

SPECIAL TOWN MEETING – NOVEMBER 15, 2010

At the Special Town Meeting held on Monday, November 15, 2010 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 Susan Loring, Abigail Alves, Katherine Whitley, Betts Murray and the Assistant Town Clerk Carol St Pierre. Tellers were appointed and sworn in by the Moderator, Daniel Evans.

The Moderator called the meeting to order at 7:20 p.m. and a quorum of 100 was present at that time. The registered voters checked in on the voting list totaled 144 voters.

It was unanimously voted 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 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.

MOVED that the Town of Cohasset Fiscal Year 2011 General Operating Budget as voted in Article 3 of the March 27, 2010 Annual Town Meeting and that the Cohasset Water Department Enterprise Budget as voted Article 7 of the June 14, 2010 Special Town Meeting be amended by increase or decrease or otherwise, to balance the budget for FY 2011, as follows:

Town of Cohasset FY 2011 General Operating Budget: Two Hundred Forty Seven Thousand Dollars (\$247,000) is hereby appropriated to add to and increase the amounts voted pursuant to Article 3 of the March 27, 2010 Annual Town Meeting appropriation for the Fire Department, for a Fire Department Fire Prevention Fee, establishing a new total appropriation for the Fire Department of \$2,193,568 thereby increasing the total amount appropriated for the town of Cohasset FY 2011 General Operating budget to a new total of \$34,938,820 (being the existing total plus \$147,000) and to fund such appropriation Forty Seven Thousand Dollars (\$47,000) be raised from taxation and other general revenues of the Town, that One Hundred Thousand Dollars (\$100,000) be transferred from Free Cash (Surplus Revenue) in the Treasury of the town,

and that One Hundred Thousand Dollars \$(100,000) be transferred from the following General Operating accounts as follows:

<u>Appropriation/Account</u>	<u>Original Revised Appropriation</u>	<u>Proposed Appropriation</u>	<u>Decrease</u>
Town Manager General Expenses	\$43,400	\$33,400	(\$10,000)
Dept. of Public Works Other Appropriations	\$388,000	\$368,000	(\$20,000)
Health Insurance General Expenses	\$2,786,400	\$2,726,400	(\$60,000)
Property & Liability General Expenses	\$231,000	\$221,000	(\$10,000)

Water Department Enterprise Budget: And further Moved that the total amount appropriated pursuant to Article 7 of the June 14, 2010 Special Town Meeting for the Water Department's appropriation is hereby reduced by the amount of Fifty Three Thousand Dollars (\$53,000) from the amount previously voted of \$4,682,109 to a new total of \$4,629,109. and that a corresponding reduction be made to the Water Department Debt Service line item as a result of the decrease listed below:

<u>Appropriation/Account</u>	<u>Original Appropriation</u>	<u>Proposed Appropriation</u>	<u>Revised Decrease</u>
Water Department Debt Service	\$2,969,437	\$2,916,437	(\$53,000)

And further,

That the revenue sources voted to be applied to meet the appropriations for the Water Department Budget for Fiscal 2011 as voted pursuant to Article 7 of the June 14, 2010 Special Town Meeting be hereby increased by the sum of Two Hundred Forty Seven Thousand Dollars (\$247,000) to be paid from the Fire Department budget for Fire Prevention Fees.

Motion adopted unanimously.

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.

MOVED that section 2 of chapter 64 L of the General Laws of the Commonwealth be accepted by the town to impose an excise of 3/4 of 1% (0.75%) on sales of restaurant meals within the limits of Town of Cohasset to take effect on January 1, 2011 in accordance with section 60 of Chapter 27 of the Acts of 2009.

Motion is **defeated.**

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.

MOVED that 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 be accepted by the town and further that a six percent (6%) rate be established 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 of Cohasset; as provided by such law.

Motion is **defeated.**

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.

MOVED that the Thirty One Thousand Dollars (\$31,000) be hereby appropriated for the Town Manager to purchase a police cruiser for the Police Department, and to meet this appropriation, Thirty One Thousand Dollars (\$31,000) be hereby transferred from the Capital Stabilization Fund in the treasury of the Town.

A 2/3's vote required. Motion adopted by the required 2/3's.

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.

MOVED that the sum of Thirteen Thousand Dollars (\$13,000) be appropriated to be spent by the Water Commission with the approval of the Town Manager to fund an upgrade of the chemical feeding system at the Water Treatment Plant, and to meet this appropriation the treasurer of the town with the approval of the Board of Selectmen is authorized to borrow such amount and to issue bonds and notes of the town with such borrowing to be general obligations of the town with the intent that the debt service for principal and interest is to be paid from Water Department revenues; and further that the water rates and charges be amended by adding an additional \$.20 (twenty cents) to the quarterly Capital Recovery Charge effective June 1, 2011 to pay for such borrowing.

A 2/3's vote required. Motion adopted by the required 2/3's.

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

MOVED that Article V, Section 2 of the Town of Cohasset Bylaws (Capital Budget Committee) be hereby amended 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 re-financing, lease obligation or other liability for any authorized or proposed Town Meeting article.

Motion adopted unanimously.

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.

