

Index – Special Town Meeting, December 10, 2012

1. Expand Sewer District to Include the Proposed Senior Center – Indefinitely postponed.
2. Unpaid Bills from Previous Years – Adopted.
3. Supplemental Appropriations to FY 13 Operating Budget – Adopted.
4. Capital Improvements Budget – Adopted.
5. Community Preservation Committee Report & Recommendations
 - Sailing Club
 - Reconstruction plans for Town Hall {Adopted.
 - Milliken Field fence
 - Historic Society – restore woodwork, etc. - Adopted.
6. Allocation of Funds for one time cost – Indefinitely postponed.
7. Funding Sewer Betterment Debt Service Stabilization Trust Fund – Adopted.
8. Resolution on Water and Sewer Capital Project for Little Harbor – Adopted.
9. Rescission of Authorized but Unissued Debt – Indefinitely postponed.
10. Amendment to Sewer Enterprise Fund – FY13 Budget – Adopted.
11. Authorization to conduct preliminary assessment of sewer expansion – Adopted.
12. Amendment to Water Enterprise Fund – FY13 Budget – Adopted.
13. Lease of Town Property for the use of a solar Energy Array – Water Plant – Defeated.
14. An Act to amend the Cohasset Town Manager Act – Defeated.
15. Zoning Bylaw Amendment – Section 2.1 Definitions And, 4.2 Table Of Use Regulations: - Defeated.

SPECIAL TOWN MEETING – Monday December 10, 2012

At the Special Town Meeting held on Monday, December 10, 2012 at the Cohasset High School auditorium 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, Rita Killion-Jones, Debra Krupczak, Rebekah Matthey and Betts Murray.

Tellers sworn in by the Moderator, Daniel Evans were Richard Avery, Alison Callahan, Katherine Lincoln and Roger Whitley.

The Moderator called the meeting to order at 6:40 p.m. and a quorum of 100 was present at that time. The registered voters checked in on the voting list totaled for Precinct 1 – 239 and Precinct 2 – 184 for grand total of 423.

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

Citizens recited the pledge of allegiance.

Congressman Stephen Lynch was recognized at this time.

Article: 1 Expand Sewer District to Include the Proposed Senior Center

To see if the Town will vote to authorize the Board of Selectmen and/or the Sewer Commission to take such steps as may be necessary or advisable to establish, codify, and expand a Cohasset Central Sewer District that would include the property necessary to allow connection to the proposed Senior Center, which authorization shall include the authority to petition the General Court for special legislation authorizing the town to create, by action of town meeting, sewer districts in the town, and to see if the town will further vote to adopt a bylaw defining such a district, or take any other action related thereto.

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

Motion adopted unanimously.

Article: 2 Unpaid Bills from Previous Years

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

Vendor	Amount	Department	Service
James A. Clark Electric	1,226.44	Fire	Electrical Work
Philips Healthcare	738.00	Fire	CPR Equipment
Coviello Electric & General Contracting	2,664.40	DPW	Traffic Service Calls Refunding Escrow Agent
Nixon Peabody LLP	500.00	Finance	Services

Eco Systems Pest Mgmt	86.00	Water	Service Plan
Loring Lawrence	18,025.00	Water	Eminent Domain Taking
American Water	25,396.95	Water	Repair & Maintenance
American Water	93,795.03	Water	June Operations
	<u>142,431.82</u>		

MOVED that Five Thousand One Hundred Twenty Eight Dollars and Eighty Four Cents (\$5,128.84) be hereby appropriated from FY13 taxation and other general revenues of the Town and One Hundred and Thirty Seven Thousand Three Hundred Two Dollars and Ninety Eight Cents (\$137,302.98) be hereby appropriated from FY13 Water Enterprise Revenue to be expended by the Town Manager, for the following unpaid bills from prior fiscal years.

