

**ANNUAL TOWN MEETING
ARTICLES OF WARRANT
MAY 21, 2012**

Article 1: To choose all Town Officers as required by law, to be chosen by ballot.
This article has been taken care of in the election of May 14, 2012.

Article 2: To hear the report of the Town Officers and act thereon.

Motion made by Patrick O’Neil and seconded that the Town vote to accept Article 2 as written and recommended.

Vote: Unanimous in the affirmative.

Article 3: To see if the Town will vote to authorize the Collector of Taxes to use the same means which a Treasurer may use when acting as Collector.

Motion made by Patrick O’Neil and seconded that the Town vote to accept Article 3 as written and recommended.

Vote: Unanimous in the affirmative.

Article 4: To hear and act on the report of any Committee and choose any Committee the Town may think proper.

Motion made by Arastou Mahjoory and seconded that the Town vote to accept Article 4 and that the Town hear the report of the Somerset Station Reuse Committee. Vote: Unanimous in the affirmative. The report of the Somerset Station Reuse Committee was given by Arastou Mahjoory.

Article 5: To see if the Town will vote to authorize the Board of Selectmen to accept and enter into contracts for the expenditure of any funds allocated or to be allocated by the Commonwealth and/or the County for the construction, reconstruction and improvement of Town roads, pursuant to the terms of said funding.

Motion made by Patrick O’Neil and seconded that the Town vote to accept Article 5 as written and recommended. Vote: Unanimous in the affirmative.

Article 6: To see if the Town will vote to amend the Table II Compensation Plan as set forth in the Consolidated Personnel Bylaw adopted under Article 3 of the Warrant of the Annual Town Meeting of May 19, 1986, and amendments thereto, by substituting and adopting the following, or take any action relative thereto:

**TABLE II
FY 2013 COMPENSATION PLAN**

GRADES	STEPS						
	1	2	3	4	5	6	7
M1	436.98	454.43	473.22	491.45	511.10	531.66	552.86
M2	476.31	495.32	515.14	535.72	557.16	579.43	602.59
M3	519.16	539.88	561.48	583.93	607.95	631.56	655.77
M4	565.88	588.51	612.02	636.47	661.93	688.42	715.96
M5	616.79	641.42	667.05	693.72	721.40	750.31	780.27
M6	672.27	699.18	727.07	756.10	786.39	817.83	850.53
M7	732.69	762.12	792.58	824.28	857.24	891.46	927.10
M8	798.72	830.44	863.85	898.43	934.34	971.70	1010.11
M9	870.66	905.50	941.64	979.35	1018.46	1059.22	1101.59
M10	948.99	986.98	1026.37	1067.37	1110.06	1154.45	1200.65
M11	1034.44	1075.79	1118.74	1163.51	1210.02	1258.45	1308.73
M12	1127.44	1172.58	1219.39	1268.20	1318.92	1371.66	1426.46
M13	1228.99	1273.56	1329.24	1382.37	1437.63	1495.13	1554.92
M14	1305.60	1357.81	1412.13	1468.62	1527.36	1588.45	1651.99
M15	1460.16	1518.54	1579.26	1642.36	1708.07	1776.33	1847.33
M16	1591.56	1655.19	1721.38	1790.23	1861.79	1936.27	2013.63

Motion made by Patrick O’Neil and seconded that the Town vote to accept Article 6 as written and recommended. Vote: Unanimous in the affirmative

Article 7: To see if the Town will vote to establish the annual salaries of its elected officers commencing July 1, 2012, as follows:

Town Moderator	\$400.00
Board of Selectmen, Chairman	\$6,000.00
Board of Selectmen, (2 members-each)	\$3,000.00
Board of Selectmen, Clerk	\$2,500.00
Board of Health, Chairman	\$2,500.00
Assessors, Chairman	\$3,950.00
Assessors, (2 members-each)	\$3,450.00
Treasurer	\$52,803.00
Tax Collector	\$49,905.00
Town Clerk	\$49,905.00
Planning Board, (5 members-each)	\$500.00
Planning Board, Chairman	\$275.00
Planning Board, Clerk	\$275.00
Library Trustees, (6 members-each)	\$400.00
Library Trustee, Chairman	\$275.00
Library Trustee, Secretary	\$225.00
Playground & Recreation Commissioners, (5 members-each)	\$400.00
Playground & Recreation Commission, Chairman	\$275.00
Playground & Recreation Commission, Clerk	\$275.00
School Committee (5 members-each)	\$3,450.00
Water & Sewer Commissioners, Chairman	\$4,000.00
Water & Sewer Commissioners, (2 members-each)	\$3,500.00

