

Special Town Meeting – November 16, 2009

At the Special Town Meeting held on Monday, November 16, 2009 at the Cohasset High School Sullivan Gymnasium the following articles were contained in the warrant and acted upon as follows.

Checkers sworn in by the Town Clerk, Marion L. Douglas at 7 p.m.. were Carol St. Pierre, Debra Krupczak, Abigail Alves, Sandra Murray and Betts Murray. Tellers were appointed and sworn in by the Moderator, Daniel Evans.

The Moderator called the meeting to order at 7:35 p.m. and a quorum of 100 was present at that time. The registered voters checked in on the voting list for Pre. 1 -55; Pre. 2 -58 for a total of 113.

Voted unanimously to dispense with the reading of the call of the Meeting and Return of Service having been examined by the Moderator and found to be in order.

Citizens recited the pledge of allegiance.

ARTICLE 1: AMENDMENTS TO FISCAL 2010 OPERATING BUDGET

To see what additional action the Town will vote to amend, modify, increase or decrease, or otherwise, to balance the Fiscal Year 2010 Operating Budget as voted in Article 3 of the March 28, 2009 Annual Town Meeting, 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.

Moved that Seventy Seven Thousand Dollars (\$77,000) be appropriated to reduce the Fiscal 2010 tax levy, and to fund such appropriation the amount of Seventy Seven Thousand Dollars (\$77,000) be transferred from the Overlay Surplus Account.

Motion adopted unanimously.

ARTICLE 2: FISCAL 2009 SNOW & ICE CONTROL DEFICIT

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 pay for FY09 snow and ice deficit expenditures made pursuant to ch. 44, section 31 D of the General Laws during the prior fiscal year, or to take any other action related thereto.

Moved that Two Hundred Three Thousand One Hundred Eleven Dollars and Seventy Eight Cents (\$203,111.78) be hereby appropriated to pay for FY09 snow and ice deficit expenditures paid pursuant to ch. 44, section 31D of the General Laws during the prior fiscal year, and to fund such appropriation the amount of Two Hundred Three Thousand One Hundred Eleven Dollars and Seventy Eight Cents (\$203,111.78) be transferred from Free Cash (Surplus Revenue) in the treasury of the Town.

Motion adopted unanimously.

ARTICLE 3: COMMUNITY PRESERVATION COMMITTEE

To see what action the Town will take with respect to the recommendations of the Community Preservation Committee for Fiscal Year 2010, and to see if the Town will vote to implement any such recommendation by appropriating a sum or sums of money from the Community Preservation Fund established pursuant to Chapter 44B of the General Laws, and from any other source, by raising and appropriating, transferring from available funds, borrowing pursuant to any applicable statute or borrowing pursuant to any applicable statute for this purpose, and further to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain, or alternatively to convey, sell or dispose of, such real property interests as may be required by the Community Preservation Act to implement any such expenditure of community preservation funds, or take any other action related thereto.

Recommendation A:

Moved that Fifty Thousand Dollars (\$50,000.00) be transferred from the Community Preservation Fund Housing Sub Account, with the intention that these funds be available in FY2010 and thereafter, which funds will be used to fund the activities of the Cohasset Housing Trust with the restriction that the Cohasset Housing Trust may not contract for any real estate, goods and services and/or use said sum to pay for any real estate, goods and services unless it receives the prior consent of the Board of Selectmen.

Hand count taken. Yes **45**; No **50** **Motion is defeated.**

Recommendation B:

Moved that Ten Thousand Dollars (\$10,000) be transferred from the Community Preservation Fund Historical Preservation Sub Account, the intention that these funds be available in FY 2010 and thereafter, which funds are to be expended by the Town Manager, for the purpose of retaining a civil engineer to prepare the final plans and bid documents associated with the reconstruction of the pond located on the Cohasset Common.

Motion adopted.

Recommendation C:

That Four Thousand Dollars (\$4,000) be transferred from the Community Preservation Fund Open Space Sub Account and that Thirty One Thousand Dollars (\$31,000) be transferred from the Community Preservation Fund Discretionary Sub Account for a total of Thirty Five Thousand Dollars (\$35,000) with the intention that these funds be available in FY 2010 and thereafter, which funds are to be expended by the Town Manager for the design, engineering and construction of an outfield fence at the Beechwood Street ball field.