MOVED that One Thousand Three Hundred Forty Seven Dollars and Seventy Six cents (\$1,347.76) be appropriated to be expended by the Town Manager, to pay for unpaid bills from previous fiscal years for the Cohasset Police Department, as follows:

Carousel Industries:	\$500.00
Truck Guys:	\$471.97
W.B. Mason	\$105.79
Cantebury Clothing:	\$270.00

Total	\$1,347.76
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and to meet this appropriation, One Thousand Three Hundred Forty Seven Dollars and Seventy-Six cents (\$1,347.76) be transferred from Free Cash in the Treasury of the town.

A 9/10's vote required. Motion adopted unanimously.

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 4 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.

MOVED that Massachusetts General Laws Chapter 40, Section 42J be accepted by the town.

Motion adopted unanimously.

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 5

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.

MOVED that Massachusetts General Laws Chapter 83, Section 16G be accepted by the town.

Motion adopted unanimously.

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.

MOVED that the Board of Selectmen be hereby authorized 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.

A 2/3's vote required. Motion adopted by the required 2/3's.

Commendation offered by Paul Carlson for William Griffin.

COMMENDATION

WHEREAS, William Griffin has been Town Manager since 2005 and has served Cohasset with honor and distinction; and

WHEREAS, William Griffin has brought his wisdom gained from long years of experience to the many issues that face our community; and

WHEREAS, William Griffin has tirelessly and effectively overseen town operations and has provided great wisdom and support to many town boards, particularly the Board of Selectmen, Advisory Committee, Capital Budget Committee, Troika, Budget Planning Group, and the Water Planning Group; and

WHEREAS, William Griffin, during a period of severe financial stringency, has effectively and efficiently prepared six Town budgets and successfully completed numerous labor negotiations; and

WHEREAS, William Griffin has generously provided assistance to many members of the community of Cohasset; and

WHEREAS, such dedication and service to the Town cannot come without great sacrifice to personal matters and family life including countless evening meetings; and

WHEREAS, the Board of Selectmen now recommends this Unanimous Motion for Commendation to **William Griffin**.

NOW THEREFORE BE IT RESOLVED that the Citizens of Cohasset, assembled at Special Town Meeting hereby acknowledge and affirm their appreciation to William Griffin for his many years of dedicated service to the Town of Cohasset.

GIVEN under our hands and the seal of the TOWN OF COHASSET on this fifteen day of November in the year Two Thousand Ten.

Commendation adopted unanimously.

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.

MOVED that Three Million Dollars (\$3,000,000) be appropriated to be spent by the Town Manager with the approval of the Board of Health for the purpose of financing the following water pollution facility projects: repair, replacement and/or upgrade of septic systems, and/or connection to the municipal sewer system pursuant to agreements with Board of Health and residential property owners, including without limitation all costs thereof as defined in Section I of Chapter 29C of the General Laws; and to meet this appropriation, the Treasurer of the Town, with the approval of the Board of Selectmen is hereby authorized to borrow such sum from the Massachusetts Water Pollution Abatement Trust and to issue bonds and notes of the Town therefore.

Motion is defeated.

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.

MOVED that pursuant to G. L. Ch. 60, s. 15 a demand fee for the Town of Cohasset be hereby set 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.

Amendment offered by Roy Fitzsimmons to change the demand fee from \$15 to \$30. Hand count taken – Yes 78; No 41. Amendment passes. Main motion as amended is adopted.

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:

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

<u>Name</u>	<u>Address</u>	<u>Name</u>	<u>Address</u>
Rick Swanborg	48 Nichols Rd.	Laura J. Stone	46 Gammons Rd.
Richard Cate	40B Nichols Rd.	Stephen Hague	100-74 Pond St.
Anne H. Vanderweil	500 Jerusalem Rd.	Molly McGowan	29 Fernway
Elizabeth B. Baker	32 Nichols Rd.	R. Murray Campbell	217 Jerusalem Rd.
Ann P. Swanborg	48 Nichols Rd.	Patrice Vogelman	46 Black Rock Rd.

MOVED that Section 4.2 PERMITTED USES of the Zoning Bylaw be hereby amended 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:

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

A 2/3's vote required. Amendment offered to change Residential R-A to No, R-B to SP and R-C to No. Amendment is defeated. Main motion is defeated.

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 Rd.	Roseanne McMorris	89 Doane St.
Terese D'Urso	85 Hull St.	Mary Lou Clark	190 So. Main St.
Patricia A. Pattison	19 Parker Ave.	Martha K. Gjestebj	81 Old Pasture Rd.
Lorraine M. Cunningham	11 Oak St.	Marie Caristi-MacDonald	41 Oak St.
Patty Garrity	756 Jerusalem Rd.	Kevin F. O'Donnell, Sr.	248 King St.

MOVED that the Town Meeting recommends that (i) the Board of Selectmen draft, or cause to be drafted, with the assistance of Town Counsel, appropriate instructions, rules and/or regulations, consistent with Cohasset General Bylaws Article III, Section 8(b) and Chapter 128 of the Acts of 1886, as amended, to limit, to the extent legally permissible, the Water Commissioners' and the Water Department's change, control, and authority to expend funds (ii) the results, findings, and recommendations arising from the Water Department audit conducted by Melanson Heath & Company, PC, be considered in the drafting of said instructions, rules, and/or regulations; and (iii) the Board of Selectmen prepare and submit for consideration at the next occurring Town Meeting the article, or articles, necessary to implement said instructions, rules, and/or regulations.

Motion is defeated.

It was moved and seconded that this Special Town Meeting be dissolved at 9:50 p.m.

A True Record, ATTEST:

**Marion L. Douglas
Town Clerk**