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April 22, 2013**

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Annual Town Meeting – April 22, 2013

At the Annual Town Meeting held on Monday April 22, 2013 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 6:00 p.m. were Elizabeth Anderson, Abigail Alves, Jody Doyle, Kelly Grech, Debra Krupczak and Rebekah Matthey. Tellers were appointed and sworn in by the Moderator, Daniel Evans.

The Moderator called the meeting to order at 6:48 p.m. and a quorum of 100 was present at that time. The registered voters checked in on the voting list totaled 386. Precinct 1 – 198 voters and precinct 2 – 188.

Citizens recited the pledge of allegiance. A moment of silence was observed for citizens listed in the memoriam of the town report and the victims of the Boston Marathon bombing.

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.

Article: 1 Annual Town Report

To act upon the reports of the various Town Officers as printed in the Annual Town Report for 2012, or take any other action related thereto.

MOVED that the reports of the various Town Officers as printed in the Annual Town Report for 2012 be accepted and filed with the permanent records of the Town.

Motion adopted unanimously.

Article: 2 Reports of Committees

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

Reports were heard from Peter Pescatore for the Advisory Committee and Tanya Bodell on the Alternative Energy Committee.

MOVED to accept the reports as delivered.

Motion adopted unanimously.

Article: 3 Supplemental Appropriations for Fiscal 2013

To see if the Town will vote to raise and appropriate, borrow pursuant to any applicable statute and/or transfer from available funds, and transfer from the Community Preservation Fund, 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, 2013 or to decrease or otherwise adjust any budget line item as appropriated by the town at the 2012 annual town meeting held on May 5 and 15 or the December 10, 2012 Special Town Meeting, or fund and other deficits, or to take any other action related thereto.

MOVED that six hundred and eleven thousand, four hundred and eighty-five dollars (\$611,485) be hereby appropriated for the items set forth below amending the amounts appropriated by the Town pursuant to the 2012 annual town meeting held on May 12th and 21st or the December 10, 2012 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 other deficits set forth below to complete the fiscal year ending June 30, 2013 as follows:

FY 2013 Supplemental Appropriations

General Fund

Additional Appropriations:

<u>Account #'s</u>	<u>Line Item / Department</u>	<u>Amount</u>
145	5200 Treasurer/Collector Expenses	5,750.00
151	5200 Town Counsel	60,000.00
161	5200 Town Clerk	125.00
210	5120 Police Overtime	101,895.00
210	5200 SSREC	38,140.00
220	5120 Fire Overtime	173,000.00
295	5200 Harbormaster Expenses	7,000.00
422	5780 Purchase of Cemetery Lots	8,500.00
422	5250 Gas/Diesel	5,000.00
541	5200 Gas/Diesel	1,200.00
25	175 Planning Board deposits	<u>1,883.00</u>
		402,493.00

Funding Sources:

<u>Account #'s</u>	<u>Line Item / Department</u>	<u>Amount</u>
141	5200 Assessors Expenses	5,000.00
210	5100 Police Personnel Services	63,676.00
220	5100 Fire Personnel Services	185,000.00
512	5100 Board of Health Personnel Services	7,970.00
914	5200 Health Insurance	10,500.00
720	5900 Debt Service	101,000.00
21	201 Waterways Improvement Fund	7,000.00
21	122 Insurance Proceeds > \$20K	<u>22,347.00</u>
		402,493.00

Community Preservation Fund as recommended by the CPC

Additional Appropriation:

<u>Account #'s</u>	<u>Line Item / Department</u>	<u>Amount</u>
24 5200	Administrative Expenses	7,000.00
Funding Source:		
	CPC Unreserved Fund Balance	7,000.00

Water Enterprise Fund

Additional Appropriation:

<u>Account #'s</u>	<u>Line Item / Department</u>	<u>Amount</u>
65 5200	System Maintenance	135,000.00
Funding Source:		
	Water Enterprise Retained Earnings	135,000.00

General Fund

Additional Appropriations:

<u>Account #'s</u>	<u>Line Item / Department</u>	<u>Amount</u>
161 5200	Town Clerk	3,875.00
423 5200	Snow & Ice Removal	39,270.00
426 5200	Facilities	<u>23,847.00</u>
		66,992.00

Funding Sources:

Stabilization Fund	66,992.00
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A 2/3's vote required. Motion adopted unanimously.

Article: 4 Creation of Stabilization Funds

To see if the Town will vote to establish the following

- Water Capital Stabilization Fund for the Water Enterprise Fund
- Water Debt Stabilization Fund for the Water Enterprise Fund
- Sewer Capital Stabilization Fund for the Sewer Enterprise Fund
- Sewer Debt Stabilization Fund for the Sewer Enterprise Fund
- Facilities Stabilization Fund for Town Owned Property

per Massachusetts General Laws Chapter 40 Section 5B, or take any other action related thereto

MOVED that per Massachusetts General Laws Chapter 40 Section 5B the following Stabilization Funds be hereby established:

- Water Capital Stabilization Fund, to provide a source of funds for capital projects related to the public water supply in the town,

- Water Debt Stabilization Fund to provide a source of funds to pay for debts incurred for improvements to the water system infrastructure for the Water Enterprise Fund,
- Sewer Capital Stabilization Fund to provide a source of funds for capital projects related to the public sewers in the town,
- Sewer Debt Stabilization Fund to provide a source of funds to pay for debts incurred for improvements to the sewer system infrastructure for the Sewer Enterprise Fund,
- Facilities Stabilization Fund to be used as a source of funds to repairs and improvements for Town Owned Property.

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

Article: 5 Allocation of Funds for one time cost

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 from free cash in the treasury of the Town for funding the Stabilization Fund, Other Post-Employment Benefits Trust Fund, Capital Stabilization Fund, Advisory Committee's Reserve Fund, Human Resource Audit, Policies and Procedures Town-wide, and connecting the Light Keepers House to Sewer, or take any other action related thereto.

MOVED that the following transfers made from Free Cash in the treasury of the town:

- Five Hundred Sixty-Three Thousand Nine Hundred and Forty-Two Dollars (\$563,942) to the Stabilization Fund and;
- One Hundred Thousand Dollars (\$100,000) to the Other Post-Employment Benefits Liability Trust Fund and;
- One Hundred Sixty-Five Thousand Dollars (\$165,000) to the Capital Stabilization Fund and;
- Forty Thousand Dollars (\$40,000) to be expended by the Town Manager for professional services including \$25,000 for Human Resource municipal audit and development of personnel policy and other personnel legal requirements, and \$15,000 for development of policies and procedures manuals for departments subject to the approval of the BoS and;
- Twenty-five Thousand Dollars (\$25,000) to be expended by the Town Manager for the costs for professional services and construction of a sewer connecting the Light Keepers House to the town's sewer.

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

Article: 6 Operating Budget for Town, Enterprise, OPEB Trust, and Stabilization Funds.

To see if the Town will vote to raise and appropriate funds to fix salaries and compensation of Elected Officers, and to see what sums the Town will vote to raise and appropriate or transfer from available funds or otherwise, for the payment of Personal Services, Expenses, Capital

Outlays, Debt Service, OPEB Trust Fund, Capital Stabilization, Stabilization Fund, and otherwise, of Town Departments, Water and Sewer Enterprise Funds, and to modify the FY14 Salary and Wage Classification Table, and Compensation and Classification Schedule, or to take any other action related thereto.

PART A

Funded from Town-Wide General Budget

Town General Budget (salaries & expenditures)	\$10,024,500
School General Budget (salaries & expenditures)	\$16,237,032
Shared Budget Expenses (CTO, debt, pension, insurance etc.)	\$9,443,494

Funded from Water Enterprise Budget

Water Enterprise Budget (salary, expenses, capital, debt, etc.)	\$4,586,481
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Funded from Sewer Enterprise Budget

Sewer Enterprise Budget (salary, expenses, capital, debt, etc.)	\$2,484,667
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PART B (requires 2/3 vote)

Funded from Town-Wide General Budget

Transfer to OPEB Trust Fund	\$50,000
Transfer to the Town Stabilization Fund	\$250,000
Transfer to the Capital Stabilization Fund	\$694,782

Funded from Sewer Enterprise Budget

Transfer to the Sewer Betterment Stabilization Fund	\$13,949
Transfer to the Sewer Capital Stabilization Fund	\$112,888
Transfer to the Sewer Debt Stabilization Fund	\$104,499

MOVED that Thirty Five Million Seven Hundred Five Thousand and Twenty Six Dollars (\$35,705,026) be appropriated for the Fiscal Year 2014 Annual Town Budget to be allotted as follows: \$ 82,597 for salaries of elected Town Officials consisting of the Town Clerk \$ 72,080 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 \$ 35,622,429 for Personal Services, Expenses and Capital Outlays, interest on Maturing Debt and other charges for various departments, and to meet the appropriation, the following transfers are made: and \$35,109,830 is raised from taxation and other general revenues of the Town; and further

\$ 90,852 from Sewer Enterprise Revenue,
 \$ 90,852 from Water Enterprise Revenue,
 \$ 65,338 from School Construction Surplus Fund,
 \$ 33,698 from Reserve for Community Preservation Debt,

\$ 234,456 from Capital Stabilization Fund,
\$ 5,000 from Wetlands Fund,
\$ 75,000 from Title V Betterment Fund,

MOVED that Four Million Five Hundred Eighty-Six Thousand Four Hundred and Eighty-One Dollars (\$4,586,481) be hereby appropriated from the Water Enterprise Fund Revenues for FY14 Water Enterprise Annual Budget for Expenses of Four Million Five Hundred Eighty-Six Thousand Four Hundred and Eighty-One Dollars (\$4,586,481) to be jointly expended by the Water Commission and Town Manager.

MOVED that Two Million one Hundred Seventy-Four Thousand Six Hundred and Sixty-Seven Dollars (\$2,174,667) be hereby appropriated from the Sewer Enterprise Fund Revenues and Three Hundred and Ten Thousand Dollars (\$310,000) from sewer retained earnings for FY14 Sewer Enterprise Fund Annual Budget for Personal Services in the amount of Forty-Seven Thousand one Hundred and Seven-five Dollars (\$ 47,175) and Expenses Two Million Four Hundred Thirty-Seven Thousand and Four Hundred Ninety-Two Dollars (\$ 2,437,492) to be jointly expended by the Sewer Commission and Town Manager.

MOVED that the sum of Fifty Thousand Dollars (\$50,000) be appropriated for deposit into the OPEB Trust Fund; and the sum of Two Hundred Fifty Thousand Dollars (\$250,000) be appropriated for deposit into the Stabilization Fund; and the sum of Six Hundred Ninety-Four Thousand Seven Hundred and Eighty Two Dollars (\$694,782) be appropriated for deposit into the Capital Stabilization Fund; and to meet this appropriation, these funds are to be raised and appropriated from taxation and other general revenues of the Town.

MOVED that the sum of Thirteen Thousand Nine Hundred and Forty-Nine Dollars (\$13,949) be appropriated for deposit into the Betterment Stabilization Fund; and the sum of One Hundred Twelve Thousand and Eight Hundred and Eighty-Eight Dollars (\$112,888) be appropriated for deposit into the Sewer Capital Stabilization Fund; and the sum of One Hundred and Four Thousand Four Hundred and Ninety-Nine Dollars (\$104,499) be appropriated for deposit into the Sewer Debt Stabilization Fund; and to meet this appropriation, these funds be hereby appropriated from the Sewer Enterprise Fund Revenues.

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

Resolution offered by Helen Nothnagle, Chair of the Cohasset Housing Authority, in honor of Ann "Nancy" Barrett.