Motion made by Patrick O’Neil and seconded that the Town vote to accept Article 7 as written and recommended. Vote: Unanimous in the affirmative.

Article 8: To see if the Town will vote to raise, appropriate, and/or transfer from available funds such sums of money as may be considered necessary to defray the Town’s expenses for the ensuing 12 month period beginning July 1, 2012, as follows:

A. GENERAL BUDGET

APPROPRIATION	PERSONAL SERVICES	EXPENSES	TOTAL APPROPRIATION
113 Town Meeting	\$1,500.00	\$3,000.00	\$4,500.00
114 Town Moderator	\$400.00	\$0.00	\$400.00
122 Selectmen	\$117,076.00	\$2,875.00	\$119,951.00
123 Town Administrator	\$107,165.00	\$2,520.00	\$109,685.00
124 Contingent	\$0.00	\$5,952.00	\$5,952.00
131 A & F Committee	\$3,350.00	\$450.00	\$3,800.00
134 Centrex	\$0.00	\$33,500.00	\$33,500.00
135 Town Accountant	\$163,287.00	\$3,785.00	\$167,072.00
136 Annual Audit	\$0.00	\$37,500.00	\$37,500.00
137 Computer	\$0.00	\$60,047.00	\$60,047.00
141 Assessors	\$106,403.00	\$9,500.00	\$115,903.00
143 Tax Foreclosure	\$0.00	\$3,200.00	\$3,200.00
145 Town Treasurer	\$128,361.00	\$41,225.00	\$169,586.00
146 Tax Collector	\$94,913.00	\$25,675.00	\$120,588.00
151 Law Department	\$0.00	\$200,000.00	\$200,000.00
161 Town Clerk	\$89,857.00	\$5,900.00	\$95,757.00
162 Elec. & Regr.	\$15,000.00	\$20,850.00	\$35,850.00
171 Conservation Comm	\$22,451.00	\$2,510.00	\$24,961.00
175 Planning Board	\$6,550.00	\$1,150.00	\$7,700.00
176 Zoning Board of Appeals	\$3,025.00	\$4,550.00	\$7,575.00
181 Economic Dev. Comm.	\$0.00	\$500.00	\$500.00
184 Cable Advisory	\$1,400.00	\$871.00	\$2,271.00
192 Town Office	\$92,099.00	\$47,112.00	\$139,211.00
193 Town Hall	\$0.00	\$4,900.00	\$4,900.00
195 Town Reports	\$0.00	\$3,500.00	\$3,500.00
198 Insurance (Gen. Govt: \$2,983,766.00- Memo) (School Dept: \$4,362,139.00- Memo)	\$0.00	\$7,345,905.00	\$7,345,905.00
199 FICA General Government	\$0.00	\$179,500.00	\$179,500.00
199 FICA School Department	\$0.00	\$195,500.00	\$195,500.00
205 Fire/Police Station	\$34,167.00	\$100,952.00	\$135,119.00
210 Police Department	\$2,496,828.00	\$179,912.00	\$2,676,740.00

