

**SPECIAL TOWN MEETING
AUGUST 22, 2022**

I, Dolores Bence, Town Clerk, hereby certify that the following action was taken at the Special Town Meeting of the Town of Somerset held on August 22, 2022, at the Somerset Berkley Regional High School, as call for by the Warrant of the Board of Selectmen and duly posted as required by law.

The Special Town Meeting was called to order at 6:15 pm by the Moderator Lucia Casey, followed by announcements and the Pledge of Allegiance.

Article 1: To see if the Town will vote to appropriate a sum of money to pay cost of designing, engineering, constructing and/or installing a series of drinking water protection projects to comply with the Mass DEP Administrative Consent Order, including, but not limited to a Water Tank TTHM Removal System; replacement of the Hot & Cold Lane Water Booster Station and associated water mains, and cleaning and lining of the Dighton water main including the payment of all costs related and incidental thereto; and that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under and pursuant to Chapter 44 and/or Chapter 29C of the General Laws, or any other enabling authority, and to issue any bonds or notes that may be necessary for such purposes; and further, to authorize the Board of Selectmen to enter into any agreement and execute any document or instruments necessary to effectuate the purposes of this article, including contracts in excess of three years; and to take any other action relative thereto.

The Advisory & Finance Committee will have a recommendation at the Special Town Meeting. The Advisory & Finance Committee could not make a recommendation as they did not have a quorum at their meeting.

Motion: A motion was made by Water & Sewer Commissioner Steve Cadorette and seconded by Selectman Lawless that \$5,880,000 is appropriated for the purpose of paying costs of designing, engineering, constructing and/or installation of a series of drinking water protection projects to comply with the Mass DEP Administrative Consent Order, including, but not limited, to a Water Tank TTHM Removal System, replacement of the Hot & Cold Lane Water Booster Station and associated water mains, and the cleaning and lining of the Dighton water main, including, without limitation the payment of all other costs incidental and related thereto, and that to meet this appropriation the Treasurer, with the approval of the Selectmen, is authorized to borrow \$5,880,000 under and pursuant to Chapter 44 and/or Chapter 29C of the General Laws, or pursuant to any other enabling authority, and to issue bonds and notes therefore; that such bonds or notes shall be general obligations of the Town unless the Treasurer with the approval of the Selectmen determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C of the General Laws; that the Treasurer, with the approval of the Selectmen, is authorized to borrow all or a portion of such amount from the Massachusetts Clean Water Trust (the "Trust") established pursuant to Chapter 29C and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection (the "DEP") with respect to such loan and for any federal or state aid available for the project or for the financing thereof; that the Board of Selectmen is authorized to enter into a project regulatory agreement with the DEP, to expend all funds available for the project; and to take any other action necessary to carry out the project as stated in the article. Discussion followed by Commissioner Cadorette, Dennis Vivieros – 3096 Riverside Avenue, Selectman Smith, Olga Bachilova A. – 616 Main Street, Jessica Machado – 91 Washington Avenue, David Ashley – 108 Lynch Avenue, Ann Riley – 125 Harrison Avenue, William Martel – 39 Linden Drive, William Okolowicz – 480 Elm Street, James Nasto – 70 Valley Road, Stephanie Charette – 213 Bourn Avenue, Joseph Castro – 26 Midland Road, Anthony Kucickas – 194 Colonial Drive.

Hearing no further discussion, the Moderator called for the vote, reminding the body that this article requires a 2/3 vote to pass. The Moderator called for a standing counted vote. The Moderator declared that Article 1 passed, obtaining the 2/3 required vote with 409* in the Affirmative and 14 in the Negative.

*The Moderator originally announced that the total affirmative votes were 509, but after review of the counters totals with the Town Clerk, it was discovered that the actual affirmative counted vote was 409.

A motion was made by a member of the voting body from the floor and seconded by several that

there be no reconsideration of Article 1. The motion carried by a unanimous vote.

Article 2: To see if the Town will vote to raise and appropriate, or borrow, \$9,902,435, or any other sum, to be expended under the direction of the School Building Committee for the additional funds to construct the new Somerset Middle School to be located at 1141 Brayton Avenue, Somerset, MA, including the payment of all costs incidental or related thereto, which school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years, and for which the Town may be eligible for a school construction grant from the Massachusetts School Building Authority (“MSBA”); and further to authorize the School Building Committee to execute all documents and agreement necessary to effectuate the purpose of this article. The Town acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town. Any grant that the Town may receive from the MSBA for the Project shall not exceed the lesser of (1) sixty-one and fifty-nine one hundredths percent (61.59%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; or take any other action relative thereto.