Vendor	Amount	Department	Service
James A. Clark Electric	\$ 1,226.44	Fire	Electrical Work
Philips Healthcare	\$ 738.00	Fire	CPR Equipment
Coviello Electric & General Con.	\$ 2,664.40	DPW	Traffic Service Calls
Nixon Peabody LLP	\$ 500.00	Finance	Refunding Escrow Agent Services
	<u>\$ 5,128.84</u>		

Vendor	Amount	Department	Service
Eco Systems Pest Mgmt	\$ 86.00	Water	Service Plan
Loring Lawrence	\$ 18,025.00	Water	Eminent Domain Taking
American Water	\$ 25,396.95	Water	Repair & Maintenance
American Water	\$ 93,795.03	Water	June Operations
	<u>\$137,302.98</u>		

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

Article: 3 Supplemental Appropriations to FY 13 Operating Budget

To see if the Town will vote to raise and appropriate, borrow pursuant to any applicable statute and/or transfer from available funds, a sum or sums of money, to be expended by the Town Manager, for the payment of the salaries and compensation, expenses, equipment and outlays, capital and otherwise, of the several Town Departments, and to modify the Town Manager's Department and Employee Organizational Chart, compensation schedule, and 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, or fund deficits in grants or any deficits in any accounts, or to take any other action related thereto.

MOVED that Two Hundred Sixty Thousand Dollars (\$260,000) be hereby appropriated from taxation and other general revenues of the Town to the Fiscal 2013 budgetary items set forth below amending the amounts voted pursuant to Article 9 of the 2012 Annual Town Meeting, which funds after transfer are to be expended by the Town Manager, to supplement certain departmental budgets and appropriations as set forth below to complete the fiscal year ending June 30, 2013 as follows:

Finance - Professional Services	\$8,000
Legal Services	\$50,000
Police Overtime	\$92,000
Fire Overtime	\$60,000

Advisory Reserve Fund	\$50,000
	\$260,000

and to meet this appropriation, Fifty Thousand Dollars (\$50,000) be hereby transferred from Police Personnel Services as voted pursuant to Article 9 of the 2012 Annual Town Meeting, and Two Hundred Ten Thousand Dollars (\$210,000) be raised from FY 13 taxation and other general revenues of the Town.

Motion adopted.

Article: 4 Capital Improvements Budget

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

MOVED that Sixty Nine Thousand Forty One Dollars (\$69,041) be hereby appropriated to be spent by the Town Manager for the purpose of purchasing the following items;

<u>Entity Purpose Amount</u>	
Fire Department Command Vehicle Replacement	\$35,000
Police Portable Radios (5)	\$18,000
Police Firearm Replacement	\$16,041
	<u>\$69,041</u>

And to amend language approved pursuant to Article 12 of the 2012 Annual Town Meeting from “Police Unmarked Hybrid for Chief” to “Police Frontline Cruiser.”

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 Sixty Nine Thousand Forty One Dollars (\$69,041) be hereby transferred from the Capital Stabilization Fund of the Town.

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

Article: 5 Community Preservation Committee Report & Recommendations

To see if the Town will vote to adopt and approve recommendations of the Community Preservation Committee for Fiscal Year 2013; to see if the Town will vote to implement such recommendations by appropriating a sum or sums of money from the Community Preservation Fund, and by authorizing the Board of Selectmen, with the approval of the Community Preservation Committee, to acquire, by purchase, gift or eminent domain such real property interests, including but not limited to restrictions in the name of the Town or enforceable by the Town as may be required by the Community Preservation Act, or to dispose of or grant such real property interests on Town property to third parties, or to rescind prior unused appropriations; or to take any action related thereto.

MOVED THAT: Two Hundred and Sixty Thousand Dollars (\$260,000) be appropriated from the undersigned balance in the Community Preservation Fund for construction of the Sailing Club, to be expended by the Town Manager; and

Seventy-Five Thousand Dollars (\$75,000) be appropriated from the undesignated balance in the Community Preservation Fund for preparing plans and specifications for the reconstruction of Town Hall, to be expended by the Town Manager; and

Twenty-Five Thousand Dollars (\$25,000) be appropriated from the undersigned balance in the Community Preservation Fund for a fence at Milliken field along Bancroft Road, to be expended by the Town Manager; and

Motion (First three paragraphs) adopted.

