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## **Annual Town Meeting – May 12, 2012**

At the Annual Town Meeting held on Saturday, May 12, 2012 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, Carol L. St. Pierre at 8:30 a.m. were Elizabeth Anderson, Sandra Murray, Abigail Alves, Katherine Whitley, Rebekah Matthey and Deborah Protulis. Tellers were appointed and sworn in by the Moderator, Daniel Evans.

The Moderator called the meeting to order at 9:30 a.m. and a quorum of 100 was present at that time. The registered voters checked in on the voting list totaled 196. Precinct 1–113 voters and precinct 2 – 83.

Citizens recited the pledge of allegiance. A moment of silence was observed for citizens listed in the memorial of the town report

**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.

Congressman Stephen Lynch was recognized at this time.

### **Article: 1 Resolution – Town Meeting Support Town of Cohasset Financial Management Policies**

To see if the Town will vote to adopt the following nonbinding resolution: That Town Meeting is fully supportive of the Town of Cohasset's Financial Management Policies as voted on February 28, 2012 as may be amended, and that the Town Manager is encouraged to implement these policies with the goal of securing a AAA bond rating including increasing the Town's Stabilization Funds, and developing a financial plan to fully fund the Town's unfunded debt obligations, a copy of which policies is available in the office of the Town Clerk, Board of Selectmen, and published on the Town's Web Site.

**MOVED** that the Town of Cohasset's Financial Management Policies a copy of which is attached to the Motions as Appendix (A), be approved as a non-binding resolution and that the Town Manager is hereby encouraged to implement these policies on behalf of the Town.

**Motion adopted.**

## **APPENDIX – A – Town of Cohasset Financial Management Policies**

### **Town of Cohasset Financial Management Policies *Approved February 28, 2012***

#### **Introduction**

The financial policies set forth the broad framework for overall fiscal planning and management of the Town of Cohasset's taxpayers' resources. In addition, these policies address both current activities and long-term planning designed to ensure the Town's sound financial condition now and in the future. The principles are intended to serve as a point of reference for all policy-makers, administrators and advisors. It is fully understood that Town Meeting retains the full right to appropriate funds and incur debt at levels it deems appropriate, subject to statutory limits such as Proposition 2 ½. It is equally important that the Town maintain flexibility in its finances to ensure that the Town is in a position to react and respond to changes in the economy and new service challenges without measurable financial stress.

#### **Financial Objective**

*It is the Financial Objective of the Board of Selectmen to demonstrate sound financial management of Cohasset taxpayer resources through earning a AAA bond rating that includes developing a sustainable town-wide budget based on a five year forecast that provides the level of service we can afford within our known projected revenues.*

#### **Policy Statements**

1. The Town Manager shall annually prepare a sustainable balanced budget and comprehensive Budget Message with a five year forecast consistent with the Town's Financial Objective and with the goal towards obtaining and securing a AAA bond rating. The Budget Message shall include a detailed examination of trends in tax levy "new growth" revenues, local receipts, state aid, and available funds.
2. The town will avoid budgetary procedures that balance current expenditures at the expense of meeting future years expenses, such as postponing expenditures, accruing future years' revenues, rolling over short-term debt.
3. Ongoing operating costs will be funded by ongoing operating revenue sources. This protects the Town from fluctuating service levels and avoids concern when one-time revenues are reduced or removed. In addition:
  - a. Fund balances should be used only for one-time expenditures such as capital improvements, capital equipment and unexpected or extraordinary expenses such as unbudgeted snow and ice removal expenses.
  - b. New operating costs associated with capital projects should be funded through the operating budget but reflected in the capital improvement plan.
  - c. All new services, equipment, and personnel proposals shall include a full life-cycle cost analysis prior to budget approval.
  - d. Use of single and multiple year grants should not fund operational costs as there is no guarantee the Town will fund future operational liabilities once grants expire. It is encouraged that grants are utilized to fund one-time expenditures and are programed outside operation budget.
4. The Town will maintain a Stabilization Fund as its main financial reserve in the event of an emergency or extraordinary need. It shall be the goal of the town to achieve and maintain a balance in the Stabilization Fund of 5% of its operating budget.
5. Debt service and Capital Stabilization on an annual basis should be no more than 10% of the annual operating budget. Debt roll-off and funding below 10% will be reallocated to a capital project fund with approval of Town Meeting. The Town should strive to issue debt for shorter periods than the maximum allowable when the statutory limit exceeds 10 years.
6. All new revenue shall be allocated after fixed cost in the following manner: 61% shall be allocated to the schools and 39% shall be allocated to town services.
7. The Town will identify solutions and begin to fund other post-employment benefits – unfunded liability is currently valued at \$32,380,795 as of July 1, 2010.
8. The Town will identify options to reduce levy limit once AAA Bond Rating is achieved and maintained and unfunded liabilities of the Town are funded.

*Note: Budget Planning Committee to develop a Town Debt Management Policy and Investment Policy*

**Article: 2 Annual Town Report**

To act upon the reports of the various Town Officers as printed in the Annual Town Report for 2011, or take any other action related thereto.

**MOVED** that the reports of the various Town Officers as printed in the Annual Town Report for 2011 be accepted and filed with the permanent records of the Town.

**Motion adopted.**

**Article: 3 Reports of Committees**

To hear the reports of any Committee heretofore chosen and act thereon, or take any other action related thereto.

- Governance Committee

**MOVED** that the subject matter of this article be indefinitely postponed.

**Resolution offered by Sarah Charron for Deborah Cook.**

We the People of the Town of Cohasset All say:

WHEREAS, Deborah Cook has served the citizens of Cohasset as member of the Conservation Commission between 1999 thru 2011; and serving many of those years as Chairman; and

WHEREAS, Deborah Cook has served the citizens of Cohasset as member of the Community Preservation Committee from its inception in 2001 thru 2011; and

WHEREAS, Deborah Cook has also served the citizens of Cohasset as member and chair of the Open Space Committee, member of the Advisory Committee, member of the Zoning Bylaw Committee, Cohasset Representative to the Citizen’s Advisory Committee for the Old Colony Railroad and member of Master Planning Committee; and

WHEREAS, she ensured protection of the function and values of Cohasset’s wetlands and water resource areas on the Conservation Commission; and

WHEREAS, she helped rewrite the Cohasset Wetlands Regulations, drafted Open Space and town Master Plans and helped introduce the Community Preservation Act; and

WHEREAS, she enabled the acquisition and preservation of open space, creation and support of community housing and preservation of historic buildings throughout Cohasset on the Community Preservation Committee; and

WHEREAS, she has demonstrated her passion and enthusiasm to protecting and preserving the resources of the Town of Cohasset and enriching the lives of the citizens of Cohasset.

NOW, THEREFORE, LET IT BE RESOLVED, that we, the citizens of Cohasset assembled here on the 12th day of May 2012 acknowledge with sincere appreciation Deborah Cook’s long and devoted service to the Town of Cohasset.

**Resolution adopted unanimously.**

**Proclamation offered by Stuart Ivey for Alfred Moore**

**PROCLAMATION**

**WHEREAS, AL MOORE** was elected to the Planning Board in 1987 and has served with incomparable honor and distinction for the past 25 years; and

**WHEREAS, AL MOORE** served as Chairman of the Planning Board from 1989 to 2011; and

**WHEREAS, AL MOORE** as a member of the Planning Board has brought great wisdom, experience, consideration, forethought, leadership and camaraderie during the discharge of his duties; and

**WHEREAS, AL MOORE** in his capacity as Chairman of the Planning Board has guided the Board in the discharge of its duties and responsibilities in an open-minded, competent, effective and efficient manner; and

**WHEREAS, AL MORE** has worked diligently and effectively with other Boards and Committees, developers and residents during periods of great change all the while providing responsible leadership and common sense resulting in the resolution of complex and sometimes contentious issues; and

**WHEREAS, AL MOORE** has served on the Community Preservation Committee since his appointment in 2001; and

**WHEREAS, AL MOORE** has been a resident of Cohasset since 1979 during which time he has exhibited the strongest interest, involvement in and dedication to the well-being of the Town of Cohasset; and

**WHEREAS,** such dedication and service to the Town cannot come without great sacrifice to personal matters and family life; and

**WHEREAS,** the Planning Board now recommends this Unanimous Motion for Commendation to **ALFRED S. MOORE, JR..**

**NOW THEREFORE BE IT RESOLVED** that the Citizens of Cohasset, assembled at Annual Town Meeting hereby acknowledge and affirm their appreciation to Planning Board Member **ALFRED S. MOORE, JR.,** 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 twelfth day of May in the year Two Thousand and Twelve.

**Proclamation adopted unanimously.**

**Article: 4 Unpaid Bills from Previous 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 Four Thousand Eight Hundred Twenty Six Dollars (\$4,826.00) be hereby transferred from the Stabilization fund and appropriated to be expended by the Town Manager, for the following unpaid bills from prior fiscal years.

	<i>Description</i>	<i>Date</i>
Cohasset Police Department (detail for planning board public hearing)	2/24/11	\$176.00
East Coast Electric Recycling	4/7/11	\$650.00
MAPC South Shore Regional Services Consortium	4/28/11	\$4,000.00

**An 8/10's vote required. Motion adopted unanimously.**

**Article: 5 Transfer of Funds to Cohasset Schools from Settlement**

To see if the Town will vote to appropriate Five Hundred Thousand Dollars (\$500,000.00) to spent by the Town Manager and School Superintendent for the purpose of repairing and/or replacing the damaged floors at the schools and for paying for the cost associated with emergency floor repairs it being the intent that such funds be immediately available in FY 12; and to meet this appropriation, Five Hundred Thousand Dollars (\$500,000.00) be transferred in accordance with G.L. Chapter 44, Section 53, from the funds recovered by the Town in FY 12 in restitution for damages done by third parties to School property with respect to the floors in the school district, or to take any other action related thereto.

**MOVED** that Five Hundred Thousand Dollars (\$500,000.00) be hereby appropriated to be spent by the Town Manager and School Superintendent for the purpose of repairing and/or replacing the damaged floors at the schools and for paying for the costs associated with emergency floor repairs, it being the intent that such funds be immediately available in FY12; and to meet this appropriation, Five Hundred Thousand Dollars (\$500,000.00) be transferred in accordance with G.L. Chapter 44, Section 53, from the funds recovered by the Town in FY12 in restitution for damages done by third parties to School property with respect to the floors in the school district.

**Motion adopted unanimously.**

**Article: 6 Rescission of Authorized but Unissued Debt**

To see if the Town will vote to rescind the balance of the loans authorized and un-issued pursuant prior authorization of Town Meeting, or take any other action relative thereto.

**MOVED** that the subject matter of this article be indefinitely postponed.

**Motion adopted unanimously.**

**Article: 7 New projects or old projects requiring additional funding.**

To see if the Town will vote to raise and appropriate, borrow pursuant to any applicable statute and/or transfer from available funds, a sum or sums of money, to be expended by the Town Manager to fund new projects, or an old projects needing additional funding issued pursuant prior authorization of Town Meeting, or take any other action relative thereto.

**MOVED** that Two Hundred and Fifty Thousand Dollars (\$250,000) be appropriated from the Jacobs Meadow Culvert Repair and Upgrade as voted in Article 12 of the 2008 Annual Town Meeting held on March 29, 2008 and be reallocated in the amount of Two Hundred and Fifty Thousand Dollars (\$250,000) for permitting, design, and initial construction for the Bound Brook Project on Beechwood

Street to be expended by the Town Manager in a manner that is consistent with project management principles and review by the Board of Selectmen.

**Motion adopted unanimously.**

**Article: 8 Supplemental Appropriations for Fiscal 2012**

To see if the Town will vote to raise and appropriate, borrow pursuant to any applicable statute and/or transfer from available funds, a sum or sums of money, to be expended by the Town Manager, needed by various departmental budgets and appropriations to complete the fiscal year ending June 30, 2012 or to decrease or otherwise adjust any budget line item as appropriated by the town at the 2011 annual town meeting or the December 5, 2011 Special Town Meeting, or fund deficits in grants, or to take any other action related thereto.

**MOVED** that Six hundred ninety six thousand eight hundred fifty six dollars (\$696,856) be hereby appropriated to the Fiscal 2012 budgetary items set forth below amending the amounts appropriated by the Town pursuant to Article 3 of the 2011 Annual Town Meeting (which appropriations may have been amended at the December 5, 2011 Special Town Meeting), which funds after transfer are to be expended by the Town Manager, to supplement certain departmental budgets and appropriations and to fund Special Revenue deficits set forth below to complete the fiscal year ending June 30, 2012 as follows:

**Transfer to:**

<b>Town Manager Personal Services</b>	<b>12,800.00</b>
Town Manager General Services	5,279.00
Board of Assessors Personal Services	4,658.00
Treasurer/Collector Personal Services	3,000.00
Treasurer/Collector General Expenses	14,000.00
Legal Services Town Counsel Services	100,000.00
Town Clerk General Expenses	1,790.00
Police Overtime	190,000.00
Fire Overtime	121,309.00
Building Commissioner Personal Services	3,597.00
Gas & Plumbing Inspector General Expenses	10,870.00
Shellfish Personal Services	475.00
Dept. of Public Works Personal Services	11,672.00
Board of Health Personal Services	6,470.00
Elder Affairs Personal Services	11,057.00
Veterans Services General Expenses	7,000.00
Debt Services	91,377.00
Transit Oriented Development Sidewalk Grant Fund	33,472.00
Highway Improvements Fund	59,311.00
MAPC Bike Rack Grant	3,241.00
319 Stormwater BMP Grant	5,478.00
<b>Total transfer to:</b>	<b>696,856.00</b>

And to fund this appropriation, Six hundred ninety six thousand eight hundred fifty six dollars (\$696,856) be transferred from the line items and reserves set forth below:

**Transfer from:**

Board of Assessors General Expenses	4,658.00
Snow & Ice General Expenses	88,761.00
Health Insurance General Expenses	90,000.00
Police Personal Services	38,011.00
Fire Personal Services	132,600.00
Unclassified Regional Emergency Control Center	45,400.00
Assessors Revaluation March 2010 Annual Town Meeting	20,000.00
Assessors Revaluation December 2005 Special Town Meeting	3,153.00
Public Nurse Medicare Fund	36,000.00
Bond Premium Reserve	18,974.00
Overlay Surplus	45,152.00
Stabilization Fund	174,147.00
<b>Total transfer from:</b>	<b>696,856.00</b>

**A 2/3's vote required. Motion adopted unanimously.**

**Article: 9 Operating Budget**

To see if the Town will vote to fix salaries and compensation of Elected Officers, and to see what sums the Town will vote to raise and appropriate 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, and to modify the Town Manager's Department and Employee Organizational Chart, compensation schedule, and for all positions for the ensuing fiscal year, or to take any other action related thereto.

