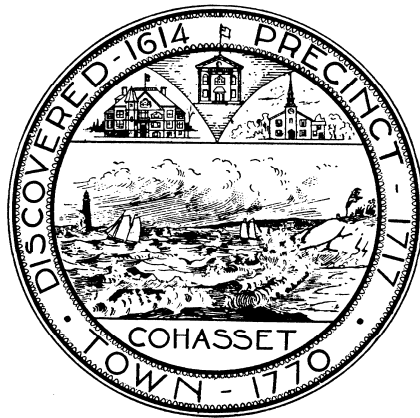


TOWN OF COHASSET

WARRANT



SPECIAL TOWN MEETING
MONDAY, NOVEMBER 15, 2010
7:00 P.M.

**COHASSET HIGH SCHOOL
SULLIVAN GYMNASIUM
COHASSET, MASSACHUSETTS**

TOWN OF COHASSET

**WARRANT FOR SPECIAL TOWN MEETING
MONDAY, NOVEMBER 15, 2010**

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, ss

To the Constables of the Town of Cohasset, in the County of Norfolk.

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of the Town of Cohasset who are qualified to vote in Elections and Town Affairs to meet at the Cohasset High School Sullivan Gymnasium.

**MONDAY, THE FIFTEENTH OF NOVEMBER, 2010
AT 7:00 O’CLOCK IN THE EVENING**

Then and there to act on the following articles:

ARTICLE 1: AMENDMENTS TO FISCAL 2011 OPERATING BUDGET

To see what additional action the Town will vote to amend, modify, increase or decrease, or otherwise, to balance the Fiscal Year 2011 Operating Budget as voted in Article 3 of the March 27, 2010 Annual Town Meeting and Article 7 of the June 14, 2010 Special Town Meeting (Water Enterprise Budget), including proposed revised appropriations and any additional sums the Town will vote to raise and appropriate, borrow pursuant to any applicable statute, or transfer from available funds or otherwise, for the payment of the salaries and compensation, expenses, equipment, and outlays, capital and otherwise, of the several Town departments, for the current fiscal year, or take any other action related thereto.

BOARD OF SELECTMEN

INFORMATIONAL SUMMARY: This article requests supplemental and/or reduced appropriations for the Fiscal 2011 operating budget due to additional or reduced revenue received from the State and other sources after the budget was approved at the Annual Town Meeting.

Board of Selectmen: Recommendation at Town Meeting
Advisory Committee: Recommendation at Town Meeting

ARTICLE 2: LOCAL OPTION MEALS EXCISE

To see if the town will accept section 2 of chapter 64 L of the General Laws of the Commonwealth to impose an excise of .75% on sales of restaurant meals to take effect on January 1, 2011 in accordance with section 60 of Chapter 27 of the Acts of 2009, or take any other action related thereto.

BOARD OF SELECTMEN

INFORMATIONAL SUMMARY: The purpose of this article is to seek town approval to implement a three quarter of one percent (.75%) excise tax on meals sold in the Town of Cohasset.

Board of Selectmen: Recommendation at Town Meeting
Advisory Committee: Recommendation at Town Meeting

ARTICLE 3: LOCAL OPTION ROOM OCCUPANCY EXCISE

To see if the town will vote to accept sections 51 and 52 of ch. 27 of the Acts of 2009 amending s. 3A of ch. 64G of the General Laws of the Commonwealth and further to see what rate the town will establish for local room occupancy excise under such ch. 64G, s. 3A, to take effect on January 1, 2011, on the rental of rooms in hotels, motels, lodging houses and bed and breakfast establishments in the town; as provided by such law, or take any other action related thereto.

BOARD OF SELECTMEN

INFORMATIONAL SUMMARY: The purpose of this article is to seek town approval to implement a six percent (6%) excise tax on hotel & motel stays in the Town of Cohasset.

Board of Selectmen: Recommendation at Town Meeting
Advisory Committee: Recommendation at Town Meeting

ARTICLE 4: CAPITAL IMPROVEMENTS BUDGET

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute, a sum of money to fund various capital improvements, capital projects and/or capital equipment for the various departments, boards, commissions and agencies of the town, or take any other action related thereto.

BOARD OF SELECTMEN

INFORMATIONAL SUMMARY: This article would provide for the funding for various capital projects and equipment for town departments. The Capital Budget Committee is only recommending the appropriation of funds to purchase a marked police cruiser at this town meeting.

