12	FY13	% chg
	Appropriation	Recommend.	Differ
Salaries and Expenses	\$815,735.00	\$832,372.00	2.04%
Reserve Fund	\$60,000.00	\$60,000.00	0.00%
Debt (principal, interest and charges)	\$1,207,898.00	\$1,206,568.00	-0.11%
Subtotal	\$2,083,633.00	\$2,098,940.00	0.73%
Indirect Costs	\$223,007.00	\$247,699.00	11.07%
TOTAL SEWER ENTERPRISE BUDGET	\$2,306,640.00	\$2,346,639.00	1.73%
Less Sewer Retained Earnings	\$350,000.00	\$350,000.00	
Sewer Revenues	\$1,954,848.00	\$1,996,639.00	

Finance Committee Recommends

Article 5. 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 compensated absence account for the purpose of funding accrued benefits for retiring employees; or take any other action thereon.

Finance Committee Recommends

Article 6. 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 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 \$100,000 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 \$100,000 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 \$36,000 to supplement the remaining balance from Article 10 of the Annual Town Meeting of 2008 for purposes of instituting tax foreclosure procedures on delinquent real estate parcels in the Town in accordance with the provisions of Massachusetts General Laws, Chapter 60, Section 53; or take any 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 \$20,900 to be used by the Police Department for purchasing and equipping one (1) new police cruiser; 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 \$50,000 to be expended by

the Town Administrator to purchase and install a new telephone system, including hardware, software, and related accessories at the Town House; or take any other action thereon.

Finance Committee will make recommendation at Town Meeting

Article 12. 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 by the Fire Dept. to continue with its program of air pack replacement; or take any other action thereon.

Finance Committee Recommends

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 \$16,800 to be expended by the Fire Dept. to purchase eight (8) replacement automatic external defibrillators for the front line fire apparatus and at Station 1; 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 (Free Cash) the sum of \$20,000 to be expended by the Fire Dept. to purchase rescue cutters/jaws of life equipment for use by the Fire Dept.; 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 \$48,500 to be expended by the Fire Dept. to upgrade the fire alarm system as follows:

1. Upgrade computer program from a DOS-based to a Windows based platform;
2. Connect and upgrade internal fire alarm system to allow monitoring by both the Police Dept. and the Town's automated fire alarm computer;
3. Install a new security component to monitor and control building entry, water flow alerts, and temperature drops; and
4. Purchase a digital radio and telephone recording system for Fire Dept. dispatch;

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 (Free Cash) the sum of \$12,500 to be expended by the Fire Dept. as follows:

1. Replace one thousand feet (1000') of 4-inch diameter hose;
2. Purchase two (2) large nozzles
3. Purchase two hundred and fifty feet (250') of 3-inch hose;

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 (Free Cash) the sum of \$7,500 to be expended by the Fire Dept. to replace four (4) garage door openers at the Spring Street Station; 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 \$62,500 to be expended by the EMS Dept. to purchase two (2) Monitor/Defibrillators to replace the existing units in both ambulances; 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 the sum of \$6,000 to be expended under the direction of the Harbormaster for the purpose of making modifications to the land and buildings owned by the Town of Marion and located on approximately 1.8 acres at 13 Atlantis Drive to allow for the conversion from oil heat to gas heat, and that to meet this appropriation the sum of \$6,000 be transferred from the Waterways Account; or 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 the sum of \$7,000 to be expended under the direction of the Harbormaster for the purpose of purchasing and installing a 14'x12' garage door at the town-owned building located at 13 Atlantis Drive, and that to meet this appropriation the sum of \$7,000 be transferred from the Waterways Account; or take any other action thereon.

Finance Committee Recommends

Article 21. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury the sum of \$6,500 to be expended under the direction of the Harbormaster for the purpose of adding two (2) new finger floats to the Old Landing area, and that to meet this appropriation the sum of \$6,500 be transferred from the Waterways Account; or 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 \$79,000 to be expended by the School Dept. for the purpose of making HVAC repairs at the Sippican School; or take any other action thereon.

Finance Committee Recommends

Article 23. To see if the Town will vote to act upon the recommendation of the Community Preservation Committee to appropriate, from Fiscal Year 2013 estimated annual revenues, \$2,000 to the Community Preservation Committee for administrative expenses; or take any other action thereon.