**APPENDIX – B**

**FISCAL 2013 GENERAL FUND OPERATING BUDGET**

	<u>BUDGETED FISCAL 2010</u>	<u>BUDGETED FISCAL 2011</u>	<u>BUDGETED FISCAL 2012</u>	<u>REQUEST FISCAL 2013</u>	<u>RECOMMENDED FISCAL 2013</u>
<b>ADMINISTRATIVE SERVICES</b>					
<b>Moderator</b>					
Personal Expenses	\$573	\$573	\$573	\$573	\$500
<b>Total</b>	<b>\$573</b>	<b>\$573</b>	<b>\$573</b>	<b>\$573</b>	<b>\$500</b>
<b>Board of Selectmen</b>					
Personnel Services	\$5,500	\$5,500	\$5,500	\$5,500	\$8,100
General Expenses	\$62,650	\$65,100	\$62,800	\$66,550	\$228,818
<b>Total</b>	<b>\$68,150</b>	<b>\$70,600</b>	<b>\$68,300</b>	<b>\$72,050</b>	<b>\$236,918</b>
<b>Town Manager</b>					
Personnel Services	\$373,488	\$322,130	\$305,161	\$258,607	\$336,541
General Expenses	\$43,400	\$40,900	\$36,300	\$6,300	\$51,300
<b>Total</b>	<b>\$416,888</b>	<b>\$363,030</b>	<b>\$341,461</b>	<b>\$264,907</b>	<b>\$387,841</b>
<b>Advisory Committee</b>					
General Expenses	\$345	\$345	\$345	\$345	\$360
Reserve Fund	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000
<b>Total</b>	<b>\$100,345</b>	<b>\$100,345</b>	<b>\$100,345</b>	<b>\$100,345</b>	<b>\$100,360</b>
<b>Director of Finance</b>					

Personnel Services	\$130,383	\$133,331	\$203,045	\$208,995	\$164,460
General Expenses	\$29,193	\$27,398	\$39,898	\$84,795	\$65,597
<b>Total</b>	<b>\$159,576</b>	<b>\$160,729</b>	<b>\$242,943</b>	<b>\$293,790</b>	<b>\$230,057</b>
<b>Board of Assessors</b>					
Personnel Services	\$163,193	\$169,476	\$163,521	\$183,682	\$182,134
General Expenses	\$29,680	\$24,780	\$29,180	\$28,830	\$15,750
<b>Total</b>	<b>\$192,873</b>	<b>\$194,256</b>	<b>\$192,701</b>	<b>\$212,512</b>	<b>\$197,884</b>
<b>Treasurer/Collector</b>					
Personnel Services	\$163,717	\$156,704	\$161,499	\$185,271	\$195,398
General Expenses	\$36,665	\$34,165	\$93,165	\$36,535	\$32,335
<b>Total</b>	<b>\$200,382</b>	<b>\$190,869</b>	<b>\$254,664</b>	<b>\$221,806</b>	<b>\$227,733</b>
<b>Legal Services</b>					
Town Counsel Services	\$160,000	\$232,500	\$200,000	\$200,000	\$200,000
<b>Total</b>	<b>\$160,000</b>	<b>\$232,500</b>	<b>\$200,000</b>	<b>\$200,000</b>	<b>\$200,000</b>
<b>Town Clerk</b>					
Personnel Services	\$76,439	\$81,262	\$78,698	\$127,045	\$122,513
General Expenses	\$8,825	\$10,494	\$8,925	\$14,200	\$6,500
<b>Total</b>	<b>\$85,264</b>	<b>\$91,756</b>	<b>\$87,623</b>	<b>\$141,245</b>	<b>\$129,013</b>
<b>Conservation Commission</b>					
Personnel Services	\$0	\$0	\$0	\$45,477	\$45,284
General Expenses	\$29,697	\$29,697	\$30,000	\$30,250	\$25,750
<b>Total</b>	<b>\$29,697</b>	<b>\$29,697</b>	<b>\$30,000</b>	<b>\$75,727</b>	<b>\$71,034</b>
<b>Planning Board</b>					
Personnel Services	\$54,795	\$55,417	\$66,354	\$88,953	\$56,443
General Expenses	\$11,034	\$10,487	\$11,387	\$13,887	\$550
<b>Total</b>	<b>\$65,829</b>	<b>\$65,904</b>	<b>\$77,741</b>	<b>\$102,840</b>	<b>\$56,993</b>
<b>Zoning Board of Appeals</b>					
Personnel Services	\$0	\$0	\$0	\$3,305	\$2,600
General Expenses	\$2,135	\$1,560	\$1,560	\$1,560	\$200
<b>Total</b>	<b>\$2,135</b>	<b>\$1,560</b>	<b>\$1,560</b>	<b>\$4,865</b>	<b>\$2,800</b>
<b>Unclassified</b>					
Annual Audit	\$12,000	\$12,000	\$17,500	\$35,000	\$37,000
OPEB	\$0	\$0	\$0	\$6,000	\$6,000
S.S. Regional Refuse District	\$4,000	\$4,000	\$4,500	\$4,500	\$4,500
Town Water/Sewer	\$30,000	\$25,000	\$50,000	\$0	\$41,000
Hingham Water	\$0	\$0	\$17,210	\$17,210	\$17,210
Fire Protection Fee	\$0	\$0	\$247,000	\$247,000	\$247,000
Regional Emergency Control Center	\$0	\$0	\$160,000	\$160,000	\$0
Town Reports	\$13,000	\$13,000	\$13,000	\$13,000	\$12,000
<b>Total</b>	<b>\$59,000</b>	<b>\$54,000</b>	<b>\$509,210</b>	<b>\$482,710</b>	<b>\$364,710</b>

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<b>ADMINISTRATIVE TOTAL</b>	<b>\$1,540,712</b>	<b>\$1,555,819</b>	<b>\$2,107,121</b>	<b>\$2,173,370</b>	<b>\$2,205,843</b>
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**PUBLIC SAFETY**

**Police Department**

Personnel Services	\$1,541,526	\$1,546,462	\$1,379,115	\$1,418,972	\$1,343,338
Overtime	\$225,000	\$364,955	\$350,000	\$400,000	\$265,000
General Expenses	\$155,200	\$120,200	\$138,300	\$165,675	\$338,825
<b>Total</b>	<b>\$1,921,726</b>	<b>\$2,031,617</b>	<b>\$1,867,415</b>	<b>\$1,984,647</b>	<b>\$1,947,163</b>

<b>Fire Department</b>					
Personnel Services	\$1,529,749	\$1,517,798	\$1,593,430	\$1,653,791	\$1,645,388
Overtime	\$210,000	\$210,000	\$216,427	\$237,226	\$215,000
General Expenses	\$246,560	\$190,650	\$195,750	\$203,575	\$196,625
Hydrant Services	\$17,120	\$264,120	\$0	\$0	\$0
<b>Total</b>	<b>\$2,003,429</b>	<b>\$2,182,568</b>	<b>\$2,005,607</b>	<b>\$2,094,592</b>	<b>\$2,057,013</b>
<b>Inspections</b>					
Personnel Services	\$76,867	\$78,385	\$80,007	\$89,828	\$85,983
General Expenses	\$32,414	\$40,407	\$57,682	\$47,182	\$44,132
<b>Total</b>	<b>\$109,281</b>	<b>\$118,792</b>	<b>\$137,689</b>	<b>\$137,010</b>	<b>\$130,115</b>
<b>Civil Defense</b>					
Salaries & General Expenses	\$5,100	\$5,100	\$5,350	\$16,000	\$11,000
<b>Total</b>	<b>\$5,100</b>	<b>\$5,100</b>	<b>\$5,350</b>	<b>\$16,000</b>	<b>\$11,000</b>
<b>Harbormaster</b>					
Personnel Services	\$67,136	\$68,479	\$70,200	\$70,200	\$72,195
General Expenses	\$57,900	\$7,900	\$14,400	\$14,400	\$17,650
<b>Total</b>	<b>\$125,036</b>	<b>\$76,379</b>	<b>\$84,600</b>	<b>\$84,600</b>	<b>\$89,845</b>
<b>Shellfish Constable</b>					
Personal Services	\$475	\$475	\$475	\$475	\$475
<b>Total</b>	<b>\$475</b>	<b>\$475</b>	<b>\$475</b>	<b>\$475</b>	<b>\$475</b>
<b>PUBLIC SAFETY TOTAL</b>	<b>\$4,165,047</b>	<b>\$4,414,931</b>	<b>\$4,101,136</b>	<b>\$4,317,324</b>	<b>\$4,235,611</b>
<b>EDUCATION SERVICES</b>					
<b>Cohasset Schools</b>					
Salaries & Expenses	\$14,713,000	\$15,034,478	\$15,402,478	\$15,884,536	\$15,866,062
<b>Total</b>	<b>\$14,713,000</b>	<b>\$15,034,478</b>	<b>\$15,402,478</b>	<b>\$15,884,536</b>	<b>\$15,866,062</b>
<b>South Shore Voc. Tech</b>					
Vocational Assessment	\$75,529	\$74,461	\$45,106	\$136,635	\$136,635
<b>Total</b>	<b>\$75,529</b>	<b>\$74,461</b>	<b>\$45,106</b>	<b>\$136,635</b>	<b>\$136,635</b>
<b>EDUCATION TOTAL</b>	<b>\$14,788,529</b>	<b>\$15,108,939</b>	<b>\$15,447,584</b>	<b>\$16,021,171</b>	<b>\$16,002,697</b>
<b>PUBLIC WORKS/FACILITIES</b>					
<b>Dept. of Public Works</b>					
Personnel Services	\$767,822	\$777,927	\$792,618	\$841,514	\$853,728
General Expenses	\$202,850	\$205,100	\$205,100	\$205,650	\$206,450
Other Appropriations	\$413,800	\$368,000	\$388,000	\$413,000	\$279,200
<b>Total</b>	<b>\$1,384,472</b>	<b>\$1,351,027</b>	<b>\$1,385,718</b>	<b>\$1,460,164</b>	<b>\$1,339,378</b>
<b>Snow &amp; Ice Control</b>					
General Expenses	\$100,000	\$222,093	\$125,000	\$125,000	\$125,000
<b>Total</b>	<b>\$100,000</b>	<b>\$222,093</b>	<b>\$125,000</b>	<b>\$125,000</b>	<b>\$125,000</b>
<b>Street Lighting</b>					
General Expenses	\$70,000	\$80,000	\$80,000	\$80,000	\$75,000
<b>Total</b>	<b>\$70,000</b>	<b>\$80,000</b>	<b>\$80,000</b>	<b>\$80,000</b>	<b>\$75,000</b>
<b>Building Maintenance</b>					
Personnel Services	\$248,690	\$254,500	\$267,183	\$275,816	\$260,111
General Expenses	\$398,300	\$347,300	\$343,800	\$358,800	\$350,400
<b>Total</b>	<b>\$646,990</b>	<b>\$601,800</b>	<b>\$610,983</b>	<b>\$634,616</b>	<b>\$610,511</b>
<b>PUB WORKS/FACILITIES</b>	<b>\$2,201,462</b>	<b>\$2,254,920</b>	<b>\$2,201,701</b>	<b>\$2,299,780</b>	<b>\$2,149,889</b>

<b>TOTAL</b>					
<b>HEALTH &amp; WELFARE</b>					
<b>Board of Health</b>					
Personnel Services	\$124,585	\$127,066	\$129,597	\$142,050	\$139,518
General Expenses	\$4,600	\$4,550	\$4,550	\$6,185	\$19,055
<b>Total</b>	<b>\$129,185</b>	<b>\$131,616</b>	<b>\$134,147</b>	<b>\$148,235</b>	<b>\$158,573</b>
<b>Elder Affairs</b>					
Personnel Services	\$158,149	\$161,135	\$164,360	\$208,500	\$199,690
General Expenses	\$84,350	\$34,350	\$46,850	\$49,400	\$38,700
<b>Total</b>	<b>\$242,499</b>	<b>\$195,485</b>	<b>\$211,210</b>	<b>\$257,900</b>	<b>\$238,390</b>
<b>Veterans Services</b>					
Personnel Services	\$0	\$0	\$0	\$30,000	\$10,400
General Expenses	\$1,700	\$31,900	\$63,165	\$92,120	\$83,720
<b>Total</b>	<b>\$1,700</b>	<b>\$31,900</b>	<b>\$63,165</b>	<b>\$122,120</b>	<b>\$94,120</b>
<b>HEALTH &amp; WELFARE TOTAL</b>	<b>\$373,384</b>	<b>\$359,001</b>	<b>\$408,522</b>	<b>\$528,255</b>	<b>\$491,083</b>
<b>CULTURE &amp; RECREATION</b>					
<b>Library</b>					
Personnel Services	\$395,083	\$398,027	\$398,729	\$462,050	\$417,145
General Expenses	\$88,410	\$88,410	\$88,163	\$113,012	\$103,012
Capital Outlay	\$0	\$0	\$0	\$12,000	\$0
<b>Total</b>	<b>\$483,493</b>	<b>\$486,437</b>	<b>\$486,892</b>	<b>\$587,062</b>	<b>\$520,157</b>
<b>Recreation</b>					
Personnel Services	\$123,293	\$125,049	\$126,394	\$101,378	\$101,389
General Expenses	\$2,677	\$2,677	\$2,677	\$2,677	\$0
<b>Total</b>	<b>\$125,970</b>	<b>\$127,726</b>	<b>\$129,071</b>	<b>\$104,055</b>	<b>\$101,389</b>
<b>Common Historical Com.</b>					
General Expenses	\$100	\$50	\$50	\$50	\$50
<b>Total</b>	<b>\$100</b>	<b>\$50</b>	<b>\$50</b>	<b>\$50</b>	<b>\$50</b>
<b>Historical Preservation</b>					
Personnel Services	\$800	\$800	\$800	\$800	\$800
General Expenses	\$100	\$100	\$100	\$100	\$0
<b>Total</b>	<b>\$900</b>	<b>\$900</b>	<b>\$900</b>	<b>\$900</b>	<b>\$800</b>
<b>Celebrations</b>					
General Expenses	\$5,000	\$2,500	\$2,500	\$2,500	\$2,500
<b>Total</b>	<b>\$5,000</b>	<b>\$2,500</b>	<b>\$2,500</b>	<b>\$2,500</b>	<b>\$2,500</b>
<b>CULTURE &amp; RECREATION TOTAL</b>	<b>\$615,463</b>	<b>\$617,613</b>	<b>\$619,413</b>	<b>\$694,567</b>	<b>\$624,896</b>
<b>DEBT SERVICE</b>					
Non-Excluded Principal & Interest	\$1,532,996	\$1,223,058	\$1,026,178	\$1,010,335	\$1,010,335
Excluded Principal & Interest	\$2,451,923	\$2,384,335	\$2,308,725	\$2,201,184	\$2,201,184
Capital Stab. Principal & Interest	\$107,804	\$254,359	\$222,709	\$167,067	\$167,067
CPC Principal and Interest	\$0	\$0	\$35,838	\$34,823	\$34,823
MWPAT Administrative Fees	\$0	\$0	\$0	\$16,361	\$16,361
<b>DEBT SERVICE TOTAL</b>	<b>\$4,092,723</b>	<b>\$3,861,752</b>	<b>\$3,593,450</b>	<b>\$3,429,770</b>	<b>\$3,429,770</b>

**BENEFITS & INSURANCE****Pension Assessment**

County Assessment	\$1,224,487	\$1,270,561	\$1,323,182	\$1,388,631	\$1,388,631
<b>Total</b>	<b>\$1,224,487</b>	<b>\$1,270,561</b>	<b>\$1,323,182</b>	<b>\$1,388,631</b>	<b>\$1,388,631</b>

**Workers Compensation**

General Expenses	\$92,000	\$92,000	\$112,000	\$123,200	\$123,200
<b>Total</b>	<b>\$92,000</b>	<b>\$92,000</b>	<b>\$112,000</b>	<b>\$123,200</b>	<b>\$123,200</b>

**Unemployment**

General Expenses	\$5,000	\$14,175	\$10,000	\$40,000	\$20,000
<b>Total</b>	<b>\$5,000</b>	<b>\$14,175</b>	<b>\$10,000</b>	<b>\$40,000</b>	<b>\$20,000</b>

**Health Insurance**

General Expenses	\$2,786,400	\$2,702,903	\$3,060,360	\$3,155,879	\$3,155,879
<b>Total</b>	<b>\$2,786,400</b>	<b>\$2,702,903</b>	<b>\$3,060,360</b>	<b>\$3,155,879</b>	<b>\$3,155,879</b>

**Life Insurance**

General Expenses	\$9,000	\$9,000	\$9,000	\$9,000	\$9,000
<b>Total</b>	<b>\$9,000</b>	<b>\$9,000</b>	<b>\$9,000</b>	<b>\$9,000</b>	<b>\$9,000</b>

**Medicare Tax**

General Expenses	\$237,300	\$249,300	\$257,000	\$267,280	\$267,280
<b>Total</b>	<b>\$237,300</b>	<b>\$249,300</b>	<b>\$257,000</b>	<b>\$267,280</b>	<b>\$267,280</b>

**Property & Liability**

General Expenses	\$231,000	\$225,925	\$236,350	\$255,765	\$255,765
<b>Total</b>	<b>\$231,000</b>	<b>\$225,925</b>	<b>\$236,350</b>	<b>\$255,765</b>	<b>\$255,765</b>