Whereas, Ann "Nancy" Barrett was elected to the Cohasset Housing Authority in 1999 and served with distinction for three 5-year terms until her death in 2012, and

Whereas, Nancy, as a resident of harbor View at 60 Elm Street was always available to be a spokesperson for other residents and to transmit their concerns to the management, and

Whereas, during her term of office, the Cohasset Housing Authority brought about a major renovation of the existing 64 units of housing for the elderly and young disabled, and

Whereas, Nancy was born in Cohasset Hospital on Ripley road and graduated from Cohasset High School in 1951, she was a true “Townie” who devoted her retirement years to improving the lives of seniors in our community.

NOW THEREFORE LET IT BE RESOLVED that the citizens of Cohasset, assembled at the Annual Town Meeting here by acknowledge and affirm their appreciation to the family and friends of Nancy Barrett in memory of her many years of dedicated service to the Town of Cohasset.

Given under our hands and the seal of Town of Cohasset on the 22nd Day of April in the year Two Thousand Thirteen.

Resolution adopted unanimously.

Article: 7 Capital Improvements Budget

To see if the Town will vote to raise and appropriate, borrow pursuant to any applicable statute and/or transfer from available funds including Capital Stabilization Fund, 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, as listed below, or take any other action related thereto.

Funded from Capital Stabilization Fund for FY13

TW IT	Technology Upgrades Phase 1b FY13	\$70,000
TW IT	Continued Building Interconnectivity FY13	\$30,000
TW IT	Inspections / Permit /Health Tracking Software FY13	\$30,000
TW IT	GIS implementation Project FY13	\$35,000
DPW	Radios FY13	\$15,000
Facilities	Generator Upgrades FY13	\$50,000
DPW	Street Lights Purchase FY13	\$36,500
Police	Finger Print Scanner FY13	\$15,000
School	Bus (FY12 funding) additional funds FY13	\$9,000
School	HS gym Roof Air Handler repair FY13	\$15,000
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		\$305,500

Funded from Capital Stabilization Fund for FY14

TW IT	Technology Upgrades Phase 1c FY14	\$70,000
TW IT	Safety and Security Upgrades Phase 2 FY14	\$25,000
Fire	Heart Monitor / Defibrillator FY14	\$35,000
Police	Cruiser FY14	\$35,000
Engineering	Treat's Pond Flood Relief FY14	\$30,000

Finance	SoftRight License FY14	\$34,606
		\$229,606
Debt Funded from Capital Stabilization Fund		
Fire	Ambulance FY14	\$230,000
DPW	One Ton Dump Truck FY14	\$75,000
		\$305,000

MOVED that eight hundred forty thousand and one hundred and six dollars (\$840,106) be hereby appropriated to be spent by the Town Manager for the purpose of paying for the following items;

Funded from Capital Stabilization Fund for FY13

TW IT	Technology Upgrades Phase 1b FY13	\$70,000
TW IT	Continued Building Interconnectivity FY13	\$30,000
TW IT	Inspections / Permit /Health Tracking Software FY13	\$30,000
TW IT	GIS implementation Project FY13	\$35,000
DPW	Radios FY13	\$15,000
Facilities	Generator Upgrades FY13	\$50,000
DPW	Street Lights Purchase FY13	\$36,500
Police	Finger Print Scanner FY13	\$15,000
School	Bus (FY12 funding) additional funds FY13	\$9,000
School	HS gym Roof Air Handler repair FY13	\$15,000
		\$305,500

Funded from Capital Stabilization Fund for FY14

TW IT	Technology Upgrades Phase 1c FY14	\$70,000
TW IT	Safety and Security Upgrades Phase 2 FY14	\$25,000
Fire	Heart Monitor / Defibrillator FY14	\$35,000
Police	Cruiser FY14	\$35,000
Engineering	Treat's Pond Flood Relief FY14	\$30,000
Finance	SoftRight License FY14	\$34,606
		\$229,606

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 Five Hundred and Thirty-Five Thousand One Hundred and Six Dollars (\$535,106) be hereby transferred from the Capital Stabilization Fund of the Town; and further

MOVED that Two Hundred and Thirty Thousand Dollars (\$230,000) be hereby appropriated to be spent by the Town Manager for the purchase of Ambulance for the Cohasset Fire Department: and to meet this appropriation the Treasurer of the Town with the approval of the Board of Selectmen is hereby authorized to borrow said \$230,000 as general obligations of the town and to issue bonds and notes of the town therefore; and further

MOVED that Seventy Five Thousand Dollars (\$75,000) be hereby appropriated to be spent by the Town Manager for replacement of a One Ton Dump Truck for the Department of Public Works, with trade in, sale, or other disposition of the existing 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 \$75,000 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: 8 Home Rule Petition to Amend the Town Manager's Act

To see if the Town will authorize the Board of Selectmen to file with the General Court a petition for the enactment of a Home Rule special act to amend the Cohasset Town Manager Act 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 action related thereto, as follows:

1. AN AMENDMENT TO THE ACT PROVIDING FOR A TOWN MANAGER IN THE TOWN OF COHASSET

Section 1. The Cohasset Town Manager Act set forth in Chapter 34 of the Acts of 1997, as amended by Chapter 421 of the Acts of 1998 and Chapter 330 of the Acts of 2000 (hereinafter referred to as the "TM Act") is hereby amended as set forth in this amendment act. Except as hereinafter amended, the TM Act shall continue in full force and effect.

Section 2. Section 2 of the TM Act is hereby amended by deleting said Section 2 in its entirety, and the following new Section 2 is hereby substituted:

SECTION 2. Designation of Elected Officials

(a) Upon the effective date of this act, the registered voters of the town of Cohasset shall, in accordance with any applicable laws, by-laws, votes of the town, or inter local agreement continue to elect the following:

- i. selectmen,
- ii. town moderator,
- iii. town clerk,
- iv. school committee members,
- v. trustees of the Paul Pratt Memorial Library,

- vi. assessors,
- vii. board of health members,
- viii. Cohasset Housing Authority members,
- ix. planning board members,
- x. recreation commissioners,
- xi. sewer commissioners, and
- xii. water commissioners.

(b) The powers, duties and responsibilities of elected and appointed officials shall be as now or hereafter provided by applicable provisions of General Laws, special acts, by-laws and votes of the town, except as otherwise expressly provided herein.

(c) Notwithstanding the election by the voters of the town of the officers named in this section, such officers shall be available to the town manager for consultation, conference and discussion on matters relating to their respective offices. The town manager may require all such officials, except the selectmen, to prepare reports for the town manager necessary for the administration of any of his responsibilities.

Section 3. Section 3 of the TM Act is hereby amended by deleting said Section in its entirety, and the following new Section 3 is hereby substituted:

SECTION 3 Powers and Duties of the Board of Selectmen

(a) The executive powers of the town shall be vested in the board of selectmen, who shall have all the powers given to boards of selectmen by the General Laws of the Commonwealth of Massachusetts.

(b) The board of selectmen of the town of Cohasset shall consist of five (5) persons elected by the voters of the town. The term of each member of the board of selectmen shall not exceed three (3) years or until a successor takes office. The board of selectmen shall annually elect a chairperson from among its members.

(c) The board of selectmen shall serve as the chief goal-setting and policy-making body of the town and as such shall not normally administer the day-to-day affairs of the town. The board of selectmen shall set guidelines and policy directives which are to be implemented by the town manager and by other officers and employees appointed by or under its authority. The board of selectmen shall have the power to enact rules and regulations to implement policies and to issue interpretations of the rules and regulations.

(d) The board of selectmen shall exercise, through the town manager, general supervision over all matters affecting the interests or welfare of the town.

(e) The board of selectmen shall appoint the town manager, town counsel, independent auditor and assistant or special counsels and all members of committees, boards, and commissions except those positions that the town bylaws provide are to be appointed by the Troika (as hereinafter defined), that are elected by the voters, or that, unless provided for by this Act, may be otherwise appointed by town by-law, or the General Laws of the Commonwealth. The Board may make appointments to all positions and committees the Board creates for special or general purposes. For purposes of this act the Troika shall be defined as a group made up of the town moderator, who shall be the chairman of the Troika, chairman of the board of selectmen, and chairman of the advisory committee.

(f) The board of selectmen shall have oversight of such boards, committees, positions, or commissions appointed by the board of selectmen.

(g) The board of selectmen shall have the responsibility and authority for licenses and other non-personnel related functions as provided by the General Laws and the by-laws of the town of Cohasset.

(h) The board of selectmen shall be responsible for and shall approve the form and content of all town meeting warrants before they are submitted to town meeting for deliberation.

(i) The board of selectmen shall be responsible for establishing and maintaining a written process for the preparation of the budget. The selectmen shall issue annually one or more written budget messages including fiscal guidelines and the timeline for budget makers at the beginning of each budget cycle or at a time established by the town by-laws.

(j) The board of selectmen shall review the annual proposed budget prepared by the town manager and make changes as the Board deems advisable. The town manager shall present the budget which incorporates the changes of the board of selectmen to the town meeting.

Section 4. Section 4 of the TM Act is hereby amended by deleting said Section 4 in its entirety, and the following new Section 4 is hereby substituted:

SECTION 4. Appointment of the Town Manager

(a) The board of selectmen shall create a search committee to assist in the selection of candidates for the position of town manager. The candidates shall be persons of demonstrated ability with administrative experience in public management or business administration who are qualified by reason of education and experience. The town shall from time to time, by bylaw, establish qualifications for the position of town manager. The board of selectmen, by a majority vote of its full membership, shall appoint a person to perform the duties of town manager. The town manager shall be a citizen of the United States.

(b) No selectman or former selectman within fifteen (15) months of holding such office shall be eligible to be appointed to the position of town manager.

(c) The board of selectmen may enter into a formal contract with the town manager. They may set contract terms which shall have precedence over any personnel by-laws.

(d) The town manager may be appointed for successive terms of office, no term of which shall be more than three years or until a successor takes office. Before entering upon the duties of his office, he shall be sworn in the presence of a majority of the members of the board of selectmen, to the faithful and impartial performance thereof by the town clerk or a notary public.

(e) The town manager shall execute a bond in favor of the town of Cohasset for the faithful performance of his duties in such sums and with such sureties as may be fixed and approved by the board of selectmen, the cost for which will be borne by the town.

(f) The board of selectmen shall set the compensation for the town manager, not to exceed an amount appropriated by the town meeting.

Section 5. Section 5 of the TM Act is hereby amended by deleting said Section 5 in its entirety, and the following new Section 5, Section 5A, Section 5B, Section 5C, Section 5D, Section 5E and Section 5F, are hereby substituted:

SECTION 5. Removal of Town Manager

(a) The board of selectmen, by a majority vote of its full membership, may remove the town manager. At least thirty (30) days before such removal shall be effective, the board of selectmen

shall file a preliminary written resolution with the town clerk setting forth reasons, if any, for the proposed removal, a copy of which resolution shall be delivered to the town manager.

(b) The town manager may reply in writing to the resolution and may request, in writing, a public hearing. The request for hearing must be received by the town clerk no later than ten (10) days after the town manager's receipt of the resolution. If the town manager so requests, the board of selectmen shall hold a public hearing not earlier than ten (10) days nor later than twenty (20) days after the filing of such request.

(c) Following the public hearing or, if none, at the expiration of thirty (30) days following the filing of the preliminary resolution, the board of selectmen may adopt a final resolution of removal.

(d) As part of the preliminary resolution, the board of selectmen may suspend the town manager from duty.

(e) Nothing contained herein shall limit the authority of the board of selectmen to suspend or remove the town manager as provided by state law.

