

**TOWN OF MARION
TOWN MEETING WARRANT
For the Annual Town Meeting to be Held
June 22, 2020**



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 22nd day of June, 2020, 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, 2020

	FY20	FY21	
	<u>Approp</u>	<u>Recommend</u>	<u>% chg</u>
Board of Selectmen, each member, per annum	\$ 4,902	\$ 4,902	0.0%
Board of Assessors, each member, per annum	\$ 4,839	\$ 4,839	0.0%
Board of Health, each member, per annum	\$ 1,866	\$ 1,866	0.0%
Town Clerk, per annum	\$47,264	\$64,666	36.82%
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.

		FY21	20 to 21
	FY20	FinCom	% chg
GENERAL GOVERNMENT	Appropriation	Recommend.	Differ
113 Election and Town Meetings	\$8,950	\$11,350	26.82%
122 Selectmen	\$60,475	\$99,578	64.66%
123 Town Administrator	\$123,689	\$130,000	5.10%
131 Finance Committee	\$37,700	\$37,700	0.00%
132 Reserve Fund	\$62,666	\$65,000	3.72%
135 Finance Director/Town Acct	\$123,000	\$126,550	2.89%
141 Assessors	\$116,145	\$121,329	4.46%
145 Treasurer	\$56,405	\$57,575	2.07%
146 Collector	\$49,062	\$50,957	3.86%
151 Legal	\$189,500	\$184,500	-2.64%
155 Computer	\$108,000	\$150,535	39.38%
159 Administrative Services	\$794,690	\$808,310	1.71%
161 Town Clerk	\$49,814	\$68,311	37.13%
163 Registrar of Voters	\$12,800	\$12,750	-0.39%
171 Conservation	\$2,960	\$2,950	-0.34%
175 Planning Board	\$55,950	\$59,784	6.85%
176 Zoning Board	\$2,119	\$2,119	0.00%
191 Town Facilities	\$346,667	\$355,424	2.53%
195 Town Report	\$6,600	\$6,600	0.00%
199 Unclassified	\$1,800	\$1,800	0.00%
<i>Total General Government</i>	\$2,208,992	\$2,353,122	6.52%
PUBLIC SAFETY			
210 Police Department	\$1,940,883	\$1,940,280	-0.03%
210 Police Cruiser	\$54,382	\$58,756	8.04%
220 Fire/EMS Department	\$1,098,881	\$1,180,349	7.41%
241 Building Department	\$115,571	\$125,916	8.95%
292 Animal Control	\$52,483	\$61,631	17.43%
295 Marine Resources	\$241,928	\$261,623	8.14%
299 Tree Warden	\$30,700	\$30,700	0.00%
<i>Total Public Safety</i>	\$3,534,828	\$3,659,255	3.52%
SCHOOLS			
300 Sippican School	\$6,420,408	\$6,471,479	0.80%
301 ORR Operating	\$4,540,902	\$4,743,800	4.47%
302 ORR Debt	\$221,749	\$212,223	-4.30%
302 Upper Cape Cod Oper.	\$332,119	\$250,027	-24.72%
302 Upper Cape Cod Debt	\$24,243	\$24,515	1.12%
<i>Total Education</i>	\$11,539,421	\$11,702,044	1.41%

PUBLIC WORKS ADMIN.

420	Public Works	\$1,461,672	\$1,532,725	4.86%
439	Regional Landfill Assessment	\$27,841	\$ 0	-100.00%
490	Utilities & Fuel	\$462,825	\$452,825	-2.16%

Total Public Works **\$1,952,338** **\$1,985,550** **1.70%**

HUMAN SERVICES

511	Board of Health	\$152,339	\$152,002	-0.22%
541	Council on Aging	\$204,223	\$214,705	5.13%
543	Veterans	\$95,785	\$97,370	1.65%

Total Human Services **\$452,347** **\$464,077** **2.59%**

CULTURE & RECREATION

610	Library	\$171,090	\$208,460	21.84%
630	Recreation	\$151,963	\$158,501	4.30%
670	Natural History Museum	\$10,000	\$10,000	0.00%
692	Celebrations-Parades & Band Concerts	\$19,200	\$19,200	0.00%

Total Culture & Recreation **\$352,253** **\$396,161** **12.46%**

DEBT SERVICE

710	Principal Payments	\$460,800	\$455,300	-1.19%
711	Interest Payments	\$139,098	\$117,542	-15.50%

Total Debt Services **\$599,898** **\$572,842** **-4.51%**

PENSION & INSURANCE

911	Pension Assessment	\$1,051,710	\$1,197,094	13.82%
914	Group insurance	\$1,782,900	\$1,753,833	-1.63%
940	Town Insurance	\$681,993	\$688,550	0.96%

Total Pension & Insurances **\$3,516,603** **\$3,639,477** **3.49%**

**TOTAL OPERATING
BUDGET**

\$24,156,680 **\$24,772,528** **2.55%**

Less Transfers \$294,471 \$339,490

Less Indirect Costs \$790,617 \$865,401

Less Transfer from Free

Cash \$370,139 \$350,000

Raise and Appropriate **\$22,701,453** **\$23,217,637**

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 \$2,472,642 to be used to operate the water enterprise fund, the following sums to be appropriated to salaries and expenses, \$1,036,758; reserve fund, \$60,000; debt, \$965,178; and indirect costs, \$410,706; and the funds be raised from department receipts, \$2,172,642 and \$300,000 from water retained earnings; or take any other action thereon.

	FY20	FY21	% chg
WATER ENTERPRISE FUND	Appropriation	Recommend.	Differ
Salaries and Expenses	\$979,692	\$1,036,758	5.82%
Reserve Fund	\$60,000	\$60,000	0.0%
Debt (principal, interest and charges)	\$829,338	\$965,178	16.38%
Subtotal	\$1,869,030	\$2,061,936	10.32%
Indirect Costs	\$383,243	\$410,706	7.17%
TOTAL WATER ENTERPRISE BUDGET	\$2,252,273	\$2,472,642	9.78%
<i>Less Water Retained Earnings</i>	\$300,000	\$300,000	
<i>Water Revenues</i>	\$1,952,273	\$2,172,642	

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 \$3,139,074 to be used to operate the sewer enterprise fund, the following sums to be appropriated to salaries and expenses, \$1,066,776; reserve fund, \$60,000; debt, \$1,557,603; and indirect costs, \$454,695; and the funds be raised from departmental receipts, \$2,939,074 and \$200,000 from sewer retained earnings; or take any other action thereon.

	FY20	FY21	% chg
SEWER ENTERPRISE FUND	Appropriation	Recommend.	Differ
Salaries and Expenses	\$1,155,197	\$1,066,776	-7.65%
Reserve Fund	\$60,000	\$60,000	0.00%
Debt (principal, interest and charges)	\$1,417,102	\$1,557,603	9.91%
Subtotal	\$2,632,299	\$2,684,379	1.98%
Indirect Costs	\$482,529	\$456,102	-5.77%
TOTAL SEWER ENTERPRISE BUDGET	\$3,114,828	\$3,139,074	0.78%
<i>Less Sewer Retained Earnings</i>	\$200,000	\$200,000	
<i>Sewer Revenues</i>	\$2,914,828	\$2,939,074	

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 this article

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 \$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 this article

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 \$50,000 to be expended under the direction of the Board of Selectmen for costs related to ongoing capped landfill post-closure monitoring activities.

Finance Committee recommends this article

Article 8. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of \$50,000 to be expended by the Facilities Department to complete building maintenance projects; or take any other action thereon.

Finance Committee recommends this article

Article 9. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury the sum of \$50,000 to fund the necessary engineering, design and replacement of damaged Fire Hydrants, and that to meet this appropriation, the sum of \$50,000 be transferred from Water Enterprise Retained Earnings; or take any other action thereon.

Finance Committee recommends this article

Article 10. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of \$75,000 to be expended by the Department of Public Works to complete a Feasibility Study and Preliminary Design on the Creek Road Sewer Station.; or take any other action thereon.

Finance Committee recommends this article

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 \$23,500 to be expended by the Facilities Department to replace the Community Center Furnace; or take any other action thereon.