215 E-911 Dispatch	\$361,846.00	\$6,369.00	\$368,215.00
220 Fire Department	\$1,575,608.00	\$81,900.00	\$1,657,508.00
241 Bldg. Insp./Zoning Agent	\$52,962.00	\$1,725.00	\$54,687.00
242 Gas & Plumbing	\$21,250.00	\$1,525.00	\$22,775.00
244 Sealer of Standards	\$3,300.00	\$300.00	\$3,600.00
245 Wiring Inspector	\$14,000.00	\$1,122.00	\$15,122.00
291 Emergency Mgmt.	\$0.00	12,327.00	\$12,327.00
292 Dog Officer	\$0.00	\$38,754.00	\$38,754.00
294 Tree Warden	\$500.00	\$11,100.00	\$11,600.00
295 Harbor Master	\$4,000.00	\$5,030.00	\$9,030.00
296 Insect Pest Control	\$400.00	\$1,500.00	\$1,900.00
299 Inspector of Animals	\$0.00	\$1.00	\$1.00
410 Engineering	\$0.00	\$1,550.00	\$1,550.00
420 Highway Department	\$761,642.00	\$44,230.00	\$805,872.00
423 Snow Removal	\$74,500.00	\$85,500.00	\$160,000.00
424 Street Lights	\$0.00	\$180,000.00	\$180,000.00
425 Traffic Signal Maint.	\$0.00	\$500.00	\$500.00
431 Landfill	\$0.00	\$21,000.00	\$21,000.00
440 Water Pollution Control	\$851,542.00	\$769,473.00	\$1,621,015.00
480 Vehicle Maint. Facility	\$107,486.00	\$340,570.00	\$448,056.00
510 Board of Health	\$41,128.00	\$2,500.00	\$43,628.00
522 Town Nurse	50,393.00	\$475.00	\$50,868.00
541 Council on Aging	\$82,188.00	\$6,015.00	\$88,203.00
543 Veterans Benefits	\$49,382.00	\$261,550.00	\$310,932.00
544 Graves Registration	\$425.00	\$1,300.00	\$1,725.00
610 Libraries	\$428,493.00	\$131,461.00	\$559,954.00
630 Playground & Rec.	\$80,658.00	\$4,850.00	\$85,508.00
633 Public Outdoor Facilities	\$0.00	\$32,374.00	\$32,374.00
691 Historical Comm.	\$0.00	\$100.00	\$100.00
692 Public Celebrations	\$0.00	\$4,560.00	\$4,560.00
693 AmVets	\$0.00	\$2,500.00	\$2,500.00
694 American Legion	\$0.00	\$2,500.00	\$2,500.00
695 VFW	\$0.00	\$2,500.00	\$2,500.00
696 Mun & Hist Bldgs.	\$0.00	\$68,650.00	\$68,650.00
710 Maturing Debt General Government	\$0.00	\$956,606.00	\$956,606.00
710 Maturing Debt School Department	\$0.00	\$250,000.00	\$250,000.00
753 Interest Appropriation General Government	\$0.00	\$181,647.00	\$181,647.00
753 Interest Appropriation School Department	\$0.00	\$42,713.00	\$42,713.00
832 Contributory Retirement	\$0.00	\$2,431,422.00	\$2,431,422.00
TOTAL GENERAL GOVT.	\$8,045,535.00	\$14,511,040.00	\$22,556,575.00

	APPROVED FY 2012	PROPOSED FY 2013	INCREASE/ DECREASE
Personal Services	\$ 7,908,828.00	\$ 8,045,535.00	\$136,707.00
Operating Expenses	\$ 3,271,190.00	\$ 3,302,747.00	\$31,557.00
Fixed Expenses	\$10,656,661.00	\$11,208,293.00	\$551,632.00
TOTALS:	\$21,836,679.00	\$22,556,575.00	\$719,896.00

Motion made by Patrick O’Neil and seconded that the Town vote to accept Article 8A as written and recommended and to appropriate the sum of \$22,556,575.00 for the purposes of the General Budget for the fiscal year beginning July 1, 2012 and ending June 30, 2013 as designated, and that said sum be transferred and raised as follows: by transferring \$600,000.00 from the Stabilization Fund; by transferring \$813,575.00 from Undesignated Surplus; by transferring \$9,030.00 from the Municipal Waterways Improvement and Maintenance Fund and by raising \$21,133,970.00 from Taxation. Discussion. (This article requires a majority vote.)

Vote: Unanimous in the affirmative as declared by the Moderator.

APPROPRIATION

8B: School Department

PERSONAL SERVICES	OPERATING EXPENSES	TOTAL APPROPRIATION
\$12,459,273.00.00	\$5,915,413.00	\$18,374,686.00

Motion made by Jamison Souza and seconded that the Town vote to accept Article 8B as written and recommended and to appropriate \$18,374,686.00 for the fiscal year beginning July 1, 2012 and ending June 30, 2013 for the purpose of the School Department Budget as designated, and that said sum be raised by taxation.