(f) Any suspension may be with or without pay.

SECTION 5A. Absence or Vacancy of Town Manager

(a) During a temporary absence, not to exceed 30 days, the town manager shall designate by a letter filed with the chair of the board of selectmen, an administrator to perform the duties of the office. Such delegation shall be limited to those matters not allowing of delay during the manager's absence.

(b) If, in the sole opinion of the board of selectmen, the town manager's designee is unable effectively to perform the duties of the office during the temporary absence of the town manager, the selectmen shall have the absolute right to appoint a person to perform the duties of the office, which duties shall be limited to those matters not allowing of delay during the town manager's absence.

(c) During an absence of the town manager for 30 or more days, due to disability, illness, or other circumstance, the board of selectmen shall appoint an acting town manager for the duration of any extended absence. Such designation will cease upon the return of the town manager.

(d) If the individual serving as acting town manager is a town officer or employee, the individual shall return to the position held prior to being appointed as the acting town manager.

(e) No member of the board of selectmen shall serve as acting town manager.

(f) If the board of selectmen determines, by majority vote of the full membership, that the town manager will be unable to resume the duties of the job for any reasons, including but not limited to resignation, termination or illness, the office of town manager shall be filled as soon as practicable by the board of selectmen who may appoint an acting town manager who may serve until a town manager is appointed.

(g) Irrespective of the duration of the absence of the town manager, the board of selectmen shall determine the powers and responsibilities of any acting or temporary town manager.

SECTION 5B. Administrative Responsibilities of the Town Manager

(a) The town manager shall be the chief administrative officer of the town and shall be responsible to the board of selectmen for the effective management of all town affairs placed in the town manager's charge by this act, by the board of selectmen, by by-laws, or by vote of town meeting, and for the implementation of town policies placed in the town manager's charge by the board of selectmen.

- (b) The town manager shall supervise all town departments with the exception of the School District and direct day to day affairs of the town.
- (c) The town manager shall be responsible for seeing that the budget is administered as adopted by town meeting and in accordance with the General Laws, this act and the town by-laws.
- (d) The town manager shall advise the board of selectmen of all matters requiring action by them or by the town.
- (e) The town manager shall oversee the town's personnel system and staff in accordance with the town by-laws as amended, personnel evaluation policies and practices, enforcement of labor contracts, labor relations, collective bargaining and state and federal equal opportunities law compliance functions of the town.
- (f) The town manager shall attend all meetings of the board of selectmen, except when excused, having the right to speak but not vote; and attend all annual and special town meetings and shall be permitted to speak when recognized by the moderator.
- (g) The town manager shall administer, either directly or through a person or persons appointed by him in accordance with this act, all provisions of General Laws and special acts applicable to the town, all town by-laws, and all regulations established by the board of selectmen.
- (h) The town manager shall have access to all information necessary for the proper performance of the duties of town manager in accordance with the town bylaws, not including however attorney-client privileged information which is provided to or by the board of selectmen, unless the board specifically authorizes such access. Notwithstanding the preceding sentence, the town manager and any person acting under his supervision, direction, or control shall have no authority to access the electronic communications of any town officer or employee, or information maintained in a personal work area or computer of any such officer or employee, unless such access has been approved in advance by the board of selectmen or by a member designated by the board to act on such matters.
- (i) The town manager may, without notice, cause the affairs of any division or department, except the School District, or the conduct of any officer or employee thereof to be examined.
- (j) The town manager shall keep the board of selectmen fully informed regarding all departmental operations, fiscal affairs, general problems, and administrative actions, and to this end shall submit periodic reports to the board of selectmen.
- (k) The town manager shall coordinate the activities among boards, commissions, and committees, concerned with long-range municipal planning, including physical or economic development, and environmental or resource protection of the town.
- (l) The town manager shall be responsible for the maintenance all town buildings, property and facilities except those under the jurisdiction of the housing authority, sewer commission and water commission unless requested by those agencies. He shall, to these ends, develop, keep and annually update a full and complete inventory of all property of the town, both real and personal.
- (m) Subject to section 3H of this act, the town manager shall be responsible for the preparation of all town meeting warrants in accordance with the town by-laws and distribute, or cause to be distributed, copies of town meeting warrants to the residences of all registered voters of the town
- (n) Upon request and with the approval of the board of selectmen, the town manager shall prosecute, defend, or compromise all litigation to which the town is party.
- (o) The town manager shall keep full and complete records of his office and annually submit to the board of selectmen, unless requested to do so more frequently, a full written report of the operations of the office.

(p) The town manager shall devote his full working time to the duties of the office, and shall not engage in any business activity during his term, except with the written consent of the board of selectmen.

SECTION 5C. Financial Responsibilities of the Town Manager

(a) The town manager shall be the chief financial officer of the town.

(b) The town manager shall be responsible for controlling all appropriated budget expenditures, which includes the power to approve or reject all warrants including payroll for the payment of town funds prepared by the town accountant in accordance with the provision of section 56 of chapter 41 of the General Laws.

(c) Annually, the town manager shall be responsible for the preparation of the proposed budget to be included in the Annual Town Meeting Warrant. The proposed budget shall be prepared in accordance with the most current budget process by the date set pursuant to Section 3(i) of this act as approved by the board of selectmen.

(d) The town manager shall submit to the board of selectmen by the date established pursuant to Section 3(i) of this act a written proposed budget for the ensuing fiscal year.

i. The proposed budget shall detail all estimated revenue from all sources, and all proposed expenditures, including debt service, for the previous, current, and ensuing five (5) fiscal years.

ii. The proposed budget shall detail all estimated expenditures for current operations during the ensuing fiscal year, detailed by agency, department, committee, purpose, and position.

iii. In addition, the town manager shall prepare a written proposed capital improvements budget for the ensuing fiscal year and a five (5) year forecast and include both as part of the proposed annual budget.

iv. For the purpose of preparing the budget for the ensuing fiscal year, the town manager shall include an estimate of revenues to be collected and free cash available at the close of the current fiscal year, including estimated balances in special accounts.

v. The town manager shall report on the estimated funds required to be levied and raised by taxation to defray all expenses and liabilities of the proposed budget together with an estimate of the tax rate necessary to raise such amount and include the information in the proposed budget.

vi. The town manager annually shall submit a town departmental and organizational structure.

(e) The town manager shall submit a preliminary budget and capital plan to the board of selectmen, the advisory committee and the capital budget committee pursuant to the budget process set forth in Section 3(i) of this Act. The preliminary budget and capital plan must be submitted no later than seventy (70) days prior to the date of the annual town meeting.

(f) To assist the town manager in preparing the proposed annual budget of revenue and expenditures, all boards, officers, and committees of the town, including the school committee, shall furnish all relevant information in their possession and submit to the town manager, in writing in such form as the town manager shall establish, a detailed estimate of the appropriations required and available funds.

(g) The town manager shall keep the board of selectmen informed regarding the availability of federal and state funds and how such funds might relate to unmet long-range needs.

(h) The town manager shall be responsible for filing all grant applications.

(i) After the close of each fiscal year and after the certification of free cash by the Massachusetts Department of Revenue, the town manager, as soon as practicable, will cause to have prepared audited financial statements. Upon completion of the audit, the town manager will promptly distribute the statements to the board of selectmen, chairman of the advisory committee and chairman of the capital budget committee.

SECTION 5D. Appointment Powers of the Town Manager

(a) The town manager shall appoint upon merit and fitness alone, and may remove, the police chief, fire chief, director of finance subject to the selectmen's approval by a majority vote of its full membership whose contracts and any changes thereto must be approved by the board of selectmen.

(b) The Board of Selectmen shall appoint members of the conservation commission under chapter 40, section 8C of the General Laws.

(c) The town manager shall appoint and may remove all Department Heads not included in Section 5D(a) of this act, as that term may be defined in the town organization chart established from time to time by town meeting of the Town of Cohasset, and all employees under the direct supervision of the town manager. In addition, the town manager shall appoint and may remove all officers, subordinates and employees for whom no other method of selection is provided in this act, except employees of the school department.

(d) Appointments made by the town manager in Section 5D(c) of this act shall become effective fifteen (15) days following the date of written notice of the appointment is filed with the board of selectmen unless the board of selectmen shall, within that period, by a majority of its members present and voting, vote to reject the appointment or removal.

(e) Within the fifteen (15) day period, the board of selectmen may, by a majority of its members present and voting, vote to waive its power to reject an appointment pursuant to Section 5D(d) of this Act, whereupon the appointment shall become effective immediately.

(f) All appointments by the town manager not included in Section 5D(a) or 5D(c) of this Act shall become effective immediately.

(g) Any employee not protected by civil service law or union contract shall have the right to appeal the town manager's decision to discharge to the board of selectmen. The appeal shall be initiated by filing a written notice of appeal with the town manager within ten (10) calendar days after receiving a written notice of discharge. The appeal shall be conducted pursuant to processes and procedures as may be established from time to time by the town by-laws.

(h) The town manager, subject to any applicable provisions of the General Laws relating thereto, may assume, temporarily, the duties of any office which the town manager is authorized to fill by appointment, subject to approval by the board of selectmen.

(i) The town manager may appoint such ad hoc committees as he deems necessary.

SECTION 5E. Collective Bargaining

(a) The town manager or a negotiating committee authorized by the board of selectmen shall negotiate collective bargaining contracts on behalf of the board of selectmen, which contracts shall be subject to approval, ratification and execution by the board of selectmen.

(b) The board of selectmen may authorize use of additional counsel and/or persons to assist the town manager or negotiating committee in the negotiations at their request.

SECTION 5F. Procurement

(a) The town manager is the chief procurement officer and shall be responsible for purchasing for all town functions and departments, pursuant to chapter 30B of the General Laws, and all other applicable statutes, procedures, and by-laws.

(b) The town manager may, at the request of the school committee, delegate such duties for school department purchasing

SECTION 6. This Act shall take effect upon passage

Or to take any other action related thereto.

MOVED that the Board of Selectmen is hereby authorized to file with the General Court the following petition for the enactment of a Home Rule special act to amend the Cohasset Town Manager Act and the Town's representatives to the General Court is hereby requested to introduce a Special Act set forth below; and further the General Court, with the approval of the Board of Selectmen, is hereby authorized to make constructive changes in language as may be necessary or advisable towards perfecting the intent of this legislation in order to secure passage, as follows:

1. AN AMENDMENT TO THE ACT PROVIDING FOR A TOWN MANAGER IN THE TOWN OF COHASSET

Section 1. The Cohasset Town Manager Act set forth in Chapter 34 of the Acts of 1997, as amended by Chapter 421 of the Acts of 1998 and Chapter 330 of the Acts of 2000 (hereinafter referred to as the "TM Act") is hereby amended as set forth in this amendment act. Except as hereinafter amended, the TM Act shall continue in full force and effect.

Section 2. Section 2 of the TM Act is hereby amended by deleting said Section 2 in its entirety, and the following new Section 2 is hereby substituted:

SECTION 2. Designation of Elected Officials

(a) Upon the effective date of this act, the registered voters of the town of Cohasset shall, in accordance with any applicable laws, by-laws, votes of the town, or inter local agreement continue to elect the following:

- i. selectmen,
- ii. town moderator,
- iii. town clerk,
- iv. school committee members,
- v. trustees of the Paul Pratt Memorial Library,
- vi. assessors,
- vii. board of health members,
- viii. Cohasset Housing Authority members,
- ix. planning board members,
- x. recreation commissioners,
- xi. sewer commissioners, and
- xii. water commissioners.