Finance Committee recommends this article

Article 12. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury the sum of \$47,000 to fund the purchase of new Emergency Generators at Perry Hill and Wolf Island, and that to meet this appropriation, the sum of \$47,000 be transferred from Water Enterprise Retained Earnings; or take any other action thereon.

Finance Committee recommends this article

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 \$150,000 to be expended by the Department of Public Works for design, engineering and construction of a new Department of Public Works Complex; or take any other action thereon

Finance Committee recommends this article

Article 14. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury the sum of \$190,000 to fund the design, engineering and construction associated with the Town's Inflow and Infiltration Mitigation Plan, and that to meet this appropriation, the sum of \$190,000 to be raised from Sewer rates and charge in the Sewer Enterprise Fund; or take any other action thereon.

Finance Committee recommends this article

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 \$150,000 to be expended by the Department of Public Works for construction of a new emergency egress for the Sippican Elementary School; or take any other action thereon.

Finance Committee recommends this article

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 \$24,000 to be expended by the Department of Public Works for design, engineering and construction of Community Center Sewer Improvements; or to take any other action thereon.

Finance Committee recommends this article

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 \$39,000 to be expended by the Facilities Department for the design and construction of new outdoor facilities and installation of epoxy flooring at the Silvershell Beach bath house; or to take any other action thereon.

Finance Committee recommends this article

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 \$55,000 to be expended by the by the Fire Department to purchase a new Power Cot lift; or to take any other action thereon.

Finance Committee recommends this article

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 \$100,000 to be expended by the Department of Public Works to purchase a side-arm mower; or take any other action thereon.

Finance Committee recommends this article

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 \$21,000 to be expended by the Police Department to purchase new portable radios; or take any other action thereon.

Finance Committee recommends this article

Article 21. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of \$25,200 to be expended by the Department of Public Works for design, engineering and construction of Fire Station #1 Sewer Improvements; or take any other action thereon.

Finance Committee recommends this article

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 \$25,000 to be expended by the School Department to replace a section of the Sippican School tile flooring; or take any other action thereon.

Finance Committee recommends this article

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 \$154,000 to be expended by the Department of Public Works to purchase a new bucket truck; or take any other action thereon.

Finance Committee recommends this article

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 \$11,000 to be expended by the Police Department to replace the UPS Battery Backup; or take any other action thereon.

Finance Committee recommends this article

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 \$36,000 to be expended by the Recreation Department to purchase a new Utility truck; or take any other action thereon.

Finance Committee recommends this article

Article 26. 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 Facilities Department to purchase a new Utility truck; or take any other action thereon.

Finance Committee recommends this article

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 \$92,000 to be expended by the Old Rochester School Committee to replace the existing twenty year old track; or take any other action thereon.

Finance Committee recommends this article

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 \$27,000 to be expended by the Old Rochester School Committee to replace the existing analog phone system with a digital over voice system; or take any other action thereon.

Finance Committee recommends this article

Article 29. To see if the Town will vote to 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 this article

Article 30. To see if the Town will vote transfer from available funds in the Treasury (Free Cash) a sum of money to the Stabilization Fund; or take any other action thereon.

Finance Committee recommends this article

Article 31. To see if the Town will vote act upon the recommendation of the Community Preservation Committee to appropriate from Fiscal Year 2021 estimated annual revenues, \$2,000 to the Community Preservation Committee for administrative expenses; or take any other action thereon.

Finance Committee recommends this article

Article 32. To see if the Town will vote to act upon the recommendation of the Community Preservation Committee to appropriate from Fiscal Year 2021 estimated annual revenues, \$91,500 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 Preservation, for Fiscal Year 2021 and \$211,500 to the Community Preservation Act Budgeted Reserves; or take any other action thereon.

Finance Committee recommends this article

Article 33. To see if the Town will vote to act upon the recommendation of the Community Preservation Committee to appropriate \$1,000 from Open Space and Recreation reserves to be allocated and reserved for the purpose of purchasing a bicycle rack to be installed at the Planting Island Causeway Beach; or take any other action thereon.

Finance Committee recommends this article

Article 34. To see if the Town will vote to act upon the recommendation of the Community Preservation Committee to appropriate \$5,000 from Open Space and Recreation reserves to be allocated and reserved for the purpose of painting the recently installed fencing at Washburn Park; or take any other action thereon.

Finance Committee recommends this article

Article 35. To see if the Town will vote to act upon the recommendation of the Community Preservation Committee to appropriate \$16,000 from Historic Preservation reserves, and \$9,000 from CPA reserves to be allocated and reserved for the purpose of continuing the archiving of the collection of the Sippican Historical Society; or take any other action thereon.

Finance Committee recommends this article

Article 36. To see if the Town will vote to act upon the recommendation of the Community Preservation Committee to appropriate \$16,000 from Historic Preservation reserves, and \$9,000 from CPA reserves to be allocated and reserved for the purpose of expanding the Marion Historic and Cultural Inventory of the Marion Historical Commission; or take any other action thereon.

Finance Committee recommends this article

Article 37. To see if the Town will vote to act upon the recommendation of the Community Preservation Committee to appropriate \$18,179 from Open Space and Recreation reserves to be allocated and reserved for the purpose of purchasing and installing inclusive playground equipment at the Sippican School; or take any other action thereon.

Finance Committee recommends this article

Article 38. To see if the Town will vote to act upon the recommendation of the Community Preservation Committee to appropriate \$5,675 from CPA reserves to be allocated and reserved for the purpose of purchasing cast aluminum grave markers to be placed on veterans' graves at town cemeteries; or take any other action thereon.

Finance Committee recommends this article

Article 39. To see if the Town will vote to act upon the recommendation of the Community Preservation Committee to appropriate \$24,000 from Open Space and Recreation reserves and \$16,000 from CPA reserves to be allocated and reserved for the purpose of building an outdoor pavilion at Osprey Marsh; or take any other action thereon.

Finance Committee recommends this article

Article 40. To see if the Town will vote to act upon the recommendation of the Community Preservation Committee to appropriate \$307,760 from CPA reserves to be allocated and reserved for the purpose of waterproofing *the basement of* the front section of the Marion Town House constructed in 1876; or take any other action thereon.

Finance Committee recommends this article

Article 41. To see if the Town will vote to act upon the recommendation of the Community Preservation Committee to appropriate \$45,000 from Community Housing Reserves to be allocated and reserved for the purpose of performing a feasibility study for the construction of additional Senior Housing; or take any other action thereon.

Finance Committee recommends this article

Article 42. To see if the Town will vote to act upon the recommendation of the Community Preservation Committee to appropriate \$8,000 from Community Housing Reserves to be allocated and reserved for the purpose of updating the Town of Marion Housing Production Plan; or take any other action thereon.

Finance Committee recommends this article

Article 43. 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 this article

Article 44. To see if the Town will vote, pursuant to the provisions of MGL Chapter 44, §53E ½, to establish and authorize for FY2021 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 this article

Article 45. To see if the Town will vote, pursuant to the provisions of MGL Chapter 44, §53E ½, to establish and authorize for FY2021 a revolving fund for the lawful collection of monies by the Town Treasurer and the expenditure by the Marion Board of Health for all lawful purposes including, but not limited to, purchasing medical supplies and vaccines and the provision of public health and related services within the Town of Marion, and the total expenditures shall not exceed \$17,500; or take any other action thereon.

Finance Committee recommends this article

Article 46. To see if the Town will vote to act upon the recommendation of the Carver, Marion, Wareham Regional Refuse Disposal District Committee to approve the following proposed revision to the 1973 Agreement, revised in April 1995, by and between the Towns of Carver, Marion, and Wareham, and established by the General Court by Chapter 360 of the Acts of 1996, that will cease operations as of January 1, 2021 and maintain a skeleton operation to manage the extended legal commitments of the Committee, or do or take any other action thereon.

AMENDED AND RESTATED AGREEMENT
CARVER MARION AND WAREHAM
REGIONAL REFUSE DISPOSAL DISTRICT

The towns of Carver, Marion and Wareham hereby amend and restate in full that certain agreement entered into by them on February 7, 1973 and amended and restated in April 1995 by which they established and affirmed the Carver, Marion, Wareham Regional Refuse District; intending hereby to supersede those agreements and all previous amendments to those agreements.