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<b>BENEFITS &amp; INSURANCE TOTAL</b>	<b>\$4,585,187</b>	<b>\$4,563,864</b>	<b>\$5,007,892</b>	<b>\$5,239,755</b>	<b>\$5,219,755</b>
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<b>GENERAL FUND GRAND TOTAL</b>	<b>\$32,362,507</b>	<b>\$32,736,839</b>	<b>\$33,486,819</b>	<b>\$34,703,992</b>	<b>\$34,359,544</b>
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**APPENDIX – D**

FY13 Salary and Wage Classification Table											
Grade	Step	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th
I	Hourly	\$ 11.50	\$ 11.73	\$ 11.96	\$ 12.20	\$ 12.45	\$ 12.70	\$ 12.95	\$ 13.21	\$ 13.47	\$ 13.74
	35 Hrs	\$ 402.50	\$ 410.55	\$ 418.76	\$ 427.14	\$ 435.68	\$ 444.39	\$ 453.28	\$ 462.35	\$ 471.59	\$ 481.02
		\$ 20,930.00	\$ 21,348.60	\$ 21,775.57	\$ 22,211.08	\$ 22,655.31	\$ 23,108.41	\$ 23,570.58	\$ 24,041.99	\$ 24,522.83	\$ 25,013.29
II	Hourly	\$ 12.65	\$ 12.90	\$ 13.16	\$ 13.42	\$ 13.69	\$ 13.97	\$ 14.25	\$ 14.53	\$ 14.82	\$ 15.12
	35 Hrs	\$ 442.75	\$ 451.61	\$ 460.64	\$ 469.85	\$ 479.25	\$ 488.83	\$ 498.61	\$ 508.58	\$ 518.75	\$ 529.13
		\$ 23,023.00	\$ 23,483.46	\$ 23,953.13	\$ 24,432.19	\$ 24,920.84	\$ 25,419.25	\$ 25,927.64	\$ 26,446.19	\$ 26,975.11	\$ 27,514.62
III	Hourly	\$ 13.92	\$ 14.19	\$ 14.48	\$ 14.77	\$ 15.06	\$ 15.36	\$ 15.67	\$ 15.98	\$ 16.30	\$ 16.63
	35 Hrs	\$ 487.03	\$ 496.77	\$ 506.70	\$ 516.83	\$ 527.17	\$ 537.71	\$ 548.47	\$ 559.44	\$ 570.63	\$ 582.04
		\$ 25,325.30	\$ 25,831.81	\$ 26,348.44	\$ 26,875.41	\$ 27,412.92	\$ 27,961.18	\$ 28,520.40	\$ 29,090.81	\$ 29,672.63	\$ 30,266.08
IV	Hourly	\$ 15.31	\$ 15.61	\$ 15.92	\$ 16.24	\$ 16.57	\$ 16.90	\$ 17.24	\$ 17.58	\$ 17.93	\$ 18.29
	35 Hrs	\$ 535.73	\$ 546.44	\$ 557.37	\$ 568.52	\$ 579.89	\$ 591.49	\$ 603.32	\$ 615.38	\$ 627.69	\$ 640.24
		\$ 27,857.83	\$ 28,414.99	\$ 28,983.29	\$ 29,562.95	\$ 30,154.21	\$ 30,757.30	\$ 31,372.44	\$ 31,999.89	\$ 32,639.89	\$ 33,292.69
V	Hourly	\$ 16.84	\$ 17.17	\$ 17.52	\$ 17.87	\$ 18.23	\$ 18.59	\$ 18.96	\$ 19.34	\$ 19.73	\$ 20.12
	35 Hrs	\$ 589.30	\$ 601.09	\$ 613.11	\$ 625.37	\$ 637.88	\$ 650.64	\$ 663.65	\$ 676.92	\$ 690.46	\$ 704.27
		\$ 30,643.61	\$ 31,256.49	\$ 31,881.61	\$ 32,519.25	\$ 33,169.63	\$ 33,833.02	\$ 34,509.69	\$ 35,199.88	\$ 35,903.88	\$ 36,621.95
VI	Hourly	\$ 18.52	\$ 18.89	\$ 19.27	\$ 19.65	\$ 20.05	\$ 20.45	\$ 20.86	\$ 21.27	\$ 21.70	\$ 22.13
	35 Hrs	\$ 648.23	\$ 661.19	\$ 674.42	\$ 687.91	\$ 701.67	\$ 715.70	\$ 730.01	\$ 744.61	\$ 759.51	\$ 774.70
		\$ 33,707.97	\$ 34,382.13	\$ 35,069.78	\$ 35,771.17	\$ 36,486.60	\$ 37,216.33	\$ 37,960.65	\$ 38,719.87	\$ 39,494.26	\$ 40,284.15
VII	Hourly	\$ 20.37	\$ 20.78	\$ 21.20	\$ 21.62	\$ 22.05	\$ 22.49	\$ 22.94	\$ 23.40	\$ 23.87	\$ 24.35
	35 Hrs	\$ 713.05	\$ 727.31	\$ 741.86	\$ 756.70	\$ 771.83	\$ 787.27	\$ 803.01	\$ 819.07	\$ 835.46	\$ 852.16
		\$ 37,078.77	\$ 37,820.35	\$ 38,576.75	\$ 39,348.29	\$ 40,135.25	\$ 40,937.96	\$ 41,756.72	\$ 42,591.85	\$ 43,443.69	\$ 44,312.56
VIII	Hourly	\$ 22.41	\$ 22.86	\$ 23.32	\$ 23.78	\$ 24.26	\$ 24.74	\$ 25.24	\$ 25.74	\$ 26.26	\$ 26.78
	35 Hrs	\$ 784.36	\$ 800.05	\$ 816.05	\$ 832.37	\$ 849.02	\$ 866.00	\$ 883.32	\$ 900.98	\$ 919.00	\$ 937.38
		\$ 40,786.65	\$ 41,602.38	\$ 42,434.43	\$ 43,283.12	\$ 44,148.78	\$ 45,031.76	\$ 45,932.39	\$ 46,851.04	\$ 47,788.06	\$ 48,743.82
IX	Hourly	\$ 24.65	\$ 25.14	\$ 25.65	\$ 26.16	\$ 26.68	\$ 27.22	\$ 27.76	\$ 28.32	\$ 28.88	\$ 29.46
	35 Hrs	\$ 862.79	\$ 880.05	\$ 897.65	\$ 915.60	\$ 933.92	\$ 952.59	\$ 971.65	\$ 991.08	\$ 1,010.90	\$ 1,031.12
		\$ 44,865.31	\$ 45,762.62	\$ 46,677.87	\$ 47,611.43	\$ 48,563.66	\$ 49,534.93	\$ 50,525.63	\$ 51,536.14	\$ 52,566.87	\$ 53,618.20
X	Hourly	\$ 27.12	\$ 27.66	\$ 28.21	\$ 28.78	\$ 29.35	\$ 29.94	\$ 30.54	\$ 31.15	\$ 31.77	\$ 32.41
	35 Hrs	\$ 949.07	\$ 968.06	\$ 987.42	\$ 1,007.16	\$ 1,027.31	\$ 1,047.85	\$ 1,068.81	\$ 1,090.19	\$ 1,111.99	\$ 1,134.23
		\$ 49,351.85	\$ 50,338.88	\$ 51,345.66	\$ 52,372.57	\$ 53,420.02	\$ 54,488.42	\$ 55,578.19	\$ 56,689.76	\$ 57,823.55	\$ 58,980.02
XI	Hourly	\$ 29.83	\$ 30.42	\$ 31.03	\$ 31.65	\$ 32.29	\$ 32.93	\$ 33.59	\$ 34.26	\$ 34.95	\$ 35.65
	Annually	\$ 54,287.03	\$ 55,372.77	\$ 56,480.23	\$ 57,609.83	\$ 58,762.03	\$ 59,937.27	\$ 61,136.01	\$ 62,358.73	\$ 63,605.91	\$ 64,878.03
XII	Hourly	\$ 32.81	\$ 33.47	\$ 34.14	\$ 34.82	\$ 35.52	\$ 36.23	\$ 36.95	\$ 37.69	\$ 38.44	\$ 39.21
	Annually	\$ 59,715.73	\$ 60,910.05	\$ 62,128.25	\$ 63,370.81	\$ 64,638.23	\$ 65,930.99	\$ 67,249.61	\$ 68,594.61	\$ 69,966.50	\$ 71,365.83
XIII	Hourly	\$ 36.09	\$ 36.81	\$ 37.55	\$ 38.30	\$ 39.07	\$ 39.85	\$ 40.65	\$ 41.46	\$ 42.29	\$ 43.13
	Annually	\$ 65,687.31	\$ 67,001.05	\$ 68,341.07	\$ 69,707.89	\$ 71,102.05	\$ 72,524.09	\$ 73,974.58	\$ 75,454.07	\$ 76,963.15	\$ 78,502.41
XIV	Hourly	\$ 39.70	\$ 40.50	\$ 41.31	\$ 42.13	\$ 42.97	\$ 43.83	\$ 44.71	\$ 45.60	\$ 46.52	\$ 47.45
	Annually	\$ 72,256.04	\$ 73,701.16	\$ 75,175.18	\$ 76,678.68	\$ 78,212.26	\$ 79,776.50	\$ 81,372.03	\$ 82,999.47	\$ 84,659.46	\$ 86,352.65

## APPENDIX E - COMPENSATION AND CLASSIFICATION SCHEDULES

	PAY GROUP	HOURS
<b><u>Schedule 1 - Regular Employees</u></b>		
<b><u>Finance Department</u></b>		
Finance Director / Town Accountant	Contract	FLSA-exempt
Assistant Town Accountant - Account Payable	I-SEIU	30
<b>Assistant Town Accountant - Special Projects</b>	VIII	19
Treasurer / Collector	XIV	FLSA-exempt
Assistant Treasurer / Collector Payroll & Benefits	I-SEIU	35
Assistant Collector	G-SEIU	35
Director of Assessing	XIV	FLSA-exempt
Assistant Assessor	I-SEIU	35
Administrative Assistant to Assessor	G-SEIU	33
<b><u>Facilities - Town-Wide</u></b>		
Manager of Town-Wide Facilities	XIII	FLSA-exempt
Facilities Maintenance Technician	VII	40
Facilities Maintenance Technician	VII	40
Facilities Maintenance	VI	40
Facilities Maintenance	VI	23
<b><u>Public Works</u></b>		
Public Works Superintendent	XIV	FLSA-exempt
PW General Foreman	XI	40
PW Foreman - Highway	IX	40
PW Foreman - Tree & Parks	IX	40
PW Foreman - Recycling Transfer Station	IX	40
PW Equip Operator / Truck Driver - Class A-RTF	VII	40
PW Equip Operator / Truck Driver - Class A-RTF	VII	40
PW Equip Operator / Truck Driver - Class B-HWY	VII	40
PW Equip Operator / Truck Driver - Class B-HWY	VII	40
<b>PW Equip Operator / Truck Driver - Class B-HWY</b>	VII	40
PW Equip Operator / Skilled Utility Wkr	VI	40
PW Equip Operator / Skilled Utility Wkr	VI	40
PW Cemetery / Skilled Utility Wkr	VI	40
PW Tree Climber	VI	40
PW Administrative Assistant	G-SEIU	35
PW RTF Monitor	I	19
<b><u>Elder Affairs</u></b>		
Director of Elder Affairs	XII	FLSA-exempt
EA Outreach Coordinator	IX	19
EA Volunteer Coordinator	VII	19
EA Transportation Coordinator	VII	19
<b>EA Service Coordinator (meals on wheels)</b>	IV	19

<b>EA Secretary (share with Inspections Office)</b>	III	19
EA Van Driver	III	19
EA Van Driver	III	19
<b><u>Recreation</u></b>		
Recreation Director	XII	FLSA-exempt
Administrative Assistant to Recreation Director	F-SEIU	35
<b><u>Harbormaster</u></b>		
Harbormaster	XI	FLSA-exempt
<b><u>Inspections</u></b>		
Building Inspector	XIII	FLSA-exempt
Planning and Building Administrator	I-SEIU	35
Conservation Secretary	G-SEIU	35
<b><u>Health Department</u></b>		
Health Inspector	XI	FLSA-exempt
Health Nurse	XI	30
<b><u>Town Clerk's Office</u></b>		
Town Clerk	XII	FLSA-exempt
Assistant Town Clerk	I-SEIU	35
<b><u>Town Manager's Office</u></b>		
Town Manager	Contract	FLSA-exempt
<b>Director of Project Management and Planning</b>	XIII	FLSA-exempt
<b>Chief Technology Officer (share with school)</b>	School Contract	FLSA-exempt
Sewer Administrative Assistant (share w/ sewer comm)	G-SEIU	35
Assistant to the Town Manager	IX - OFG	35
Administrative Assistant to the Town Manager & BoS	VIII	35
<b><u>Library</u></b>		
Library Director	XIII	FLSA-exempt
Librarian Children's	7-SEIU	35
Librarian Reference / Adult Services	7-SEIU	31
Librarian Young Adult / Reference	1-SEIU	14
Librarian Associate / Circulation Supervisor	7-SEIU	35
Library Tech / Circulation	7-SEIU	20
Library Tech / Circulation	7-SEIU	29.5
Library Tech / Circulation	7-SEIU	22
Library Tech / Circulation	7-SEIU	23
Library Tech / Acquisition	7-SEIU	22
Library Tech / Administrative Assistant	4-SEIU	6
<b><u>Fire Dept</u></b>		
Fire Chief	Contract	FLSA-exempt
<b>Assistant Fire Chief</b>	XIV	FLSA-exempt
Fire Captain	FS-14	42

Fire Lieutenant	FS-12	42
Fire Lieutenant	FS-12	42
Fire Lieutenant / EMT-P	FS-13	42
Fire Lieutenant	FS-12	42
Fire /EMT-P	FS-11	42

**Police Department**

Police Chief	Contract	FLSA-exempt
<b>Deputy Police Chief</b>	XIV - OFG	FLSA-exempt
Lieutenant Detective	MAX-L66	37.5
Detective	MAX-L66	37.5
Prosecutor/Sergeant/Relief	TOP-L66	37.5
Sergeant	MAX-L66	37.5
Patrolman/K-9/Relief	MAX-L66	37.5
Patrolman	1st-L66	37.5
Patrolman	1st-L66	37.5
Patrolman - to be hired	1st-L66	37.5
Patrolman - to be hired	1st-L66	37.5

**Schedule 1A - Elected Employees**

	<b><u>Annual</u></b>
Town Clerk	\$68,594
Clerk, Board of Registrars	\$329
Moderator	\$1
Board of Selectmen:	
Chair	\$1,500
Members 4 @ \$1,000	\$1,000
Board of Assessors	

Chair	\$1,300
Members 2 @ \$1,200	\$2,400

**Schedule 2A - Part Time Employees Annual**

**Annual**

Veterans' Agent	\$10,400
Member, Board of Registrars	\$326
Sealer of Weights and Measurers	\$2,758
Town Archivist	\$600
Director of Emergency Management	\$350
Assistant Director Emergency Management	\$100
Shellfish Constable	\$500
Animal Control Officer	\$12,000
Electrical Inspector	\$18,000
Keeper of the Town Clock	\$100
Keeper of the Town Pump	\$100

**Schedule 2b - Part Time Employees Hourly**

**Hourly**

Assistant to Harbor Master	\$11.00-\$13.50
Casual Labor	\$8.00
Election Officers	\$12.00
Election Clerk	\$12.00
Election Warden	\$12.00
Summer Patrolman	\$14.32
Crossing Guard	\$14.38
Police Matron	\$13.00
Deputy Building Inspector (H-Min)	\$18.46
Health Agent (9hrs)	\$45.60
Library Pages	\$8.00
Recording Secretary	\$13.58

**Schedule 3 - Part Time Positions**

**Per Action**

Constable - Per Notice	\$20.00
Plumbing Inspector - Per Inspection	\$25.00

**MOVED** that \$ 34,359,544 be appropriated for the Fiscal Year 2013 Annual Town Budget to be allotted as follows: \$ 79,066.00 for salaries of elected Town Officials consisting of the Town Clerk \$ 68,549; Clerk, Board of Registrars (4) at \$329.00; \$1,316; Moderator, \$1.00; Selectmen, Chairman, \$1,500.00; Members (4) at \$1,000.00, \$4,000.00; Board of Assessors, Chairman, \$1,300.00; Members (2); at \$1,200.00, \$2,400.00; and the remaining \$34,280,478 for Personal Services, Expenses and Capital Outlays, interest on Maturing Debt and other charges for various departments as recommended for purposes set forth in Appendix B of this document for the 2013 Annual Town Warrant, a copy of which Appendices are incorporated here by reference, and to meet the appropriation, the following transfers are made:

\$ 65,350	from Sewer Enterprise Revenue
\$ 111,921	from Water Enterprise Revenue
\$ 60,894	from School Construction Surplus Fund
\$ 34,823	from Reserve for Community Preservation Debt
\$ 167,067	from Capital Stabilization Fund
\$ 5,000	from Wetlands Fund

and \$33,914,489 is raised from taxation and other general revenues of the Town; and further that the Town Side Organization Chart as shown in Appendix C and, FY 13 Salary and Wage Classification Table as shown in Appendix D and Compensation and Classification Schedules as shown in Appendix E of this document are adopted.