Board of Selectmen: Recommend Approval by Vote of 5-0
Advisory Committee: Recommendation at Town Meeting
Capital Budget Com: Recommend Approval by Vote of 4-0

ARTICLE 5: WATER TREATMENT PLANT UPGRADE

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute, a sum of money to fund an upgrade of the chemical feeding system at the Water Treatment Plant and further to amend the water rates and charges to pay for such capital improvement projects, or take any other action related thereto.

Board of Selectmen for BOARD OF WATER COMMISSIONERS

INFORMATIONAL SUMMARY: The purpose of this article is authorize the borrowing of \$13,000 upgrade the chemical feeding system at the water treatment plant to comply with DEP safety standards. If approved, this expenditure will add an additional \$.20 (twenty cents) to the quarterly Capital Recovery Charge effective June 1, 2011.

Board of Selectmen: Recommend Approval by Vote of 5-0
Advisory Committee: Recommendation at Town Meeting
Capital Budget Committee: Recommendation at Town Meeting

ARTICLE 6: CAPITAL BUDGET COMMITTEE BYLAW AMENDMENTS

To see if the Town will vote to amend Article V, Section 2 of the Town of Cohasset Bylaws (Capital Budget Committee) as follows:

By adding the following language at the end of subparagraph (a) “Each member shall be a legal resident of the Town. The Committee may include one associate member in addition to the five (5) regular members. Such associate may vote only when designated by the Chairman of the Capital Budget Committee. The Chairman shall designate the associate member to vote only in the case of absence, inability to act, or conflict of interest on the part of any member of the Capital Budget Committee, or in the event of a vacancy on the Committee.”

And further,

by adding the following language after the word “structure” in the second sentence in subparagraph (c): “including any bond or debt offering or refinancing, lease obligation or other liability for any authorized or proposed Town Meeting article.”

Or take any other action related thereto

Board of Selectmen for CAPITAL BUDGET COMMITTEE

INFORMATIONAL SUMMARY: The purpose of this article is to make two changes to the Capital Budget Committee Bylaw. The first amendment creates an associate member position on the committee itself, while the second amendment is to expand the advisory capacity of the committee.

Board of Selectmen: Recommend Approval by Vote of 5-0
Advisory Committee: Recommendation at Town Meeting

ARTICLE 7: UNPAID BILLS FROM PREVIOUS FISCAL YEARS

To see if the Town will vote to raise and appropriate, transfer from available funds, and/or borrow, pursuant to any applicable statute, a sum or sums of money, to be expended by the Town Manager, to pay for unpaid bills from previous fiscal years, or to take any other action related thereto.

BOARD OF SELECTMEN

INFORMATIONAL SUMMARY: This article is required in case funding from available funds is needed to pay for bills incurred by the Town from previous fiscal years that for one reason or another were not paid during the particular fiscal year in which the bill was received.

Board of Selectmen: Recommendation at Town Meeting
Advisory Committee Recommendation at Town Meeting

ARTICLE 8: DEFERRAL OF WATER USE CHARGES

To see if the town will vote to accept the provisions of Massachusetts General Laws Chapter 40, Section 42J, allowing a property owner who is eligible for an exemption under clause forty- first A of section five of chapter fifty-nine, to enter into a deferral and recovery agreement for the purpose of deferral of water use charges, the text of which is set forth below, or take any other action related thereto.

“Section 42J. In a city, town or district which accepts the provisions of this section, the board responsible for assessing charges for the use of water under section sixty-nine B of chapter forty-one or any other provision of law, shall, upon the application of the owner of the real property to which the water is

supplied, if such owner is receiving an exemption from property taxes under clause Forty-first A of section five of chapter fifty-nine with respect to such property, defer charges for water supplied to such property. An application for deferral may be filed with said board within the time limit established for the filing of an application for exemption under said clause Forty-first A.

The board that imposes such charges shall notify the board of assessors of any deferral granted under the provisions of this section, and shall annually thereafter notify said board of assessors of any unpaid water rates and charges to be added to the tax bill. Such charges shall be committed by the assessors along with the real estate taxes for each fiscal year, and secured by the statement of lien executed pursuant to said clause Forty-first A. Upon such qualification for deferral, no further application under this section need be filed in order to qualify for deferral of water charges in subsequent years. No additional notice or statement of lien need be recorded or registered with respect to such deferred water charges, but the amount of such deferred charges shall be listed on any certificate of liens issued under section twenty-three, twenty-three A or twenty-three B of chapter sixty. Whenever a person who has received an exemption under said clause Forty-first A ceases to receive such exemption, the board of assessors shall cease deferring water rates and charges added to the tax bill, and shall notify the board responsible for the assessment of such charges of the discontinuance of such deferral of said charges.