Vote: Unanimous in the affirmative

APPROPRIATION

8C: Water Department

PERSONAL SERVICES	OPERATING EXPENSES	TOTAL APPROPRIATION
\$ 874,731.00	\$ 2,811,806.00	\$ 3,686,537.00

Motion made by John Walsh and seconded that the Town vote to accept article 8C as written and recommended and to appropriate the sum of \$3,686,537.00 for the for the fiscal year July 1, 2012 to June 30, 2013, for the purposes of this article and that the sum of \$3,453,537.00 be raised from Water Enterprise Fund Receipts, and that the sum of \$233,000.00 be transferred from Water Enterprise Fund Retained Earnings.

Vote: Unanimous in the affirmative.

Article 9: To see if the Town will vote to raise, appropriate, and/or transfer from available funds a sum of money for the Reserve Fund.

Motion made by Arastou Mahjoory and seconded that the Town vote to accept Article 9 as written and recommended and to appropriate the sum of \$100,000.00 for the purposes of this article, and that said sum be raised from taxation.

Vote: Unanimous in the affirmative.

Article 10: To see if the Town will vote to raise, appropriate, and/or transfer from available funds a sum of money for the Unused Sick Leave Account as provided in the Consolidated Personnel Bylaw, Article II, Employee Benefits, Section I, Sick Leave.

Motion made by Arastou Mahjoory and seconded that the Town vote to accept Article 10 as written and recommended and to appropriate the sum of \$8,100.00 for the purposes of this article, and that said sum be raised by taxation.

Vote: Unanimous in the affirmative.

Article 11: To see if the Town will vote to raise, appropriate, and/or transfer from available funds a sum of money for the purpose of paying the Town's share of the operating expenses of the **Somerset Berkley Regional School District**, said amount having been assessed to the Treasurer of the Town of Somerset.

Motion made by Richard Peirce and seconded that the Town vote to accept Article 11 as written and recommended and to appropriate the sum of \$7,727,563.00 for the purposes of this article, and that said sum be raised by taxation.

Vote: Unanimous in the affirmative.

Article 12: To see if the Town will vote to raise, appropriate, and/or transfer from available funds a sum of money for the purpose of paying the Town's share of the operating expenses of the **Greater Fall River Vocational Technical High School District** as provided for by section 6 of chapter 697 of the Acts of 1962, said amount having been assessed to the Treasurer of the Town of Somerset.

Motion made by Patrick O'Neil and seconded that the Town vote to accept Article 12 as written and recommended and to appropriate the sum of \$1,381,536.00 for the purposes of this article, and that said sum be raised by taxation.

Vote: Unanimous 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 paying the Town's share of the operating expenses of the **Bristol County Agricultural School** as provided for by section 82 of chapter 6 of the Acts of 1991, said amount having been assessed to the Treasurer of the Town of Somerset.

Motion made by Donald Setters and seconded that the Town vote to accept Article 13 as written and recommended and to appropriate the sum of \$12,936.00 for the purposes of this article, and that said sum be raised by taxation.

Vote: Unanimous in the affirmative.

Article 14: To see if the Town will vote to raise, appropriate, and/or transfer from available funds a sum of money for Account #753 (Long Term Interest) and Account #710 (Maturing Debt) for the purpose of paying interest and principal relating to sewer infrastructure debt.

The Advisory & Finance Committee makes a unanimous recommendation that the Town vote to

raise and/or appropriate \$232,499.00 for the purposes of this article. Motion made by Steve Rivard and seconded that the Town accept Article 14 as written and recommended that the Town appropriate the amount of \$232,499.00 for the purposes of this article and that said sum be transferred from Water Enterprise Fund Retained Earnings raised by Sewer Infrastructure Fees. Vote: Unanimous in the affirmative.