Moved that this article be indefinitely postponed.

Motion for indefinite postponement adopted unanimously.

Recommendation D:

Moved that Forty Thousand Dollars (\$40,000) be transferred from the Community Preservation Fund Discretionary Sub Account, with the intention that these funds be available in FY 2010 and thereafter, which funds are to be expended by the Town Manager to payoff the debt for the project approved under Article 12 (Recommendation E) of the 2004 annual town meeting (open space land acquisition).

Motion adopted unanimously.

ARTICLE 4: PLANNING BOARD ASSOCIATE MEMBER

To see if the Town will vote to amend the General Bylaws, Article III, Section 7.(a) to read as follows: “The Planning Board shall consist of five (5) members, with one member elected each year for a five (5) year term and one associate member elected for a three (3) year term. Such associate member shall sit on the board only when designated by the chairman of the planning board for the purposes of acting on a special permit application in the case of absence, inability to act, or conflict of interest on the part of any member of the planning board or in the event of a vacancy on the board.” And to amend the Zoning Bylaw, Section 12.4, first paragraph, by adding the following new third sentence:

“Where the terms of this bylaw designate the planning board as the special permit granting authority, the chairman of the planning board may designate the associate member of the planning board to sit on the board for the purposes of acting on a special permit application, in the case of absence, inability to act, or conflict of interest, on the part of any member of the planning board or in the event of a vacancy on the board.” or take any other action related thereto.

Moved that the Town’s General Bylaws, Article III, Section 7 (a) be amended to read as follows:

“The Planning Board shall consist of five (5) members, with one member elected each year for a five (5) year term and one associate member elected for a three (3) year term. Such associate member shall sit on the board only when designated by the chairman of the planning board for the purposes of acting on a special permit application in the case of absence, inability to act, or conflict of interest on the part of any member of the planning board or in the event of a vacancy on the board.”

And further that the Town’s Zoning Bylaw, Section 12.4, first paragraph, by adding the following new third sentence: “Where the terms of this bylaw designate the planning board as the special permit granting authority, the chairman of the planning board may designate the associate member of the planning board to sit on the board for the purposes of acting on a special permit application, in the case of absence, inability to act, or conflict of interest, on the part of any member of the planning board or in the event of a vacancy on the board.”

Amendment offered by the Advisory Committee.

Second paragraph on the third line - change the word may to shall so the paragraph shall read as follows:

And further that the Town’s Zoning Bylaw, Section 12.4, first paragraph, by adding the following new third sentence: “Where the terms of this bylaw designate the planning board as the special permit granting authority, the chairman of the planning board **shall** designate the associate member of the planning board to sit on the board for the purposes of acting on a special permit application, in the case of absence, inability to act, or conflict of interest, on the part of any member of the planning board or in the event of a vacancy on the board.”

Amendment is adopted.

Main motion as amended requires a 2/3’s vote. Main motion as amended is adopted by the required 2/3’s.

ARTICLE 5: TAX DEFERRAL LIMITS

To see if the Town will vote to increase the gross receipts that seniors may have in the prior calendar year to be eligible to defer property taxes in accordance with Massachusetts General Laws Chapter 59, Section 5, Clause 41A from \$40,000 to \$49,000 which is less than 100% of the amount established by the Commissioner of Revenue as the income limit for single seniors who are not heads of households to qualify for the “circuit breaker” state income tax credit for the preceding state tax year, with such increase to be effective for deferrals granted for taxes assessed for any fiscal year beginning on or after July 1, 2009; or take any other action related thereto.

Moved that the gross receipts that seniors may have in the prior calendar year to be eligible to defer property taxes in accordance with Massachusetts General Laws Chapter 59, Section 5, Clause 41A from \$40,000 to \$49,000 which is less than 100% of the amount established by the Commissioner of Revenue as the income limit for single seniors who are not heads of households to qualify for the “circuit breaker” state income tax credit for the preceding state tax year, with such increase to be effective for deferrals granted for taxes assessed for any fiscal year beginning on or after July 1, 2009.