**A 2/3's vote required. Motion adopted unanimously.**

**Article: 10 Stabilization Fund**

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 be deposited in the Town's Stabilization Fund, in accordance with Massachusetts General Laws, Chapter 40, Section 5B, or take any action related thereto.

**MOVED** that the sum of Four Hundred Thousand Dollars (\$400,000) be appropriated for deposit into the Stabilization Fund; and to meet this appropriation, these funds are to be raised and appropriated from taxation and other general revenues of the Town.

**A 2/3's vote required. Motion adopted unanimously.**

**Article: 11 Capital Stabilization Fund**

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 be deposited into the Capital Stabilization Fund, or to take any other action related thereto.

**MOVED** that the sum of four hundred ninety-nine thousand five hundred forty-eight dollars (\$499,548) be appropriated for deposit into the Capital Stabilization Fund; and to meet this appropriation, four hundred ninety four thousand three hundred and ninety-eight dollars (\$494,398) be raised and appropriated from taxation and other general revenues of the Town, and the sum of five thousand one hundred fifty dollars (\$5,150.00) be transferred from the unexpended balance of the following prior appropriations, reducing such prior appropriations to zero dollar balances:

<i>Town Meeting</i>	<i>Article</i>	<i>Purpose</i>	<i>Amount</i>
December 5, 2011	8	Thermal Imaging Camera	\$5,150

**A 2/3's vote required. Motion adopted unanimously.**

**Article: 12 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.

<i>Entity</i>	<i>Purpose</i>
Fire	Replacement of a second Thermal Imaging Camera
Fire	Replacement of Hydraulic Extrication Tools
School	Purchase of one 77 passenger bus
Police	Frontline Cruiser
Police	Unmarked Hybrid Vehicle for Chief
Police	Physical plant repairs, building security per regional dispatch.
DPW	Replacement of Utility Truck
Town Manager	Additional Funding for MIS Software Implementation (Capital)

**MOVED** that Two Hundred Fifty Three Thousand Dollars- (\$253,000) be hereby appropriated to be spent by the Town Manager for the purpose of paying the following items;

<u>Entity Purpose Amount</u>	
Fire Replacement of a second Thermal Imaging Camera	\$10,000
Fire Replacement of Hydraulic Extrication Tools	\$25,000
Police Frontline Cruiser	\$33,000
Police Unmarked Hybrid Vehicle for Chief	\$33,000
Police Physical plant repairs.	\$80,000
Police Building security	\$20,000
Town Manager Additional Funding for MIS Software Implementation (Capital)	\$52,000

it being understood that the amount appropriated is one number and not the individual parts, and further that the Town Manager is hereby authorized to distribute such appropriation in such a manner as may be needed to accomplish the above list of items, provided however, that each item contained in the list set forth above is undertaken and that any excess funds are available because one or more of the listed items cost less than was estimated and not because an item intended to be purchased is not so purchased; and to meet this appropriation Two Hundred and Fifty Three Thousand Dollars (\$253,000) be hereby transferred from the Capital Stabilization Fund of the Town; and further

**MOVED** that Ninety Thousand Dollars (\$90,000) be hereby appropriated to be spent by the Town Manager for the purchase of one 77 passenger bus for the Cohasset Public Schools: and to meet this appropriation the Treasurer of the Town with the approval of the Board of Selectmen is hereby authorized to borrow said \$90,000 as general obligations of the town and to issue bonds and notes of the town therefore; and further

**MOVED** that Sixty Six Thousand Dollars (\$66,000) be hereby appropriated to be spent by the Town Manager for replacement of Utility Truck for the Department of Public Works, with trade in, sale, or other disposition of the existing utility truck hereby so authorized, and to meet this appropriation, the Treasurer of the Town with the approval of the Board of Selectmen is hereby authorized to borrow said \$66,000 as general obligations of the town and to issue bonds and notes of the town therefore

**A 2/3's vote required. Motion adopted unanimously.**

**Article: 13 Other Post-Employment Benefits Liability Trust Fund**

To see if the Town will vote to accept and create an Other Post-Employment Benefits Liability Trust Fund, per MGL 32B Section 20, copy of which is set forth below, or take any other action related thereto.

Section 20. (a) A city, town, district, county or municipal lighting plant that accepts this section may establish an Other Post-Employment Benefits Liability Trust Fund, and may appropriate amounts to be credited to the fund. Any interest or other income generated by the fund shall be added to and become part of the fund. Amounts that a governmental unit receives as a sponsor of a qualified retiree prescription drug plan under 42 U.S.C. section 1395w-132 may be added to and become part of the fund. All monies held in the fund shall be segregated from other funds and shall not be subject to the claims of any general creditor of the city, town, district, county or municipal lighting plant.

(b) The custodian of the fund shall be (i) a designee appointed by the board of a municipal lighting plant; (ii) the treasurer of any other governmental unit; or (iii) if designated by the city, town, district, county or municipal lighting plant in the same manner as acceptance prescribed in this section, the Health Care Security Trust board of trustees established in section 4 of chapter 29D, provided that the board of trustees accepts the designation. The custodian may employ an outside custodial service to hold the monies in the fund. Monies in the fund shall be invested and reinvested by the custodian consistent with the prudent investor rule established in chapter 203C and may, with the approval of the Health Care Security Trust board of trustees, be invested in the State Retiree Benefits Trust Fund established in section 24 of chapter 32A.

(c) This section may be accepted in a city having a Plan D or Plan E charter, by vote of the city council; in any other city, by vote of the city council and approval of the mayor; in a town, by vote of the town at a town meeting; in a district, by vote of the governing board; in a municipal lighting plant, by vote of the board; and in a county, by vote of the county commissioners.

(d) Every city, town, district, county and municipal lighting plant shall annually submit to the public employee retirement administration commission, on or before December 31, a summary of its other post-employment benefits cost and obligations and all related information required under Government Accounting Standards Board standard 45, in this subsection called "GASB 45", covering the last fiscal or calendar year for which this information is available. On or before June 30 of the following year, the public employee retirement administration commission shall notify any entity submitting this summary of any concerns that the commission may have or any areas in which the summary does not conform to the requirements of GASB 45 or other standards that the commission may establish. The public employee retirement administration commission shall file a summary report of the information received under this subsection with the chairs of the house and senate committees on ways and means, the secretary of administration and finance and the board of trustees of the Health Care Security Trust.

**MOVED** that MGL 32B Section 20 be accepted to create an Other Post-Employment Benefits Liability Trust Fund.

**Motion adopted unanimously.**

**Article: 14 Funding Other Post-Employment Benefits Liability Trust Fund**

To see if the Town will vote to raise and appropriate, or transfer from available funds and/or borrow pursuant to any applicable statute a sum of money to be deposited into Other Post-Employment Benefits Liability Trust Fund established pursuant to MGL Chapter 32B, Section 20, or take any other action related thereto.

**MOVED** that One Hundred Sixty Four Thousand Dollars (\$164,000) be hereby appropriated for deposit into the Other Post-Employment Benefits Liability Trust Fund, and to meet this appropriations the sum of one hundred and forty-four thousand dollars (\$144,000) be transferred from the Health Insurance Stabilization Fund and the sum of Twenty Thousand Dollars (\$20,000) be raised and appropriated from the FY13 tax levy and other general revenues of the town.

**A 2/3's vote required. Motion adopted unanimously.**

**Article: 15 Betterment Debt Service Stabilization Trust Fund**

To see if the Town will vote to create a Betterment Debt Service Stabilization Fund, per MGL 40 Section 5B, for the purpose of funding debt service payments incurred for sewer project or take any other action related thereto.

**MOVED** that a Betterment Debt Service Stabilization Fund be hereby established pursuant to G. L. chapter 40, section 5B for the purpose of paying debt service on sewer project borrowings.

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

**Commendation offered by Helen Nothnagle, Chairman of the Cohasset Housing Authority.**

Commendation

**Whereas**, Ralph Perroncello was elected to the Cohasset Housing Authority in 1982 and has served with diligence for 6 terms totaling 30 years, and

**Whereas**, as a member of the Board of Commissioners, Ralph Perroncello dedicated countless Hours in almost daily visits to overseeing the property at 60 elm St., and

**Whereas**, during his term of office the Cohasset housing Authority expanded its service by Building and acquiring 3 unity of Chapter 689 property, servings 13 people with intellectual Disabilities, and brought about a major renovation of the existing 64 units of housing for the elderly and young disabled, and

Whereas, in 1986, to support the veterans of Cohasset, Ralph Perroncello founded Post 9146 Of the Veterans of Foreign Wars, serving as Post Commander until this spring, and

Whereas, Ralph Perroncedllo served the Town of Cohasset as a Firefighter from 1950 until 1982,  
And

Whereas, such dedication and service to the Town cannot come without great sacrifice to personal matters and family life, and

Whereas the Cohasset Housing Authority, now recommends this Unanimous Motion for Commendation to Ralph Perroncello,

NOW THEREFORE BE IT RESOLVED that the Citizens of Cohasset, assembled at the Annual Town Meeting hereby acknowledge and affirm their appreciation to Ralph Perroncello for his many Years of dedicated service to the Town of Cohasset and its citizens.

Given under our hands and the seal of the Town of Cohasset on the twelfth day of May in the Year Tow Thousand Twelve.

**Commendation adopted unanimously.**

**Article: 16 Meals and Hotel Tax Stabilization Fund**

To see if the town will vote to create a Meals and Hotel Tax Stabilization Fund, per MGL 40 Section 5B, for the purpose of funding maintenance and repair of existing facilities (vertical buildings owned by the Town of Cohasset) with improvements that have an individual value of over \$10,000 per project, or take any other action related thereto.

**MOVED** that a Facilities Maintenance Stabilization Fund be hereby established pursuant to G.L. 40 Section 5B to be used for funding maintenance and repair of existing facilities with improvements that have an individual value of over \$10,000 per project.

**Amendment offered by Thomas Gruber.**

**Amend motion by replacing the word facilities with buildings.**

**Amendment is defeated.**

**Hand count taken on main motion. A 2/3's vote required.**

**Yes 73 No 42. Motion is defeated.**

**Article: 17 Acceptance of Local-Option Hotel Tax.**

To see if the town will 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 July 1, 2012, on the rental of rooms in hotels establishments in the town; as provided by such law, or take any other action related thereto.

**MOVED** that Chapter 27 Sections 51 and 52 of the Acts of 2009 amending G.L. 64G section 3A, be hereby accepted and that a rate of six (6) percent be set for local room occupancy tax, to take effect on July 1, 2012, upon the rental of rooms in hotels in the Town of Cohasset.

**Motion defeated.**

**Article: 18 Acceptance of Local-Option Meals Tax.**

To see if the town will accept Section 2 of Chapter 64 L of the General Laws of the Commonwealth to impose a .75% meals tax to take effect on July 1, 2012 in accordance with section 60 of Chapter 27 of the Acts of 2009, or take any other action related thereto.

**MOVED** that G.L. Chapter 64L Section 2 be accepted to impose a 0.75% tax upon restaurant meals within the Town of Cohasset in accordance with section 60 of Chapter 27 of the Acts of 2009 to take effect on July 1, 2012.

**Motion defeated.**

**Article: 19 Assessor's Article**

To see if the town will vote to accept Section 4 of Chapter 73 of the Acts of 1986 of the Massachusetts Legislature to grant an additional real estate tax exemption of not more than one hundred percent (100%). Such additional exemption may be granted to persons who qualify for property tax exemptions under clauses 17, 17C ½, 17D, 22, 22A, 22B, 22C, 22D, 22E, 37, 37A, 41, 41B, 41C, 42 and 43 of Section 5 of Chapter 59 of the Massachusetts General Laws and also, to see if the town will vote to accept the amendment of Clause 41C in accordance with Chapter 184, Section 51 of the Acts of 2002, to subsequently grant an additional real estate tax exemption of not more than one hundred percent (100%). Such additional exemption may be granted to persons who qualify for property tax exemption under clause 41C of Section 5 of Chapter 59 of the Massachusetts General Laws, or take any other action related thereto.

**MOVED** that Section 4 of Chapter 73 of the Acts of 1986 be accepted to grant an additional real estate tax exemption of not more than one hundred percent (100%); such additional exemption may be granted to persons who qualify for property tax exemptions under clauses 17, 17C ½, 17D, 22, 22A, 22B, 22C, 22D, 22E, 37, 37A, 41, 41B, 41C, 42 and 43 of Section 5 of Chapter 59 of the Massachusetts General Laws and that the amendment of Clause 41C in accordance with Chapter 184, Section 51 of the Acts of 2002 be accepted to subsequently grant an additional real estate tax exemption of not more than one hundred percent (100%); such additional exemption may be granted to persons who qualify for property tax exemption under clause 41C of Section 5 of Chapter 59 of the Massachusetts General Laws.

**Motion adopted.**

**Article: 20 Sewer Enterprise Fund FY13 Budget**

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute, the FY 13 operating budget and capital projects of the Sewer Enterprise Fund for the ensuing fiscal year commencing on July 1, 2012, or take any other action related thereto.

**MOVED** that Two Million Nine Hundred Sixty Five Thousand Seven Hundred and Fifty-Five Dollars (\$2,965,755) be hereby appropriated from the Sewer Enterprise Fund Revenues for FY13 Sewer Enterprise Fund Annual Budget for Personal Services in the amount of Forty-Four Thousand Six Hundred and Seven Dollars (\$44,607) and Expenses Two Million Nine Hundred Twenty One Thousand

and One Hundred Forty-Eight Dollars (\$2,921,148) to be jointly expended by the Sewer Commission and Town Manager.

**Motion adopted unanimously.**

**Article: 21 Citizen's Petition to Reorganize Water & Sewer**

Consistent with the recommendations of the 2004 MMA Consulting Group Report and the 2010 Melanson and Heath Audit the undersigned citizens submit the following multi-part article for consideration at Town Meeting:

To see if the Town will authorize the Board of Selectmen and its representatives in the General Court to submit to the General Court a Home Rule Petition repealing any and all past Acts that created the elected Water Commission and Sewer Commission in their present form, and authorizing management of those utilities to be under such governing structures as determined by the Town through local bylaw, and taking such other and further steps in that legislation as are necessary to accomplish the end result of the abolition of these Commissions and control of governance of these departments to the Town via local bylaw.

Contingent on the passage of the above-referenced state legislation to see if the Town will vote to combine the Water and Sewer Commissions into one body consisting of five members and to make this body advisory, responsible for policy and planning.

Existing elected officials to serve out their terms with the term expiring in 2012 to be left unfilled; the remaining 5 positions to be filled by the remaining elected officials if they so choose; appointments to be made by the Troika for three-year terms; or the Troika to appoint citizens at large as the elected positions expire if the elected officials choose to step down; and

To see if the Town will vote to approve and fund a new town position, Public Works Supervisor, reporting to the Town Manager as a department head; to have the full authority and responsibility of the daily management of the water and sewer plants and infrastructure, capital improvements and construction; including but not limited to accountability for enterprise fund budgets; and oversight of any management contractor and/or engineering services.