SECTION I -THE REGIONAL REFUSE DISPOSAL DISTRICT COMMITTEE

(A) *Composition*

The powers and duties of the Regional Refuse District shall be vested in and exercised by a Regional Refuse Disposal District Committee, hereinafter sometimes referred to as "the Committee" which consist of three members from each of the member towns. All appointments to the Committee shall be made by the Boards of Selectmen of each member town. All members of the Committee shall serve until their successors are appointed and qualified.

(B) *Membership*

In every year in which the term of office of a member expires, the member town involved shall appoint one member to serve on the Committee for a term of three years from May 1 of the year in which the appointment is required to be made.

(C) *Vacancies*

If a vacancy occurs among the members appointed under subsection I (B), the member town involved shall, within thirty days after such vacancy occurs, appoint a member to serve for the balance of the unexpired term.

Any member wishing to resign from the Committee shall file with the Committee a written notification of resignation with a copy thereof to the Board of Selectmen and the Town Clerk of the town which he represents. No vacancy shall exist by resignation without compliance with the above provision.

(D) *Organization*

At its first meeting in a calendar year, the Committee shall organize and choose by ballot a chairman from among its own membership.

The Committee shall (i) appoint a treasurer and secretary, who may be the same person, but who need not be members of the Committee, (ii) choose such other officers as it deems advisable, (iii) determine the terms of office of its officers (except the chairman, who shall be elected as provided above) (iv) describe the powers and duties

of any of its officers, and (v) fix the time for its regular meetings and provide for the calling of special meetings.

The Committee shall also appoint an executive committee consisting of the chairman and one committee member from each of the other member towns, appointed by the members from that town. The chairman of the Committee shall also be the chairman of the executive committee. The executive committee shall meet from time to time at the request of the Chairman, of the Committee, or of the Executive Director, and shall be authorized to approve the payment of bills, to prepare and recommend the annual budget, to call for a meeting of the Committee, and such other authority as the Committee may delegate to the executive committee from time to time.

(E) *Powers and Duties*

Except as limited by the terms of this Agreement, including the limitation on the functions of the District as set forth in Section II, the Committee shall have all the powers and duties conferred and imposed upon regional refuse disposal district committees by law and conferred and imposed upon it by this Agreement, and other additional powers and duties as are specified in sections 44A and 44K inclusive of Chapter 40 of the General Laws and any amendments thereof or additions thereto, now or hereafter enacted, or as may be specified in any other applicable general law or special law.

(F) *Quorum*

The quorum for the transaction of business shall be a majority of the Committee or of the executive committee, but a number less than a majority may adjourn.

SECTION II – REGIONAL REFUSE DISPOSAL FACILITIES

The District is the licensed operator of the Carver, Marion, Wareham Regional Landfill located in Carver, Massachusetts.

The District owns and operates a transfer station and public convenience facility located on Route 28, Cranberry Highway, Rochester, Massachusetts.

The District owns and operates a transfer station and public convenience facility located at Benson Brook Road, Marion, Massachusetts. (Ownership of the property will revert to the Town of Marion by deed from the District to the Town of Marion upon cessation of the operation by the District of the transfer station and public convenience facility.)

On or before January 1, 2021 the District shall cease operation of the transfer stations, and shall no longer provide waste disposal services either directly or through third-party providers.

Commencing on January 1, 2021 the principal ongoing functions of the District shall be the maintenance and monitoring of the Carver Marion Wareham landfill located in Carver, Massachusetts; the maintenance of insurance coverage to protect the District and its member towns from liability for environmental claims relating to that landfill; the payment of the ongoing salaries and benefits of current employees, and the pensions of former employees; the disposal of assets; and other functions necessary to effect the winding-down of the District's former waste disposal activities.

The functions of the District as set forth in this Section II may be expanded only by an amendment to this Agreement approved by vote of the town meeting of each of the member towns

SECTION III - APPORTIONMENT AND PAYMENT OF COSTS

(A) *Apportionment of Costs*

Operating costs shall be apportioned equally among the member towns and charged annually.

(B) *Times of Payment of Apportioned Costs*

Each member town shall pay to the District in each fiscal year its proportionate share, certified as provided by subsection IV (B) of the capital and operating costs. The annual share of each member town shall be paid in such amounts and at such times that at least the following percentages of such annual share shall be paid on or before the dates indicated, respectively:

July 10	35%
October 10	50%
January 10	75%
April 10	100%

SECTION IV - BUDGET

(A) *Tentative Annual Budget*

The Committee shall annually prepare a tentative budget for the ensuing fiscal year, attaching thereto provisions for any installment of principal or interest to become due in such fiscal year on any bonds or other evidence of indebtedness of the District and any other capital costs to be apportioned to the member towns. The Committee shall mail a copy thereof to the Chairman of the Board of Selectmen and the finance or advisory committee, if any, of each member town on or before November 15th in such town on or before November 15th in such detail as the Committee may deem advisable.

(B) *Final Operating and Maintenance Budget*

The Committee shall adopt an annual operating and maintenance budget, including debt and interest charges and any other current capital costs as separate items, on or before December 21st for the ensuing fiscal year and the Committee shall apportion the amounts necessary to be raised in order to meet the said budget in accordance with the provisions of Section III. The amount so apportioned to each member town shall, prior to December 31st of each year preceding the fiscal year to which said budget relates, be certified by the district treasurer to the treasurer of such towns, and such towns shall, at the next annual meeting, appropriate the amounts so certified.

(C) *Stabilization Accounts*

Commencing with the first fiscal year of this Agreement, the Committee shall establish and fund two accounts to pay for future retiree benefits: the first, in the amount of \$400,000.00 to pay the District's ongoing obligations to the Plymouth County Retirement System, and the second, in the amount of \$150,000.00 to pay for other post-employment benefits, including health insurance, for retirees. These accounts shall be maintained from year to year, and the funds therein shall be spent-down, to pay only for the District's obligations to the Plymouth County Retirement Board and for other post-employment benefits, including health insurance, for retirees. The Committee may, from time to time, determine to use the funds in either account to pay for the intended obligations of the other. None of the funds in those accounts shall be used for any other purpose, and none of those funds shall be distributed to the member towns pursuant

to Section VIII, until all pension and retiree obligations have been met, and no further pension or retiree obligations are anticipated. The provisions of this Section IV (C) may be amended only by an amendment to this Agreement approved by vote of the town meeting of each of the member towns. Except as provided herein these accounts shall be subject to all applicable laws.

(D) *Long Term Financial Planning*

The Committee shall prepare and maintain, and shall annually review and up-date, an analysis of expected assets and liabilities for the then following five year period, and may supplement that analysis to cover such longer time periods as the Committee may deem appropriate. In the event the Committee determines that there will be no additional expenses beyond the five-year period, the Committee will so state and enumerate the reasons for such a determination.

SECTION V - AMENDMENTS

(A) *Limitation*

This Agreement may be amended from time to time in the manner herein-after provided, but no such amendment shall be made which shall substantially impair the rights of the holders of any bonds or other notes or other evidence of indebtedness of the District then outstanding, or the rights of the District to procure the means for payment thereof.

(B) *Procedure*

Any proposal for amendment may be initiated by a vote of a majority of all members of the Committee. The secretary of the Committee shall mail or deliver a notice in writing to the Board of Selectmen of each of the member towns that a proposal to amend this Agreement has been made and shall enclose a copy of such proposal. Such amendment shall take effect upon its acceptance by all the member towns, acceptance by each town to be by a majority vote of the Board of Selectmen, provided,

however, that Section II, and Section IV (C), may be amended only by an amendment to this Agreement approved by vote of the town meeting of each of the member towns.