Finance Committee Recommends

Article 24. To see if the Town will vote to transfer the sum of \$4,000 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 25. To see if the Town will vote, pursuant to c. 284 of the Acts of 2010, to authorize the Mattapoisett River Valley Water Supply Protection Committee to modify the fee it currently charges to the Town, in the amount of \$.01 per 100 gallons, according to the following schedule:

<u>TERM</u>	<u>FEE (per 100 gallons)</u>
July 1, 2013 to June 30, 2014	\$.012
July 1, 2014 to June 30, 2015	\$.014
July 1, 2015 to June 30, 2016	\$.016
July 1, 2016 to June 30, 2017	\$.018
On and after July 1, 2017	\$.02

And provided further that this authorization shall be void, and of no effect, unless the same modification schedule is approved by vote of the town meeting of each of the Towns of Fairhaven, Marion, and Mattapoisett, no later than June 30, 2013; or take any other action thereon.

Finance Committee Recommends

Article 26. To see if the Town will vote to amend the General By-Laws of the Town in Article XXIX (Community Preservation) by deleting Section 1 in its entirety and inserting in place thereof the following:

Section 1. Establishment

There is hereby established a Community Preservation Committee of seven voting members pursuant to the provisions of M.G.L. c. 44B, s. 5. The composition of the committee, the appointing authority and the terms of office for the committee members shall be as follows:

1. One member of the Conservation Commission, as designated by the Commission;
2. One member of the Historical Commission established pursuant to M.G. L. c. 40, s. 8D, as designated by the Commission;
3. One member of the Planning Board, as designated by the Board;
4. One member of the Parks Committee, as designated by the Committee;
5. One member of the Affordable Housing Committee, as designated by the Committee;
6. One member of the Open Space Acquisition Commission, as designated by the Commission; and
7. One member of the Board of Selectmen

Each member of the Community Preservation Committee shall serve for a term of one year or until the person no longer serves on the designating commission, board, or committee, whichever is earlier.

Should any of the commissions, boards, authorities, or committees which have appointing authority under this bylaw be no longer in existence for whatever reason, the Board of Selectmen shall appoint a suitable person to serve in their place.

Any member of the Community Preservation Committee may be removed for cause by their respective designating authority, after a hearing.

Or take any other action thereon.

Finance Committee has no recommendation, as no financial impact

Article 27. To see if the Town will vote to accept the provisions of M. G. L. c. 71, s. 71E directing that all monies received by the School Dept. in connection with the conduct of adult education and continuing education programs, including, but not limited to adult physical fitness programs conducted under section 21B

of the general laws, summer school programs, and programs designated by prior vote of the Marion School Committee as community school programs, and in connection with the use of school property under section 71 of the general laws, shall be deposited with the Town Treasurer and held as separate accounts. The receipts held in such separate accounts may be expended by the School Committee without further appropriation for the purposes of the program or programs from which the receipts were derived; or to take any other action thereon.

Finance Committee Recommends

Article 28. To see if the Town will vote to accept the provisions of M. G. L. c.200A, s. 9A establishing an alternative procedure for disposing of abandoned funds held in the custody of the Town; or to take any other action thereon.

Finance Committee has no recommendation, as no financial impact

Article 29. To see if the Town will vote to accept the provisions of M. G. L. c.32B, s.18 requiring that all retirees, their spouses and dependents who are enrolled in Medicare Part A at no cost to a retiree, their spouse or dependents or eligible for coverage thereunder at no cost to a retiree, their spouse or dependents, shall be required to enroll in a Medicare health benefits supplement plan offered by the Town; or to take any other action thereon.