Article 15: To see if the Town will vote to accept funds from the **Commonwealth Sewer Rate Relief Fund**, authorized pursuant to General Laws chapter 29, section 2Z, said funds to be used to offset in part the Fiscal Year 2013 Sewer Debt Service authorized pursuant to chapter 44, section 7(1), of the General Laws and appropriated under Article 8A of this meeting, items number 710 (Maturing Debt) and 753 (Interest Appropriation), or take any other action relative thereto.

Motion made by Arastou Mahjoory and seconded that the Town vote to accept Article 15 as written and recommended. Vote: Unanimous in the affirmative.

Article 16: To see if the Town will vote pursuant to M.G.L. chapter 44, section 53E, to specify that the appropriation for the annual ordinary operating costs of the **Fire Department's Emergency Medical Services** be offset, in part, by the estimated receipts from the fees charged to users of the services provided by said Department.

Motion made by Arastou Mahjoory and seconded that the Town vote to accept Article 16 as written and recommended and to appropriate the sum of \$800,000.00 for the purposes of this article and that said sum be raised by Fire Department Emergency Medical Services offset receipts.

Article 17: To see if the Town will vote to raise, appropriate and/or transfer from available funds a sum of money for the expense of **collecting and disposing of mixed solid waste, recyclables, yard waste, and white goods** and to determine whether pursuant to M.G.L. chapter 44, section 53E, the appropriation for said expense will be offset, in part or in the aggregate, by the estimated receipts from the fees charged for rubbish bags pursuant to Article 10 of the February 8, 1993, Special Town Meeting, as well as from funds raised by taxation or transferred from available funds in the Treasury.

Motion made by Donald Setters and seconded that the Town vote to accept Article 17 as written and recommended and to appropriate the sum of \$1,225,000.00 for the purposes of this article and that said sum be raised as follows: \$560,000.00 from taxation and \$665,000.00 from offset receipts pursuant to M.G.L. chapter 44, section 53D.

Vote: Unanimous in the affirmative.

Article 18: To see if the Town will vote to authorize the Board of Health, pursuant to M.G.L. chapter 44, section 53E1/2, to continue the revolving fund for the **Somerset Town Nursing Program**, such fund to be used to collect and disperse funds in connection with conducting flu clinics, rabies clinics or other departmental programs, to provide further that all fees and charges paid in connection therewith shall be deposited into said revolving fund, and to provide that without further appropriation, the Board of Health may authorize disbursements from said fund during Fiscal Year 2013 not to exceed \$50,000.00 to be used for the cost of purchasing medical supplies in conjunction with conducting flu clinics, rabies clinics and other departmental programs, and for any purposes incidental thereto.

Motion made by Arastou Mahjoory and seconded that the Town vote to accept Article 18 as written and recommended. Vote: Unanimous in the affirmative.

Article 19: To see if the Town will vote to authorize the Board of Selectmen, sitting as the Board of Health, to continue the revolving fund pursuant to M.G.L. chapter 44, section 53E1/2, to be used to collect and disburse funds in connection with administering the "**Board of Health Regulations Concerning Vacant and Foreclosing Properties**" and "**Town of Somerset By-law Concerning Vacant and Foreclosing Properties**", and to provide that without further appropriation, the Board of Health may authorize disbursements from said fund during Fiscal Year 2013 not to exceed \$20,000.00 to be used for the costs of administering said regulations, and performing remediation and maintenance work as needed and authorized by law, and for any purposes incidental thereto.

Motion made by Arastou Mahjoory and seconded that the Town vote to accept Article 19 as written and recommended. Vote: Unanimous in the affirmative.

Article 20: To see if the Town will vote to authorize the Board of Library Trustees, pursuant to M.G.L. chapter 44, section 53E1/2, to continue the revolving fund for the **Library's Lost and/or Damaged Library Materials Program**, such fund to be used to collect and disburse funds in connection with the replacement of lost and/or damaged library materials, to provide further that all fees and charges paid in connection therewith shall be deposited into said revolving fund, and to provide that without further appropriation, the Board of Library Trustees may authorize disbursements from said fund during Fiscal Year 2013 not to exceed \$2,000.00 to be used for the costs of replacing lost/or damaged library materials, and for any purposes incidental thereto.