Recommended minimum qualifications: Bachelor's Degree in civil engineering, or a related field; ten years experience in municipal public works administration, engineering and construction; or an equivalent combination of education and experience. (2004 MMA Report) and

To see if the Town will vote to approve and fund three new town positions, Assistant Public Works Supervisor; said position to be filled and funded by the present position of Administrative Assistant to the Sewer Commission; and two clerical positions to be filled and funded by the two positions that currently exist in the Water Operating Contract. and

To see if the Town will vote to make the Finance Director/Town Accountant the Business Manager to the Water and Sewer Departments; and

To see if the Town will vote to authorize the Town Manager to continue to execute contracts for professional plant management of the water and sewer plants; and/or

To vote to have the Town manage and operate the water and sewer plants in-house upon the expiration of existing contracts; and

To see if the Town will vote to authorize the Board of Selectmen and the Town Manager to:

- 1) Take the necessary steps to revise by Home Rule Petition the Town Manager Act and any and all state legislature pertaining to the authority of the Water and Sewer Commissions as elected bodies to reflect the change to an advisory role responsible for policy and planning; and
- 2) Take the necessary steps to revise any local bylaws pertaining to the Water and Sewer Commissions as elected bodies to reflect the change to an advisory role responsible for policy and planning; and
- 3) Take the necessary steps to revise any local bylaws pertaining to the water enterprise fund and the sewer enterprise fund to place responsibility for said funds under the co-management of the Town Manager and Finance Director/Town Accountant;

or take any other action related thereto.

#### CITIZEN'S NAMES – TO BE INSERTED

**MOVED** that the Board of Selectmen be requested to take the following steps:

- 1) Prepare, for the next Town Meeting to act upon, a proposed Home Rule Petition repealing any and all past Acts that created the elected Water Commission and Sewer Commission in their present form, and authorizing management of those utilities to be under such governing structures as determined by the Town through local bylaw, and taking such other and further steps in that legislation as are necessary to accomplish the end result of the abolition of these Commissions and control of governance of these departments to the Town via local bylaw,
- 2) Prepare for action at the next Town Meeting the warrant articles to combine the Water and Sewer Commissions into one advisory commission consisting of five members, appointed by the Troika,
- 3) Pursuant to MA G.L. 41, 1B to put on the next official ballot a question asking shall the Town vote to have its elected Water Commission and its elected Sewer Commission become an appointed Water and Sewer Commission,
- 4) Prepare a warrant article for action at the next Town Meeting that would revise Town Bylaws, Article III, Section 8, Water Commissioners and Article III, Section 9, Sewer Commissioners consistent with an advisory role,
- 5) Prepare a warrant article for action at the next Town Meeting to create a department head position of Public Works Supervisor and to fund this position from the water and sewer enterprise funds and from any other town departments this position might supervise and/or act in an advisory capacity to,
- 6) Prepare any other articles or votes necessary to carry out the foregoing.

Karen Quigley	27 Clay Spring Road
Thomas Wolf	27 Clay Spring Road
Joan Brown	546 Beechwood Street
Merle Brown	546 Beechwood Street
Mary Ward	7 Church Street
Francis Ward	7 Church Street
Jeffery Waal	36 Old Pasture Road
Eleanor Waal	36 Old Pasture Road
Martha Gjesteby	81 Old Pasture Road

**Motion defeated.**

**It was moved and seconded at 2:50 p.m. that this meeting stand adjourned to Saturday, May 19, 2012 for the election of town officers and reconvene on Monday May 21, 2012 at 7:00 p.m. at the Cohasset High School Sullivan Gymnasium.**

**Monday May 21, 2012**

Checkers sworn in by the Town Clerk, Carol L. St. Pierre reported at 6:30 p.m. were Elizabeth Anderson, Sandra Murray, Abigail Alves and Margaret Goodwin. 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 212.

**Article 22: Land and Easement Transfers for Proposed Senior Center Site**

To see if the Town will vote to authorize the Board of Selectmen to file with the General Court a petition for the enactment of a Home Rule special act as set forth below to authorize the Board of Selectmen to sell, convey, release or otherwise dispose of portions of Town land located off North Main Street and Sohier Street and known as Town of Cohasset Tax Assessor Map 15, Parcels 1, 12 and 13 and to request the Town's representatives to the General Court to introduce a Special Act set forth below; and further to authorize the General Court, with the approval of the Board of Selectmen, to make constructive changes in language as may be necessary or advisable towards perfecting the intent of this legislation in order to secure passage; or to take any other actions related thereto.

**AN ACT APPROVING THE TOWN OF COHASSET TO TRANSFER  
CERTAIN INTERESTS IN LAND SITUATED IN COHASSET  
ACQUIRED FOR WATER SUPPLY PURPOSES AND TO USE  
AND DISPOSE OF SUCH LAND FOR OTHER PURPOSES**

SECTION 1. The town of Cohasset, acting by and through its board of water commissioners and board of selectmen may transfer to its board of selectmen the care, custody and control of a portion of a certain parcel of land acquired for water supply purposes to be used for general municipal purposes. The parcel is described in an order of taking made by the town on October 25, 1950 and recorded at the Norfolk county registry of deeds in book 2950, page 182 and is located northwesterly of Sohier street and is shown on assessor map 15 as parcel 1. The portion of the parcel to be transferred by the town contains 6,244 square feet and is shown on a plan entitled "Plan of Land, North Main Street & Sohier Street in Cohasset, MA," dated October 25, 2011 and prepared by Cavanaro Consulting as parcel 1A.

SECTION 2. Notwithstanding the provisions of any general or special law to the contrary, said board of selectmen, may transfer to the Social Service League of Cohasset, Inc., or its designee, said parcel 1A.

SECTION 3. Notwithstanding the provisions of any general or special law to the contrary, said board of selectmen, may transfer to the Cohasset Swimming and Recreation Trust under declaration of trust dated November 23, 1970 and recorded at the Norfolk county registry of deeds in book 4885, page 256 a portion of the parcel of land located southerly of North Main street and described in certificate of title

no. 2241 and plan 4899-A on file with the Norfolk county registry district of the land court that contains 10,877 square feet and is shown on the plan described in section 1 above as parcel 13A.

SECTION 4. The selectmen may transfer to said corporation and said trust easements over a portion of the parcel located southerly of North Main street described by section 3 that contains 13,790 square feet and is shown on said plan as “40' Wide Access and Utility Easement” for access and utility purposes.

SECTION 5. If the land of said corporation ceases to be used for public purposes, then said first parcel shall revert to the town of Cohasset board of selectmen for general municipal purposes and said easements to said corporation shall terminate.

SECTION 6. This act shall take effect upon its passage.

**MOVED:** That the Board of Selectmen be authorized to file with the General Court a petition for the enactment of a Home Rule special act as set forth below to authorize the Board of Selectmen to sell, convey, release or otherwise dispose of portions of Town land located off North Main Street and Sohier Street and known as Town of Cohasset Tax Assessor Map 15, Parcels 1, 12 and 13 and to request the Town’s representatives to the General Court to introduce a Special Act set forth below; and further that the General Court be authorized, with the approval of the Board of Selectmen, to make constructive changes in language as may be necessary or advisable towards perfecting the intent of this legislation in order to secure passage.

**AN ACT APPROVING THE TOWN OF COHASSET TO TRANSFER  
CERTAIN INTERESTS IN LAND SITUATED IN COHASSET  
ACQUIRED FOR WATER SUPPLY PURPOSES AND TO USE  
AND DISPOSE OF SUCH LAND FOR OTHER PURPOSES**

SECTION 1. The town of Cohasset, acting by and through its board of water commissioners and board of selectmen may transfer to its board of selectmen the care, custody and control of a portion of a certain parcel of land acquired for water supply purposes to be used for general municipal purposes. The parcel is described in an order of taking made by the town on October 25, 1950 and recorded at the Norfolk county registry of deeds in book 2950, page 182 and is located northwesterly of Sohier street and is shown on assessor map 15 as parcel 1. The portion of the parcel to be transferred by the town contains 6,244 square feet and is shown on a plan entitled “Plan of Land, North Main Street & Sohier Street in Cohasset, MA,” dated October 25, 2011 and prepared by Cavanaro Consulting as parcel 1A.

SECTION 2. Notwithstanding the provisions of any general or special law to the contrary, said board of selectmen, may transfer to the Social Service League of Cohasset, Inc., or its designee, said parcel 1A.

SECTION 3. Notwithstanding the provisions of any general or special law to the contrary, said board of selectmen, may transfer to the Cohasset Swimming and Recreation Trust under declaration of trust dated November 23, 1970 and recorded at the Norfolk county registry of deeds in book 4885, page 256 a portion of the parcel of land located southerly of North Main street and described in certificate of title no. 2241 and plan 4899-A on file with the Norfolk county registry district of the land court that contains 10,877 square feet and is shown on the plan described in section 1 above as parcel 13A.

SECTION 4. The selectmen may transfer to said corporation and said trust easements over a portion of the parcel located southerly of North Main street described by section 3 that contains 13,790 square feet and is shown on said plan as “40' Wide Access and Utility Easement” for access and utility purposes.

SECTION 5. If the land of said corporation ceases to be used for public purposes, then said first parcel shall revert to the town of Cohasset board of selectmen for general municipal purposes and said easements to said corporation shall terminate.

SECTION 6. This act shall take effect upon its passage.

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

**Article: 23 Zoning Bylaw Amendments – Section 2.1: Definitions And Section 5.2.6, Area Regulations General Provisions**

To see if the Town will vote to amend the Town's Zoning Bylaw, Section 2.1 Definitions by:

a). Adding a new definition: "Permitted Projections: 1). Construction elements that extend beyond the building wall surface no more than two feet, including but not limited to projecting eaves, chimneys, bay windows (that do not provide additional floor area), and belt courses, and are no closer to the property line than six feet. 2). Unenclosed entry porches, steps, and bulkheads, which do not project more than six feet beyond the line of the foundation wall, do not exceed (30) square feet in area, with a landing not over four feet in height, and are no closer to the property line than six feet." And, b). Amending the definition of Yard, Required by adding after set forth in Section 5.3.1 – "except for permitted projections" so as to read: "Yard, Required: With respect to any Front Yard, Side Yard, or Rear Yard, the distance required between the principal building and the respective lot lines for such yard in the Table of Area Regulations set forth in Section 5.3.1, except for permitted projections."

And,

c) Amend Section 5.2.6 Area Regulations General Provisions, by deleting the last sentence and replacing it with the following: "Except for a perimeter wall, fence or similar enclosure not in excess of six feet in height, a flag pole, utility pole, mailbox or Permitted Projection, no point of any structure shall be closer than the required setback distance to any point of the front lot line, or center line of the street, as the case may be."

Or to take any other action related thereto.

**MOVED**, that the Town's Zoning Bylaw, Section 2.1 Definitions and Section 5.2.6 Area Regulations General Provisions be amended as follows:

in Section 2.1, by adding the following new definition: "Permitted Projections: 1). Construction elements that extend beyond the building wall surface no more than two feet, including but not limited to projecting eaves, chimneys, bay windows (that do not provide additional floor area), and belt courses, and are no closer to the property line than six feet. 2). Unenclosed entry porches, steps, and bulkheads, which do not project more than six feet beyond the line of the foundation wall, do not exceed (30) square feet in area, with a landing not over four feet in height, and are no closer to the property line than six feet."

and

in Section 2.1, by amending the definition of "Yard, Required" by adding after "set forth in Section 5.3.1" the words "except for permitted projections" so as to read: "Yard, Required: With respect to any Front Yard, Side Yard, or Rear Yard, the distance required between the principal building and the respective lot lines for such yard in the Table of Area Regulations set forth in Section 5.3.1, except for permitted projections."

and

by amending Section 5.2.6 Area Regulations General Provisions, by deleting the last sentence and replacing it with the following: "Except for a perimeter wall, fence or similar enclosure not in excess of six feet in height, a flag pole, utility pole, mailbox or Permitted Projection, no point of any structure shall be closer than the required setback distance to any point of the front lot line, or center line of the street, as the case may be."

**A 2/3's vote required. Motion adopted unanimously.**

**Article: 24 Zoning Bylaw Amendment- Section 2.1 - Home Occupation Definition And Section 4.3.5.B – Additional Use Regulations**

To see if the Town will vote to amend the Town’s Zoning Bylaws, Section 2.1 Definitions and 4.3.5.b Additional Use Regulations:

a). Amend section 2.1 existing definition: Home Occupation: By changing “dwelling unit” to “permitted structure” in the first sentence so as to read: “Home Occupation: Any activity conducted by the inhabitants of and entirely within a permitted structure which use is incidental and subordinate to the dwelling use, and which does not in any manner change the residential character of the building or its surrounding lot.” b). Amend Section 4.3.5 .b Additional Use Regulations, single family home occupation

By changing “principal building” to “permitted structure”, deleting the reference to ground floor percentage, and increasing the maximum floor area allowed from 500 to 600 square feet so as to read: “Not more than 600 square feet of total floor area shall be devoted to such use and the use is carried on strictly within the permitted structure.”

Or to take any other action related thereto.

**MOVED**, that the Town’s Zoning Bylaw, Section 2.1 Definitions and Section 4.3.5.b Additional Use Regulations, be amended as follows:

by amending Section 2.1 existing definition “Home Occupation” by deleting “dwelling unit” and replacing it with “permitted structure” in the first sentence so as to read: “Home Occupation: Any activity conducted by the inhabitants of and entirely within a permitted structure which use is incidental and subordinate to the dwelling use, and which does not in any manner change the residential character of the building or its surrounding lot.”

and

by amending Section 4.3.5 .b Additional Use Regulations, single family home occupation by changing “principal building” to “permitted structure”, deleting the reference to ground floor percentage and increasing the maximum floor area allowed from 500 to 600 square feet so as to read: “Not more than 600 square feet of total floor area shall be devoted to such use and the use is carried on strictly within the permitted structure.”

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

**Article: 25 Zoning Bylaw Amendment- Sections 2.1, 5.2.6 And 5.2.8 Fence And Wall Reference**

To see if the Town will vote to amend the Town’s Zoning Bylaw, Sections 2.1 (Definitions), 5.2.6 and 5.2.8 (Area Regulations, General Provisions) as follows:

a). Add the following definitions to Section 2.1:

Fence: A barrier constructed of posts, panels, rails, pickets or wire. Fence height shall be measured to the top of the panel, exclusive of posts and caps which may extend up to eight inches above the panel.

Wall, Retaining and Perimeter: an enclosing structure of stone and/or masonry at a fixed location

b). Amend Section 5.2.6, last sentence, to read as follows: “Except for structures cited in 5.2.8,a & b, no point of any structure shall be closer than the required setback distance to any point of the front lot line, or centerline of the street, as the case may be.”

c). Amend Section 5.2.8 to read as follows: “No open storage or display of goods, products, materials, or equipment, no gasoline pump, vending machine, or similar commercial device and no other structure, except for those listed in subsections a. and b. immediately below, shall be located nearer to any side or rear lot line than either fifteen feet or the permitted setback distance for a building on the lot, whichever distance is lesser.

- a. A fence not in excess of six feet in height, flag pole, utility pole, and mail box may be located within the permitted setback distance for a building on the lot,
  - b. A retaining or perimeter wall not in excess of three (3) feet in height may be located within minimum required setback distances of a property line.”
- Or to take any other action related thereto.

**MOVED** that the Town’s Zoning Bylaw, Sections 2.1 (Definitions) and Sections 5.2.6 and 5.2.8 (Area Regulations, General Provisions) be amended as follows:

by adding the following definitions to Section 2.1:

“Fence: A barrier constructed of posts, panels, rails, pickets or wire. Fence height shall be measured to the top of the panel, exclusive of posts and caps which may extend up to eight inches above the panel.”

