

**TOWN OF SOMERSET, MA  
SPECIAL TOWN MEETING  
NOVEMBER 18, 2015**

The Special Town Meeting of the Town of Somerset called to order at 7:00 p.m. by Moderator Lucia Casey, followed by the Pledge of Allegiance and a moment of silence for the victims of the terror attacks on Paris.

**Article 1:** To see if the Town will vote to amend its vote on Article 6A of the May 18, 2015, Annual Town Meeting for the purposes of the General Budget for Fiscal Year 2016, the appropriation for which was originally voted as follows:

from Taxation: \$22,602,033.00  
from the Municipal Waterway Improvement and Maintenance Fund: \$9,030.00  
for a Total Appropriation of \$22,611,063.00

by transferring and appropriating additional sums of money from available funds and by reducing the amount of money to be raised from taxation by the equivalent amount.

**The Advisory & Finance Committee unanimously recommends that the Town vote to amend its vote on Article 6A of the May 18, 2015, Annual Town Meeting, for the purposes of the General Budget, as follows: By reducing the amount of money to be raised from taxation from \$22,602,033.00 to \$17,602,033.00, a decrease of \$5,000,000.00 by transferring the amount of \$2,837,000.00 from Overlay Surplus and \$2,163,000.00 from Undesignated Surplus. (Vote 7-0)**

**Motion:** Motion was made by Selectman Lebeau and seconded by Christopher Godet that the Town vote to amend its vote on Article 6A of the May 18, 2015, Annual Town Meeting, for the purposes of the General Budget, as follows:

**By reducing the amount of money to be raised from taxation from \$22,602,033.00 to \$17,602,033.00, a decrease of \$5,000,000.00, and by transferring the amount of \$2,837,000.00 from Overlay Surplus and \$2,163,000.00 from Undesignated Surplus.**

**Discussion followed by voter Lloyd Mendes, Christopher Godet, Town Administrator Richard Brown and another voter in the body. In the absence of further discussion, the Moderator called for the vote. Motion carried by a unanimous vote.**

**Article 2:** To see if the Town will vote to amend its vote on Article 5 of the May 18, 2015, Annual Town Meeting that established the annual salary of the Town Clerk in the amount of \$53,332.00, by deleting said amount and insert in its place the annual salary amount of \$54,932.00, retroactive to July 1, 2015.

**The Advisory and Finance Committee unanimously recommends that the Town so vote. (Vote 7-0)**

**Motion:** Motion was made by Selectman Lebeau and seconded by Selectman Moniz and others on the floor that the Town vote to amend its vote on Article 5 of the May 18, 2015, Annual Town Meeting by making the changes set forth in Article 2, retroactive to July 1, 2015. Discussion followed by Selectman Lebeau. In the absence of further discussion, the Moderator called for the vote. Motion carried by a unanimous vote.

**Article 3:** To see if the Town will vote to raise, appropriate, and/or transfer from available funds additional sums of money for the following Town Departments, Accounts, or purposes:

APPROPRIATION	PERSONAL SERVICES	EXPENSES
#161 Town Clerk	\$1,600.00	
#291 Emergency Management	\$3,500.00	
#294 Tree Warden		\$15,000.00
<b>TOTALS:</b>	<b>\$5,100.00</b>	<b>\$15,000.00</b>

**The Advisory & Finance Committee unanimously recommends that the Town vote to appropriate the sum of \$20,100.00 for the purposes of this article and that said sum be transferred from Undesignated Surplus. (Vote 7-0)**

**Motion:** Motion made by Selectman Lebeau and seconded by Selectman Moniz that the Town vote to appropriate the sum of \$20,100.00 for the purposes of these articles as designated, and that said sum be transferred from Undesignated Surplus. Discussion followed by Selectman Lebeau. In the absence of further discussion, the motion carried by a unanimous vote.

**Article 4:** To see if the Town will vote to support the designation of Horner Millwork Corp./North Atlantic Corp. as a Certified Project in an Economic Opportunity Area, and further to approve the Tax Increment Financing

agreement for said project as negotiated by the Tax Increment Finance (TIF) Board and Board of Selectmen, or pass any vote or votes in relation thereto.

**The Advisory & Finance Committee recommends by a majority that the Town vote to approve this article. (Vote 6-0-1 abstain)**

**Motion: Motion made by Selectman Lebeau and seconded by Selectman Moniz that the Town vote to support the designation of Horner Millwork Corp./North Atlantic Corp. as a Certified Project in an Economic Opportunity Area, and further to approve the Tax Increment Financing Agreement for said project as negotiated by the Tax Increment Finance (TIF) Board and Board of Selectmen. Discussion followed by Roger Benevides. In the absence of further discussion, the Moderator called for the vote. Motion carried by a unanimous vote.**

**Article 5:** To see if the Town will vote to raise, appropriate, and/or transfer from available funds a sum of money necessary to fund changes to the collective bargaining agreement between the Town and the Water Department union – Local 1701, State Council 93, American Federation of State, County and Municipal Employees, AFL-CIO.