Thirty Seven Thousand One Hundred and Thirteen Dollars (\$37,113) be appropriated from the undesignated balance the Community Preservation Fund for the Historic Society to replace molding, restore woodwork and flooring, and preservation of historic artifacts at 106 South Main Street, to be expended by the Town Manager; and for the Town, acting by and through the Board of Selectmen, be authorized to acquire a deed restriction on such property pursuant to the Community Preservation Act.

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

Article: 6 Allocation of Funds for one time cost

To see if the Town will vote to raise and appropriate, transfer from available funds pursuant to any applicable statute a sum of money as follows:

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

Motion adopted.

Article: 7 Funding Sewer Betterment Debt Service Stabilization Trust Fund

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

MOVED that Nine Hundred Thousand Dollars (\$900,000.00) be transferred from retained earnings of the Sewer Enterprise Fund to the Betterment Debt Service Stabilization Fund established pursuant to G. L. chapter 40, section 5B for the purpose of paying debt service on sewer project borrowings.

A 2/3rd vote required. Motion adopted unanimously.

Article: 8 Resolution on Water and Sewer Capital Project for Little Harbor

To see if the Town will vote to hear and accept a report and the findings of the Executive Summary of the Analysis of Capital Project Fund Accounting prepared Eric Kinsherf for the Little Harbor Water and Sewer Capital Projects, or take any other action related thereto.

Presentation of report on Analysis of Capital Project Fund Accounting prepared Eric Kinsherf for the Little Harbor Water and Sewer Capital Projects. (*Copy of report available at Town Clerk's office or on Town Web Site*)

Article: 9 Rescission of Authorized but Unissued Debt

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

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

Motion adopted.

Proclamation offered by Paul Carlson, Chair of Board of Selectmen for Stephen N. Bobo.

PROCLAMATION

WHEREAS, Stephen N. Bobo, was elected to the Board of Health in 1998 and has served on the Board with honor and distinction for fifteen years; and

WHEREAS, as a member of the Board of Health, Stephen N. Bobo has brought great wisdom to the many issues that face our community through his articles in the Cohasset Mariner; and

WHEREAS, as a member of the Board of Health, Stephen N. Bobo has helped the Board discharge its responsibilities in a very effective and efficient manner; and

WHEREAS, Stephen N. Bobo has also served his community with distinction on both the Water Resources Protection Committee from 2000-2004 and the Wastewater Committee from 2005–2011; and

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

NOW THEREFORE BE IT RESOLVED, that we, the Board of Selectmen of the Town of Cohasset, on the occasion of his retirement from public office, acknowledge, on behalf of all those he has productively served, his diligence to the duties of his elected office, and his constant and energetic pursuit of all of its requirements.

GIVEN under our hands and the seal of the TOWN OF COHASSET on this tenth day of December in the year Two Thousand and Twelve.

Proclamation adopted

Article: 10 Amendment to Sewer Enterprise Fund - FY13 Budget

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute to be expended by the Town Manager and the Sewer Commission for the FY13 operating budget and capital projects of the Sewer Enterprise Fund, or take any other action related thereto.

MOVED that the FY 13 Sewer Enterprise Fund budget for Expenses to be jointly expended by the Sewer Commission and Town Manager as voted pursuant to Article 20 of the 2012 Annual Town Meeting be hereby decreased by the amount of Three Hundred and Seven Thousand Eight Hundred and Fifty-Eight Dollars (\$307,858) and further that the funding sources for the FY 13 Sewer Enterprise Fund be hereby amended by reducing the amount appropriated from sewer enterprise revenue as a source of funds, by Four Hundred and Eleven Thousand Five Hundred and Forty-Seven Dollars (\$411,547) and by now appropriating from retained earnings as an additional source of funds One Hundred and Three Thousand Six Hundred and Eighty-Nine Dollars (\$103,689).

Motion adopted unanimously.

Article: 11 Authorization to conduct preliminary assessment of Sewer expansion

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds pursuant to any applicable statute, from the Sewer Enterprise Fund a sum of Fifty Thousand Dollars (\$50,000.00) to be expended jointly by the Sewer Commission and the Town Manager following a competitive procurement process for the assessment and planning of wastewater facility needs within the Town and specifically the potential expansion of municipal sewer infrastructure to address environmental and public health concerns, protection of water supplies, analyze and evaluate the outflow into harbor, protection of water resources including but not limited to Cohasset Cove and Harbor, or take any other action related thereto.