SECTION VI - FISCAL YEAR

Except as may otherwise be provided by law, the fiscal year of the District shall be the same as the fiscal period of the member towns and the word "year" or "fiscal year" as it relates in this Agreement to a fiscal or budget period shall be the fiscal year of the District. If the fiscal year of the District shall be other than the calendar year, the dates on or before which the respective percentages of the annual share of each member town shall be paid as provided in subsection III (F) shall be adjusted so that not less than 25% thereof shall be paid not later than the tenth day of the first month of such fiscal year, 50% shall be paid not later than the tenth day of the fourth month of such fiscal year, 75% shall be paid not later than the tenth day of the seventh month of such fiscal year and 100% shall be paid not later than the tenth day of the tenth month of such fiscal year.

SECTION VII - INCURRING OF DEBT

Within seven days after the date on which the Committee authorizes the incurring of debt, other than temporary debt in anticipation of revenue to be received from member towns, the said Committee shall cause written notice of the date of said authorization, the sum authorized and the general purpose or purposes for authorizing such debt, to be given to the Board of Selectmen of each member town. The notice for which provision is herein made shall be deemed to have been duly given to a Board of Selectmen of a member town if delivered to the Chairman of said Board or, if mailed, by registered or certified mail within the time specified, postage prepaid and addressed to the Chairman of said Board at the Selectmen's office or at his last, known permanent address in such Town. Within 180 days after the date on which the Committee authorized the incurring said debt, each member town shall hold a town meeting for the purpose of expressing approval or disapproval of the amount of said debt and, if at such Meeting a majority of the voters present and voting thereon express disapproval of the amount authorized by the Committee, the said debt shall not be incurred and the Committee shall thereupon prepare another proposal which may be the same as any prior proposal and an authorization to incur debt therefor.

SECTION VIII - DISTRIBUTION TO MEMBER TOWNS

(A) *Distribution to Member Towns*

Upon a determination by the Committee that there will be no future operational costs beyond those anticipated for the then current fiscal year, the Committee shall distribute all

surplus cash to the member towns. For the purpose of this paragraph surplus cash shall mean cash on hand in excess of the amount needed to pay anticipated costs for the then current year. Any distribution authorized under this Section VIII must be approved by a vote of two thirds (2/3) of the members of the Committee, including an affirmative vote of approval by at least one member from each of the member towns.

(B) *Distribution of Cash*

The parties acknowledge that in the past unequal contributory payments were made by each of the member towns. As a result the parties agree that when distributions are made to the member towns those distributions should reimburse each member town the amount it has previously contributed. In order to reimburse those past contributions, the initial distributions made under this Section VIII shall be in the following dollar amounts, subject to adjustment as set forth below:

- Carver – \$ 121,447.17
- Marion –\$ 53,150.60
- Wareham –\$ 188,701.92

Total: \$ 363,299.69

Any of the parties may, by sufficient evidence, show that its contribution was greater than set forth above, and the distributions will be adjusted to reflect that greater contribution. In the event the parties are unable to agree on an adjustment, any party may demand arbitration pursuant to the rules of the American Arbitration Association for commercial arbitration.

Initial distributions totaling less than \$363,299.69, as adjusted, shall be pro-rated among the three towns in the same proportions as the above payment schedule. Once total distributions in the amount of \$363,299.69, as adjusted, have been paid, any further distribution or distributions shall be paid equally to the three towns.

(C) *Charges Against Distribution*

In the event a member town has failed to pay any amount due under the provision of Section III (F) a distribution under this provision will first be credited toward the amount owed to the District by that member town.

SECTION IX – SALE OF SURPLUS SUPPLIES OR REAL PROPERTY

The Committee may from time to time determine to sell surplus supplies or real property. The Committee shall first offer to sell any such surplus supply or real property to the member towns. Any member town may buy such supply or real estate at a price established by generally accepted appraisal methods. In the event more than one of the member towns wishes to purchase a surplus supply or real property the Committee shall receive sealed bids from those member towns and shall sell such supply or real estate to the town submitting the highest bid which equals or exceeds the appraised value. The terms of payment by a purchasing town shall be determined by agreement between the Committee and that town, and may include payment over time, and the payment due may be carried as a charge to be made against future disbursements payable by the District to the purchasing town.

SECTION IX - DISSOLUTION

The Committee may at any time determine to petition the legislature to dissolve the District provided that such petition shall be approved by a vote of two thirds (2/3) of the members of the Committee, and that such petition for dissolution will provide that (i) liability for the on-going obligations of the District shall be apportioned to the former member towns in the same proportions as set forth in Section III (A); (ii) the remaining assets of the District shall be distributed to the former member towns pursuant to the provisions of Section VIII; and (iii) the former member towns will continue to be jointly liable in the proportions set forth in this Agreement for any claims arising against the District prior to its dissolution, and each of the towns shall have a cause of action against the others for indemnity to enforce such proportional liability.

SECTION X – EFFECTIVE DATE

This Agreement shall become effective on July 1, 2020.

CERTIFICATES OF VOTE

TOWN OF CARVER

I, _____, Town Clerk for the Town of Carver, hereby certify that on _____, 20____, at a meeting properly noticed and held, the Town of Carver voted to accept this AMENDED AND RESTATED AGREEMENT.

TOWN OF MARION

I, _____, Town Clerk for the Town of Marion, hereby certify that on _____, 20____, at a meeting properly noticed and held, the Town of Marion voted to accept this AMENDED AND RESTATED AGREEMENT.

TOWN OF WAREHAM

I, _____, Town Clerk for the Town of Wareham, hereby certify that on _____, 20____, at a meeting properly noticed and held, the Town of Town of Wareham voted to accept this AMENDED AND RESTATED AGREEMENT.

Or take any other action thereon.

Finance Committee will make its recommendation at Town Meeting

Article 47. To see if the Town will vote to amend the Code of the Town of Marion Chapter 109 – Animal Control by revising the same as follows:

Article I Dog Control

§ 109-1 Definitions.

As used in this bylaw, the following terms shall have the meanings indicated:

ANIMAL CONTROL OFFICER

The person or persons employed by the Town authorized to enforce MGL c. 140, § 137 through 174F.

COMMERCIAL BREEDER KENNEL

A single premises, other than a personal kennel, engaged in the business of breeding animals for sale or exchange to wholesalers, brokers, or pet shops in return for consideration.

COMMERCIAL KENNEL

A single premises for boarding, grooming, training, holding, day care, or overnight stays of animals that are not the property of the owner of the establishment, at which services are rendered in exchange for consideration and in the absence of the animal's owner.

DOG POUND

Any premises designated by action of the Town for the purpose of impounding dogs and caring for all dogs found running at large in violation of this bylaw.

~~FERCE, VICIOUS OR~~ DANGEROUS DOG

A dog that either:

- A. Without justification, attacks a person or domestic animal, causing physical injury or death; or
- B. Behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to a person or to a domestic or owned animal.

~~KENNEL, COMMERCIAL~~

~~A single premises, with a collection of 11 or more dogs, three months or older, that are maintained for any purpose, or where four or more litters per year are raised, or where the boarding or grooming of dogs is performed as a business.~~

~~KENNEL, HOBBY~~

~~A single premises with a collection of four to 10 dogs, three months or older, that are housed, groomed, bred, boarded, trained, or sold, or where fewer than four litters per year are raised.~~

KEEPER

A person, business, corporation, entity of society, other than the owner, having possession of a dog

LICENSE PERIOD

The time between January 1 through December 31, both dates inclusive.

OWNER

Any person, group of persons or corporation owning or keeping or harboring a dog or dogs.

PERSONAL KENNEL

A collection of more than four dogs, 3 months old or older, owned or kept under a single ownership for private personal use, providing that selling, trading, bartering or distributing shall be to other breeders or individuals by private sale and not to brokers, wholesalers, or pet shops an limited animals bred from personally owned dogs

RESTRAINT

A dog is under restraint within the meaning of this bylaw if it is leashed, or under the control and beside a competent person and at heel and obedient to that person's the command of a competent person, or within the property limits of its owner or keeper, or within a vehicle and incapable of escaping from the vehicle.

§ 109-2 Enforcement.

The Animal Control Officer or Animal Control Officers shall enforce the provisions of this bylaw.

§ 109-3 Restraint required.

The owner shall keep his/her dog under restraint at all times.

§ 109-4 Impoundment fees.