Motion made by Patrick O'Neil and seconded that the Town vote to accept Article 20 as written and recommended. Vote: Unanimous in the affirmative.

Article 21: To see if the Town will vote to authorize the Board of Selectmen, pursuant to the provisions of M.G.L. chapter 44, section 53E1/2, to continue the revolving fund for the **Somerset Fire Department** to collect and disperse funds in connection with hazardous material ("Haz-Mat") incidents, to provide further that all fees and charges paid in connection therewith shall be deposited into said revolving

fund, and to provide that without further appropriation, the Board of Selectmen may authorize disbursements from said fund during Fiscal Year 2013 not to exceed **\$10,000.00** to be used for the purchase of Haz-Mat equipment and/or any incurred Haz-Mat related expenses, and for any purposes incidental thereto.

Motion made by Patrick O'Neil and seconded that the Town vote to accept Article 21 as written and recommended. Vote: Unanimous in the affirmative.

Article 22: To see if the Town will vote to authorize the School Department, pursuant to M.G.L. chapter 44, section 53E1/2, to continue a revolving fund for the Public School's **Early Childhood Program**, such fund to be used to collect and disburse funds for the nurturing, care, and education of young children enrolled in such program, and to further provide that all receipts, tuition, and enrollment fees received by the School Department for participation in the **Early Childhood Program** shall be deposited in the **Early Childhood Program Revolving Fund** under the jurisdiction of the School Committee, and to provide that the School Committee may authorize disbursements from such revolving fund during the upcoming fiscal year not to exceed an aggregate total of **\$75,000.00**, pass any vote, or take any action relative thereto.

Motion made by Jamison Souza and seconded that the Town vote to accept Article 22 as written and recommended. Vote: Unanimous in the affirmative

Article 23: To see if the Town will vote to authorize the School Department, pursuant to M.G.L. chapter 44, section 53E1/2, to continue a revolving fund for the Public School's **Creative Arts Program**, such fund to be used to collect and disburse funds for the nurturing, care, and education of young children enrolled in such program, and to provide further that all receipts, tuition, and enrollment fees received by the School Department for participation in the **Creative Arts Program** shall be deposited in the **Creative Arts Program Revolving Fund** under the jurisdiction of the School Committee, and to provide that the School Committee may authorize disbursements from such revolving fund during the upcoming fiscal year not to exceed an aggregate total of **\$20,000.00**, pass any vote, or take any action relative thereto.

Motion made by Jamison Souza and seconded that the Town vote to accept Article 22 as written and recommended. Vote: Unanimous in the affirmative

Article 24: To see if the Town will vote to authorize the School Department, pursuant to M.G.L. chapter 44, section 53E1/2, to continue a revolving fund for the receipt of **P.T.O. Grants**, such fund to be used to collect and disburse funds for the nurturing, care, and education of students enrolled in the Somerset Public Schools, and to provide further that all receipts received by the School Department as **P.T.O. Grants** shall be deposited in said **P.T.O. Revolving Account** under the jurisdiction of the School Committee, and to provide that the School Committee may authorize disbursements from such revolving fund during the upcoming fiscal year not to exceed an aggregate total of **\$50,000.00**, pass any vote, or take any action relative thereto.

Motion made by Jamison Souza and seconded that the Town vote to accept Article 24 as written and recommended. Vote: Unanimous in the affirmative.

Article 25: To see if the Town will vote to accept chapter 73, section 4, of the Acts of 1986, as amended by chapter 126 of the Acts of 1988, to allow an additional exemption which shall be uniform for a Surviving Spouse (Clause 17), for Veterans (Clause 22), for the Elderly (Clause 41C) and for the Blind (Clause 37), and none of which shall exceed fifty (50%) per cent of said exemptions for which they qualify for Fiscal Year 2013, or take any action relative thereto.

Motion made by Marc Dionne and seconded that the Town vote to accept Article 25 as written and recommended. Vote: Unanimous in the affirmative.

Article 26: 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 thirty-seven (37) new handguns for the Police Department, or take any action relative thereto.

Motion made by Arastou Mahjoory that the Town vote to accept Article 26 as written and recommended and that the Town appropriate the sum of \$12,950.00 for the purposes of this article, and that said sum be transferred from Undesignated Surplus. Vote: Unanimous in the affirmative.