**The Advisory & Finance Committee unanimously recommends that the Town vote to appropriate the sum of \$9,377.00 for the purposes of this article and that said sum be transferred from the retained earnings in the Water Enterprise Fund. (Vote 7-0)**

**Motion: Motion was made by Commissioner John Walsh and seconded from the floor that the Town vote to appropriate the sum of \$9,377.00 for the purposes of this article and that said sum be transferred from the retained earnings in the Water Enterprise Fund. Discussion followed by Mr. Walsh. In the absence of further discussion, the Moderator called for the vote. Motion carried by a unanimous vote in the affirmative.**

**Article 6:** To see if the Town will vote to raise, appropriate, and/or transfer from available funds a sum of money necessary to fund changes to the collective bargaining agreement between the Town and the Water Pollution Control Department union – Local 1701, State Council 93, American Federation of State, County and Municipal Employees, AFL-CIO.

**The Advisory & Finance Committee unanimously recommends that the Town vote to appropriate the sum of \$18,260.00 for the purposes of this article and that said sum be transferred from Undesignated Surplus. (Vote 7-0)**

**Motion: Motion was made by Commissioner John Walsh and seconded by Scott O'Brien that the Town vote to appropriate the sum of \$18,260.00 for the purposes of this article and that said sum be transferred from Undesignated Surplus. Discussion followed by Mr. Walsh. In the absence of further discussion, the Moderator called for the vote. Motion carried by a unanimous vote in the affirmative.**

**Article 7:** To see if the Town will vote to raise, appropriate, and or transfer from available funds a sum of money for the purpose of purchasing and equipping one (1) new Backhoe/Loader for the Water Department.

**The Advisory & Finance Committee unanimously recommends that the Town vote to appropriate the sum of \$117,000.00 for the purposes of this article and that said sum be transferred as follows: \$82,123.00 from Account #61-3560-667 (Insurance Reimbursement), and \$34,877.00 from the retained earnings in the Water Enterprise Fund. (Vote 7-0)**

**Motion: Motion was made by Commissioner Roger Benevides that the Town vote appropriate the sum of \$117,000.00 for the purposes of this article and that the sum be transferred as follows: \$82,123.00 from Account #61-3560-667 (Insurance Reimbursement), and \$34,877.00 from the retained earnings in the Water Enterprise Fund. Discussion followed by Mr. Benevides. In the absence of further discussion, the Moderator called for the vote. Motion carried by a unanimous vote in the affirmative.**

**Article 8:** To see if the Town will vote to raise, appropriate and /or transfer a sum of money for providing engineering services and making repairs and upgrades to its Water Treatment Facilities, Pumping Facilities, and/or Water Storage Tanks, and related equipment, including any engineering, architectural, and/or legal services related thereto, and to determine whether said sum shall be transferred from the Water Enterprise Fund, or take any action relative thereto.

**The Advisory & Finance Committee unanimously recommends that the Town vote to appropriate the sum of \$96,500.00 for the purposes of this article and that said sum be transferred from the retained earnings in the Water Enterprise Fund. (Vote 7-0)**

**Motion: Motion was made by Commissioner Scott O'Brien and seconded by Mr. Walsh that the Town vote to appropriate the sum of \$96,500.00 for the purposes of this article and that said sum be transferred from the retained earnings in the Water Enterprise Fund. Discussion followed by Mr. O'Brien. In the absence of further discussion, the Moderator called for the vote. Motion carried by a unanimous vote in the affirmative.**

**Article 9:** To see if the Town will vote to appropriate and transfer a sum of money raised by the Sewer Infrastructure Fee for the purposes of disposing of residuals generated at the Water Pollution Control Facility.

**The Advisory & Finance Committee unanimously recommends that the Town vote to appropriate the sum of \$195,425.00 for the purposes of this article and that said sum be transferred from the retained earnings in the Water Enterprise Fund raised by Sewer Infrastructure Fees. (Vote 7-0)**

**Motion: Motion was made by Commissioner Scott O'Brien and seconded by Mr. Walsh that the Town vote to appropriate the sum of \$195,425.00 for the purposes of this article and that said sum be transferred from the retained earnings in the Water Enterprise Fund raised by Sewer Infrastructure Fees. Discussion followed by Mr. O'Brien. In the absence of further discussion, the Moderator called for the vote. Motion carried by a unanimous vote in the affirmative.**

**Article 10:** To see if the Town of Somerset will vote to appropriate and transfer the remaining balance of Account #37-3204-300 (South/Middle Roof Replacement) approved under Article 24 of the May 2003 Annual Town Meeting to a new capital account for the purpose of funding a contracted assessment to review the causes of water damage incurred at the Somerset Middle School.