Any dog impounded hereunder may be reclaimed as herein provided upon payment by the owner to the Animal Control Officer of the sum of \$100 for each day such dog is kept. The Town Clerk maintains the current list of fees and fines.

§ 109-5 (Reserved) Nuisance or Dangerous dogs.

A. MGL c.140, §157 provides that any person can file a complaint to the Board of Selectmen identifying a potentially nuisance or dangerous dog. The Board of Selectmen shall investigate each complaint and hold a public hearing, see §109-12.D. Based on the evidence provided, three decisions are possible:

(1) Dismiss the complaint – no further action required

(2) Deem the dog a nuisance – order the owner or keeper of the dog to take remedial actions to ameliorate the cause of the behavior

(3) Deem the dog dangerous – order one or more:

a. The dog be humanly restrained in accordance with MGL c. 140, §157

b. The dog be confined in accordance with MGL c. 140, §157

c. If removed from the premises, the dog be securely and humanly muzzled in accordance with MGL c. 140, §157

d. That the owner or keeper provide proof of insurance not less than \$100,000 in accordance with MGL c. 140, §157

e. That the owner or keeper provide identification of the dog in accordance with MGL c. 140, §157

f. That the owner or keeper have the dog altered to prevent reproduction in accordance with MGL c. 140, §157

g. That the dog be humanly euthanized.

B. Appeal

Within ten (10) days after the order is issued, the owner or keeper can petition the district court for a review of the order. The decision of the court shall be final. Pending an appeal, the Board of Selectmen may file a petition in district court to request an order of impoundment for a dog complained of being dangerous.

C. Inspection

Fourteen (14) days after the Selectmen issue an order for a nuisance or dangerous dog, the Animal Control Officer or the Chief of Police or other persons authorized under the General Laws shall inspect the owner's residence to verify compliance with the conditions of the order.

D. Violation

If the owner or keeper of dog is found in violation of an order issued by the Selectmen under this Article and MGL c. 140, §157, the dog is subject to seizure and impoundment by law enforcement or the Animal Control Officer. The owner is subject to fines and non-criminal proceedings under Section of the Bylaw and M.G.L. c.40, §21D.

§ 109-6 Beaches, public property, and recreation areas.

~~¶~~ It shall be unlawful for any person to permit any dog owned by him/her and/or under his/her care or control to be present on any beach owned by the Town of Marion from May 1 through October 1. From October 2 through April 30, dogs may be present on any beach owned by the Town of Marion, provided they are under the control of their owner.

~~B. It is the owner's responsibility to provide a "pooper scooper" or some other device capable of removing dog waste from the beach property. The owner/keeper of every dog shall be responsible for the removal of any fecal matter deposited by the owner's/keeper's dog when the dog is on Town owned beach, public walks, or recreation areas.~~ Failure of the owner to remove dog waste shall be subject to the penalties described in § 109-7.

§ 109-7 Violations and penalties.

Penalties for the violation of § 109-6 shall be assessed and collected in accordance with the procedure established under MGL c. 140, § 173A (noncriminal disposition of complaints for violation of dog control laws). The fines, beginning at the ~~second first~~ offense, ~~are \$50, thereafter to \$60 for the third offense, and \$100 for the fourth and~~ and increase for each subsequent offense within the calendar year. The Town Clerk maintains the current list of fees and fines.

Article II

Licensing

§ 109-8 Dog licenses.

Pursuant to the terms of MGL c. 140, §§ 137A, 139(a), 173 and 173A, this Article II, Licensing, including § 109-9, Kennel licenses, supplements the provisions of MGL c. 140, §§ 137 through 174E, and certain provisions of the Marion Zoning Bylaw. Those statutes and regulations should be reviewed in order to obtain a complete understanding of the licensing provisions for dogs within the Town.

§ 109-9 License required; tags; fees.

- A. The owner or keeper of a dog in the Town of Marion is subject to these regulations when the dog reaches the age of three months. This section shall not apply to a person having a kennel license.
- B. 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 it deems appropriate. No fee shall be charged for a license for a dog owned by a person aged 70 years or over.
- C. The Town Clerk shall record each license issued, the name of the owner or keeper of each dog so licensed, and the name, registered number and description of each dog. The owner or keeper of any dog so licensed shall state upon the license form the breed, color, weight and special markings of the dog. Such books shall be open to the public for inspection during the usual office hours of the Town Clerk.
- D. The owner or keeper shall cause said dog to wear around its neck or body a collar or harness to which the tag shall be securely attached. In the event that any tag is lost, defaced, or destroyed, the owner or keeper shall obtain substitute tags from the Town Clerk.
- E. The licensing period shall be for one year. The ~~deadline for procurement expiration date~~ of a dog license is established as December 30 of each year, ~~failure to obtain a license shall result in a fine~~. License renewal may be applied for within 30 days prior to the expiration date. New residents must apply for a license within 30 days of establishing residence. No fee shall be charged for a dog specially trained to lead or serve a blind or deaf person.
- F. A license fee shall not be refunded because of a subsequent death, loss, spaying or neutering, or removal from the Town of such dog, nor because a license fee has been mistakenly paid to the Town.
- G. No dog license shall be issued to any person who has been convicted of cruelty to animals as defined in MGL c. 272, § 77, § 80A, § 94 or § 95.
- H. The provisions of this section shall not apply to institutions licensed under MGL c. 140, § 174D, to shops licensed under MGL c. 129, § 39A, to any person operating a licensed kennel or where otherwise provided by law.

§ 109-10 Kennel licenses.

- A. Any owner or keeper of a ~~hobby commercial~~ kennel, ~~or~~ commercial ~~breeder~~ kennel, ~~or personal kennel~~ shall obtain a kennel license; provided, however, that before the Town Clerk issues such license, the owner or keeper provides the Town Clerk a completed application with:

~~(1) An opinion, in writing, by the Building Commissioner that the proposed kennel application meets the kennel definitions described in § 109-1.~~

~~(2) 1) An opinion, in writing, by the Animal Control Officer based on the fact that ~~the maintenance of a kennel will not result~~~~

~~in a health hazard~~ he/she has investigated the property of the proposed kennel with respect to the following items:

- a. The location, construction, and soundproofing of the kennel area
- b. The sanitary conditions of the kennel and the property in general
- c. The adequacy of the kennel and property in general for the number and type of dogs and the type of kennel for which the kennel license would be issued
- d. The concerns of the neighbors
- e. The Animal Control Officer may require the need for a structure to be constructed or an existing structure to be utilized for the purposes of housing the dogs. The ACO shall request an opinion, in writing from the Building Commissioner that the proposed or existing structure/structures and the use comply with both state and local regulations.
- f. Any other pertinent issues that come within the expertise and discretion of the Animal Control Officer.

The issuance of a hobby commercial kennel, ~~or~~ commercial breeder kennel, or personal kennel license shall be contingent upon an inspection by the Animal Control Officer to ensure that the basic standards of cleanliness and proper care and confinement of said dogs exists on the premises, and the maintenance of a kennel will not result in a health hazard or be injurious to the health of the neighbors by reason of prospective noise or otherwise.

- B. A special permit for a hobby commercial kennel or commercial breeder kennel must meet the provisions and requirements of the Marion Zoning Bylaw pursuant to §§ **230-7.2**, **230-7.4**, and 230-7.6.
- C. The kennel license shall be issued by the Town Clerk and there shall be a fee for such kennel license, to be paid by the owner. All fees under this section shall be determined by the Board of Selectmen and may be changed from time to time as it deems appropriate.
- D. A kennel license shall be in lieu of any other license required for a dog, for the period of time the dog is kept in such kennel per MGL c. 140, § 137A. The owner or keeper of such kennel shall renew the license prior to the commencement of each succeeding license period.
- E. While at large, each dog in a kennel shall wear a collar or harness with a tag securely attached. The tag shall have the number of the kennel license, the name of the town that issued the kennel license, and the year that the license was issued. Such tag shall be in the form prescribed and furnished by the Town Clerk and shall be issued by the Town Clerk.
- F. If a kennel owner desires to increase the capacity of his/her kennel during a license period, or its use, he/she shall apply to the Town Clerk with a new kennel application.
- G. The Town Clerk shall issue, without charge, upon written application and written approval of the Board of Appeals, a kennel license to any domestic charitable corporation, incorporated in the commonwealth, exclusively for the purpose of protecting animals from cruelty, neglect, or abuse or for the relief of suffering except for commercial kennels which shall require compliance with § **230-7.4** of the Zoning Bylaw, provided that there is compliance with the terms and conditions of this chapter.
- H. A veterinary clinic, office, or hospital shall not be considered a kennel unless it contains an area for the grooming or selling of dogs, or for the boarding of dogs for other than medical or surgical purposes. If it is considered a kennel, the

owner or keeper shall, before the Town Clerk issues such license, provide the Town Clerk with the written approval of the Board of Appeals or special permitting authority.