(b) The powers, duties and responsibilities of elected and appointed officials shall be as now or hereafter provided by applicable provisions of General Laws, special acts, by-laws and votes of the town, except as otherwise expressly provided herein.

(c) Notwithstanding the election by the voters of the town of the officers named in this section, such officers shall be available to the town manager for consultation, conference and discussion on matters relating to their respective offices. The town manager may require all such officials, except the selectmen, to prepare reports for the town manager necessary for the administration of any of his responsibilities.

Section 3. Section 3 of the TM Act is hereby amended by deleting said Section in its entirety, and the following new Section 3 is hereby substituted:

SECTION 3 Powers and Duties of the Board of Selectmen

(a) The executive powers of the town shall be vested in the board of selectmen, who shall have all the powers given to boards of selectmen by the General Laws of the Commonwealth of Massachusetts.

(b) The board of selectmen of the town of Cohasset shall consist of five (5) persons elected by the voters of the town. The term of each member of the board of selectmen shall not exceed three (3) years or until a successor takes office. The board of selectmen shall annually elect a chairperson from among its members.

(c) The board of selectmen shall serve as the chief goal-setting and policy-making body of the town and as such shall not normally administer the day-to-day affairs of the town. The board of selectmen shall set guidelines and policy directives which are to be implemented by the town manager and by other officers and employees appointed by or under its authority. The board of selectmen shall have the power to enact rules and regulations to implement policies and to issue interpretations of the rules and regulations.

(d) The board of selectmen shall exercise, through the town manager, general supervision over all matters affecting the interests or welfare of the town.

(e) The board of selectmen shall appoint the town manager, town counsel, independent auditor and assistant or special counsels and all members of committees, boards, and commissions except those positions that the town bylaws provide are to be appointed by the Troika (as hereinafter defined), that are elected by the voters, or that, unless provided for by this Act, may be otherwise appointed by town by-law, or the General Laws of the Commonwealth. The Board may make appointments to all positions and committees the Board creates for special or general purposes. For purposes of this act the Troika shall be defined as a group made up of the town moderator, who shall be the chairman of the Troika, chairman of the board of selectmen, and chairman of the advisory committee.

(f) The board of selectmen shall have oversight of such boards, committees, positions, or commissions appointed by the board of selectmen.

(g) The board of selectmen shall have the responsibility and authority for licenses and other non-personnel related functions as provided by the General Laws and the by-laws of the town of Cohasset.

(h) The board of selectmen shall be responsible for and shall approve the form and content of all town meeting warrants before they are submitted to town meeting for deliberation.

(i) The board of selectmen shall be responsible for establishing and maintaining a written process for the preparation of the budget. The selectmen shall issue annually one or more written budget

messages including fiscal guidelines and the timeline for budget makers at the beginning of each budget cycle or at a time established by the town by-laws.

(j) The board of selectmen shall review the annual proposed budget prepared by the town manager and make changes as the Board deems advisable. The town manager shall present the budget which incorporates the changes of the board of selectmen to the town meeting.

Section 4. Section 4 of the TM Act is hereby amended by deleting said Section 4 in its entirety, and the following new Section 4 is hereby substituted:

SECTION 4. Appointment of the Town Manager

(a) The board of selectmen shall create a search committee to assist in the selection of candidates for the position of town manager. The candidates shall be persons of demonstrated ability with administrative experience in public management or business administration who are qualified by reason of education and experience. The town shall from time to time, by bylaw, establish qualifications for the position of town manager. The board of selectmen, by a majority vote of its full membership, shall appoint a person to perform the duties of town manager. The town manager shall be a citizen of the United States.

(b) No selectman or former selectman within fifteen (15) months of holding such office shall be eligible to be appointed to the position of town manager.

(c) The board of selectmen may enter into a formal contract with the town manager. They may set contract terms which shall have precedence over any personnel by-laws.

(d) The town manager may be appointed for successive terms of office, no term of which shall be more than three years or until a successor takes office. Before entering upon the duties of his office, the Town Manager shall be sworn in the presence of a majority of the members of the board of selectmen, to the faithful and impartial performance thereof by the town clerk or a notary public.

(e) The town manager shall execute a bond in favor of the town of Cohasset for the faithful performance of his duties in such sums and with such sureties as may be fixed and approved by the board of selectmen, the cost for which will be borne by the town.

(f) The board of selectmen shall set the compensation for the town manager, not to exceed an amount appropriated by the town meeting.

Section 5. Section 5 of the TM Act is hereby amended by deleting said Section 5 in its entirety, and the following new Section 5, Section 5A, Section 5B, Section 5C, Section 5D, Section 5E and Section 5F, are hereby substituted:

SECTION 5. Removal of Town Manager

(a) The board of selectmen, by a majority vote of its full membership, may remove the town manager. At least thirty (30) days before such removal shall be effective, the board of selectmen shall file a preliminary written resolution with the town clerk setting forth reasons, if any, for the proposed removal, a copy of which resolution shall be delivered to the town manager.

(b) The town manager may reply in writing to the resolution and may request, in writing, a public hearing. The request for hearing must be received by the town clerk no later than ten (10) days after the town manager's receipt of the resolution. If the town manager so requests, the board of selectmen shall hold a public hearing not earlier than ten (10) days nor later than twenty (20) days after the filing of such request.

- (c) Following the public hearing or, if none, at the expiration of thirty (30) days following the filing of the preliminary resolution, the board of selectmen may adopt a final resolution of removal.
- (d) As part of the preliminary resolution, the board of selectmen may suspend the town manager from duty.
- (e) Nothing contained herein shall limit the authority of the board of selectmen to suspend or remove the town manager as provided by state law.
- (f) Any suspension may be with or without pay.

SECTION 5A. Absence or Vacancy of Town Manager

- (a) During a temporary absence, not to exceed 30 days, the town manager shall designate by a letter filed with the chair of the board of selectmen, an administrator to perform the duties of the office. Such delegation shall be limited to those matters not allowing of delay during the manager's absence.
- (b) If, in the sole opinion of the board of selectmen, the town manager's designee is unable effectively to perform the duties of the office during the temporary absence of the town manager, the selectmen shall have the absolute right to appoint a person to perform the duties of the office, which duties shall be limited to those matters not allowing of delay during the town manager's absence.
- (c) During an absence of the town manager for 30 or more days, due to disability, illness, or other circumstance, the board of selectmen shall appoint an acting town manager for the duration of any extended absence. Such designation will cease upon the return of the town manager.
- (d) If the individual serving as acting town manager is a town officer or employee, the individual shall return to the position held prior to being appointed as the acting town manager.
- (e) No member of the board of selectmen shall serve as acting town manager.
- (f) If the board of selectmen determines, by majority vote of the full membership, that the town manager will be unable to resume the duties of the job for any reasons, including but not limited to resignation, termination or illness, the office of town manager shall be filled as soon as practicable by the board of selectmen who may appoint an acting town manager who may serve until a town manager is appointed.
- (g) Irrespective of the duration of the absence of the town manager, the board of selectmen shall determine the powers and responsibilities of any acting or temporary town manager.

SECTION 5B. Administrative Responsibilities of the Town Manager

- (a) The town manager shall be the chief administrative officer of the town and shall be responsible to the board of selectmen for the effective management of all town affairs placed in the town manager's charge by this act, by the board of selectmen, by by-laws, or by vote of town meeting, and for the implementation of town policies placed in the town manager's charge by the board of selectmen.
- (b) The town manager shall supervise all town departments with the exception of the School District and direct day to day affairs of the town.
- (c) The town manager shall be responsible for seeing that the budget is administered as adopted by town meeting and in accordance with the General Laws, this act and the town by-laws.
- (d) The town manager shall advise the board of selectmen of all matters requiring action by them or by the town.

- (e) The town manager shall oversee the town's personnel system and staff in accordance with the town by-laws as amended, personnel evaluation policies and practices, enforcement of labor contracts, labor relations, collective bargaining and state and federal equal opportunities law compliance functions of the town.
- (f) The town manager shall attend all meetings of the board of selectmen, except when excused, having the right to speak but not vote; and attend all annual and special town meetings and shall be permitted to speak when recognized by the moderator.
- (g) The town manager shall administer, either directly or through a person or persons appointed by the town manager in accordance with this act, all provisions of General Laws and special acts applicable to the town, all town by-laws, and all regulations established by the board of selectmen.
- (h) The town manager shall have access to all information necessary for the proper performance of the duties of town manager in accordance with the town bylaws, not including however attorney-client privileged information which is provided to or by the board of selectmen, unless the board specifically authorizes such access. Notwithstanding the preceding sentence, the town manager and any person acting under the Town Manager's supervision, direction, or control shall have no authority to access the electronic communications of any town officer or employee, or information maintained in a personal work area or computer of any such officer or employee, unless such access has been approved in advance by the board of selectmen or by a member designated by the board to act on such matters.
- (i) The town manager may, without notice, cause the affairs of any division or department, except the School District, or the conduct of any officer or employee thereof to be examined.
- (j) The town manager shall keep the board of selectmen fully informed regarding all departmental operations, fiscal affairs, general problems, and administrative actions, and to this end shall submit periodic reports to the board of selectmen.
- (k) The town manager shall coordinate the activities among boards, commissions, and committees, concerned with long-range municipal planning, including physical or economic development, and environmental or resource protection of the town.
- (l) The town manager shall be responsible for the maintenance all town buildings, property and facilities except those under the jurisdiction of the housing authority, sewer commission and water commission unless requested by those agencies. The town manager shall, to these ends, develop, keep and annually update a full and complete inventory of all property of the town, both real and personal.
- (m) Subject to section 3H of this act, the town manager shall be responsible for the preparation of all town meeting warrants in accordance with the town by-laws and distribute, or cause to be distributed, copies of town meeting warrants to the residences of all registered voters of the town.
- (n) Upon request and with the approval of the board of selectmen, the town manager shall prosecute, defend, or compromise all litigation to which the town is party.
- (o) The town manager shall keep full and complete records of town manager's office and annually submit to the board of selectmen, unless requested to do so more frequently, a full written report of the operations of the office.
- (p) The town manager shall devote full working time to the duties of the office, and shall not engage in any business activity during the term of office, except with the written consent of the board of selectmen.

SECTION 5C. Financial Responsibilities of the Town Manager

- (a) The town manager shall be the chief financial officer of the town.
- (b) The town manager shall be responsible for controlling all appropriated budget expenditures, which includes the power to approve or reject all warrants including payroll for the payment of town funds prepared by the town accountant in accordance with the provision of section 56 of chapter 41 of the General Laws.
- (c) Annually, the town manager shall be responsible for the preparation of the proposed budget to be included in the Annual Town Meeting Warrant. The proposed budget shall be prepared in accordance with the most current budget process by the date set pursuant to Section 3(i) of this act as approved by the board of selectmen.
- (d) The town manager shall submit to the board of selectmen by the date established pursuant to Section 3(i) of this act a written proposed budget for the ensuing fiscal year.
 - i. The proposed budget shall detail all estimated revenue from all sources, and all proposed expenditures, including debt service, for the previous, current, and ensuing five (5) fiscal years.
 - ii. The proposed budget shall detail all estimated expenditures for current operations during the ensuing fiscal year, detailed by agency, department, committee, purpose, and position.
 - iii. In addition, the town manager shall prepare a written proposed capital improvements budget for the ensuing fiscal year and a five (5) year forecast and include both as part of the proposed annual budget.
 - iv. For the purpose of preparing the budget for the ensuing fiscal year, the town manager shall include an estimate of revenues to be collected and free cash available at the close of the current fiscal year, including estimated balances in special accounts.
 - v. The town manager shall report on the estimated funds required to be levied and raised by taxation to defray all expenses and liabilities of the proposed budget together with an estimate of the tax rate necessary to raise such amount and include the information in the proposed budget.
 - vi. The town manager annually shall submit a town departmental and organizational structure.
- (e) The town manager shall submit a preliminary budget and capital plan to the board of selectmen, the advisory committee and the capital budget committee pursuant to the budget process set forth in Section 3(i) of this Act. The preliminary budget and capital plan must be submitted no later than seventy (70) days prior to the date of the annual town meeting.
- (f) To assist the town manager in preparing the proposed annual budget of revenue and expenditures, all boards, officers, and committees of the town, including the school committee, shall furnish all relevant information in their possession and submit to the town manager, in writing in such form as the town manager shall establish, a detailed estimate of the appropriations required and available funds.
- (g) The town manager shall keep the board of selectmen informed regarding the availability of federal and state funds and how such funds might relate to unmet long-range needs.
- (h) The town manager shall be responsible for filing all grant applications.
- (i) After the close of each fiscal year and after the certification of free cash by the Massachusetts Department of Revenue, the town manager, as soon as practicable, will cause to have prepared audited financial statements. Upon completion of the audit, the town manager will promptly

distribute the statements to the board of selectmen, chairman of the advisory committee and chairman of the capital budget committee.