**The Advisory & Finance Committee by a majority recommends approval of this article (Vote 6-0-1 abstain).**

**Motion: Motion was made by School Committeeman Michael Botelho and seconded by Lori Rothwell that the Town vote to transfer the remaining balance of \$41,630 from Account #37-3204-300 (South/Middle Roof Replacement) approved under Article 24 of the May 2003 Annual Town Meeting to a new capital account for the purpose of repairing damage as a result of a drainage problem at the Somerset Middle School. In the absence of discussion, the Moderator called for the vote. The motion carried by a unanimous vote.**

**Article 11:** To see if the Town of Somerset will vote to raise, appropriate and/or transfer from available funds a sum of money in order to perform capital improvements to the North Elementary School to remove carpet and replace with tile flooring.

**The Advisory & Finance Committee unanimously recommends that the Town vote to appropriate the sum of \$72,000.00 for the purposes of this article and that said sum be transferred from Undesignated Surplus. (Vote 7-0).**

**Motion: Motion was made by School Committeeman Michael Botelho and seconded by Lori Rothwell that the Town vote to appropriate the sum of \$72,000 for the purpose of performing capital improvements to the North Elementary School and that said sum be transferred from Undesignated Surplus. . In the absence of discussion, the Moderator called for the vote. The motion carried by a unanimous vote.**

**Article 12:** To see if the Town will vote to raise, appropriate, and/or transfer from available funds a sum of money in addition to the amount previously appropriated under Article 11 of the May 18, 2015, Annual Town Meeting for the purpose of supplementing the Bristol County Agricultural School assessment for the current (2015-2016) fiscal year.

**The Advisory & Finance Committee unanimously recommends that the Town vote to appropriate the sum of \$11,985.00 for the purposes of this article and that said sum be transferred from Undesignated Surplus. (Vote 7-0)**

**Motion: Motion was made by Selectman Steven Moniz and seconded by Selectman Berube that the Town vote to appropriate the sum of \$11,985.00, in addition to the amount previously appropriated under Article 11 of the May 18, 2015, Annual Town Meeting, for the purpose of supplementing the Bristol County Agricultural School assessment for the current 2015-2016 fiscal year and that said sum be transferred from Undesignated Surplus. Discussion followed by Mr. Moniz. In the absence of further discussion, the Moderator called for the vote. Motion carried by a unanimous vote in the affirmative.**

**Article 13:** To see if the Town will vote to raise, appropriate, and/or transfer from available funds a sum of money for the purpose of hiring professional consultants to assist the Town in obtaining proposals for the lease of the former landfill property located west of Brayton Point Road for the purpose of erecting and maintaining solar photovoltaic installations, or take any action relative thereto.

**The Advisory & Finance Committee recommends by a majority that the Town vote to appropriate the sum of \$10,000.00 for the purposes of this article and that said sum be transferred from Undesignated Surplus. (Vote 6-1)**

**Motion: Motion was made by Selectman Moniz and seconded by Mr. Berube that the Town vote to appropriate the sum \$10,000 for the purposes of this article and that said sum be transferred from Undesignated Surplus. Discussion followed by A&F member Nick Raffa and Town Administrator Richard Brown. In the absence of further discussion, the Moderator called for the vote. Following a voice vote, the Moderator asks the body for a standing vote. The Moderator declared the motion carried by a majority vote of the body.**

**Article 14:** To see if the Town will vote to authorize the Board of Selectmen to lease and/or otherwise enter into a power purchase agreement for use of the following-described town-owned land, known as the former landfill, for the purpose of erecting and maintaining solar photovoltaic installations:

A certain parcel of land containing 13.497 acres, more or less, being a portion of Assessors Map A-11, Lot 77, situated west of Brayton Point Road in Somerset, MA, as shown on a plan entitled Plan of Land in Somerset, MA, drawn by Hancock Associates dated December 23, 2010 and revised through July 12, 2011, prepared for the Town of Somerset, as recorded in the Bristol County Fall River District Registry of Deeds in Plan Book 150, Page 74.