- I. All holders of kennel licenses shall notify the Town Clerk, in writing, of the sale of any dog or puppy, which includes the description of the animal, the age, color, breed, identifying marks, sex, and whether the dog has been spayed or neutered. The kennel owner shall forward a copy of such notice to the Clerk of the city or town in which the new owner of the dog resides.

§ 109-11 Violations and penalties.

- A. Whoever violates any provision of § 109-9 or § 109-10 of these rules and regulations shall be punished by a fine ~~of not less than \$25~~, which shall be paid to the Town. The Town Clerk maintains the current list of fees and fines.
- B. If any person refuses to answer, or answers falsely, questions of a police officer or an Animal Control Officer, pertaining to his/her ownership of a dog, he/she shall be punished by a ~~fine of not less than \$25~~, which shall be paid to the Town. The Town Clerk maintains the current list of fees and fines.
- C. If the dog as to which any violation occurs was unlicensed at the time of such violation, a fine ~~of not less than \$25 nor more than \$50~~ shall be paid by the owner to the Town, and the owner or keeper of such dog will be required to immediately procure all delinquent licenses and tags, as well as the current license and tag. The Town Clerk maintains the current list of fees and fines.
- D. Violations of any order of the Selectmen under this Article and M.G.L. c.140, §157, subject the owner to fines and non-criminal proceedings under Section of the Bylaw and M.G.L. c.40, §21D.

§ 109-12 Issuance and revocation of licenses; kennel inspections; complaints.

- A. Violation of any substantive provisions of this chapter shall be grounds for the revocation of a license issued for a kennel pursuant to this chapter. The Town Clerk may revoke or suspend any license upon receiving a written directive from the Board of Selectmen that was based on information concluding a kennel is operating in violation of this chapter from the Animal Control Officer or the Chief of Police or his/her designee. Prior to such revocation, the Board of Selectmen shall hold a public hearing during which the kennel licensee shall have been offered, in writing, an opportunity to be heard. In such case of suspension of said license, the Board of Selectmen may reinstate such kennel license and impose conditions and regulations upon the operation of the kennel.
- B. If an applicant is shown to have withheld or falsified any material information on the application, the Town Clerk may refuse to issue or may revoke a license.
- C. The Animal Control Officer or the Chief of Police of the Town of Marion or other persons authorized under the General Laws may at any time inspect or cause to be inspected any kennel, and if, in his or her judgment, the same is not being maintained in a sanitary and humane manner, or if records are not properly kept as required by law, the Board of Selectmen shall by order revoke or suspend such license. In the case of suspension, the Board of Selectmen may reinstate such license and impose conditions and regulations upon the operation of said kennel.
- D. Upon the petition of 25 or more citizens filed with the Board of Selectmen setting forth they are aggrieved or annoyed to an unreasonable extent by one or more dogs at a kennel located in Town, because of excessive barking, vicious disposition or vicious actions or any other conditions connected with the kennel that constitute a public nuisance, the Board of Selectmen shall within seven (7) days of the filing of such petition, give notice to all parties concerned of a public hearing to be held within fourteen (14) days after the date of such notice. The Board of Selectmen shall within seven (7) days, after the public hearing, investigate or cause to be investigated the subject matter of the petition and shall, by order, either suspend or revoke the kennel license, otherwise regulate the kennel, or dismiss the petition.

Written notice of any order under this section revoking, suspending or reinstating a license shall be mailed forthwith to the office issuing such license and to the holder of the license.

E. Any person maintaining a kennel after the license has been so revoked, or while such license is so suspended, shall be charged a fee of \$50 per day up to \$250 (MGL c. 140, § 137C).

Or take any other action thereon.

Article 48. To see if the Town will vote to amend the Code of the Town of Marion Chapter 230-5.3 – Multifamily Residences by revising the same as follows:

§ 230-5.3 Multifamily residences.

A. Purpose.

To encourage a limited amount of low-density affordable multi-family rental or ownership housing designed to be compatible with the neighborhood in which it is located. In keeping with the community's desire to maintain Marion as a place where single-family detached homes predominate, these regulations will apply only when the Marion Town Meeting decides to designate an area or areas as Residence E, Multifamily Residence.

~~(1) — Regulations covering multifamily housing are enacted to encourage a limited amount of rental or ownership housing in Marion at a relatively low density to facilitate affordable housing and construction needs. Such housing must be served by public sewer and water. In keeping with the community's desire to maintain Marion as a place where single family detached homes predominate, these regulations will apply only when the Marion Town Meeting decides to designate an area or areas as Residence E, Multifamily Residence.~~

~~(2) — The intent of these regulations is to encourage low density multifamily housing designed to be compatible with the neighborhood in which it may be located. Pursuant to Article IX, Site Plan Review and Approval, all development exceeding a minimum threshold will be required to obtain site plan approval.~~

B. Dimensional Requirements.

(1) ~~Maximum lot coverage: 40%, the same to include the gross ground floor area of all buildings and all parking areas.~~ The maximum allowable density shall be ~~12~~ 8 dwelling units per acre, wetlands and flood zone areas shall be excluded when determining developable project area for dwelling density

(2) ~~Minimum usable open space. There shall be provided for each lot or building site area a minimum usable open space of not less than 40% of the lot area. Usable open space shall include all the lot area not covered by buildings, accessory buildings and/or structures, or surface parking areas. The area devoted to lawns, landscaping, walks, roadways, drives and exterior recreation areas shall be included as usable open space. All~~ dwelling units shall be served by public water and sewer.

(3) The gross ground floor area of all buildings and all parking areas impervious surfaces shall not exceed 40% of the developable project area.

(4) There shall be provided for each lot or building site area a minimum usable open space of not less than 40% of the lot area. The area devoted to lawns, landscaping, and other exterior uses provided they are permeable shall be included as usable open space.

- (5) A special permit from the Planning Board, in compliance with the requirements of § 230-7.2, shall be required for all residential developments greater than four dwelling units.
- C. ~~Density requirements. The maximum allowable density shall be 12 dwelling units per acre in areas served by public water and sewer. In determining whether the density rate has been complied with, all land in the development lot or parcel not reasonably suited for residential development, such as wetlands, shall be excluded. Pursuant to Article IX, Site Plan Review and Approval, all development exceeding a minimum threshold will be required to obtain site plan approval~~
- D. ~~A special permit from the Planning Board, in compliance with the requirements of § 230-7.2, shall be required for all residential developments greater than four dwelling units.~~

Or take any other action thereon.

Article 49. To see if the Town will vote to amend the Code of the Town of Marion Chapter 230-8.1 – Flood Hazard District by revising the same as follows:

§ 230-8.1 Flood Hazard District.

The intent of this bylaw is to prevent unnecessary loss of life or injury to waterfront residents, to reduce the need for rescue efforts and to prevent destruction of property by ocean water, waves and debris landward by high-wind storms.

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 ~~K~~, 25023C0469J ~~K~~, 25023C0556J ~~K~~, 25023C0558J ~~K~~, 25023C0559L, 25023C0566J ~~K~~, 25023C0567L dated July 22, 2020; and panel numbers 25023C0586J, and 25023C0587J dated July 17, 2012, and panel numbers 25023C0557K, ~~25023C0559K~~, ~~25023C0567K~~, 25023C0576K, 25023C0578K, and 25023C0579K dated February 5, 2014. The exact boundaries of the District may be defined by the one-hundred-year base flood elevations shown on the FIRM and further defined by the Plymouth County Flood Insurance Study (FIS) report dated July ~~17, 2012~~ 22, 2020. The FIRM and FIS report are incorporated herein by reference and are on file with the Marion Town Clerk.