SECTION 5D. Appointment Powers of the Town Manager

- (a) The town manager shall appoint upon merit and fitness alone, and may remove, the police chief, fire chief, director of finance subject to the selectmen's approval by a majority vote of its full membership whose contracts and any changes thereto must be approved by the board of selectmen.
- (b) The Board of Selectmen shall appoint members of the conservation commission under chapter 40, section 8C of the General Laws.
- (c) The town manager shall appoint and may remove all Department Heads not included in Section 5D(a) of this act, as that term may be defined in the town organization chart established from time to time by town meeting of the Town of Cohasset, and all employees under the direct supervision of the town manager. In addition, the town manager shall appoint and may remove all officers, subordinates and employees for whom no other method of selection is provided in this act, except employees of the school department.
- (d) Appointments made by the town manager in Section 5D(c) of this act shall become effective fifteen (15) days following the date of written notice of the appointment is filed with the board of selectmen unless the board of selectmen shall, within that period, by a majority of its members present and voting, vote to reject the appointment or removal.
- (e) Within the fifteen (15) day period, the board of selectmen may, by a majority of its members present and voting, vote to waive its power to reject an appointment pursuant to Section 5D(d) of this Act, whereupon the appointment shall become effective immediately.
- (f) All appointments by the town manager not included in Section 5D(a) or 5D(c) of this Act shall become effective immediately.
- (g) Any employee not protected by civil service law or union contract shall have the right to appeal the town manager's decision to discharge to the board of selectmen. The appeal shall be initiated by filing a written notice of appeal with the town manager within ten (10) calendar days after receiving a written notice of discharge. The appeal shall be conducted pursuant to processes and procedures as may be established from time to time by the town by-laws.
- (h) The town manager, subject to any applicable provisions of the General Laws relating thereto, may assume, temporarily, the duties of any office which the town manager is authorized to fill by appointment, subject to approval by the board of selectmen.
- (i) The town manager may appoint such ad hoc committees as he deems necessary.

SECTION 5E. Collective Bargaining

- (a) The town manager or a negotiating committee authorized by the board of selectmen shall negotiate collective bargaining contracts on behalf of the board of selectmen, which contracts shall be subject to approval, ratification and execution by the board of selectmen.
- (b) The board of selectmen may authorize use of additional counsel and/or persons to assist the town manager or negotiating committee in the negotiations at their request.

SECTION 5F. Procurement

- (a) The town manager is the chief procurement officer and shall be responsible for purchasing for all town functions and departments, pursuant to chapter 30B of the General Laws, and all other applicable statutes, procedures, and by-laws.

(b) The town manager may, at the request of the school committee, delegate such duties for school department purchasing.

SECTION 6. This Act shall take effect upon passage

Secret ballot ordered by Moderator. Yes 223 No 141 Motion adopted.

Article: 9 Union Contracts

To see if the Town will vote to raise and appropriate, transfer from available funds, pursuant to any applicable statute, to be expended by the Town Manager, to fund the cost items in the collective bargaining agreements, or to take any other action related thereto.

MOVED that One Hundred Thousand Dollars (\$100,000) be raised and appropriated from the FY 14 tax levy and other general revenues of the town and that Sixty-Four Thousand Five Hundred and Sixty-Six Dollars (\$64,566) be appropriated from Free Cash in the treasury of the Town, to be expended by the Town Manager, to fund the cost items of the following collective bargaining agreements.

Police Union FY 2014	\$27,500
Police Lieutenants Union FY 2014	\$2,400
Fire Union FY 2013	\$27,741
Fire Union FY 2014	\$53,225
Library Union FY 2013	\$6,200
Library Union FY 2014	\$14,100
Clerical Union FY 2013	\$11,600
Clerical Union FY 2014	\$21,800

Motion adopted unanimously.

PROCLAMATION

Whereas, Michael C. Patroliia, or Mickey as he is called, was first elected to the Cohasset Board of Assessors in 1970 and has served forty-two years as a member of the Cohasset Board of Assessors; and

Whereas, as a member of the Cohasset Board of Assessors, **Mickey** discharged his responsibilities with fairness and impartiality; and

Whereas, Mickey applied his knowledge of Massachusetts General Laws governing assessing and his familiarity with the Town of Cohasset to decision making, always in the best interest of the town and the taxpayers of Cohasset; and

Whereas, Mickey with his kind and considerate way made him an asset to the Board of Assessors; and

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

Whereas, Mickey has lived and served in the community he loves for forty-two years; and

Whereas, the Board of Selectmen now recommends this Unanimous Motion for Commendation to **Michael C. Patroia**.

NOW THEREFORE BE IT RESOLVED that the Citizens of Cohasset, assembled here at Annual Town Meeting hereby acknowledge with sincere appreciation the long and devoted service to the Town of Cohasset and will be ever grateful to Michael C. Patroia for his commitment and dedication to the Cohasset community.

GIVEN under our hands and the seal of the **TOWN OF COHASSET** on this twenty-second day of April in the year Two Thousand Thirteen.

BOARD OF SELECTMEN

Paul Carlson, Chairman

Diane Kennedy

Frederick Koed

Leland H. Jenkins

Martha Gjestebly

Proclamation adopted unanimously.

Article: 10 Recession of Authorized but Unissued Debt

To see if the Town will vote to rescind the balance of the loans authorized and un-issued pursuant to the following Articles and Town Meeting approvals:

<i>Purpose:</i>	<i>Date</i>	<i>Article</i>	<i>Authorized/ Unissued</i>
Septic Systems	3/29/1999	24	\$200,000
MBTA Wetlands James Brook	11/5/2001	19	\$1,200,000
MBTA Sohier Street	11/5/2001	5	\$250,000

Library	11/5/2001	5	\$3,250,000
Water	11/5/01 & 3/30/2002	5 & 13	\$23,752
Water	3/30/2002	13	\$28,248
Sewer Elm Street	3/30/2002	7	\$81,000
Infrastructure & Streetscape	11/18/2002	13	\$800,000
Land Acquisition	11/18/2002	6	\$750,000
Drainage Jacob's Meadow	11/18/2002	16	\$53,000
Land Acquisition Sohior Street	11/14/2003	4	\$4,100,000
Sewer Planning	4/2/2005	11	\$40,000
Recreational Facilities	11/13/2006	4.b	\$150,000
Retaining Wall Improvements	11/17/2008	7	\$126,750
Road Improvements	11/17/2008	7	\$33,750
Total Authorized and Unissued			\$11,086,500

For a total of \$11,086,500, or take any other action relative thereto.

MOVED that the balance Eleven Million, Eighty-Six Thousand and Five Hundred dollars of the loans authorized and un-issued listed below be rescinded:

<i>Purpose:</i>	<i>Date</i>	<i>Article</i>	<i>Authorized/ Unissued</i>
Septic Systems	3/29/1999	24	\$200,000
MBTA Wetlands James Brook	11/5/2001	19	\$1,200,000
MBTA Sohior Street	11/5/2001	5	\$250,000
Library	11/5/2001	5	\$3,250,000
Water	11/5/01 & 3/30/2002	5 & 13	\$23,752
Water	3/30/2002	13	\$28,248
Sewer Elm Street	3/30/2002	7	\$81,000
Infrastructure & Streetscape	11/18/2002	13	\$800,000
Land Acquisition	11/18/2002	6	\$750,000
Drainage Jacob's Meadow	11/18/2002	16	\$53,000
Land Acquisition Sohior Street	11/14/2003	4	\$4,100,000
Sewer Planning	4/2/2005	11	\$40,000
Recreational Facilities	11/13/2006	4.b	\$150,000
Retaining Wall Improvements	11/17/2008	7	\$126,750
Road Improvements	11/17/2008	7	\$33,750
Total Authorized and Unissued			\$11,086,500

Motion adopted unanimously.

Article: 11 Adoption of Local-Option Meal and Hotel Tax.

To see if the town will accept

A: 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, 2013 in accordance with section 60 of Chapter 27 of the Acts of 2009, and/or

B: 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 establish for local room occupancy excise under such Ch. 64G, s. 3A, to take effect on July 1, 2013 at six percent (6%), on the rental of rooms in hotels establishments in the town; as provided by such law, or take any other action related thereto.

PART A

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, 2013.

Motion defeated.

PART B

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, 2013, upon the rental of rooms in hotels in the Town of Cohasset.

Motion defeated.

Article: 12 Home Rule Petition to Create Sewer Districts

To see if the Town will authorize the Board of Selectmen to file with the General Court a petition for the enactment of a Home Rule special act to amend the Board of Sewer Commissioners' enabling act to authorize the establishment, codification and operation of sewer districts in the Town of Cohasset 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, with the approval of the Board of Selectmen and the Board of Sewer Commissioners, be authorized 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 take any other action related thereto.

**AN ACT TO AMEND THE ENABLING ACT OF
THE COHASSET BOARD OF SEWER COMMISSIONERS**

SECTION 1. Chapter 65 of the acts of 1962 entitled "An Act Authorizing the Town of Cohasset to Construct and Operate a System or Systems Of Sewerage and Sewage Disposal," as amended by chapter 104 of the acts of 1964 and chapter 131 of the acts of 1975, hereinafter collectively referred to as the "act," is hereby amended as set forth in this chapter.

SECTION 2. The act is hereby amended by replacing section 1 of the act with the following.

SECTION 1. The town of Cohasset, acting by and through its board of sewer commissioners described in section 3, may lay out, plan, construct, maintain and operate a system or systems of common sewers for parts or the whole of its territory,

as may be from time to time defined and established by adoption by town meeting of one or more by-laws as a designated sewer district under the jurisdiction and control of the board of sewer commissioners, with such capacity limitations, connections, pumping stations, treatment plants and other works, as may be allocated in such by-law to such sewer district as required for a system or systems of sewage treatment and disposal, and may construct, maintain and operate such sewers and related works in said sewer districts defined and established by by-law as may be necessary. No other sewers shall be constructed in any public ways in the town that are not within the limits of such designated sewer districts and which are not under the control of the board of sewer commissioners, and no other sewers that are not within the limits of such designated sewer districts shall become part of or connected to any sewer, sewers, pumping stations or other works within the limits of such designated sewer districts.

SECTION 3. The act is hereby amended by replacing section 2 of the act with the following.