**The Advisory & Finance Committee unanimously recommends that the Town so vote. (Vote 7-0)**

**Motion: Motion was made by Selectman Moniz and seconded by Selectman Lebeau that the Town vote to accept article 14 as written and recommended. In the absence of discussion, the motion carried by a unanimous vote.**

**Article 15:** To see if the Town will vote to adopt a "PUBLIC CONSUMPTION OF MARIJUANA OR TETRAHYDROCANNABINOL BY-LAW", as follows, or take any other action relative thereto:

#### SECTION I. Public Consumption or Use of Marijuana Prohibited

No person shall smoke, ingest, or otherwise use or consume marijuana or tetrahydrocannabinol (as defined in Massachusetts General Laws chapter 94C, section 1, as amended) while in or upon any street, sidewalk, public way, footway or pathway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned by or under the control of the Town; or in or upon any bus or other passenger conveyance operated by a common carrier; or in any Town-owned vehicle; or in any place accessible to the public.

#### SECTION II. Identification Required

Any person smoking, ingesting or otherwise using or consuming marijuana or tetrahydrocannabinol in violation of section I of this by-law shall provide to a police officer so requesting personal identifying information, including his or her full legal name and address. Failure to provide such identifying information upon request or provision of false, incorrect, or otherwise invalid information shall be considered a separate violation of this by-law.

#### Section III. Violations, Penalties, and Enforcement

This by-law may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to Massachusetts General Laws chapter 40, section 21, or by non-criminal disposition pursuant to Massachusetts General Laws chapter 40, section 21D. The Somerset Police Department shall be the enforcing authority for this by-law. The fine or civil penalty for violation of this by-law shall be three hundred dollars (\$300) for each such offense. Any penalty imposed under this by-law shall be in addition to any civil penalty imposed under Massachusetts General Laws chapter 94C, section 32L. Any fines or civil penalties imposed under the provisions of this section shall inure to the Town of Somerset.

#### Section IV. Seizure of Marijuana

All marijuana or tetrahydrocannabinol consumed or being used in violation of this by-law shall be seized and safely held until final adjudication of the charge against the person arrested, cited, or summonsed before the Court, at which time it shall be destroyed in accordance with Massachusetts General Laws chapter 94C, section 47A.

**A motion was made by Christopher Godet to waive the reading of Article 15 by the Moderator. The motion was seconded on the floor and voted unanimous by the body.**

**Motion was made by Selectman David Berube and seconded from the floor, that the Town vote to approve the "Public Consumption of Marijuana or Tetrahydrocannabinol By-law", as set forth in Article 15. Discussion followed by Chief George McNeil. In the absence of further discussion, the motion carried by unanimous vote.**

**Article 16:** To see if the Town will vote to amend the "Non-Criminal Disposition By-law" originally adopted by the December 16, 1991, Special Town Meeting and most recently amended at the October 28, 2013, Special Town Meeting, by inserting in the second paragraph the words "Public Consumption of Marijuana or Tetrahydrocannabinol By-law", and by adding in the fifth paragraph the words, "Public Consumption of Marijuana or Tetrahydrocannabinol By-law: penalties as provided therein".

**Motion was made by Selectman David Berube and seconded by Selectman Lebeau and others that the Town vote to amend the "Non-Criminal Disposition By-law", as set forth in Article 16. In the absence of discussion, the Moderator called for the vote. The motion carried by a unanimous vote.**

**Article 17:** To see if the Town will vote to raise, appropriate, and/or transfer from available funds a sum of money for the purpose of funding repairs and improvements to be made by the Warren S. Hathaway American Legion Post #228 to the property currently owned by the Town at and near 55 Roosevelt Avenue, Somerset, said repairs and improvements to be made for the public purpose of maintaining a headquarters for duly-organized non-profit veteran's organization.

**The Advisory & Finance Committee will have a recommendation at Town Meeting. The Advisory & Finance Committee chair Christopher Godet recommends on behalf of the A&F Committee that the Town appropriate the amount of \$10,000.00 for the purpose of this article and that said sum be appropriated from Undesignated Surplus.**

**Motion:** Motion was made by Mr. Berube and seconded by Christopher Godet that the Town vote to appropriate the sum of \$10,000.00 for the purposes of this article and that said sum be transferred from Undesignated Surplus. Discussion followed by Selectman Berube. In the absence of further discussion, the Moderator called for the vote. Motion carried by a unanimous vote.

Having heard all Articles on the Warrant of November 18, 2015, and all articles being acted upon, the Moderator called for a motion to dissolve the Special Town Meeting. A motion was made by Mr. Godet and seconded by Selectman Moniz to dissolve the Special Town Meeting of November 18, 2015, at 7:55 p.m. Motion carried by a unanimous vote.

A true copy attest;

Dolores Berge, CMMC  
Town Clerk