“Wall, Retaining and Perimeter: an enclosing structure of stone and/or masonry at a fixed location.”

and

by amending Section 5.2.6, last sentence, to read as follows: “Except for structures cited in Section 5.2.8 a & b, no point of any structure shall be closer than the required setback distance to any point of the front lot line, or centerline of the street, as the case may be.”

and

by amending Section 5.2.8 to read as follows: “No open storage or display of goods, products, materials, or equipment, no gasoline pump, vending machine, or similar commercial device and no other structure, except for those listed in subsections a. and b. immediately below, shall be located nearer to any side or rear lot line than either fifteen feet or the permitted setback distance for a building on the lot, whichever distance is lesser.

- a. A fence not in excess of six feet in height, flag pole, utility pole, and mail box may be located within the permitted setback distance for a building on the lot;
- b. A retaining or perimeter wall not in excess of three (3) feet in height may be located within minimum required setback distances of a property line.”

**A 2/3’s vote required. Motion adopted unanimously.**

**Article: 26 Zoning Bylaw Amendment- Section 9.7.5 - Special Permit Uses**

To see if the Town will vote to amend the Town’s Zoning Bylaws, Section 9.7.5: Special Permit Uses, in the Flood Plain and Watershed Protection District, by adding the phrase “such as private boat docks,” so as to read: “Nonresidential structures incidental to any of the uses allowed under Section 9.5 of this section, such as private boat docks, provided, however, that the same do not exceed twenty feet in height or two hundred square feet in total ground coverage, and that the water quality or natural drainage pattern of any watercourse is not adversely affected thereby.”

Or to take any other action related thereto.

**MOVED**, that the Town’s Zoning Bylaw, Section 9.7.5: Special Permit Uses, in the Flood Plain and Watershed Protection District be amended by adding the phrase “such as private boat docks,” so as to read: “Nonresidential structures incidental to any of the uses allowed under Section 9.5 of this section, such as private boat docks, provided, however, that the same do not exceed twenty feet in height or two hundred square feet in total ground coverage, and that the water quality or natural drainage pattern of any watercourse is not adversely affected thereby.”

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

**Article: 27 Zoning Bylaw Amendment – Section 9: Special Flood Plain And Watershed Protection District: Section 9.2 Location And, Sections 9.12, 9.12.1 And 9.12.2 General Provisions Relating To The Flood Plain District**

To see if the Town will vote to amend the Town’s Zoning Bylaw: Section 9.2 Location; and, Sections 9.12, 9.12.1 and 9.12.2 General Provisions Relating To The Flood Plain District as follows:

a). Amend Section 9.2 Location by deleting the existing Section 9.2 Location in its entirety and replacing new wording for Section 9.2 Location so as to read: “Section 9.2 Location: The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Cohasset designated as Zone A, AE, AO, or VE on the Norfolk County Flood Insurance Rate Map (such map, hereinafter the “FIRM”) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Norfolk County FIRM that are wholly or partially within the Town of Cohasset are panel numbers 25021C0113E, 25021C0114E, 25021C0118E, 25021C0251E, 25021C0252E, 25021C0254E, 25021C0256E, and 25021C0258E dated July 17, 2012. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Norfolk County Flood Insurance Study (FIS) report dated July 17, 2012. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Inspector, and Board of Selectmen.”

b). Amend Section 9.12 General Provisions Relating to the Flood Plain District by adding, after the existing 9.12.4, new sections 9.12.5, 9.12.6, 9.12.7, 9.12.8, 9.12.9, 9.12.10 as follows:

“5. Within Zone AO on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

6. Man-made alteration of sand dunes within Zone VE which would increase potential flood damage are prohibited.

7. All subdivision proposals must be designed to assure that:

a) such proposals minimize flood damage;

b) all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and

c) adequate drainage is provided to reduce exposure to flood hazards.

8. In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

9. In a riverine situation, the Conservation Commission shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities

- NFIP State Coordinator

Massachusetts Department of Conservation and Recreation

251 Causeway Street, Suite 600-700

Boston, MA 02114-2104

- NFIP Program Specialist

Federal Emergency Management Agency, Region I

99 High Street, 6th Floor

Boston, MA 02110”

c). Amend Section 9.12.1 General Provisions Relating to the Flood Plain District by deleting “In any area outside of the flood plain as shown on the flood plain and watershed protection map within Zone A,” from the first sentence in Section 9.12.1 and replacing it with the following: “In any area outside of the flood plain as shown on the flood plain and watershed protection map, or within unnumbered A Zones” so the first sentence will read: “In any area outside of the flood plain as shown on the flood

plain and watershed protection map, or within unnumbered A Zones where the 100 year flood elevation is not provided on the FIRM, the applicant for a special permit shall obtain any existing flood elevation data and it shall be reviewed by the conservation commission and the building inspector.”

d). Amend Section 9.12.2 General Provisions Relating to the Flood Plain District by deleting Section 9.12.2 in its entirety and adding a new Section 9.12.2 so as to read:

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

- Sections of the Massachusetts State Building Code (780 CMR) which address floodplain and coastal high hazard areas;
- Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
- Coastal Wetlands Restriction, DEP (currently 310 CMR 12.00);
- Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

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.”

Or, to take any action related thereto.

**MOVED**, that the Town’s Zoning Bylaw Section 9.2 Location; and, Sections 9.12, 9.12.1 and 9.12.2 General Provisions Relating To The Flood Plain District be amended as set forth in the Annual Town Meeting Warrant.

**A 2/3’s vote required. Motion adopted unanimously.**

**Article: 28 Community Preservation Committee Report & Recommendations**

To see if the Town will vote to adopt and approve the recommendations of the Community Preservation Committee for Fiscal Year 2013, and to see if the Town will vote to implement such recommendations by appropriating a sum or sums of money from the Community Preservation Fund established pursuant to Chapter 44B of the General Laws, and by authorizing the Board of Selectmen, with the approval of the Community Preservation Committee to acquire, by purchase, gift or eminent domain such real property interests in the name of the Town, or enforceable by the Town, including real property interests in the form of permanent affordable housing restrictions and historical preservation restrictions that will meet the requirements of Chapter 184 of the General Laws, or to dispose of or grant such real property interests applicable such restrictions upon town property to third parties as may be necessary or proper to carry out the foregoing, or to rescind prior unused appropriations, or to take any action related thereto.

**Recommendation A:**

**Moved** that Fiscal Year 2013 revenues to the Community Preservation Fund be divided to the following sub accounts to be administered by the Community Preservation Committee as follows.

Historical Resources Sub Account	\$50,000
Open Space Sub Account	\$50,000
Community Housing Sub Account	\$50,000
<u>Administrative Fees</u>	<u>\$7,000</u>
Total Budget	\$157,000

**Motion adopted unanimously.**

Recommendation B:

**Moved** that Two Hundred and Forty Seven Thousand dollars (\$247,000) be rescinded and returned to the Community Preservation Fund as follows.

Description: Amount, Town Meeting Date & Article

Smith Lane for testing:	\$20,000,	3/2008,	Article 6
Senior Center Design:	\$220,000,	3/2009,	Article 7
Beach Street Land:	\$7,000,	3/2010,	Article 11

**Motion adopted unanimously.**

Recommendation C:

**Moved** that Fifteen Thousand Dollars (\$15,000) be appropriated from the Community Preservation Fund Historical Resources Sub Account for the rehabilitation and restoration of the Cohasset Meeting House Clock, and that the Treasurer, with the approval of the Town Manager, be authorized to expend such appropriation for the rehabilitation and restoration of the Cohasset Meeting House Clock; and further that in compliance with the Community Preservation Act and to confirm the Town's ownership of the Town Clock, the Board of Selectmen be authorized to acquire by purchase or gift all or any portions of the property known as the First Parish Church located at 23 North Main Street, Cohasset or lesser interests therein, including but not limited to a permanent preservation restriction, and to convey a permanent preservation restriction on the portion of such property known as the Town Clock to a nonprofit, charitable organization.

**A 2/3's vote required. Motion adopted unanimously.**

Recommendation D:

**Moved** that Thirty-Five Thousand Dollars (\$35,000) be appropriated from the Community Preservation Fund Historical Resources Sub Account and Thirty Thousand Dollars (\$30,000) be appropriated from the FY13 Community Preservation Undesignated Funds for the rehabilitation and restoration of the Cohasset Meeting House windows, and that the Treasurer, with the approval of the Town Manager, be authorized to expend such appropriation for the rehabilitation and restoration of the Cohasset Meeting House Windows; and further that in compliance with the Community Preservation Act, the Board of Selectmen be authorized to acquire by purchase or gift a permanent preservation restriction in all or any portions of the property known as the First Parish Church located at 23 North Main Street, Cohasset.

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

Recommendation E:

**Moved** that Fifty Thousand Dollars (\$50,000) be appropriated from the Community Preservation Fund Open Space Sub Account and Fifty Thousand Dollars (\$50,000) be appropriated from the FY13 Community Preservation Undesignated Funds for the acquisition, creation and preservation of open space at two parcels of land located off Forest Avenue and known as Town Assessor Map 7, Parcels 2 and 43, and that the Treasurer, with the approval of the Town Manager, be authorized to expend such appropriation for the purchase of a permanent conservation restriction such two parcels; and further that

in compliance with the Community Preservation Act, the Board of Selectmen be authorized to acquire by purchase, gift and eminent domain a permanent conservation restriction on the two parcels of land located off Forest Avenue and known as Town Assessor Map 7, Parcels 2 and 43.

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

**Article: 29 General Bylaw Amendment – Section 33 Smoking Bylaw**

To see if the Town will vote to amend Article VII Section 33 of the General Bylaws by adding the following text to the bylaws to reads as set forth below, or to take any action related thereto:

**SECTION 33.1 SMOKING IN THE WORKPLACE**

**SECTION 33.1 Smoking in the Workplace**

(a) No person shall smoke in any Public Place or Workplace in accordance with the Massachusetts Smoke-Free Workplace Law, MGL Ch. 270 §22.

(b) For the purpose of this By-law, the following terms, phrases, words and their definitions shall have the meaning given herein:

i. E-Cigarette: Any electronic Nicotine Delivery Product composed of a mouthpiece, heating element, battery and/or electronic circuits that provides a vapor of liquid nicotine to the user, or relies on vaporization of solid nicotine, or any liquid. This term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, e-pipes or under any other product name.

ii. Employee. The word employee means any individual who performs services for an employer in return for wages or profit.

iii. Employer. The word employer means any individual, partnership, association, corporation, trust, or other organized group of individuals, including the Town of Cohasset or any department thereof, which regularly uses the services of one (1) or more employees.

iv. Enclosed. The word enclosed means a space bounded by walls, with or without windows or fenestrations, continuous from floor to ceiling and enclosed by one (1) or more doors, including but not limited to an office, function room or hallway.

v. Public Place. The words public place means an enclosed, indoor area and outdoor eating areas associated with restaurants when open to and used by the general public, including but not limited to the following facilities: auditoriums; licensed childcare locations; educational facilities; elevators; hotel and motel lobbies; stairwells, halls, entranceways and public restrooms; libraries; municipal buildings; museums; retail stores; restaurants; retail food establishments; sports arenas; theaters; transit facilities; and any other rooms or halls when used for public meetings.

vi. Restaurant. The word restaurant means any establishment serving food for consumption on the premises, which maintains tables for the use of its customers. This includes, without limitation, cafeterias and cafeterias in the workplace.

vii. Retail Food Establishment. The words retail food establishment means any establishment in which the primary activity is the sale of food items to the public for off – premises consumption, including without limitation, supermarkets and grocery stores.

viii. Retail Store. The words retail store means any establishment selling goods or articles to the public.

ix. Smoking. The word smoking means the lighting of a cigar, cigarette, pipe or other tobacco product or possessing a lighted cigar, cigarette, pipe or other tobacco or non-tobacco product designed to be combusted and inhaled.

x. Sports Arena. The words sports arena means any sports pavilion, gymnasium, health spa, boxing arena, swimming pool, roller or ice rink, bowling alley or other place where members of the general public assemble to engage in physical exercise, participate in athletic competition or witness sports events.

xi. Workplace. The word workplace means an indoor area, structure or facility or a portion thereof, at which one (1) or more employees perform a service for compensation for an employer, other enclosed spaces rented to or otherwise used by the public; and where the employer has the right or authority to exercise control over the space. It also includes an area outside the structure within 20 feet of any entrance to the structure.

(c) The use of e-cigarettes is prohibited wherever smoking is prohibited per Section 33.1 (i)

(d)

i. Any person having control of premises upon which smoking is prohibited by this section shall conspicuously display upon the premises an appropriate number of signs reading "Smoking Prohibited by Law."

ii. It shall be unlawful for any person having control of any premises in which smoking is prohibited by this section to permit, or for its, his, or her agent to permit a violation of this section.

(e) No person or employer shall discharge, refuse to hire, or in any manner retaliate against any employee or applicant for employment because such employee or applicant exercises rights afforded by this section.

(f) The Board of Health may promulgate regulations for the administration of this section of the Bylaws.

### **SECTION 33.2 SALE OF TOBACCO PRODUCTS**

(a) Whereas there exists conclusive evidence that tobacco smoke causes cancer, respiratory and cardiac diseases, negative birth outcomes, irritations to the eyes, nose and throat; and whereas more than eighty percent of all smokers begin smoking before the age of eighteen years (Centers for Disease Control and Prevention, "Youth Surveillance - United States 2000," 50 MMWR 1 (Nov. 2000); and whereas nationally in 2000, sixty nine percent of middle school age children who smoke at least once a month were not asked to show proof of age when purchasing cigarettes (Id.); and whereas the U.S. Department of Health and Human Services has concluded that nicotine is as addictive as cocaine or heroin; and whereas despite state laws prohibiting the sale of tobacco products to minors, access by minors to tobacco products is a major problem; and whereas the sale of tobacco products is incompatible with the mission of health care institutions because it is detrimental to the public health and undermines efforts to educate patients on the safe and effective use of medication; now, therefore it is the intention of this bylaw to regulate the access of tobacco products.

(b) For the purpose of this Section, the following terms, phrases, words and their definitions shall have the meaning given herein:

i. Business Agent: An individual who has been designated by the owner or operator of any establishment to be the manager or otherwise in charge of said establishment.

ii. E-Cigarette: Any electronic Nicotine Delivery Product not approved by the Food and Drug Administration composed of a mouthpiece, heating element, battery and/or electronic circuits that provides a vapor of liquid nicotine to the user, or relies on vaporization of solid nicotine, or any liquid nicotine. This term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, e-pipes or under any other product name.

iii. Employee: Any individual who performs services for an employer in return for wages or profit.

iv. Employer: Any individual, partnership, association, corporation, trust or other organized group of individuals, including the town of Cohasset or any agency thereof, which uses the services of two (2) or more employees.

v. Health Care Institution: An individual, partnership, association, corporation or trust or any person or group of persons that provides health care services and employs health care providers licensed, or subject to licensing, by the Massachusetts Department of Public Health under M.G.L. ch. 112 or a retail establishment that provides pharmaceutical goods and services and subject to the provisions of 247 CMR 6.00. Health care institution includes, but is not limited to, hospitals, clinics, health centers, pharmacies, drug stores, doctor offices and dentist offices.