Finance Committee Recommends

Article 30. To see if the Town will vote to amend and supersede that portion of the vote of Article 22 of Annual Town Meeting 2009 as it relates to the authority to convey 5,000 square feet to the Marion Affordable Housing Trust, by authorizing the Board of Selectmen, with the approval of the Marion Affordable Housing Trust, to transfer by sale or gift in accordance with all applicable laws, a parcel of land of no less than fifteen thousand (15,000) square feet to Habitat for Humanity or other similar non-profit organization, for the purpose of constructing a single family dwelling to be sold to a qualified low or moderate income family as such qualification is established by the Commonwealth of Massachusetts, said acreage or greater acreage as approved by Town Meeting, being a portion of and to be transferred from, the Town owned land located at 185 Wareham Street, Marion, Massachusetts and recorded at Book 39742, Page 167 at the Plymouth County Registry of Deeds; and to further authorize the Board of Selectmen to convey an easement across, within or through the above noted land and any portion of the Town owned land located at 185 Wareham Street, Marion, Massachusetts and recorded at Book 39742, Page 167 at the Plymouth County Registry of Deeds if, in the Board of Selectmen's sole judgment, such an easement is required to properly convey the above noted land

while retaining public access to and from the land at 185 Wareham Street and/or adjacent land owned by the Town of Marion, or do or take any other action thereon.

Finance Committee has no recommendation, as no financial impact

Article 31. To see if the Town will vote to amend the Marion Zoning Bylaw as it pertains to Section 3.2.2 and the maps referenced therein by deleting Section 3.2.2 of the Zoning Bylaw as currently written and printed and replace the same, in its entirety, as follows:

“Section 3.2.2: Flood Hazard District: The Floodplain/Flood Hazard District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Marion designated as Zone A, AE, AO, or VE on the Plymouth County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Plymouth County FIRM that are wholly or partially within the Town of Marion are panel numbers 25023C0468J, 25023C0469J, 25023C0556J, 25023C0557J, 25023C0558J, 25023C0559J, 25023C0566J, 25023C0567J, 25023C0576J, 25023C0578J, 25023C0579J, 25023C0586J, and 25023C0587J dated July 17, 2012. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Plymouth County Flood Insurance Study (FIS) report dated July 17, 2012. The FIRM and FIS report are incorporated herein by reference and are on file with the Marion Town Clerk.

- 3.2.2.1. In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- 3.2.2.2. Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.
- 3.2.2.3. Man-made alteration of sand dunes within Zone VE which would increase potential flood damage are prohibited.
- 3.2.2.4. All subdivision proposals must be designed to assure that:
 - a) such proposals minimize flood damage;
 - b) all public utilities and facilities are located and constructed

- c) to minimize or eliminate flood damage; and
adequate drainage is provided to reduce exposure to flood hazards.

3.2.2.5. The Floodplain District is established as an overlay district to all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

- (a) Sections of the Massachusetts State Building Code (780 CMR) which address floodplain and coastal high hazard areas;
- (b) Wetlands Protection Regulations, Department of Environmental Protection, DEP (currently 310 CMR 10.00);
- (c) Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
- (d) Coastal Wetlands Restriction, DEP (currently 310 CMR 12.00);
- (e) Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15.00).

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

3.2.2.6. Within riverine floodplains, the Building Commissioner or his/her designee shall notify the following of any alteration or relocation of a watercourse: (1) Abutting cities and towns; (2) NFIP State Coordinator (c/o Massachusetts Department of Conservation and Recreation, 251 Causeway Street, Suite 600-700, Boston, MA 02114-2104) and the (3) NFIP Program Specialist (c/o Federal Emergency Management Agency, Region I, 99 High Street, 6th Floor, Boston, Massachusetts.

Finance Committee has no recommendation, as no financial impact

Article 32.

To see if the Town will vote to amend the Zoning By-Laws in Section 7.4.5.5 by adding *“or was lawfully in existence on May 1, 1996 at which time the lot conformed with the then current area and frontage requirements for the district in which it was located.”*

The amended language will read:

7.4.5.5. The lot for which the permit is sought fully conforms with the current area and frontage requirements for the district in which it is located or was lawfully in existence on May 1, 1996 at which time the lot conformed with the then current area and frontage requirements for the district in which it was located.

Or take any other action thereon.

Finance Committee has no recommendation, as no financial impact

Article 33.

To see if the Town of Marion will amend Section 7.4.6.5 by adding: "*or was lawfully in existence on May 1, 1996 at which time the lot conformed with the then current area and frontage requirements for the district in which it was located.*"

The amended language will read:

7.4.6. 5. The lot meets the minimum requirements for a single family house lot in the district or was lawfully in existence on May 1, 1996 at which time the lot conformed with the then current area and frontage requirements for the district in which it was located.

Or take any other action thereon.