MOVED that a sum of Fifty Thousand Dollars (\$50,000.00) to be transferred from retained earnings of the Sewer Enterprise Fund and expended jointly by the Sewer Commission and the Town Manager following a competitive procurement process for professional services in reference to the assessment and planning of wastewater facility needs within the Town and specifically the potential expansion of municipal sewer infrastructure to address environmental and public health concerns, protection of water supplies, analyze and evaluate the outflow into harbor, protection of water resources including but not limited to Cohasset Cove and Harbor.

Motion adopted.

Article: 12 Amendment to Water Enterprise Fund - FY13 Budget

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute to be expended by the Town Manager and Water Commission for the FY13 operating budget and capital projects of the Water Enterprise Fund, or take any other action related thereto.

MOVED, that the current schedule of water rates for Rate #1, Metered Residential and Non-Residential, be amended to reduce the charge per 100 cubic feet per quarter for step one (0-2,000 c.f./quarter) from \$5.68 to \$5.11 and for step two (2,001 or more c.f./quarter) from \$11.35 to

\$10.22; and that the Expenses line of the FY 13 Water Enterprise Fund Annual Budget as voted pursuant to Article 33 of the 2012 Annual Town Meeting be increased by the amount of One Hundred and Eighty Thousand Three Hundred and Forty-Three Dollars (\$180,343) to be jointly expended by the Water Commission and Town Manager, and to meet this increased budget, One Hundred and Eighty Thousand Three Hundred and Forty-Three Dollars (\$180,343) be hereby appropriated from Water Enterprise Fund FY 13 revenues.

Amendment offered by Leonora Jenkins, Water Commissioner.

MOVED THAT: The current schedule of water rates for Rate 2- **Capital Recovery Charge** be amended to reduce the charge for meters as follows, effective on or about April 15, 2012.

<u>METER SIZE</u>		<u>CHARGE PER QUARTER</u>		
1 ½" or smaller	from	\$ 187	to	\$ 168
2"	from	\$ 542	to	\$ 488
3"	from	\$1056	to	\$ 951
4"	from	\$1547	to	\$1393

Amended motion defeated.

Main motion adopted.

Article: 13 Lease of Town Property for the use of a Solar Energy Array – Water Plant

To see if the Town will vote to authorize the Board of Water Commissioners, pursuant to G.L. c. 40, section 15A, to have the care and custody of a portion of that property located at 339 King Street and known as Town of Cohasset Map 60, Parcel 1 for the purposes of leasing all or a portion of such property for a lease term not to exceed a total of thirty (30) years for the purposes of constructing, installing, operating and maintaining a solar energy array to provide electrical energy to the town of Cohasset via a net metering agreement or other similar agreement to reduce the energy costs incurred by the operation of Water Department facilities and to the extent excess capacity on the solar energy array exists, to reduce the Town's energy costs; and further to the extent required, to authorize the Board of Selectmen, with the Board of Water Commissioners' approval, to request the Town's representatives to the General Court to petition the General Court for enactment of a special act to effectuate such lease; or to take any other action related thereto.

MOVED to authorize the Water Commissioners, pursuant to G.L. c. 40, section 15A, to have the care and custody of a portion of that property located at 339 King Street and known as Town of Cohasset Map 60, Parcel 1 for the purposes of leasing all or a portion of such property for a lease term not to exceed a total of thirty (30) years for the purposes of constructing, installing, operating and maintaining a solar energy array to provide electrical energy to the town of Cohasset via a net metering agreement or other similar agreement to reduce the energy costs incurred by the operation of Water Department facilities and to the extent excess capacity on the solar energy array exists, to reduce the Town's energy costs; and further to the extent required, to authorize the Board of Selectmen, with the Board of Water Commissioners' approval, to request the Town's representatives to the General Court to petition the General Court for enactment of a special act to effectuate such lease.