- vi. Minor: Any individual who is under the age of eighteen (18).
- vii. Nicotine Delivery Product: Any article or product made wholly or in part of a tobacco substitute or containing nicotine that is expected or intended for human consumption, but not including a tobacco substitute prescribed by a licensed physician or a product that has been approved by the United States Food and Drug Administration for sale as a tobacco use cessation or harm reduction product or for other medical purposes and which is being marketed and sold solely for that approved purpose. Nicotine Delivery Product includes, but is not limited to, e-cigarettes.
- viii. Permit Holder: Any person engaged in the sale or distribution of tobacco products directly to consumers who applies for and receives a tobacco sales permit or any person who is required to apply for a tobacco sales permit pursuant to these regulations, or his or her business agent.
- ix. Person: An individual, employer, employee, retail store manager or owner, or the owner or operator of any establishment engaged in the sale or distribution of tobacco products directly to consumers.
- x. Self Service Display: Any display from which customers may select a tobacco product or a Nicotine Delivery Product without assistance from an employee or store personnel, excluding vending machines.
- xi. Tobacco Product: Cigarettes, cigars, chewing tobacco, pipe tobacco, bidis, snuff or tobacco in any of its forms.
- xii. Vending Machine: Any automated or mechanical self service device, which upon insertion of money, tokens or any other form of payment, dispenses cigarettes, any other tobacco product or Nicotine Delivery Products.
- (c) No person shall sell tobacco or nicotine delivery products or permit tobacco or nicotine delivery products to be sold to a minor; or not being the minor's parent or legal guardian, give tobacco or nicotine delivery products to a minor.
- i. In conformance with and in addition to Massachusetts General Law, Chapter 270, Section 7, a copy of Massachusetts General Laws, Chapter 270, Section 6, shall be posted conspicuously by the owner or other person in charge thereof in the shop or other place used to sell tobacco products at retail. The notice shall be provided by the Massachusetts Department of Public Health and made available from the Cohasset Board of Health. The notice shall be at least 48 square inches and shall be posted conspicuously by the permit holder in the retail establishment or other place in such a manner so that it may be readily seen by a person standing at or approaching the cash register. The notice shall directly face the purchaser and shall not be obstructed from view or placed at a height of less than four (4) feet or greater than nine (9) feet from the floor. The owner or other person in charge of a shop or other place used to sell tobacco products at retail shall conspicuously post any additional signs required by the Massachusetts Department of Public Health. The owner or other person in charge of a shop or other place used to sell tobacco products at retail shall conspicuously post signage provided by the Cohasset Board of Health that discloses current referral information about smoking cessation.
- ii. The owner or other person in charge of a shop or other place used to sell Nicotine Delivery Products at retail shall conspicuously post a sign stating that "The sale of Nicotine Delivery Products to minors under 18 years of age is prohibited." The owner or other person in charge of a shop or other place used to sell e-cigarettes at retail shall conspicuously post a sign stating that "The use of e-cigarettes at indoor establishments may be prohibited by local law." The notices shall be no smaller than 8.5" by 11" and shall be posted conspicuously in the retail establishment or other place in such a manner so that they may be readily seen by a person standing at or approaching the cash register. These notices shall directly face the purchaser and shall not be obstructed from view or placed at a height of less than four (4) feet or greater than nine (9) feet from the floor.
- iii. Each person selling or distributing tobacco or nicotine delivery products shall verify the age of the purchaser by means of valid government-issued photographic identification containing the bearer's date of birth that the purchaser is 18 years old or older. Verification is required for any person under the age of 27.
- iv. All retail sales of tobacco or Nicotine Delivery Products must be face-to-face between the seller and the buyer.

(d) No person shall sell or otherwise distribute tobacco or Nicotine Delivery Products at retail within Cohasset without first obtaining a Tobacco and Nicotine Delivery Product Sales Permit issued annually by the Town of Cohasset General Bylaw Section 33. Only owners of establishments with a permanent, non-mobile location in Cohasset are eligible to apply for a permit and sell tobacco products or Nicotine Delivery Products at the specified location in Cohasset.

i. As part of the Tobacco and Nicotine Delivery Product Sales Permit application process, the applicant will be provided with the Cohasset Board of Health regulation. Each applicant is required to sign a statement declaring that the applicant has read said regulation and that the applicant is responsible for instructing any and all employees who will be responsible for tobacco and Nicotine Delivery Product sales regarding both state laws regarding the sale of tobacco and this regulation.

ii. Each applicant who sells tobacco is required to provide proof of a current Tobacco Retailer License issued by the Massachusetts Department of Revenue before a Tobacco and Nicotine Delivery Product Sales Permit can be issued.

iii. The fee for a Tobacco and Nicotine Delivery Product Sales Permit shall be determined by the Cohasset Board of Health annually. All such permits shall be renewed annually by January 1. A separate permit is required for each retail establishment selling tobacco or Nicotine Delivery Products. Issuance of a Tobacco and Nicotine Delivery Product Sales Permit shall be conditioned on an applicant's consent to unannounced, periodic inspections of his/her retail establishment to ensure compliance with this regulation. A Tobacco and Nicotine Delivery Product Sales Permit is non-transferable. A new owner of an establishment that sells tobacco or Nicotine Delivery Products must apply for a new permit. No new permit will be issued unless and until all outstanding penalties incurred by the previous permit holder are satisfied in full.

iv. Each Tobacco and Nicotine Delivery Product Sales Permit shall be displayed at the retail establishment in a conspicuous place.

v. No Tobacco and Nicotine Delivery Product Sales Permit holder shall allow any employee to sell cigarettes, other tobacco products, or Nicotine Delivery Products until such employee reads this regulation and state laws regarding the sale of tobacco and signs a statement, a copy of which will be placed on file in the office of the employer, that he/she has read the regulation and applicable state laws.

vi. A Tobacco and Nicotine Delivery Product Sales Permit will not be renewed if the permit holder has failed to pay all fines issued and the time period to appeal the fines has expired.

(e) Regulated retail practices:

i. No person shall distribute, or cause to be distributed, any free samples of tobacco products or Nicotine Delivery Products.

ii. No person may sell or cause to be sold or distribute or cause to be distributed, any cigarette package that contains fewer than twenty (20) cigarettes, including single cigarettes.

iii. All self-service displays of tobacco products and/or Nicotine Delivery Products are prohibited. All humidors including, but not limited to, walk-in humidors must be locked.

iv. All tobacco and/or Nicotine Delivery Product vending machines are prohibited.

v. No health care institution located in Cohasset shall sell or cause to be sold tobacco products. No retail establishment that operates or has a health care institution within it, such as a pharmacy or drug store, shall sell or cause to be sold tobacco products.

(f) Penalties:

i. It shall be the responsibility of the establishment, permit holder and/or his or her business agent to ensure compliance with all sections of this regulation pertaining to his or her distribution of tobacco and/or Nicotine Delivery Products. The violator shall receive in the case of a first violation, a fine of one hundred dollars (\$100.00). In the case of a second violation within twenty-four (24) months of the date of the current violation, a fine of two hundred dollars (\$200.00) and the Tobacco and Nicotine Delivery Product Sales Permit shall be suspended for seven (7) consecutive business days. In the case of three or more violations within a twenty-four (24) month period, a fine of three hundred dollars (\$300.00) and

the Tobacco and Nicotine Delivery Product Sales Permit shall be suspended for thirty (30) consecutive business days.

ii. Refusal to cooperate with inspections pursuant to this regulation shall result in the suspension of the Tobacco and Nicotine Delivery Product Sales Permit for thirty (30) consecutive business days.

iii. In addition to the monetary fines set above, any permit holder who engages in the sale or distribution of tobacco products or Nicotine Delivery Products directly to a consumer while his or her permit is suspended shall be subject to the suspension of all board of health issued permits for thirty (30) consecutive business days.

iv. The Cohasset Board of Health shall provide notice of the intent to suspend a Tobacco and Nicotine Delivery Product Sales Permit, which notice shall contain the reasons therefor and establish a time and date for a hearing which date shall be no earlier than seven (7) days after the date of said notice. The permit holder or its business agent shall have an opportunity to be heard at such hearing and shall be notified of the Board of Health's decision, and the reasons therefore in writing. After a hearing, the Cohasset Board of Health shall suspend the Tobacco and Nicotine Delivery Product Sales Permit if the Board finds that a sale to a minor occurred. For purposes of such suspensions, the Board shall make the determination notwithstanding any separate criminal or non-criminal proceedings brought in court hereunder or under the Massachusetts General Laws for the same offense. All tobacco products and Nicotine Delivery Products shall be removed from the retail establishment upon suspension of the Tobacco and Nicotine Delivery Product Sales Permit. Failure to remove all tobacco products and Nicotine Delivery Products shall constitute a separate violation of this regulation.

v. Enforcement of this regulation shall be by the Cohasset Board of Health or its designated agent(s).

(g) Whoever violates any provision of this regulation may be penalized by the non-criminal method of disposition as provided in General Laws, Chapter 40, Section 21 D or by filing a criminal complaint at the appropriate venue. For the purpose of this Section the penalty to apply in the event of a violation shall be as follows: \$100 for the first offense; \$200 for the second offense; and \$300 for the third and each subsequent offense. Each day any violation exists shall be deemed to be a separate offense.

(h) If any provision of these regulations is declared invalid or unenforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.

(i) The Board of Health may promulgate regulations for the administration of this section of the Bylaws.

### **SECTION 33.3 SALE OF TOBACCO PRODUCTS IN HEALTH CARE INSTITUTIONS**

(a) Whereas there exists conclusive evidence that tobacco smoke causes cancer, respiratory and cardiac diseases and negative birth outcomes; and whereas the sale of tobacco products is incompatible with the mission of health care institutions because it is detrimental to the public health and undermines efforts to educate patients on the safe and effective use of medication; now, therefore it is the intention of this bylaw to regulate the access of tobacco products.

(b) No health care institution located in Cohasset shall sell or cause to be sold tobacco products. No retail establishment that operates or has a health care institution within it, such as a pharmacy or drug store, shall sell or cause to be sold tobacco products.

(c) It shall be the responsibility of the establishment and/or his or her business agent to ensure compliance with all sections of this regulation pertaining to his or her distribution of tobacco products. The violator shall receive a fine of three hundred dollars (\$300.00) for each offense. Enforcement of this regulation shall be by the Cohasset Board of Health or its designated agent(s).

(d) Whoever violates any provision of this regulation may be penalized by the non-criminal method of disposition as provided in General Laws, Chapter 40, Section 21 D or by filing a criminal complaint at the appropriate venue. For the purpose of this Section, the penalty to apply in the event of a violation shall be as follows: \$300 for each offense. Each day any violation exists shall be deemed to be a separate offense.

- (e) If any provision of these regulations is declared invalid or unenforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.
- (f) The Board of Health may promulgate regulations for the administration of this section of the Bylaws.

**MOVED** that Article VII of the General Bylaws be amended by deleting the current Section 33, Smoking Bylaw and replacing it with the following new Section 33, Smoking Bylaw as set forth below:

SECTION 33 SMOKING BYLAW

SECTION 33.1 Smoking In The Workplace

(a) No person shall smoke in any Public Place or Workplace in accordance with the Massachusetts Smoke-Free Workplace Law, MGL Ch. 270 §22.

(b) For the purpose of this Section 33.1, the following terms, phrases and words shall be defined as follows:

- i. E-Cigarette: Any electronic Nicotine Delivery Product composed of a mouthpiece, heating element, battery and/or electronic circuits that provides a vapor of liquid nicotine to the user, or relies on vaporization of solid nicotine, or any liquid. This term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, e-pipes or under any other product name.
- ii. Employee. Any individual who performs services for an employer in return for wages or profit.
- iii. Employer. Any individual, partnership, association, corporation, trust, or other organized group of individuals, including without limitation the Town of Cohasset or any department thereof, which regularly uses the services of one (1) or more employees.
- iv. Enclosed. A space bounded by walls, with or without windows or fenestrations, continuous from floor to ceiling and enclosed by one (1) or more doors, including but not limited to an office, function room or hallway.
- v. Public Place. An enclosed, indoor area and outdoor eating areas associated with restaurants when open to and used by the general public, including but not limited to the following facilities: auditoriums; licensed childcare locations; educational facilities; elevators; hotel and motel lobbies; stairwells, halls, entranceways and public restrooms; libraries; municipal buildings; museums; retail stores; restaurants; retail food establishments; sports arenas; theaters; transit facilities; and any other rooms or halls when used for public meetings.
- vi. Restaurant. Any establishment serving food for consumption on the premises, which maintains tables for the use of its customers. This includes, without limitation, cafeterias and cafeterias in the workplace.
- vii. Retail Food Establishment. Any establishment in which the primary activity is the sale of food items to the public for off – premises consumption, including without limitation, supermarkets and grocery stores.
- viii. Retail Store. Any establishment selling goods or articles to the public.
- ix. Smoking. The lighting of a cigar, cigarette, pipe or other tobacco product or possessing a lighted cigar, cigarette, pipe or other tobacco or non-tobacco product designed to be combusted and inhaled.
- x. Sports Arena. Any sports pavilion, gymnasium, health spa, boxing arena, swimming pool, roller or ice rink, bowling alley or other place where members of the general public assemble to engage in physical exercise, participate in athletic competition or witness sports events.
- xi. Workplace. An indoor area, structure or facility or a portion thereof, at which one (1) or more employees perform a service for compensation for an employer, other enclosed spaces rented to or otherwise used by the public; and where the employer has the right or authority to exercise control over the space. It also includes an area outside the structure within 20 feet of any entrance to the structure.

(c) The use of e-cigarettes is prohibited wherever smoking is prohibited per Section 33.1 (a).

(d) Any person having control of premises upon which smoking is prohibited by this section shall conspicuously display upon the premises an appropriate number of signs reading “Smoking Prohibited by Law.”

(e) It shall be unlawful for any person having control of any premises in which smoking is prohibited by this section to permit, or for its, his, or her agent to permit a violation of this section.

(f) No person or employer shall discharge, refuse to hire, or in any manner retaliate against any employee or applicant for employment because such employee or applicant exercises rights afforded by this section.

(g) The Board of Health may promulgate regulations for the administration of this Section 33.1.

SECTION 33.2 Sale of Tobacco Products

(a) Whereas there exists conclusive evidence that tobacco smoke causes cancer, respiratory and cardiac diseases, negative birth outcomes, irritations to the eyes, nose and throat; and whereas more than eighty percent of all smokers begin smoking before the age of eighteen years (Centers for Disease Control and Prevention, "Youth Surveillance - United States 2000," 50 MMWR 1 (Nov. 2000)); and whereas nationally in 2000, sixty nine percent of middle school age children who smoke at least once a month were not asked to show proof of age when purchasing cigarettes (Id.); and whereas the U.S. Department of Health and Human Services has concluded that nicotine is as addictive as cocaine or heroin; and whereas despite state laws prohibiting the sale of tobacco products to minors, access by minors to tobacco products is a major problem; and whereas the sale of tobacco products is incompatible with the mission of health care institutions because it is detrimental to the public health and undermines efforts to educate patients on the safe and effective use of medication; now, therefore it is the intention of this Section 33.2 to regulate access to tobacco products.

(b) For the purpose of Sections 33.2 and 33.3, the following terms, phrases and words shall be defined as follows:

i. Business Agent: An individual who has been designated by the owner or operator of any establishment to be the manager or otherwise in charge of said establishment.

ii. E-Cigarette: Any electronic Nicotine Delivery Product not approved by the Food and Drug Administration composed of a mouthpiece, heating element, battery and/or electronic circuits that provides a vapor of liquid nicotine to the user, or relies on vaporization of solid nicotine, or any liquid nicotine. This term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, e-pipes or under any other product name.

iii. Employee: Any individual who performs services for an Employer in return for wages or profit.

iv. Employer: Any individual, partnership, association, corporation, trust or other organized group of individuals, including without limitation the Town of Cohasset or any agency thereof, which uses the services of two (2) or more employees.

v. Health Care Institution: An individual, partnership, association, corporation or trust or any person or group of persons that provides health care services and employs health care providers licensed, or subject to licensing, by the Massachusetts Department of Public Health under M.G.L. ch. 112 or a retail establishment that provides pharmaceutical goods and services and subject to the provisions of 247 CMR 6.00. Health Care Institution includes, but is not limited to, hospitals, clinics, health centers, pharmacies, drug stores, doctor offices and dentist offices.

vi. Minor: Any individual who is under the age of eighteen (18).

vii. Nicotine Delivery Product: Any article or product made wholly or in part of a tobacco substitute or containing nicotine that is expected or intended for human consumption, but not including a tobacco substitute prescribed by a licensed physician or a product that has been approved by the United States Food and Drug Administration for sale as a tobacco use cessation or harm reduction product or for other medical purposes and which is being marketed and sold solely for that approved purpose. Nicotine Delivery Product includes, but is not limited to, e-cigarettes.

viii. Permit Holder: Any person engaged in the sale or distribution of tobacco products directly to consumers who applies for and receives a tobacco sales permit or any person who is required to apply for a tobacco sales permit pursuant to this Bylaw, or his or her business agent.