Finance Committee has no recommendation, as no financial impact

Article 34.

To see if the Town of Marion will amend Section 8.6.3 paragraph 4 of the Zoning By-laws by deleting eight hundred fifty square feet and inserting twelve hundred square feet; and deleting The Board of Appeals may not permit the construction of a new structure designed to be used exclusively for an accessory apartment.

The amended language will read:

8.6.3.4 Not more than one accessory apartment may be established on a lot. The accessory apartment shall not exceed twelve hundred square feet in floor space, must be smaller than the area of the main part of the dwelling and shall be located in the principal residential structure or within an accessory building.

Or take any other action thereon.

Finance Committee has no recommendation, as no financial impact

Article 35.

ARTICLE BY CITIZEN PETITION

To see of the Town will vote to authorize the Board of Selectmen to petition the Legislature to enact a Special Act substantially as provided below. The Legislature may make clerical or editorial changes in form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the Legislature. The Board of Selectmen is hereby authorized to approve amendments that shall be within the scope of the general public objectives of this petition.

AN ACT Regarding the Town of Marion Open Space Acquisition Commission

Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to require authorization of the Marion Town Meeting for any acquisition of interests in land by the Marion Open Space Acquisition Commission, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Chapter 187 of the Acts of 1998 is hereby amended by striking the second sentence thereof in its entirety and replacing it with the following:

Said commission shall have the powers of a conservation commission with respect to the acquisition of interests in land and the expenditure of funds under the provisions of section 8C of chapter 40 of the General Laws; *provided*, however, that any acquisition of interests in land by said commission shall require authorization by a majority vote of the Marion Town Meeting.

Or take any other action thereon.

Finance Committee has no recommendation, as no financial impact

Article 36.

ARTICLE BY CITIZEN PETITION

To see if the Town will vote to

- (a) Amend the vote taken pursuant to Article S4 of the Special Town Meeting of October 30, 2006, by adding, at the end of the motion thereby adopted, the following: "Any amounts appropriated or reserved for the Marion Land Bank Trust that are not expended by May 21, 2012, shall revert to the Community Preservation Fund."

and

- (b) amend the vote taken pursuant to Article 14 of the 2007 Annual Town Meeting by adding, at the end of the motion thereby adopted, the following: “provided, however, that any such amounts that are not expended by May 21, 2012, shall revert to the Community Preservation Fund.”

and

- (c) amend the vote taken pursuant to Article 14 of the 2008 Annual Town Meeting by adding, at the end of the motion thereby adopted, the following: “provided, however, that any such amounts that are not expended by May 21, 2012, shall revert to the Community Preservation Fund.”

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 authorize the Board of Selectmen to enter into a long-term lease agreement, up to 30 years, for the town-owned property located off Benson Brook Road and identified on the Marion Assessors’ Map 24 as Lot 9 for the purpose of allowing the land to be developed as a photovoltaic solar field in a manner beneficial to the town; or take any other action thereon.

Finance Committee Recommends

Article 38. To see if the Town will vote to authorize the Board of Selectmen and/or the Old Rochester Regional School Committee to enter into alternate energy power purchase and/or net metering credit purchase agreements, including solar and wind energy and related net electricity metering credits, for terms of more than five years, on such terms and conditions as the Board of Selectmen deem in the best interest of the Town; and to authorize the Board of Selectmen to take all actions necessary to administer and implement such agreements, including all actions necessary or required by law; or take any other action thereon.

Finance Committee Recommends

Article 39. 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 40. 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 has no recommendation, as no financial impact

Article 41. 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 42. 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 43. 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 44. 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; two Planning Board members for three years; two Marion School Committee members for three years; one Open Space Acquisition Commission member for three years; commencing on Friday, the 25th of May, 2012, at 8:00 o'clock in the morning in the Veterans of Foreign Wars Hall, 465 Mill Street (Route 6), in said Marion:

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 10th day of April in the Year Two Thousand and Twelve.

Jonathan F. Henry, Chairman

Roger F. Blanchette

Stephen M. Cushing

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 12, 2012 , 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

MARION TOWN HOUSE
Two Spring Street
Marion, MA 02738

POSTAL PATRON
Marion, MA 02738

PRSRT STD
U. S. Postage
PAID
Marion, MA
Permit #15