SECTION 2. Said town, acting by and through its board of sewer commissioners, may make and maintain in any way within sewer districts defined and established as set forth in section 1 where common sewers are laid out or constructed, such connecting sewers within the limits of such way as may be necessary to connect any estate within such district that abuts upon a way within such district.

SECTION 4. The act is hereby amended by replacing section 7 of the act with the following.

SECTION 7. The financial operations of the sewer system shall be an enterprise fund within the meaning of section 53F½ of chapter 44 of the General Laws, except as modified herein, and any expenditure from such fund shall be made only jointly upon authorization by the board of sewer commissioners and the town of Cohasset Town Manager as defined by Chapter 34 of the Acts of 1997 (as amended by chapter 421 of the Acts of 1998 and chapter 330 of the acts of 2000). The town shall, by vote at town meeting, determine whether it shall pay the whole or a portion of the cost of said system or systems of sewerage and sewage disposal, and if a portion, what proportion. If the town votes to pay less than the whole cost, in providing for the payment of the remaining portion of the cost of said system or systems, the town, acting through its board of sewer commissioners, may avail itself of any or all the methods permitted by the General Laws, and the provisions of the General Laws relative to the assessment, apportionment, division, reassessment, abatement and collection of sewer assessments or the additional methods set forth in section 17, and as to liens therefor and to interest thereon, shall apply to assessments made pursuant to this act by the board of sewer commissioners, except that interest shall be at the rate as may be established by the board of sewer commissioners from time to time. At the same meeting at which town meeting determines that any portion of the cost is to be borne by the town, such town meeting may by vote determine by which of such methods the remaining portion of said cost shall be provided for. The collector of taxes of said town shall certify the payment or payments of any such

assessment or apportionments thereof to the board of sewer commissioners, who shall preserve a record thereof.

SECTION 5. The act is hereby amended by replacing section 9 as follows.

SECTION 9. The revenues received by the fund described in section 7 of this act from sewer assessments, fees, charges, contributions from the town towards the costs of such sewer system as described in section 7, and the like as receipts or revenues, shall be applied to the payment of charges and expenses incident to the planning, permitting, design, construction, maintenance, and operation of said system or systems of sewerage and sewage disposal or to the extensions thereof, to the payment of principal or interest upon bonds or notes issued for sewer purposes, or to the payment or redemption of such bonds or notes.

SECTION 6. The act is hereby amended by replacing section 12 of the act with the following.

SECTION 12. The board of sewer commissioners may, from time to time, adopt and prescribe rules and regulations for the means of connection of estates and buildings with sewers and for inspection of the materials, the construction, alteration, and use of all connections entering to such sewers, but not including the expansion of districts except as provided in sections 1 and 16, and may prescribe penalties, not exceeding \$300/day for each violation of any such rule or regulation. Such rules and regulations shall be available for public review at the sewer commission's designated office during regular office hours. Any changes, deletions, additions or revisions to said rules and regulations deemed necessary by the board of sewer commissioners from time to time, shall take full effect after a notice of change has been published at least once a week for 2 successive weeks in a newspaper of general circulation in the town of Cohasset, which notice shall detail where and when such revised rules and regulations may be viewed by the general public.

SECTION 7. The act is hereby amended to insert a new section 16 as follows.

SECTION 16. Notwithstanding any provision of law to the contrary, owners of land not within the sewer districts defined and established pursuant to section 1 of this act shall not be permitted to connect to said town's sewer system except as is set forth in this act. The territory covered by said sewer districts may be amended from time to time by the board of sewer commissioners, after a public hearing conducted to consider such amendment, upon approval of the department of environmental protection if otherwise required by law and upon enactment by town meeting of a by-law defining or establishing a new or expanded sewer district. In the event that the board of sewer commissioners votes not to amend the territory of any sewer district in accordance with the foregoing sentence, then the amendment may nevertheless be enacted in a form of a by-law upon a two-thirds majority vote of town meeting.

Any by-law adopted pursuant to the authority granted to the town of Cohasset by this act may include authorization to the board of sewer commissioners without a town

meeting vote to add to the sewer districts created pursuant to this act properties located within sewer needs areas as defined by any Comprehensive Wastewater Management Plan as may be approved by the secretary of energy and environmental affairs with such conditions and limitations with respect to such authorization as such by-law may provide.

SECTION 8. The act is hereby amended to insert a new section 17 as follows.

SECTION 17. The Board of sewer commissioners may, in its discretion, prescribe for the users of said sewer systems and disposal works such annual charges, connection fees, assessments, privilege fees, and the like, based on the benefits derived therefrom as such sewer commission may deem proper, subject however, to such by-laws as may be adopted by vote of the town, or as may be provided for in the General Laws. Notwithstanding any law to the contrary, the commission is authorized to impose and collect such charges, fees, or assessments prior to connection or operation of such system of sewers and disposal works, and may enter into agreements for the payment thereof over such time as the sewer commission shall determine. In fixing the charges to be imposed for said system, the Board of sewer commissioners is authorized to make use of any fee, charge, assessment or betterment provided for by the General Laws and further may take into consideration all costs for ongoing removal of infiltration and inflow of non-wastewater into the system as part of the normal operating costs of the system; may include, in setting privilege fees, capital costs and interest charges applicable thereto; may impose late fees for unpaid billings; may assess a capacity utilization fee to new estates and properties added to a sewer district authorized by this act from outside a designated needs area in addition to any privilege fee; may charge betterments, special assessments, or any other charge to the estates and properties being served by collection system improvements and extensions and disposal works to pay for all costs for sewer line extensions to serve.

SECTION 9. The act is hereby amended to insert a new section 18 as follows.

SECTION 18. Notwithstanding anything to the contrary contained herein, the board of sewer commissioners may at any time permit extensions, new connections or increases in flow to the sewer system, subject to capacity, to serve municipal buildings or public restrooms or other public service uses as defined by the municipality; provided, however, that such uses may include, but shall not be limited to, affordable housing constructed pursuant to chapters 40B and 40R of the General Laws, without thereby creating any entitlement on the part of any person to connect to such sewer system, subject to capacity and in order of application, may permit or if in the public interest, may require, extensions, new connections or new flow to the sewer system within such districts.

SECTION 10. The act is hereby amended by inserting in section 11 of the act after the words "signed by the board" the words "with approval by the town manager."

SECTION 11. The act is hereby amended by deleting section 14 of the act.

SECTION 12. 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 to amend the Board of Sewer Commissioners' enabling act to authorize the establishment, codification and operation of sewer districts in the Town of Cohasset and that the Town's representatives to the General Court be requested to introduce a Special Act set forth below; and further that the General Court, with the approval of the Board of Selectmen and the Board of Sewer Commissioners, be authorized to make constructive changes in language as may be necessary or advisable towards perfecting the intent of this legislation in order to secure passage as follows:

AN ACT TO AMEND THE ENABLING ACT OF
THE COHASSET BOARD OF SEWER COMMISSIONERS

SECTION 1. Chapter 65 of the acts of 1962 entitled "An Act Authorizing the Town of Cohasset to Construct and Operate a System or Systems Of Sewerage and Sewage Disposal," as amended by chapter 104 of the acts of 1964 and chapter 131 of the acts of 1975, hereinafter collectively referred to as the "act," is hereby amended as set forth in this chapter.

SECTION 2. The act is hereby amended by replacing section 1 of the act with the following.

SECTION 1. The town of Cohasset, acting by and through its board of sewer commissioners described in section 3, may lay out, plan, construct, maintain and operate a system or systems of common sewers for parts or the whole of its territory, as may be from time to time defined and established by adoption by town meeting of one or more by-laws as a designated sewer district under the jurisdiction and control of the board of sewer commissioners, with such capacity limitations, connections, pumping stations, treatment plants and other works, as may be allocated in such by-law to such sewer district as required for a system or systems of sewage treatment and disposal, and may construct, maintain and operate such sewers and related works in said sewer districts defined and established by by-law as may be necessary. No other sewers shall be constructed in any public ways in the town that are not within the limits of such designated sewer districts and which are not under the control of the board of sewer commissioners, and no other sewers that are not within the limits of such designated sewer districts shall become part of or connected to any sewer, sewers, pumping stations or other works within the limits of such designated sewer districts.

SECTION 3. The act is hereby amended by replacing section 2 of the act with the following.

SECTION 2. Said town, acting by and through its board of sewer commissioners, may make and maintain in any way within sewer districts defined and established as set forth in section 1 where common sewers are laid out or constructed, such connecting sewers within the limits of such way as may be necessary to connect any estate within such district that abuts upon a way within such district.

SECTION 4. The act is hereby amended by replacing section 7 of the act with the following.

SECTION 7. The financial operations of the sewer system shall be an enterprise fund within the meaning of section 53F½ of chapter 44 of the General Laws, except as modified herein, and any expenditure from such fund shall be made only jointly upon authorization by the board of sewer commissioners and the town of Cohasset Town Manager as defined by Chapter 34 of the Acts of 1997 (as amended by chapter 421 of the Acts of 1998 and chapter 330 of the acts of 2000). The town shall, by vote at town meeting, determine whether it shall pay the whole or a portion of the cost of said system or systems of sewerage and sewage disposal, and if a portion, what proportion. If the town votes to pay less than the whole cost, in providing for the payment of the remaining portion of the cost of said system or systems, the town, acting through its board of sewer commissioners, may avail itself of any or all the methods permitted by the General Laws, and the provisions of the General Laws relative to the assessment, apportionment, division, reassessment, abatement and collection of sewer assessments or the additional methods set forth in section 17, and as to liens therefor and to interest thereon, shall apply to assessments made pursuant to this act by the board of sewer commissioners, except that interest shall be at the rate as may be established by the board of sewer commissioners from time to time. At the same meeting at which town meeting determines that any portion of the cost is to be borne by the town, such town meeting may by vote determine by which of such methods the remaining portion of said cost shall be provided for. The collector of taxes of said town shall certify the payment or payments of any such assessment or apportionments thereof to the board of sewer commissioners, who shall preserve a record thereof.

SECTION 5. The act is hereby amended by replacing section 9 as follows.

SECTION 9. The revenues received by the fund described in section 7 of this act from sewer assessments, fees, charges, contributions from the town towards the costs of such sewer system as described in section 7, and the like as receipts or revenues, shall be applied to the payment of charges and expenses incident to the planning, permitting, design, construction, maintenance, and operation of said system or systems of sewerage and sewage disposal or to the extensions thereof, to the payment of principal or interest upon bonds or notes issued for sewer purposes, or to the payment or redemption of such bonds or notes.

SECTION 6. The act is hereby amended by replacing section 12 of the act with the following.

SECTION 12. The board of sewer commissioners may, from time to time, adopt and prescribe rules and regulations for the means of connection of estates and buildings with sewers and for inspection of the materials, the construction, alteration, and use of all connections entering to such sewers, but not including the expansion of districts except as provided in sections 1 and 16, and may prescribe penalties, not exceeding \$300/day for each violation of any such rule or regulation. Such rules and regulations shall be available for public review at the sewer commission's designated office

during regular office hours. Any changes, deletions, additions or revisions to said rules and regulations deemed necessary by the board of sewer commissioners from time to time, shall take full effect after a notice of change has been published at least once a week for 2 successive weeks in a newspaper of general circulation in the town of Cohasset, which notice shall detail where and when such revised rules and regulations may be viewed by the general public.

SECTION 7. The act is hereby amended to insert a new section 16 as follows.