Interest shall be charged upon deferred water charges at the same rate as interest on taxes deferred under said clause Forty-first A. The deferred charges, together with accrued interest shall be due and collectible at the same time and upon the same terms and conditions as taxes deferred under said clause Forty-first A.

The amount of water charges deferred under this section, plus accrued interest, shall not be used in determining whether a taxpayer continues to be eligible for exemption under said clause Forty-first A.”

Board of Selectmen for DEPUTY ASSESSOR

INFORMATIONAL SUMMARY: The purpose of this article is to accept the state law that will allow eligible water rate payers to enter into a deferral and recovery agreement with the Assessors for the purpose of deferral of water use charges.

Board of Selectmen: Recommend Approval by Vote of 4-0
Advisory Committee: Recommendation at Town Meeting

ARTICLE 9: DEFERRAL OF SEWER USE CHARGES

To see if the town will vote to accept the provisions of Massachusetts General Laws Chapter 83, Section 16G, allowing a property owner who is eligible for an exemption under clause forty- first A of section five of chapter fifty-nine, to enter into a deferral and recovery agreement for the purpose of deferral of sewer use charges, the text of which is set forth below, or take any other action related thereto.

Section 16G. In a city, town or district which accepts the provisions of this section, the board responsible for assessing charges for the use of the common sewers under section sixteen of chapter eighty-three or any other provision of law, shall, upon the application of the owner of the real property served by the common sewers, if such owner is receiving an exemption from property taxes under clause Forty-first A of section five of chapter fifty-nine with respect to such property, defer charges for said use of the common sewers. An application for deferral may be filed with said board within the time limit established for the filing of an application for exemption under said clause Forty-first A.

The board that imposes such charges shall notify the board of assessors of any deferral granted under the provisions of this section, and shall annually thereafter notify said board of assessors of any unpaid sewer charges to be added to the tax bill. Such charges shall be committed by the assessors along with the real estate taxes for each fiscal year, and abated along with such taxes, and secured by the statement of lien executed pursuant to said clause Forty-first A. Upon such qualification for deferral, no further application

under this section need be filed in order to qualify for deferral of sewer charges in subsequent years. No additional notice or statement of lien need be recorded or registered with respect to such deferred sewer use charges, but the amount of such deferred charges shall be listed on any certificate of liens issued under section twenty-three, twenty-three A or twenty-three B of chapter sixty. Whenever a person who has received an exemption under said clause Forty-first A is no longer eligible for such exemption, the board of assessors shall cease deferring sewer use charges added to the tax bill, and shall notify the board responsible for the assessment of such charges of the discontinuance of such deferral of said charges.

Interest shall be charged upon deferred sewer use charges at the same rate as interest on taxes deferred under said clause Forty-first A. The deferred charges, together with accrued interest shall be due and collectible at the same time and upon the same terms and conditions as taxes deferred under said clause Forty-first A.

The amount of sewer use charges deferred under this section, plus accrued interest, shall not be used in determining whether a taxpayer continues to be eligible for exemption under said clause Forty-first A.

Board of Selectmen for DEPUTY ASSESSOR

INFORMATIONAL SUMMARY: The purpose of this article is to accept the state law that will allow eligible sewer rate payers to enter into a deferral and recovery agreement with the Assessors for the purpose of deferral of sewer use charges.

Board of Selectmen: Recommend Approval by Vote of 4-0
Advisory Committee: Recommendation at Town Meeting

ARTICLE 10: BEACH STREET EASEMENT

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain permanent and temporary easements or lesser title interests in all or any portions of the property known as Town of Cohasset Assessor Map 23, Lot 10 and numbered 110 Beach Street, Cohasset, for installing drainage facilities and related access, improvements and landscaping; to see if the Town will vote to appropriate, borrow pursuant to any applicable statute or transfer from available funds, a sum of money for such purposes; or to take any other action related thereto.