Article 27: 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 two (2) new marked police cruisers, or take any action relative thereto.

Motion made by Patrick O'Neil and seconded that the Town vote to accept Article 27 and to appropriate the sum of \$64,000.00 for the purposes of this article and that said sum be transferred from Undesignated Surplus. Vote: Unanimous in the affirmative.

Article 28: 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 two (2) used unmarked police cars, or take any action relative thereto.

Motion made by Patrick O'Neil and seconded that the Town vote to accept Article 28 and to appropriate the sum of \$10,000.00 for the purposes of this article and that said sum be transferred from Undesignated Surplus. Vote: Unanimous in the affirmative.

Article 29: 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 ten (10) new portable radios for the Police Department, or take any action relative thereto.

Motion made by Patrick O'Neil and seconded that the Town vote to accept Article 29 as written and recommended, and that the Town appropriate the sum of \$15,000.00 for the purposes of this article and that said sum be transferred from Undesignated Surplus. Vote: Unanimous in the affirmative.

Article 30: 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 thirteen (13) new bullet proof vests for the Police Department, or take any action relative thereto.

Motion made by Patrick O'Neil and seconded that the Town vote to accept Article 30 as written and recommended and that the Town appropriate the sum of \$16,900.00 for the purposes of this article and that said sum be transferred from Undesignated Surplus. Vote: Unanimous in the affirmative.

Article 31: 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 a new dump truck with plow for the Highway Department, or take any action relative thereto.

Motion made by Donald Setters and seconded that the Town vote to accept Article 31 as written and recommended and that the Town appropriate the sum of \$110,000.00 for the purposes of this article and that said sum be transferred from Undesignated Surplus. Vote: Unanimous in the affirmative

Article 32: To see if the Town will vote to raise, appropriate, and/or transfer from available funds a sum of money for the purpose of making miscellaneous repairs to the Somerset Highway Department Facility, including but not limited to waterproofing, replacing metal personnel doors, and upgrading the fire system with a backflow device, or take any action relative thereto.

Motion made by Donald Setters and seconded that the Town vote to accept Article 32 as written and recommended and that the Town appropriate the sum of \$20,000.00 for the purposes of this article and that said sum be transferred from Undesignated Surplus. Vote: Unanimous in the affirmative.

Article 33: 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 qualified consulting, expert and legal services to assist the Town on issues relating to valuation and taxation of current and former electric and gas utilities, or take any action relative thereto.

Motion made by Marc Dionne and seconded that the Town vote to accept Article 33 as written and recommended and that the Town vote to appropriate the sum of \$55,000.00 for the purposes of this article and that said sum be transferred from Undesignated Surplus. Vote: Unanimous in the affirmative.

Article 34: To see if the Town will vote to raise, appropriate, and/or transfer from available funds a sum of money for the purpose of obtaining engineering, design and construction services for up-grading of the Lees River Avenue Wastewater Pumping Station and appurtenances thereto, or take any action necessary to carry out this project.

Motion made by Scott O'Brien and seconded that the Town vote to accept Article 34 as written and recommended and that the Town appropriate the sum of \$1,725,000.00 for the purposes of this article, and that said sums be transferred as follows:

\$72,421.00 from Account #440-428-5840 (Article 6 of the Special Town Meeting of November 2007),

\$94,040.93 from Account #440-429-5840 (Article 4 of the Special Town Meeting of December 2008),

\$18,609.91 from Account #440-431-5800 (Article 35 of the Annual Town Meeting of May 2010),

\$23,200.78 from Account #440-432-5871 (Article 7 of the Special Town Meeting of December 2011), and

\$1,516,727.38 from Water Enterprise Fund Retained Earnings raised by Sewer Infrastructure Fees.

Vote: Unanimous vote in the affirmative.

Article 35: To see if the Town will vote to raise, appropriate, and/or transfer from available funds a sum of money for the purpose of rebuilding two (2) grit collectors at the Water Pollution Control Facility, and to provide that funding for said project be made by transferring a sum of money raised by sewer infrastructure fees, or take any action necessary to carry out this project.