- A. 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 the floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- B. All subdivision proposals must be designed to assure that:
- (1) Such proposals minimize flood damage;
 - (2) All public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
 - (3) Adequate drainage is provided to reduce exposure to flood hazards.
 - (4) 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.
- C. The Floodplain District is established as an overlay district to all other districts. All development in the district,

including structural and nonstructural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, § 40, of the Massachusetts General Laws and with the following:

- (1) Sections of the Massachusetts State Building Code (780 CMR) which address floodplain and coastal hazard areas;
- (2) Wetlands Protection Regulations, Department of Environmental Protection, DEP (currently 310 CMR 10.00);
- (3) Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
- (4) Coastal Wetlands Restriction, DEP (currently 310 CMR 12.00);
- (5) 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.

D. 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, MA)

E. Specific Marion requirements:

- (1) There shall be no new residential construction of any sort on lots completely within the Marion Velocity Zone. The only exceptions are:
 - (a) Seawalls, piers, groins, wharves, weirs and similar structures are not prohibited by this section; and
 - (b) Lots created before the enactment of this bylaw whose areas lie completely within the Velocity Zone may be built upon, providing the structure(s) is located as far landward of mean high water as possible.
- (2) In the case of lots created before the date of enactment of this bylaw and with areas both in the Velocity Zone and outside the Velocity Zone, all structures built after the enactment of this bylaw shall be located in the area outside the Velocity Zone. If this area is not sufficient to allow for the required zoning setbacks, the applicant may apply for a variance to allow lesser setbacks. The only exceptions are seawalls, piers, groins, wharves, weirs and similar structures.
- (3) Every buildable lot created after the enactment of this bylaw shall have an adequate building area, plus the required setbacks outside the Velocity Zone, and all structures shall be placed within this area. The only exceptions are: seawalls, piers, groins, wharves, weirs and similar structures.
- (4) The landward line of the Velocity Zone must be located on the official lot plan by a licensed surveyor and registered with the plan at the Massachusetts Registry of Deeds.
- (5) Any use otherwise permitted or authorized by special permit in the district underlying the Flood Hazard District shall likewise be permitted or authorized by special permit in the Flood Hazard District subject to the special provisions of this section.

F. Any use otherwise permitted or authorized by special permit in the district underlying the Flood Hazard District shall likewise be permitted or authorized by special permit in the Flood Hazard District subject to the special provisions of this section.

Article 50. To see if the Town will vote to amend the Code of the Town of Marion Chapter 230-11.2 – Terms Defined by revising the same as follows:

230-11.2 Terms defined.

As used in this bylaw, the following terms shall have the meanings indicated:

HAZARDOUS OR TOXIC MATERIAL

A material which is hazardous to human health or to the environment, as defined by the U.S. Environmental Protection Agency and under 40 CMR 250 and the regulations of the Massachusetts Hazardous Waste Act, MGL c. 21, § 1. 310 CMR 40 (Massachusetts Contingency Plan) subpart P: Massachusetts Oil and Hazardous Material List and 301 CMR 41 (Toxic and Hazardous Substance List).

PERSONAL KENNEL

~~A facility on a parcel with more than five acres specifically used in the breeding, raising and training of dogs owned by the property owner.~~ A collection of more than four dogs, 3 months old or older, owned or kept under a single ownership for private personal use, providing that selling, trading, bartering or distributing shall be to other breeders or individuals by private sale and not to brokers, wholesalers, or pet shops an limited animals bred from personally owned dogs

Volume

The total volume included between the outer surface of the outer walls measured from the level of the lowest story to the roof of the building. Volume will be determined by habitable space. Attics and uninhabitable basements shall not be calculated as habitable space.

Or take any other action thereon.

Finance Committee has no recommendation, as no financial impact

Article 51. To see if the Town will vote to amend the Code of the Town of Marion Chapter 230-8.12 – Inclusionary Zoning by revising the same as follows:

§ 230-8.12 Inclusionary housing.

- A. Purpose and intent. The purpose of this bylaw is to outline and implement a coherent set of policies and objectives for the development of affordable housing in compliance with MGL c. 40B, §§ 20 through 23, and ongoing Town of Marion programs to promote a reasonable percentage of housing that is affordable to moderate-income buyers. It is

intended that the affordable housing units that result from the bylaw be considered as Local Initiative Program (LIP) dwelling units in compliance with the requirements for the same as specified by the Department of Community Affairs, Division of Housing and Community Development, and that said units count toward the Town's requirements under MGL c. 40B, §§ 20 through 23.

B. Definitions. As used in this section, the following terms shall have the meanings indicated:

AFFORDABLE HOUSING UNIT

A dwelling unit that can be purchased at an annual cost that is no more than 30% of the homeowner's income, which is at or below 80% of the Town of Marion's median income as reported by the U.S. Department of Housing and Urban Development, including units under MGL c. 40B, §§ 20 through 23 and the Commonwealth's Local Initiative Program (LIP).

QUALIFIED AFFORDABLE HOUSING UNIT PURCHASER

An individual or family with a household income that does not exceed 80% of the median income, with adjustments for household size, as reported by the most recent information from the United States Department of Housing and Urban Development (HUD) and/or the Massachusetts Department of Housing and Community Development (DHCD).

C. Applicability.

- (1) Division of land. This bylaw shall apply to the division of land held in single ownership as of April 29, 2003, or any time thereafter into six or more lots, whether said six or more lots are created at one time or the cumulative of six or more lots created from said land held in single ownership as of April 29, 2003, and shall require a special permit under Article VII of the Zoning Bylaw. A special permit shall be required for land divisions under MGL c. 40A, § 9 as well as for "conventional" or grid divisions allowed by MGL c. 41, §§ 81L and 81U, including those divisions of land that do not require subdivision approval.
 - (2) Multifamily dwelling units. This bylaw shall apply to the construction of six or more multifamily dwelling units, whether on one or more contiguous parcels in existence as of April 29, 2003, and shall require a special permit under Article VII of the Zoning Bylaw.
 - (3) The provisions of Subsection C(2) shall not apply to the construction of six or more single-family dwelling units on individual lots, if said six or more lots were in existence as of April 29, 2003.
 - (4) The Planning Board shall be the special permit granting authority (SPGA) for all special permits under this bylaw.
- D. Mandatory provision of affordable units. The SPGA shall, as a condition of approval of any development referred to in Subsection C, require that the applicant for special permit approval comply with the obligation to provide affordable housing pursuant to this bylaw and more fully described in Subsection E.

E. Provision of affordable units.

- (1) The SPGA shall deny any application for a special permit for development if the applicant for special permit approval does not comply, at a minimum, with the following requirements for affordable units:
 - (a) At least ~~10%~~ 5% of the lots in a division of land or units in a multifamily unit development subject to this bylaw shall be established as affordable housing units in any one or combination of methods provided for below. Fractions of a lot or dwelling unit shall be rounded up to the nearest whole number, such that a development proposing ~~six~~ eleven dwelling units shall require one affordable unit, a development proposing ~~11~~ 21 dwelling units shall require two affordable units, and so on;

- (b) The affordable unit(s) shall be constructed or rehabilitated on:
 - [1] The locus property; or
 - [2] A locus different from the one subject to the special permit (see Subsection I); or
 - (c) An applicant shall make a donation of land or pay a fee in lieu of affordable housing unit provision (see Subsection L below).
 - (2) The applicant may offer, and the SPGA may accept, any combination of the Subsection E(1) requirements, provided that in no event shall the total number of units or land area provided be less than the equivalent number or value of affordable units required by the bylaw.
- F. Provisions applicable to affordable housing units on- or off-site.
- (1) Siting of affordable units. All affordable units constructed or rehabilitated under this bylaw shall be situated so as not to be in less desirable locations than market-rate units in the development and shall, on average, be no less accessible to public amenities, such as open space, than the market-rate units.
 - (2) Minimum design and construction standards for affordable units. Affordable housing units within market-rate developments shall be integrated with the rest of the development and shall be compatible in design, appearance, construction and quality of materials with other units.
 - (3) Timing of construction or provision of affordable units or lots. The SPGA may impose conditions on the special permit requiring construction of affordable housing according to a specified timetable, so that affordable housing units shall be provided coincident to the development of market-rate units, but in no event shall the development of affordable units be delayed beyond the schedule noted below:

Market-Rate Unit	Affordable Housing Unit
Up to 30%	None required
30% plus 1 unit	At least 10%
Up to 50%	At least 30%
Up to 75%	At least 50%
75% plus 1 unit	At least 70%
Up to 90%	100%

Any fractions of an affordable unit shall be rounded up to a whole unit.