BOARD OF SELECTMEN

INFORMATIONAL SUMMARY: The purpose of this article is to authorize the Board of Selectmen to execute a permanent easement with the property owner at 110 Beach Street to allow the Town to maintain a new storm water rain garden that is being constructed by the property owner as required by the Conservation Commission.

Board of Selectmen: Recommend Approval by Vote of 5-0
Advisory Committee: Recommendation at Town Meeting

ARTICLE 11: COMMUNITY SEPTIC MANAGEMENT PROGRAM

To see if the Town will vote to appropriate a sum of money for the purpose of financing the following water pollution facility projects: repair, replacement and/or upgrade of septic systems, pursuant to agreements with Board of Health and residential property owners, including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; to determine whether this appropriation shall be raised from taxation or other general revenues of the town, transferring from available funds, or by borrowing from the Massachusetts Water Pollution Abatement Trust or otherwise, or to take any other action related thereto.

Board of Selectmen for BOARD OF HEALTH

INFORMATIONAL SUMMARY: The purpose of this article is to authorize a \$750,000 bond issue to allow homeowners with failed septic systems to upgrade those systems to Title 5 standards or connect to an existing sewer line. The town will borrow the money from the state at 0% interest, re-loan the funds to homeowners at a 2% interest rate, and the homeowners will pay the town for the loan through betterment assessments.

Board of Selectmen: Recommend Approval by Vote of 4-0
 Advisory Committee: Recommendation at Town Meeting

ARTICLE 12: TAX COLLECTOR’S DEMAND FEE

To see if the town will vote pursuant to G. L. Ch. 60, s. 15 to set a demand fee for the Town of Cohasset in the amount of Fifteen (\$15.00) Dollars as issued by the Collector of Taxes to be added to and collected as part of the tax, to be effective January 1, 2011, or to take any other action related thereto. .

Board of Selectmen for TAX COLLECTOR

INFORMATIONAL SUMMARY: The purpose of this article is to authorize an increase in the demand fee from \$5.00 to \$15.00. The demand fee is the charge imposed on taxpayers when the Tax Collector issues them a demand for payment of delinquent taxes.

Board of Selectmen: Recommend Approval by Vote of 5-0
 Advisory Committee: Recommendation at Town Meeting

ARTICLE 13: PETITIONED ZONING ARTICLE

To see if the Town will vote to amend Section 4.2 PERMITTED USES of the Zoning Bylaw to allow by special permit commercial or membership sports and recreation facilities in a residential district by deleting the use designations opposite “Commercial and membership sports and recreational facilities” under the caption “Retail and Service” and substituting in its place the following designations of use:

“USE	Residential			Non-Residential					Official & Open	
	R-A	R-B	R-C	DB	VB	WB	HB	TB	LI	Space District
Retail & Service										OS
Commercial or membership Sports and recreational facilities	SP	SP	SP	No	No	SP	Yes	Yes	Yes	No”

or act on anything relating thereto.

<u>NAME</u>	<u>ADDRESS</u>	<u>NAME</u>	<u>ADDRESS</u>
Rick Swanborg	48 Nichols Road	Laura J. Stone	46 Gammons Road
Richard Cate	40B Nichols Road	Stephen Hague	100-74 Pond Street
Anne H. Vanderweil	500 Jerusalem Road	Molly McGowan	29 Ferway
Elizabeth B. Baker	32 Nichols Road	R. Murray Campbell	217 Jerusalem Road
Ann P. Swanborg	48 Nichols Road	Patrice Vogelmann	46 Black Rock Road

INFORMATIONAL SUMMARY: (The following summary was submitted by the petitioners): This article would permit the Zoning Board of Appeals to allow commercial and membership sports and recreational facilities in a residential neighbor if they deemed appropriate after a hearing on a special permit. Currently, many commercial and membership sports and recreational facilities are in residential neighborhoods; however, the current Zoning Bylaw does not now permit this use nor does the Cohasset Zoning Bylaw permit "use" variances.

Board of Selectmen: Recommendation at Town Meeting
 Advisory Committee: Recommendation at Town Meeting
 Planning Board: Recommendation at Town Meeting

ARTICLE 14: PETITIONED ARTICLE – WATER DEPARTMENT EXPENSES

To see if the Town will vote to immediately impose appropriate instructions, rules, and/or regulations, consistent with Cohasset General Bylaws Section 8(b) and Chapter 128 of the Acts of 1886, as amended, necessary to limit the Water Commissioners’ and the Water Department’s charge, control, and authority to expend funds without the express approval and consent of the Board of Selectmen.