SECTION 16. Notwithstanding any provision of law to the contrary, owners of land not within the sewer districts defined and established pursuant to section 1 of this act shall not be permitted to connect to said town's sewer system except as is set forth in this act. The territory covered by said sewer districts may be amended from time to time by the board of sewer commissioners, after a public hearing conducted to consider such amendment, upon approval of the department of environmental protection if otherwise required by law and upon enactment by town meeting of a by-law defining or establishing a new or expanded sewer district. In the event that the board of sewer commissioners votes not to amend the territory of any sewer district in accordance with the foregoing sentence, then the amendment may nevertheless be enacted in a form of a by-law upon a two-thirds majority vote of town meeting.

Any by-law adopted pursuant to the authority granted to the town of Cohasset by this act may include authorization to the board of sewer commissioners without a town meeting vote to add to the sewer districts created pursuant to this act properties located within sewer needs areas as defined by the any Comprehensive Wastewater Management Plan as may be approved by the secretary of energy and environmental affairs with such conditions and limitations with respect to such authorization as such by-law may provide.

SECTION 8. The act is hereby amended to insert a new section 17 as follows.

SECTION 17. The Board of sewer commissioners may, in its discretion, prescribe for the users of said sewer systems and disposal works such annual charges, connection fees, assessments, privilege fees, and the like, based on the benefits derived therefrom as such sewer commission may deem proper, subject however, to such by-laws as may be adopted by vote of the town, or as may be provided for in the General Laws. Notwithstanding any law to the contrary, the commission is authorized to impose and collect such charges, fees, or assessments prior to connection or operation of such system of sewers and disposal works, and may enter into agreements for the payment thereof over such time as the sewer commission shall determine. In fixing the charges to be imposed for said system, the Board of sewer commissioners is authorized to make use of any fee, charge, assessment or betterment provided for by the General Laws and further may take into consideration all costs for ongoing removal of infiltration and inflow of non-wastewater into the system as part of the normal operating costs of the system; may include, in setting privilege fees, capital costs and interest charges applicable thereto; may impose late fees for unpaid billings;

may assess a capacity utilization fee to new estates and properties added to a sewer district authorized by this act from outside a designated needs area in addition to any privilege fee; may charge betterments, special assessments, or any other charge to the estates and properties being served by collection system improvements and extensions and disposal works to pay for all costs for sewer line extensions to serve.

SECTION 9. The act is hereby amended to insert a new section 18 as follows.

SECTION 18. Notwithstanding anything to the contrary contained herein, the board of sewer commissioners may at any time permit extensions, new connections or increases in flow to the sewer system, subject to capacity, to serve municipal buildings or public restrooms or other public service uses as defined by the municipality; provided, however, that such uses may include, but shall not be limited to, affordable housing constructed pursuant to chapters 40B and 40R of the General Laws, without thereby creating any entitlement on the part of any person to connect to such sewer system, subject to capacity and in order of application, may permit or if in the public interest, may require, extensions, new connections or new flow to the sewer system within such districts.

SECTION 10. The act is hereby amended by inserting in section 11 of the act after the words "signed by the board" the words "with approval by the town manager."

SECTION 11. The act is hereby amended by deleting section 14 of the act.

SECTION 12. This Act shall take effect upon its passage.

Motion adopted.

PROCLAMATION

WHEREAS, Paul Carlson was elected to the Board of Selectmen in **2007** and has served with honor and distinction over the past six years, including **two** years as Chairman of the Board; and

WHEREAS, as a member of the Board of Selectmen, **Paul Carlson** has brought great wisdom and sensitivity to the many issues that face our community; and

WHEREAS, Paul Carlson has also served his community with distinction as a member of the Cable Advisory Committee, Board of Directors of CCTV, Water Planning Group, Budget Planning Group and the Senior Center Planning Group;

WHEREAS, as Chairman of the Board of Selectman, **Paul Carlson** helped the Board discharge its responsibilities in a very effective and efficient manner; and

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

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

NOW THEREFORE BE IT RESOLVED that the Citizens of Cohasset, assembled at Annual Town Meeting hereby acknowledge and affirm their appreciation to Selectman Paul Carlson 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 twenty-second day of April in the year Two Thousand Thirteen.

BOARD OF SELECTMEN

Diane Kennedy, Vice-Chairman

Frederick Koed

Leland H. Jenkins

Martha Gjesteby

Proclamation adopted unanimously.

Article: 13 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 other 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: 14 Additional Real Estate Exemptions

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 unanimously.

Article: 15 FY 14 Community Preservation Projects

To see if the Town will vote to hear and act on recommendations by the Community Preservation Committee for Fiscal Year 2014 pursuant to Chapter 44B of the General Laws, also known as the Community Preservation Act; to implement such recommendations by appropriating and/or reserving a sum or sums of money from the Community Preservation Fund established pursuant to such Act for (i) the administrative expenses and all other necessary and

proper expenses of the Community Preservation Committee; (ii) the acquisition, creation and preservation of open space; (iii) the acquisition, preservation, rehabilitation and restoration of historic resources; (iv) the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use; (v) the acquisition and preservation of historic resources; (vi) the acquisition, creation, preservation and support of community housing; and (vii) the rehabilitation or restoration of open space and community housing acquired or created under such Act; to authorize 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 or enforceable by the Town, acting by and through the Board of Selectmen or such other Town board as the Board of Selectmen may designate, including real property interests in the form of permanent affordable housing restrictions, historical preservation restrictions and conservation restrictions that will meet the requirements of Chapter 184 of the General Laws, as may be necessary or proper to carry out the foregoing; or to take any action related thereto.

Moved that the Town hear and act on recommendations by the Community Preservation Committee as follows:

Recommendation A. The following amounts be appropriated from the Fiscal Year 2014 Community Preservation Fund estimated revenues to the Community Preservation Fund accounts as follows:

1. Fifty Two Thousand Dollars (\$52,000) be appropriated to the Community Housing Reserve Fund and reserved for community housing purposes,
2. Fifty Two Thousand Dollars (\$52,000) be appropriated to the Historic Reserve Fund for historic resources;
3. Fifty Two Thousand Dollars (\$52,000) be appropriated to the Community Preservation Open Space Reserve Fund for open space, and
4. Three Hundred Sixty Four Thousand Dollars (\$364,000) be appropriated to the Undesignated Reserve Fund balance in the Community Preservation Fund; and

Recommendation B. Thirty Thousand Dollars (\$30,000) be appropriated from the Undesignated Reserve Fund balance in the Community Preservation Fund for the preservation, rehabilitation and restoration of the roof, weather vane and cupola at the Paul Pratt Memorial Library located at 35 Ripley Road, to be expended by the Town Manager, and further that after June 30, 2015, any residual unexpended portion of such sum shall not be further expended and shall be restored to the Undesignated Reserve Fund balance in the Community Preservation Fund; and

Recommendation C. Twenty Thousand Dollars (\$20,000) be appropriated from the Undesignated Reserve Fund balance in the Community Preservation Fund for the preservation, rehabilitation and restoration of documents, artifacts, books and collections of the Paul Pratt Memorial Library located at 35 Ripley Road, to be expended by the Town Manager, and further

that after June 30, 2015, any residual unexpended portion of such sum shall not be further expended and shall be restored to the Undesignated Reserve Fund balance in the Community Preservation Fund; and

Recommendation D. Fifteen Thousand Fifty Dollars (\$15,050) be appropriated from the Undesignated Reserve Fund balance in the Community Preservation Fund for the preservation, rehabilitation and restoration of the roof, ceiling and foundation of the Lightkeeper's shed located at 15 Lighthouse Lane, to be expended by the Town Manager, and further that after June 30, 2015, any residual unexpended portion of such sum shall not be further expended and shall be restored to the Undesignated Reserve Fund balance in the Community Preservation Fund; and

Recommendation E. Seventy Five Thousand Dollars (\$75,000) be appropriated from the Undesignated Reserve Fund balance in the Community Preservation Fund for the preservation, rehabilitation and restoration of documents, artifacts and vital records of the Town Clerk's office, to be expended by the Town Manager, and further that after June 30, 2015, any residual unexpended portion of such sum shall not be further expended and shall be restored to the Undesignated Reserve Fund balance in the Community Preservation Fund; and

Recommendation F. Sixty Thousand Five Hundred Dollars (\$60,500) be appropriated from the Undesignated Reserve Fund balance in the Community Preservation Fund for the creation, preservation, rehabilitation and restoration of land, playground area and equipment for the Deer Hill School located at 208 Sohier Street, to be expended by the Town Manager; and further that an additional Fifty Nine Thousand Five Hundred Dollars (\$59,500) be appropriated from the Undesignated Reserve Fund balance in the Community Preservation Fund for the creation, preservation, rehabilitation and restoration of land, playground area and equipment for the Deer Hill School located at 208 Sohier Street, to be expended by the Town Manager, except that the expenditure of any portion of such \$59,500 shall be contingent upon receipt by the Town by June 30, 2014 of funds from private sources, grant programs or the Commonwealth of Massachusetts equal to the portion of such \$59,500 to be expended for such purposes as a 50-50% match; and further that the expenditures of such sums further be contingent upon:

- (i) submission to the Town Manager of invoices for all work related to the foregoing for payment directly to the vendor(s) performing such work, (ii) supervision by the Town Manager and/or the Town Director of Project Management and Planning ("Director") of all such work, (iii) prior approval by the Director of any work items to be performed and any contracts to be entered into, (iv) work being performed in accordance with all applicable law and regulations, and (v) inspection by the Director of all such work for compliance with the foregoing; and further that after June 30, 2015, any residual unexpended portion of such \$60,500 and \$59,500 shall not be further expended and shall be restored to the Undesignated Reserve Fund balance in the Community Preservation Fund; and

Recommendation G. Thirty Three Thousand Six Hundred Ninety Eight Dollars (\$33,698) be appropriated from the Undesignated Reserve Fund balance in the Community Preservation Fund for the acquisition, creation and preservation of open space located southwesterly off King Street and by Brass Kettle Brook, to be expended by the Town Manager, including payment of debt service with respect to such acquisition, creation, or preservation, and further that after June 30, 2015, any residual unexpended portion of such sum shall not be further expended and shall be restored to the Undesignated Reserve Fund balance in the Community Preservation Fund; and

Recommendation H. Twenty Five Thousand Dollars (\$25,000) be appropriated from the Undesignated Reserve Fund balance in the Community Preservation Fund for administrative and operating expenses of the Community Preservation Committee, including professional services; and

Recommendation I. For each of the above recommendations, the Board of Selectmen, or such other Town board as the Board of Selectmen may designate, be authorized to acquire by purchase or gift and hold in the name of or enforceable by the Town, such real property interests and permanent affordable housing restrictions, historical preservation restrictions and conservation restrictions that will meet the requirements of Chapter 184 of the General Laws, as may be necessary or proper to carry out the foregoing.

A 2/3's vote required. Motions adopted unanimously.

Article 16: TEMPORARY MORATORIUM, MEDICAL MARIJUANA TREATMENT

CENTERS: To see if the Town will vote to amend the Zoning Bylaw as follows to enact a temporary moratorium on medical marijuana treatment centers by amending Section 2.1, DEFINITIONS, by adding the following definition in alphabetical order:

“Medical Marijuana Treatment Center: A not-for-profit entity as defined by Massachusetts law only, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers, which is properly licensed and registered by the Massachusetts Department of Public Health pursuant to all applicable state laws and regulations.”