- ix. Person: An individual, employer, employee, retail store manager or owner, or the owner or operator of any establishment engaged in the sale or distribution of tobacco products directly to consumers.
- x. Self Service Display: Any display from which customers may select a tobacco product or a Nicotine Delivery Product without assistance from an employee or store personnel, excluding vending machines.
- xi. Tobacco Product: Cigarettes, cigars, chewing tobacco, pipe tobacco, bidis, snuff or tobacco in any of its forms.
- xii. Vending Machine: Any automated or mechanical self service device, which upon insertion of money, tokens or any other form of payment, dispenses cigarettes, any other tobacco product or Nicotine Delivery Products.
- (c) No person shall sell tobacco or nicotine delivery products or permit tobacco or nicotine delivery products to be sold to a minor; or not being the minor's parent or legal guardian, give tobacco or nicotine delivery products to a minor.
- i. In conformance with and in addition to Massachusetts General Law, Chapter 270, Section 7, a copy of Massachusetts General Laws, Chapter 270, Section 6, shall be posted conspicuously by the owner or other person in charge thereof in the shop or other place used to sell tobacco products at retail. The notice shall be provided by the Massachusetts Department of Public Health and made available from the Cohasset Board of Health. The notice shall be at least 48 square inches and shall be posted conspicuously by the permit holder in the retail establishment or other place in such a manner so that it may be readily seen by a person standing at or approaching the cash register. The notice shall directly face the purchaser and shall not be obstructed from view or placed at a height of less than four (4) feet or greater than nine (9) feet from the floor. The owner or other person in charge of a shop or other place used to sell tobacco products at retail shall conspicuously post any additional signs required by the Massachusetts Department of Public Health. The owner or other person in charge of a shop or other place used to sell tobacco products at retail shall conspicuously post signage provided by the Cohasset Board of Health that discloses current referral information about smoking cessation.
- ii. The owner or other person in charge of a shop or other place used to sell Nicotine Delivery Products at retail shall conspicuously post a sign stating that "The sale of Nicotine Delivery Products to minors under 18 years of age is prohibited." The owner or other person in charge of a shop or other place used to sell e-cigarettes at retail shall conspicuously post a sign stating that "The use of e-cigarettes at indoor establishments may be prohibited by local law." The notices shall be no smaller than 8.5" by 11" and shall be posted conspicuously in the retail establishment or other place in such a manner so that they may be readily seen by a person standing at or approaching the cash register. These notices shall directly face the purchaser and shall not be obstructed from view or placed at a height of less than four (4) feet or greater than nine (9) feet from the floor.
- iii. Each person selling or distributing tobacco or nicotine delivery products shall verify the age of the purchaser by means of valid government-issued photographic identification containing the bearer's date of birth that the purchaser is 18 years old or older. Verification is required for any person under the age of 27.
- iv. All retail sales of tobacco or Nicotine Delivery Products must be face-to-face between the seller and the buyer.
- (d) No person shall sell or otherwise distribute tobacco or Nicotine Delivery Products at retail within Cohasset without first obtaining a Tobacco and Nicotine Delivery Product Sales Permit issued annually by the Town of Cohasset Board of Health. Only owners of establishments with a permanent, non-mobile location in Cohasset are eligible to apply for a Tobacco and Nicotine Delivery Product Sales Permit and sell tobacco products or Nicotine Delivery Products at the specified location in Cohasset.
- i. As part of the Tobacco and Nicotine Delivery Product Sales Permit application process, the applicant will be provided with the Cohasset Smoking Bylaw and any Board of Health Regulations issued pursuant to the Smoking Bylaw. Each applicant is required to sign a statement declaring that the applicant has read said Bylaw and Regulations and that the applicant is responsible for instructing any

and all employees who will be responsible for tobacco and Nicotine Delivery Product sales regarding both state laws regarding the sale of tobacco and said Bylaw and Regulations.

ii. Each applicant who sells tobacco is required to provide proof of a current Tobacco Retailer License issued by the Massachusetts Department of Revenue before a Tobacco and Nicotine Delivery Product Sales Permit can be issued.

iii. The fee for a Tobacco and Nicotine Delivery Product Sales Permit shall be determined by the Cohasset Board of Health annually. All such permits shall be renewed annually by January 1. A separate permit is required for each retail establishment selling tobacco or Nicotine Delivery Products. Issuance of a Tobacco and Nicotine Delivery Product Sales Permit shall be conditioned on an applicant's consent to unannounced, periodic inspections of his/her retail establishment to ensure compliance with this regulation. A Tobacco and Nicotine Delivery Product Sales Permit is non-transferable. A new owner of an establishment that sells tobacco or Nicotine Delivery Products must apply for a new permit. No new permit will be issued unless and until all outstanding penalties incurred by the previous permit holder are satisfied in full.

iv. Each Tobacco and Nicotine Delivery Product Sales Permit shall be displayed at the retail establishment in a conspicuous place.

v. No Tobacco and Nicotine Delivery Product Sales Permit holder shall allow any employee to sell cigarettes, other tobacco products, or Nicotine Delivery Products until such employee reads this Smoking Bylaw and any Board of Health Regulations issued pursuant to the Smoking Bylaw and state laws regarding the sale of tobacco and signs a statement, a copy of which will be placed on file in the office of the employer, that he/she has read this Smoking Bylaw and any Board of Health Regulations issued pursuant to the Smoking Bylaw and applicable state laws.

vi. A Tobacco and Nicotine Delivery Product Sales Permit will not be renewed if the permit holder has failed to pay all fines issued and the time period to appeal the fines has expired.

(e) Regulated retail practices:

i. No person shall distribute, or cause to be distributed, any free samples of tobacco products or Nicotine Delivery Products.

ii. No person shall sell or cause to be sold or distribute or cause to be distributed, any cigarette package that contains fewer than twenty (20) cigarettes, including single cigarettes.

iii. All self-service displays of tobacco products and/or Nicotine Delivery Products are prohibited. All humidors including, but not limited to, walk-in humidors must be locked.

iv. All tobacco and/or Nicotine Delivery Product vending machines are prohibited.

v. No health care institution located in Cohasset shall sell or cause to be sold tobacco products. No retail establishment that operates or has a health care institution within it, such as a pharmacy or drug store, shall sell or cause to be sold tobacco products.

(f) Penalties:

i. It shall be the responsibility of the establishment, permit holder and/or his or her business agent to ensure compliance with all sections of this Bylaw pertaining to his or her distribution of tobacco and/or Nicotine Delivery Products. Any violation of this Section 33 Smoking Bylaw shall be punished in the case of a first violation, a fine of one hundred dollars (\$100.00). In the case of a second violation within twenty-four (24) months of the date of the current violation, a fine of two hundred dollars (\$200.00) and any Tobacco and Nicotine Delivery Product Sales Permit shall be suspended for seven (7) consecutive business days. In the case of three or more violations within a twenty-four (24) month period, a fine of three hundred dollars (\$300.00) and any Tobacco and Nicotine Delivery Product Sales Permit shall be suspended for thirty (30) consecutive business days.

ii. Refusal to cooperate with inspections pursuant to this Bylaw shall result in the suspension of the Tobacco and Nicotine Delivery Product Sales Permit for thirty (30) consecutive business days.

iii. In addition to the monetary fines set above, any permit holder who engages in the sale or distribution of tobacco products or Nicotine Delivery Products directly to a consumer while his or her permit is

suspended shall be subject to the suspension of all Board of Health issued permits for thirty (30) consecutive business days.

iv. The Cohasset Board of Health shall provide notice to the permit holder of the intent to suspend a Tobacco and Nicotine Delivery Product Sales Permit, which notice shall contain the reasons therefor and establish a time and date for a hearing which date shall be no earlier than seven (7) days after the date of said notice. The permit holder or its business agent shall have an opportunity to be heard at such hearing and shall be notified of the Board of Health's decision, and the reasons therefore in writing. After a hearing, the Cohasset Board of Health shall suspend the Tobacco and Nicotine Delivery Product Sales Permit if the Board finds that a sale to a minor occurred. For purposes of such suspensions, the Board shall make the determination notwithstanding any separate criminal or non-criminal proceedings brought in court hereunder or under the Massachusetts General Laws for the same offense. All tobacco products and Nicotine Delivery Products shall be removed from the retail establishment upon suspension of the Tobacco and Nicotine Delivery Product Sales Permit. Failure to remove all tobacco products and Nicotine Delivery Products shall constitute a separate violation of this Bylaw.

v. Enforcement of this Bylaw shall be by the Cohasset Board of Health or its designated agent(s).

(g) As an alternative to initiating criminal proceedings, whoever violates any provision of this Section 33 Smoking Bylaw may be penalized by the non-criminal method of disposition as provided in General Laws, Chapter 40, Section 21 D in which case the penalty to apply in the event of a violation shall be \$300. The enforcing person shall be the Board of Health or its agent. Each day any violation exists shall be deemed to be a separate offense.

(h) If any provision of this Bylaw is declared invalid or unenforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.

(i) The Board of Health may promulgate regulations for the administration of this Section 33.2.

### SECTION 33.3 Sale of Tobacco Products In Health Care Institutions

(a) Whereas there exists conclusive evidence that tobacco smoke causes cancer, respiratory and cardiac diseases and negative birth outcomes; and whereas the sale of tobacco products is incompatible with the mission of health care institutions because it is detrimental to the public health and undermines efforts to educate patients on the safe and effective use of medication; now, therefore it is the intention of this Bylaw to regulate access to tobacco products.

(b) No Health Care Institution located in Cohasset shall sell or cause to be sold tobacco products. No retail establishment that operates or has a health care institution within it, such as a pharmacy or drug store, shall sell or cause to be sold tobacco products.

(c) It shall be the responsibility of the establishment and/or his or her business agent to ensure compliance with all sections of this Bylaw pertaining to his or her distribution of tobacco products.

(d) The Board of Health may promulgate regulations for the administration of this Section 33.3.

### **Motion defeated.**

### **Article: 30 Scoping and Feasibility Study- Treat's Pond Flood**

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow pursuant to any applicable statute, the sum of Fifteen Thousand Dollars (\$15,000), to be expended by the Town Manager, for professional services including but not limited to obtaining an engineering evaluation of alternatives for an ocean outlet for Treat's Pond through Sandy Cove providing flood relief for Atlantic Ave homes and the development of conceptual design criteria and preliminary costs for said alternatives; the investigation of funding options; the preparation of an Environmental Notification Form and the coordination of a Environmental Impact Report Scoping Meeting with State regulators for the purpose

of defining required environmental evaluations and infrastructure requirements necessary to implement a selected flood relief improvement alternative, or to take any other action related thereto.

**MOVED** that Fifteen Thousand Dollars (\$15,000), be raised and appropriated from the FY13 tax levy and other general revenues of the town to be expended by the Town Manager, for professional services that are competitively bid, including but not limited to obtaining an engineering evaluation of alternatives for an ocean outlet for Treat's Pond through Sandy Cove providing flood relief for Atlantic Ave homes and the development of conceptual design criteria and preliminary costs for said alternatives; the investigation of funding options; the preparation of an Environmental Notification Form and the coordination of a Environmental Impact Report Scoping Meeting with State regulators for the purpose of defining required environmental evaluations and infrastructure requirements necessary to implement a selected flood relief improvement alternative.

**Motion adopted.**

**Article: 31 Massachusetts General Laws Chapter 91 Liability**

To see if the Town will vote to assume liability in the manner provided by the MGL Chapter 91, Section 29, as amended, for all damages that may be incurred by the work to be performed by the Massachusetts Department of Environmental Protection for the improvement, development maintenance, and protection of tidal and non-tidal rivers and streams, great ponds, harbors, tidewaters, foreshores, and shores along a public beach in accordance with Section 11 of said Chapter 91 and to authorize the Selectmen to execute and deliver bond on indemnity therefore to the Commonwealth; or take any action related thereto.

**MOVED** that the liability provided by G.L. Chapter 91, Section 29, as amended, be assumed by the Town of Cohasset for all damages that may be incurred by the work to be performed by the Massachusetts Department of Environmental Protection for the improvement, development maintenance, and protection of tidal and non-tidal rivers and streams, great ponds, harbors, tidewaters, foreshores, and shores along a public beach in accordance with Section 11 of said Chapter 91 and that the Board of Selectmen be hereby authorized to execute and deliver bond on indemnity therefore to the Commonwealth.

**Motion adopted unanimously.**

**Article: 32 Water System Operations Contract**

To see if the Town will vote to authorize the Water Commissioners to negotiate and, with the approval of the Town Manager, enter into a five (5) year contract for the operation, maintenance and management of the Town's waterworks on terms and conditions the Commissioners and Town Manager determine to be in the best interests of the Town; and further to vote to authorize the Water Commissioners and Town Manager to lease any Town property under the care and custody of the Water Commissioners in connection with such contract for a term not to exceed five (5) years; or take any action related thereto.

**MOVED** that the Cohasset Water Commissioners to negotiate and, with the approval of the Town Manager, enter into a five (5) year contract on substantially the terms as presented in a Handout entitled "Cohasset Water Commission Five Year Concession Terms" for the operation, maintenance and management of the Town's waterworks on terms and conditions the Commissioners and Town Manager determine to be in the best interests of the Town; and further that the Water Commissioners and Town

Manager acting jointly are hereby authorized to lease any Town property under the care and custody of the Cohasset Water Commissioners in connection with such contract for a term not to exceed five (5) years.

**Moved** that the subject matter of this article be indefinitely postponed.

**Motion adopted unanimously.**

**Article: 33 Water Enterprise Fund - FY13 Budget**

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds or borrow pursuant to any applicable statute for the FY13 operating budget and capital projects of the Water Enterprise Fund for the ensuing fiscal year commencing on July 1, 2012, or take any other action related thereto.

**MOVED** that four million, two hundred sixty three thousand, eight hundred thirty Dollars (\$4,263,830) be hereby appropriated from the Water Enterprise Fund Revenues for FY13 Water Enterprise Fund Annual Budget for Expenses in the amount of four million, two hundred sixty three thousand, eight hundred thirty Dollars (\$4,263,830) to be jointly expended by the Water Commission and Town Manager.

**Motion adopted.**

**Article: 34 General Bylaw Amendment – Annual Town Meeting**

To see if the Town will vote to amend Article II Section 1 (a) of the General Bylaws by deleting the words “1st” and “on a Saturday” and replacing the word “31st”, so that the text of the bylaws after amendment reads as follows:

ARTICLE II, SECTION 1. ANNUAL TOWN MEETING

The Board of Selectmen shall set the date for the Annual Town Meeting on or before December 31st of the preceding year. The Annual Town Meeting shall be held commencing at a time of that day established by the Board of Selectmen at the time of issuance of the warrant in the months of March, April or May of any year. The meeting for the election of those officers who by law must be elected by ballot, and for determining, such matters as by law must be decided by ballot, shall take place within the thirty-five (35) days after the opening of the Annual Town Meeting: the time that the polls shall be open for each election shall be determined by the Board of Selectmen in accordance with Massachusetts General Laws Chapter 54, Section 64.or take any other action related thereto.

**MOVED**, that Article II Section 1(a) of the General Bylaws be amended by deleting the word “1st” and replacing it with the word “31<sup>st</sup>” and deleting “on a Saturday” so that the text after amendment reads as follows:

ARTICLE II, SECTION 1. ANNUAL TOWN MEETING

(a) The Board of Selectmen shall set the date for the Annual Town Meeting on or before December 31st of the preceding year. The Annual Town Meeting shall be held commencing at a time of that day established by the Board of Selectmen at the time of issuance of the warrant in the months March, April or May of any year. The meeting for the election of those officers who by law must be elected by ballot,

and for determining, such matters as by law must be decided by ballot, shall take place within the thirty-five (35) days after the opening of the Annual Town Meeting: the time that the polls shall be open for each election shall be determined by the Board of Selectmen in accordance with Massachusetts General Laws Chapter 54, Section 64.

**Motion adopted unanimously.**

**It was moved and seconded that this Annual Town Meeting be dissolved at 8:00 p.m.**

**A True Record, ATTEST:**

**Carol L. St. Pierre  
Town Clerk**