Motion adopted unanimously.

ARTICLE 6: TAX DEFERRAL FOR MILITARY SERVICE

To see if the Town will vote to accept Massachusetts General Laws Chapter 59, Section 5L, as amended by Chapter 260 of the Acts of 2006, Section 12 – An Act Establishing the Massachusetts Military Enhanced Relief Individual Tax (MERIT) Plan, which states that “[u]pon acceptance of this section by a municipality and notwithstanding any other provision of this chapter to the contrary, any taxes due under this chapter by a member of the Massachusetts National Guard or reservist or a dependent of a member of the Massachusetts National Guard or reservist shall be deferred while that member is on active service outside the commonwealth and for the next 180 days after that service. No interest or penalties shall be assessed for any period before the expiration of those 180 days.” or take any other action related thereto.

Moved that Massachusetts General Laws Chapter 59, Section 5L, as amended by Chapter 260 of the Acts of 2006, Section 12 be accepted.

Motion adopted unanimously.

ARTICLE 7: DEMOLITION OF PROPERTY AT 137 HULL STREET.

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 carry out the demolition of the home located at 137 Hull Street, Cohasset pursuant to G.L. c. 111, § 127 and 105 CMR 410.000: State Sanitary Code Chapter II: Minimum Standards of Fitness for Human Habitation, and to have the Town Manager, with the concurrence of the Board of Health, to expend such funds and money for such purposes, or take any other action related thereto.

Moved that Twenty Thousand Dollars (\$20,000) be hereby appropriated to carry out the demolition of the home located at 137 Hull Street, Cohasset pursuant to G.L. c. 111, § 127 and 105 CMR 410.000: State Sanitary Code Chapter II: Minimum Standards of Fitness for Human Habitation, and to have the Town Manager, with the concurrence of the Board of Health, to expend such funds and money for such purposes, and to fund such appropriation the amount of Twenty Thousand Dollars (\$20,000) be transferred from Free Cash (Surplus Revenue) in the treasury of the Town.

Motion adopted.

ARTICLE 8: PROPOSED EASEMENT TO ABBOTT HOMES-COHASSET, LLC

To see if the Town will vote to authorize the Board of Selectmen to grant to Abbott Homes-Cohasset, LLC, a Massachusetts limited liability company, a permanent easement over that portion of Town property located off Sohier Street and known as Town Assessor Map 42, Parcel 41 shown as "Proposed Drainage Easement" on the plan entitled "Drainage Plans (2003) The Cook Estate 230 Sohier Street, Cohasset, Mass," prepared by Coler & Colantonio, dated March 7, 2007 and on file with the Office of the Town Clerk for the purposes of surface drainage of water from a point source discharge pipe and for access to provide erosion control, to prune vegetation and to remove debris related to such water discharge, or take any other action related thereto.

Moved that the Board of Selectmen be authorized to grant to Abbott Homes-Cohasset, LLC, a Massachusetts limited liability company, a permanent easement over that portion of Town property located off Sohier Street and known as Town Assessor Map 42, Parcel 41 shown as "Proposed Drainage Easement" on the plan entitled "Drainage Plans (2003) The Cook Estate 230 Sohier Street, Cohasset, Mass," prepared by Coler & Colantonio, dated March 7, 2007 for the purposes of surface drainage of water from a point source discharge pipe and for access to provide erosion control, to prune vegetation and to remove debris related to such water discharge.

A 2/3's vote required. Hand count taken – Yes 59; No 36. Motion is defeated.

ARTICLE 9: ACCEPTANCE OF CHAPTER 32b, SECTION 18

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

Moved that G.L. c. 32B, § 18 be hereby accepted and that all retirees, their spouses and dependents who are enrolled in Medicare Part A at no cost to a retiree, their spouse or dependents, or eligible for coverage thereunder at no cost to a retiree, their spouse or dependents, be required to enroll in a medicare health benefits supplement plan offered by the Town.

Motion adopted unanimously.

It was moved and seconded that the Special Town Meeting be dissolved at 9:30 p.m.

A True Record, ATTEST:

Marion L. Douglas
Town Clerk