<u>NAME</u>	<u>ADDRESS</u>	<u>NAME</u>	<u>ADDRESS</u>
John R. Dwyer	55 Old Pasture Road	Roseanne McMorris	89 Doane Street
Terese D’Urso	85 Hull Street	MaryLou Clark	190 South Main Street
Patricia A. Pattison	19 Parker Ave.	Martha K. Gjestebey	81 Old Pasture Road
Lorraine M. Cunningham	11 Oak Street	Marie Caristi-MacDonald	41 Oak Street
Patty Garrity	756 Jerusalem Road	Kevin F. O’Donnell, Sr.	248 King Street

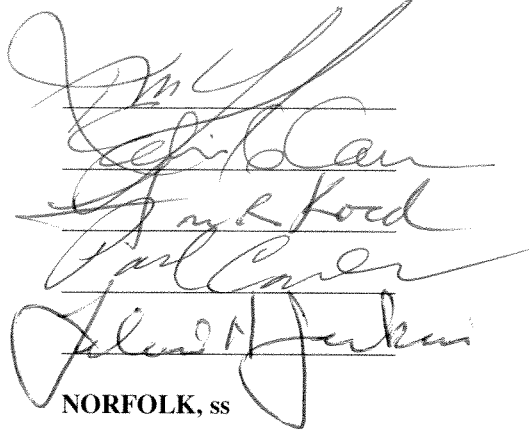
INFORMATIONAL SUMMARY: (The following summary was submitted by the petitioners): The purpose of this Warrant Article is for the Board of Selectmen to pursue complete decision making oversight over the Water Commissioners’ charge and control of the Water Department and the water system as such charge/control involves the expenditure, or possible expenditure, of funds and the incurrence, or possible incurrence, of costs. Article III, Section 8(b) of the Town’s General Bylaws states that the Water Commissioners’ shall have exclusive charge and control of the Water Department and water system subject to such instructions, rules, and regulations as the Town may from time to time impose by its vote. We want the Board of Selectmen to exercise their authority to impose whatever instructions, rules, and/or regulations they deem necessary to mandate that all decisions that the Water Commissioners may make concerning the expending, or possible expending, of funds and the incurring, or possible incurring, of costs are brought before the Board of Selectmen for their review and approval. We feel that the Water Commissioners’ decisions regarding the actual or possible expending of funds and incurring of costs must be transparent and that there is accountability for such decisions.

Board of Selectmen: Recommendation at Town Meeting
 Advisory Committee: Recommendation at Town Meeting

And you are directed to serve this Warrant by posting copies thereof, attested by you in writing, at the Post Office of the Town of Cohasset and in not less than five (5) other public places in the Town fourteen (14) days at least before the time appointed for in the meeting called for in this Warrant.

Whereof, fail not and make due return of this Warrant, indicating your method of service, and posting thereon, to the Clerk of the Town of Cohasset, on or before the time and place of the meeting aforesaid.

Given under our hands this 19th day of October in the year two thousand nine.



The image shows five handwritten signatures in cursive script, each written over a horizontal line. The signatures are arranged vertically from top to bottom.

BOARD OF SELECTMEN

Karen Quigley Chairman

Edwin G. Carr

Frederick R. Koed

Paul Carlson

Leland H. Jenkins

NORFOLK, ss

By virtue of the above Warrant, I hereby notify and warn the inhabitants of the Town of Cohasset, qualified to vote in elections and Town affairs, to meet at the time, place, and for the purposes therein mentioned.

ATTEST:

Maria A. Plante, Constable of Cohasset

TOWN MEETING PROCEDURES

Our Town Meeting is conducted in accordance with the Town Bylaws and traditions adopted in our Town Meetings over the years. Several matters of procedure are summarized below. Anyone with questions about procedure should see the Moderator, ideally prior to the start of the meeting.