And by adding the following new Section 20, Temporary Moratorium-Medical Marijuana Treatment Centers:

“SECTION 20: Temporary Moratorium - Medical Marijuana Treatment Centers

20.1 PURPOSE

The purpose of this moratorium is to provide restrictions that will allow the Town of Cohasset (“Town”) adequate time to consider whether to allow facilities associated with the medical use of marijuana (including Medical Marijuana Treatment Centers as defined herein), to the extent that such facilities are permitted under state laws and regulations, and, if so, where and under what conditions. Given that a law permitting the cultivation, distribution, possession and use of marijuana for medical purposes in the Commonwealth of Massachusetts was approved by vote at the state election on November 6, 2012 and has become effective on January 1, 2013, and that the Massachusetts Department of Public Health has yet to promulgate the regulations by which facilities that produce or dispense medical marijuana shall be registered and administered, a

restriction on the establishment of such facilities and other uses related to the regulation of medical marijuana in the Town shall provide the opportunity: to study and consider the potential impacts of such facilities and other related uses on adjacent uses and on general public health, safety and welfare; to study and consider the related novel and complex legal and planning issues; and to develop zoning and other applicable regulations that appropriately address these considerations consistent with statewide regulations and permitting procedures.

20.2 EXCLUSION OF OTHER MARIJUANA USES

Any establishment that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers shall not be permitted if such establishment has not been properly registered and licensed in accordance with applicable state and local laws and regulations, or is not operated as a not-for-profit entity, or otherwise fails to meet the definition of a Medical Marijuana Treatment Center.

20.3 EXCLUSION OF ACCESSORY USES

In no case shall the acquisition, cultivation, possession, processing, transfer, transportation, sale, distribution, dispensing, or administration of marijuana, products containing or derived from marijuana, or related products be considered accessory to any use.

20.4 TEMPORARY MORATORIUM

The use of land and/or structures for Medical Marijuana Treatment Centers and related uses is prohibited in all zoning districts in the Town so long as this Moratorium is in effect, as set forth in subsection 20.5 below and notwithstanding any provision in this Zoning Bylaw to the contrary. Variances from this Section 20 are strictly prohibited. During this Moratorium, the Town shall undertake a planning process consistent with the purposes set forth herein.

20.5 EXPIRATION

This Moratorium shall be effective until June 30, 2014.”

Or, to take any other action related thereto.

MOVED that the Cohasset Zoning Bylaw be hereby amended as follows to enact a temporary moratorium on medical marijuana treatment centers by amending Section 2.1, DEFINITIONS, by adding the following definition in alphabetical order:

“Medical Marijuana Treatment Center: A not-for-profit entity as defined by Massachusetts law only, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers, which is properly licensed and registered by the Massachusetts Department of Public Health pursuant to all applicable state laws and regulations.”

And by adding the following new Section 20, Temporary Moratorium-Medical Marijuana Treatment Centers:

“SECTION 20: Temporary Moratorium - Medical Marijuana Treatment Centers

20.1 PURPOSE

The purpose of this moratorium is to provide restrictions that will allow the Town of Cohasset (“Town”) adequate time to consider whether to allow facilities associated with the medical use of marijuana (including Medical Marijuana Treatment Centers as defined herein), to the extent that such facilities are permitted under state laws and regulations, and, if so, where and under what conditions. Given that a law permitting the cultivation, distribution, possession and use of marijuana for medical purposes in the Commonwealth of Massachusetts was approved by vote at the state election on November 6, 2012 and has become effective on January 1, 2013, and that the Massachusetts Department of Public Health has yet to promulgate the regulations by which facilities that produce or dispense medical marijuana shall be registered and administered, a restriction on the establishment of such facilities and other uses related to the regulation of medical marijuana in the Town shall provide the opportunity: to study and consider the potential impacts of such facilities and other related uses on adjacent uses and on general public health, safety and welfare; to study and consider the related novel and complex legal and planning issues; and to develop zoning and other applicable regulations that appropriately address these considerations consistent with statewide regulations and permitting procedures.

20.2 EXCLUSION OF OTHER MARIJUANA USES

Any establishment that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers shall not be permitted if such establishment has not been properly registered and licensed in accordance with applicable state and local laws and regulations, or is not operated as a not-for-profit entity, or otherwise fails to meet the definition of a Medical Marijuana Treatment Center.

20.3 EXCLUSION OF ACCESSORY USES

In no case shall the acquisition, cultivation, possession, processing, transfer, transportation, sale, distribution, dispensing, or administration of marijuana, products containing or derived from marijuana, or related products be considered accessory to any use.

20.4 TEMPORARY MORATORIUM

The use of land and/or structures for Medical Marijuana Treatment Centers and related uses is prohibited in all zoning districts in the Town so long as this Moratorium is in effect, as set forth in subsection 20.5 below and notwithstanding any provision in this Zoning Bylaw to the contrary. Variances from this Section 20 are strictly prohibited. During this Moratorium, the Town shall undertake a planning process consistent with the purposes set forth herein.

20.5 EXPIRATION

This Moratorium shall be effective until June 30, 2014.”

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

PROCLAMATION

WHEREAS, David Bergers, has been a member of the Capital Budget Committee for fourteen years;
and

WHEREAS, David has shared his vision, expertise and wisdom with the committee and the Town as a whole;

WHEREAS, as a committee member, **David** has introduced uncommon sense to committee deliberations;

WHEREAS, through his dedication to the task he has devoted many hours to our community at the expense family, friends and recreation;

NOW THEREFORE BE IT RESOLVED that the Citizens of the Town of Cohasset, with great pride, recognize David Bergers on the occasion of his departure from the Capital Budget Committee.

GIVEN under our hands and the seal of the TOWN OF COHASSET on this twenty-second day of April in the year Two Thousand and Thirteen.

BOARD OF SELECTMEN

Paul Carlson, Chairman

Diane Kennedy

Frederick Koed

Leland H. Jenkins

Martha Gjesteby

Proclamation adopted unanimously.

Article 17: ZONING BYLAW AMENDMENT – SECTION 2.1 DEFINITIONS – DEFINITION OF HEIGHT.

To see if the Town will vote to AMEND Section 2.1, DEFINITIONS, by striking the existing definition of HEIGHT in its entirety and, replacing the definition of HEIGHT with a new definition so as to read: “ **Height:** The vertical distance above the mean level of the pre-construction ground within ten feet of the outside walls of the structure. On a flat roof, height is measured to the top of the parapet or to the top of the main roof surface, whichever is higher. On a sloped roof: height is measured to the midpoint of the roof surface; the midpoint shall be half the distance from the plate line to the ridge line measured over the outer surface of the roof boarding; and, the ridge line may not be higher than five feet above the maximum allowed height. The limitations of this clause shall not apply to projections not used for human habitation which, in the aggregate, do not exceed five percent of the roof area, including without limitation chimneys, antennas, railings and cupolas.” Or, to take any other action related thereto.

MOVED that Section 2.1, DEFINITIONS, of the Cohasset Zoning By-Laws be hereby amended by striking the existing definition of HEIGHT in its entirety and, replacing the definition of HEIGHT with a new definition to read as follows:

Height: The vertical distance above the mean level of the pre-construction ground within ten feet of the outside walls of the structure. On a flat roof, height is measured to the top of the parapet or to the top of the main roof surface, whichever is higher. On a sloped roof: height is measured to the midpoint of the roof surface; the midpoint shall be half the distance from the plate line to the ridge line measured over the outer surface of the roof boarding; and, the ridge line may not be higher than five feet above the maximum allowed height. The limitations of this clause shall not apply to projections not used for human habitation which, in the aggregate, do not exceed five percent of the roof area, including without limitation chimneys, antennas, railings and cupolas.

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

Article 18: ZONING BYLAW AMENDMENT – SECTION 5.4: AREA REGULATIONS:

To see if the Town will vote to amend Section 5: AREA REGULATIONS of the Zoning Bylaws by adding to Section 5.4 TABLE OF AREA REGULATIONS NOTES a new Section 18 which shall provide as follows: “18. Notwithstanding the height limitations set forth in the Table of Area Regulations, Section 5.3; in the Highway Business District, HB, and Light Industry District, LI, light poles and lighting facilities may be erected to a height of seventy (70) feet by special permit for the sole purpose of illuminating athletic fields for night sporting events.”

Or, to take any other action related thereto.

MOVED that Section 5: AREA REGULATIONS of the Cohasset Zoning Bylaws be hereby amended by adding to Section 5.4 TABLE OF AREA REGULATIONS NOTES a new Section 18 which shall provide as follows: “18. Notwithstanding the height limitations set forth in the Table of Area Regulations, Section 5.3; in the Highway Business District, HB, and Light Industry District, LI, light poles and lighting facilities may be erected to a height of seventy (70) feet by special permit for the sole purpose of illuminating athletic fields for night sporting events.”

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

Article 19: ZONING BYLAW AMENDMENT – SECTION 2.1 DEFINITIONS AND, 4.2 TABLE OF USE REGULATIONS:

To see if the Town will vote to amend the Zoning Bylaw as follows: by amending Section 2.1 DEFINITIONS, by adding thereto in their appropriate alphabetical location the following definitions:

“Veterinarian Hospital: A facility providing veterinary medical services to domestic and household pets, farm animals, and livestock and wild animals on an out-patient and in-patient basis, including, without limitation the performing of clinical services, surgical services, research and in-patient care for such animals.”

“Veterinarian Practice: A location where veterinary medical services are provided within a building, for typical and customary household pets on primarily an out-patient and clinical basis, where the animal is seen, treated and does not remain on the premises for a time greater than that necessary to provide the clinical services; and minor surgical procedures on such pets. Notwithstanding the above, a maximum of three pets who have received clinical services and/or minor surgical procedures may remain overnight except in emergency situations when the overnight number may exceed three pets. Kenneling of pets is not permitted in a veterinary practice. ” And, further:

By amending Section 4: USE REGULATIONS by adding to the Table of Use Regulations under Section 4.2 under the heading ‘Retail & Services’ the following:

USE	Residential			Non-Residential				Official & Open Space District		
	R-A	R-B	R-C	DB	VB	WB	HB	TB	LI	OS
Retail & Services										
“Veterinarian Practice (setback must conform to the required setback for new construction in that district.)	No	No	No	SP	SP	No	SP	SP	SP	No”

Or, to take any other action related thereto.

MOVED that the Cohasset Zoning Bylaw be hereby amended as follows: by amending Section 2.1 DEFINITIONS, by adding thereto in their appropriate alphabetical location the following definitions:

“Veterinarian Hospital: A facility providing veterinary medical services to domestic and household pets, farm animals, and livestock and wild animals on an out-patient and in-patient basis, including, without limitation the performing of clinical services, surgical services, research and in-patient care for such animals.”

“Veterinarian Practice: A location where veterinary medical services are provided within a building, for typical and customary household pets on primarily an out-patient and clinical basis, where the animal is seen, treated and does not remain on the premises for a time greater than that necessary to provide the clinical services; and minor surgical procedures on such pets. Notwithstanding the above, a maximum of three pets who have received clinical services and/or minor surgical procedures may remain overnight except in emergency situations when the overnight number may exceed three pets. Kenneling of pets is not permitted in a veterinary practice.” And, further:

By amending Section 4: USE REGULATIONS by adding to the Table of Use Regulations under Section 4.2 under the heading ‘Retail & Services’ the following:

USE	Residential			Non-Residential				Official & Open Space District		
	R-A	R-B	R-C	DB	VB	WB	HB	TB	LI	OS
Retail & Services										
“Veterinarian Practice (setback must conform to the required setback for new construction in that district.)	No	No	No	SP	SP	No	SP	SP	SP	No”

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

It was moved and seconded that this Annual Town Meeting be dissolved at 10:16 p.m.

A True Record, ATTEST:

Carol L. St. Pierre
Town Clerk