- G. Local preference. The SPGA shall require the applicant to comply with local preference requirements, if any, as established by the Board of Selectmen.
- H. Marketing plan for affordable units. Applicants under this bylaw shall submit a marketing plan or other method approved by the SPGA, which describes how the affordable units will be marketed to potential homebuyers. This plan shall include a description of the lottery or other process to be used for selecting buyers. The plan shall be in conformance to DHCD rules and regulations.
- I. Provision of affordable housing units off site. Subject to the approval of the SPGA, an applicant subject to this bylaw may develop, construct or otherwise provide affordable units equivalent to those required by Subsection E off site. All requirements of this bylaw that apply to on-site provision of affordable units shall apply to provision of off-site affordable units. In addition, the location of the off-site units to be provided shall be approved by the SPGA as an integral element of the special permit review and approval process.

J. Maximum incomes and selling prices: initial sale.

- (1) To ensure that only eligible households purchase affordable housing units, the purchaser of an affordable unit shall be required to submit copies of the last three years' federal and state income tax returns for the household and to certify in writing and prior to transfer of the title to the developer of the housing units or his/her agent, and within 30 days following transfer of title to the Marion Board of Selectmen or to another authority as stipulated by them that the annual household income level does not exceed the maximum established by the Commonwealth's Division of Housing and Community Development (DHCD) and as may be revised from time to time.
- (2) The maximum price of the affordable housing unit(s) created under this bylaw is established by DHCD under the Local Initiative Program (LIP) guidelines in effect at the time the unit(s) is built.

K. Preservation of affordability; restrictions on resale. Each affordable unit created in accordance with the bylaw shall have the following limitations governing its resale. The purpose of these limitations is to preserve the long-term affordability of the unit and to ensure its continued availability for affordable income households. The resale controls shall be established through a deed restriction, acceptable to DHCD, on the property, recorded at the Plymouth County Registry of Deeds or the Land Court, and shall be in force for a period of 99 years.

- (1) Affordable housing unit(s) resale price. Sales beyond the initial sale to a qualified purchaser shall not exceed the maximum sales price as determined by the DHCD for affordability within the Town of Marion at the time of resale.
- (2) Right of first refusal of purchase. The purchaser of an affordable housing unit developed as a result of this bylaw shall agree to execute a deed rider prepared by the Town, granting, among other things, the Town of Marion's right of first refusal for a period not less than 180 days to purchase the property or assignment thereof, in the event that, despite diligent efforts to sell the property, a subsequent qualified purchaser cannot be located.
- (3) The SPGA shall require, as a condition for special permit approval under this bylaw, that the deeds to the affordable housing unit contain a restriction requiring that any subsequent renting or leasing of said affordable housing unit shall not exceed the maximum rental price as determined by the DHCD for affordability within the Town of Marion.
- (4) The SPGA shall require, as a condition for special permit approval under this bylaw, that the applicant comply with the mandatory set-asides and accompanying deed restrictions of affordability. The Building Commissioner shall not issue any building permit for any unit(s) until the special permit and deed restriction are recorded at the Plymouth County Registry of Deeds or the Land Court.

L. Donation of land and/or fees in lieu of the affordable housing unit provision. As an alternative to the requirements of Subsection E, an applicant may contribute a fee or land to the Marion Housing Trust Fund in lieu of constructing and offering affordable units within the locus of the proposed development or off site.

- (1) Calculation of fees in lieu of units. The applicant for development subject to this bylaw may pay fees in lieu of the construction or provision of affordable units in the amount of ~~\$200,000~~ \$75,000 per unit. For example, if the applicant is required to construct two affordable income units, he/she may opt to pay ~~\$400,000~~ \$150,000 in lieu of constructing or providing the units. The fee in lieu of construction of affordable units shall be reviewed annually by the Board of Selectmen on or before July 1 and adjusted to reflect the current cost of constructing an affordable dwelling unit.
- (2) Schedule of fees in lieu of payments. Fees in lieu of payments shall be made according to the schedule set forth in Subsection F(3) above.

(3) An applicant may offer, and the SPGA, in concert with the Board of Selectmen, may accept, donations of land in fee simple, on or off site, that the SPGA determines are suitable for the construction of affordable housing units. The value of donated land shall be equal to or greater than the value of the construction or set aside of affordable units. The SPGA may require, prior to accepting land as satisfaction of the requirements of this bylaw, that the applicant submit appraisals of the land in question, as well as other data relevant to the determination of equivalent value.

Or take any other action thereon.

Finance Committee has no recommendation, as no financial impact

Article 52. To see if the Town will vote to authorize the Town Administrator under the direction of the Board of Selectmen to withdraw from the Marion Rochester Regional Health District in accordance with the Marion Rochester Regional Health District November 2, 1989 bylaws Article III, Section 3 to be effective on June 30, 2021, or do or take any other action in this matter.

Finance Committee recommends this article

Article 53. 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 has no recommendation, as no financial impact

Article 54. 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 this article

Article 55. 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 this article

Article 56. 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 this article

Article 57. To see if the Town will vote to consider the reports of the Town officers and committees and act thereon.

Finance Committee has no recommendation, as no financial impact

Article 58. 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; two Marion School Committee members for three years; one Old Rochester Regional School Committee member for three years; and two Open Space Acquisition Commission members for three years; and to act on the following ballot questions commencing on Friday, the 26th of June, 2020, 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 19th day of May in the Year Two Thousand and Twenty.

Randy Parker, Chairman
Norman A. Hills
John Waterman

BOARD OF SELECTMEN

A true copy, ATTEST:

I, John B. Garcia, being a duly appointed constable of the Town of Marion, in the County of Plymouth, Commonwealth of Massachusetts, hereby make affidavit that legal notice of the meeting called under this Warrant has been served on the voters of said Town of Marion by posting up attested copies in not less than three public places within the said Town on June 1, 2020, said date being fourteen days, at least, before the date of the meeting, in accordance with Chapter 64, Section 3(A) of the Code of the Town of Marion.

John B. Garcia

CONSTABLE

TOWN OF MARION
TOWN MEETING WARRANT
For the Special Town Meeting to be Held
June 22, 2020



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 22 day of June, 2020, at 7:30 o'clock in the evening, then and there to act on the following Articles, to wit:

Article S1 To see if the Town will vote to transfer from available funds in the Treasury the sum of \$5,000 (Free Cash) to supplement the Fiscal Year 2020 budgets of Department of Public Works - Highway - to pay expenses associated with the removal of snow and ice from public ways, including related storm cleanup activities, or take any other action thereon.

Finance Committee will make recommendation at Town Meeting

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

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

Given under our hands this 19th day of May in the Year Two Thousand and Twenty.

Randy Parker, Chairman
Norman A. Hills
John Waterman
BOARD OF SELECTMEN

A true copy, ATTEST:

I, John B. Garcia, being a duly appointed constable of the Town of Marion, in the County of Plymouth, Commonwealth of Massachusetts, hereby make affidavit that legal notice of the meeting called under this Warrant has been served on the voters of said Town of Marion by posting up attested copies in not less than three public places within the said Town on June 1, 2020, said date being fourteen days, at least, before the date of the meeting, in accordance with Chapter 64, Section 3(A) of the Code of the Town of Marion.

John B. Garcia
CONSTABLE