The Advisory & Finance committee will have a recommendation at the Special Town Meeting.

The Advisory & Finance committee did not make a recommendation due to lack of a quorum at their meeting.

Motion: A motion was made by School Committee Member Victor Machado and seconded by several on the floor that the Town appropriate the amount of Nine million, nine hundred two thousand, four hundred thirty five Dollars (\$9,902,435) for the purpose of paying the additional costs in order to construct and furnish a new Somerset Middle School to be located at 1141 Brayton Avenue, Somerset, MA, including the payment of all costs incidental or related thereto (the “Project”), which school facility shall have an anticipated useful life as an educational facility for the instruction of school children for at least 50 years, and for which the Town may be eligible for a grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended under the direction of the School Building Committee and further to authorize the School Building Committee to execute all documents and agreement necessary to effectuate the purpose of this vote. To meet this appropriation the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under M.G.L. Chapter 44, or pursuant to any other enabling authority. The Town acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town; provided further that any grant that Town may receive from the MSBA for the Project shall not exceed the lesser of (1) sixty-one and fifty-nine one hundredths percent (61.59%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; provided that any appropriation hereunder shall be subject to and contingent upon an affirmative vote of the Town to exempt the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. 59, Section 21C (Proposition 2½); and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the Town and the MSBA; and to take any other action necessary to carry out the project.

Discussion followed by School Committee Member Machado, and Superintendent Schoonover who made a presentation. Following the presentation, discussion followed by Supt. Schoonover, Michael McDonald – 36 Utah Avenue, Melissa Terra – 102 Banville Ave, Ali Robidoux – 3953 County Street, Virgil Pacheco – 31 Forge Road, Victor Machado, Selectman Smith, William Martel – 39 Linden Drive, Troy Randall, Architect (guest), Brian Michaud, 222 Highview Avenue, Joseph Castro – 26 Midland Road, Lloyd Mendes – 46 Anawan Street, Dave Hipolito – 148 Moffitt Avenue, David Ashley – 108 Lynch Avenue, Joseph Fingliss – 121 Shand Court Circle, Selectmen Smith, Solomon Haddad – 2662 Riverside Ave. A motion was made by Solomon Haddad and seconded by many on the floor to move the question. The Moderator called for a standing counted vote on the motion to move the question. There were 341 in the affirmative and 54 in the negative, the motion to move the question carried. The Moderator called for the vote on Article to as written. Due to the 2/3 requirement, the Moderator called for Article 2 to be voted by ballot. Following the ballot vote, there were 210 in the affirmative, and 209 in the negative. Article 2 failed by not acquiring the necessary 2/3 required votes.

A motion was made by Ken Mello – 385 Regan Road, and seconded by several for no reconsideration of Article 2. The motion carried by a majority vote.

Article 3: To see if the Town will vote to transfer \$500,000 from Free Cash to repair the underground Town-owned drainage easement in the Oak Valley subdivision. The intended use of these funds is to close the gap between the \$750,000 in funding provided by Senator Michael Rodrigues and the \$1,000,000 and rising estimate provided to the Town by Weston & Sampson. All unused funds would be transferred back to Free Cash.

The Advisory & Finance committee will have a recommendation at the Special Town Meeting

The Advisory & Finance Committee did not make a recommendation due to lack of a quorum at their meeting.

Motion Article 3: A motion was made by petitioner James Nasto and seconded on the floor by Jessica Machado that the vote to accept Article 3. Discussion followed by Mr. Nasto who made a brief slide show presentation. Following the presentation Mr. Nasto made a motion that Article 3 be indefinitely postponed at this time. The motion was seconded by Selectmen Smith. The Motion carried by a unanimous vote.

Having acted on all articles, the Moderator called for a motion to dissolve. A motion was made to dissolve the Special Town Meeting of August 22 by several members of the voting body. The motion was seconded by many. The motion carried by a unanimous vote.

Attendance: 452

A true copy attest;

**Dolores Bence, CMMC
Town Clerk**