- Discussion should be **courteous** and **respectful**, and should be confined to the subject under consideration. Sarcasm is generally not respectful, and the subject under consideration does not include the individuals involved in the debate. All questions should be directed to the Moderator, who will ask the appropriate person to respond. Under our Bylaws, no one may speak a second time on any subject for longer than five minutes, nor more than twice on any subject (except to correct an error or make an explanation), without permission of the Meeting.
- If you desire to speak, please rise and seek the attention of the Moderator. When recognized by the Moderator, please use a microphone and begin by stating your name and address.
- Persons who are not registered voters may be admitted to the meeting as **guests**. Guests must display the nametags provided and, except with the permission of the Moderator (denoted by a colored sticker on the nametag), must remain in the designated guest seating area. Guests may address the meeting with the permission of the Moderator.
- An **article** in the warrant describes the subject matter to be acted on by the Town Meeting. A **motion** is proposed action to be taken by the Meeting, and must be within the scope of the article (i.e., the motion must not go beyond the subject matter, dollar amounts, restriveness, etc., contemplated by the article). Articles will be acted on in the order in which they are published in the warrant unless the Meeting otherwise determines. On each article, the first main motion will be the Town Manager's (or citizen proponent's) proposed motion.
- All **motions** (including proposed amendments) should be **in writing** unless they are so brief and simple as to be easily understood orally. If you plan in advance to make a motion, please let the Moderator know before the meeting so any wording issues can be resolved smoothly.
- Votes will generally be taken first by voice vote. If the Moderator is in doubt as to the results or if seven voters stand to express doubt as to the result declared by the Moderator, a **hand count** will taken. Voters wishing to participate in the hand count must be in designated seating areas.
- A **motion for the previous question**, if adopted, will be followed immediately by a vote on the pending question. The motion is not debatable and requires a two-thirds vote for adoption. The Moderator will not accept a motion for the previous question if both sides have not had a fair opportunity to be heard, and may allow voters who have sought recognition to speak to be heard prior to considering the motion. A person who "**moves the previous question**" may not accompany the motion with remarks on the.
- Only those who were on the winning side of a vote may move to reconsider that vote. A vote may not be reconsidered a second time or after a motion to reconsider it has failed. A vote adopted at one session of the town meeting may not be reconsidered at a later (adjourned) session of the meeting unless notice of the intended reconsideration is given at the session at which the vote was passed.
- A **quorum** for the transaction of business is **100**. Once a quorum is determined, the presence of a quorum is presumed unless a point of no quorum is raised and a count shows that a quorum is not present. A quorum is not required to adjourn or dissolve.

Daniel S. Evans, Moderator

COHASSET TOWN HALL, LIBRARY AND WATER DEPARTMENTS

TOWN HALL HOURS

Monday	8:30 a.m. – 4:30 p.m.
Tuesday	8:30 a.m. – 7:00 p.m.
Wednesday	8:30 a.m. – 4:30 p.m.
Thursday	8:30 a.m. – 4:30 p.m.
Friday	8:30 a.m. – 1:00 p.m.

TOWN HALL PHONE NUMBERS

Town Hall Fax Number:	1-781-383-0228
Board of Assessors	1-781-383-4114
Board of Health	1-781-383-4116
Board of Selectmen & Town Manager	1-781-383-4105
*Building Commissioner/Zoning Officer	1-781-383-4112
Conservation Commission	1-781-383-4119
Director of Finance/Town Accountant	1-781-383-4118
Director of Veterans' Services	1-781-383-0505
Greenbush/Engineering Office	1-781-383-3094
Planning Board	1-781-383-3517
Recreation Commission	1-781-383-4109
Sewer Commission	1-781-383-4108
Town Clerk	1-781-383-4100
Town Treasurer/Tax Collector	1-781-383-4102
Zoning Board of Appeals	1-781-383-4105

*Call for appointments on Monday and Friday

LIBRARY

Phone – 1-781-383-1348

HOURS

Monday & Tuesday	10:00 a.m. – 8:00 p.m.
Wednesday	10:00 a.m. – 5:00 p.m.
Thursday	10:00 a.m. – 8:00 p.m.
Friday	10:00 a.m. – 5:00 p.m.
Saturday	9:00 a.m. – 5:00 p.m.
Sunday	2:00 p.m. – 5:00 p.m. (hours may vary)

WATER DEPARTMENT

Phone – 1-781-383-0057

HOURS – Monday, Wednesday and Thursday - 7:30 a.m. – 4:00 p.m.
Tuesday – 7:30a.m. – 7:30p.m.
Friday – 7:30a.m. – 12:00p.m.

FOR MORE INFORMATION GO TO
www.townofcohasset.org

Town of Cohasset
Office of the Board
of Selectmen
41 Highland Avenue
Cohasset, MA 02025

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COHASSET, MA 02025

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