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

Article: 14 An Act to amend the Cohasset Town Manager Act

To see if the Town will vote to petition the General Court for home rule legislation and to request the town's representatives in the General Court to introduce home rule legislation to amend the last sentence in section 3(i) of Town Manager Act (chapter 34 of the acts of 1997 and as amended by chapter 421 of the acts of 1998 and chapter 330 of the acts of 2000) as set forth below

"Section 3 (i) No ~~person~~ present or former selectman of the town ~~holding elective or appointive office in the town~~ shall, within ~~one year~~ fifteen months (15) of holding such office be eligible to be appointed to the position of town manager"

and to authorize the General Court with the approval of the Board of Selectmen to make constructive changes in perfecting the language of the proposed legislation in order to secure passage, such legislation to read substantially as follows:

An Act to amend the Cohasset Town Manager Act

Section 1. The last sentence of paragraph (i) of section 3 of chapter 34 of the acts of 1997 and as amended by chapter 421 of the acts of 1998 and chapter 330 of the acts of 2000 (the Cohasset Town Manager Act), is hereby deleted and the following sentence inserted in place: -"No present or former selectman of the town shall, within fifteen months (15) of holding such office, be eligible to be appointed to the position of town manager."

Section 2. This Act shall take effect upon passage.

or take any other action related thereto.

MOVED that the Board of Selectmen be hereby authorized to petition the General Court for home rule legislation to amend the last sentence in section 3(i) of Town Manager Act (chapter 34 of the acts of 1997 and as amended by chapter 421 of the acts of 1998 and chapter 330 of the acts of 2000) as set forth below and to authorize the General Court with the approval of the Board of Selectmen to make constructive changes in perfecting the language of the proposed legislation in order to secure passage, such legislation to read substantially as follows:

An Act to amend the Cohasset Town Manager Act

Section 1. The last sentence of paragraph (i) of section 3 of chapter 34 of the acts of 1997 and as amended by chapter 421 of the acts of 1998 and chapter 330 of the acts of 2000 (the Cohasset Town Manager Act), is hereby deleted and the following sentence inserted in place: -"No present or former selectman of the town shall, within fifteen months (15) of holding such office, be eligible to be appointed to the position of town manager."

Section 2. This Act shall take effect upon passage.

Secret ballot ordered by Moderator. Yes 158 No 188 Motion defeated.

Article: 15 Zoning Bylaw Amendment – Section 2.1 Definitions And, 4.2 Table Of Use Regulations:

To see if the Town will vote to amend 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 to 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 with no more than three animals being retained at any one time on such in-patient basis.”

“Pet Grooming Facility: A location that provides services within a building to domestic and household pets including, washing, brushing, nail care and other minor cosmetic procedures.” And, further:

To see if the Town will vote to amend 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			DB	Non-Residential					LI	Official & Open
	R-A	R-B	R-C		VB	WB	HB	TB	OS		
Retail & Services											
“Veterinarian Practice	No	No	No	SP	SP	No	SP	SP	SP		No
Dog Grooming Facility	No	No	No	Yes	Yes	No	Yes	Yes	Yes		No”

Or to take any other action related

MOVED, that Section 2.1 DEFINITIONS of the Zoning Bylaw be amended 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 to 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 with no more than three animals being retained at any one time on such in-patient basis.”

“Pet Grooming Facility: A location that provides services within a building to domestic and household pets including, washing, brushing, nail care and other minor cosmetic procedures.”

And further moved that Section 4.2: TABLE OF USE REGULATIONS of the Zoning Bylaw be amended by adding under the heading ‘Retail & Services’ the following:

	Residential			Non-Residential				Space District			
USE	R-A	R-B	R-C	DB	VB	WB	HB	TB	LI	OS	
Retail & Services											
Veterinarian Practice	No	No	No	SP	SP	No	SP	SP	SP	No	
Pet Grooming Facility	No	No	No	Yes	Yes	No	Yes	Yes	Yes	No	

A 2/3's vote required. Hand count: Yes 79 No 76. Motion defeated.

It was moved and seconded that this Special Town Meeting be dissolved at 10:50 p.m.

A True Record, ATTEST:

Carol L. St. Pierre
Town Clerk