Motion made by Scott O'Brien and seconded that the Town vote to accept Article 35 as written and recommended and that the Town appropriate the sum of \$30,000.00 for the purposes of this article be transferred from Water Enterprise Fund Retained Earnings raised by Sewer Infrastructure Fees. Vote: Unanimous in the affirmative.

Article 36: To see if the Town will vote to raise, appropriate, and/or transfer from available funds a sum of money in addition to the funds previously appropriated under Article 19 of the December 12, 2011, Special Town Meeting, for the purposes of funding the replacement, reconstruction, and/or extraordinary repairs of the Town Office boiler and delivery system, including asbestos abatement and any other expenses related thereto, or take any other action relative thereto.

The Advisory & Finance Committee unanimously recommends that the Town appropriate \$50,000.00 for the purposes of this article.

Motion made by Arastou Mahjoory and seconded that the Town vote to accept Article 36 as written and recommended and that the Town appropriate the sum of \$50,000.00 be transferred from Undesignated Surplus.

Vote: Unanimous in the affirmative.

Article 37: To see if the Town will vote to appropriate a sum of money for the purpose of design and replacement of the North Elementary School, South Elementary School and Wilbur Elementary School fire alarm systems; and to determine how said sum shall be raised and appropriated or be transferred from the available funds in the Treasury.

(The advisory and finance Committee unanimously recommends that the Town vote to raise, appropriate and/or transfer the amount of \$37,000 for the purposes of this article.)

Motion made by Jamison Souza and seconded that the Town vote to accept Article 37 as written and recommended. Discussion: The School Committee, represented by Jamison Sousa request that the Town transfer \$37,000 from Account 01-300-432-5866 (Article 36 May 15, 2011, Annual Town Meeting) for the purpose of this article.

Vote: Unanimous in the affirmative.

Article 38: To see if the Town will vote to appropriate a sum of money for the purpose of design and reconstructing or replacement of the North Elementary School boiler (six million BTU) and to determine how said sum shall be raised and appropriated or be transferred from the available funds in the Treasury.

(The Advisory & Finance Committee unanimously recommends that the Town vote to raise, appropriate, and/or transfer the amount of \$125,000.00 for the purposes of this article.)

Motion made by Jamison Sousa, and seconded on the floor that the Town vote to accept Article 38 as written and recommended. Discussion: The School Committee, represented by Jamison Souza, request that the Town transfer the balances of the following articles:

\$31,297.86 from Article 11 – STM – May 20, 2002;

\$13,052.22 from Article 14 – STM - January 27, 2003;

\$36,894.53 from Article 27- ATM – May 17, 2010;

And in addition, apply a rebate of \$22,500.00 from the electric utility company after installation, resulting in a net cost requested for this article to be \$21,250.00.

Vote: Unanimous in the affirmative. (As the funding source for \$43,755.38 of the amount requested was not identified in the article, recommendation, motion, or discussion, the default funding for that portion of the total appropriation will be through taxation.)

Article 39: To see if the Town will vote to authorize and direct the Board of Selectmen to grant to the Somerset Berkley Regional School District (the Regional School District) for nominal consideration of One Dollar (\$1.00), for the public purpose of constructing, maintaining and operating a regional high school, a non-exclusive construction and permanent slope easement over the property of the Town bounded and described as follows:

Beginning at a point located S89°36'00"W and a distance of 160.00 feet from a PK Nail set at an angle in the northeasterly corner of land bounded northeasterly by Parcel 2 and southeasterly by land now or formerly of Sunoco, Inc., as shown on that plan entitled "Approval Not Required Plan A.P. C-4 Lot 118, 475 County Street, Somerset, Massachusetts" prepared by Pro-Line Engineering, Inc. dated December 22, 2010 and recorded December 13, 2011 in the Fall River District Registry of Deeds at Book 151, Page 20. Thence northwesterly N77° 25'52"W a distance of three hundred four and zero hundredths (304.00) feet to a stake set. Thence northeasterly, N27° 48'02"E a distance of seventy and zero hundredths (70.00) feet to a point. Thence southeasterly S62° 11'58"E a distance of one hundred thirteen and fifty nine hundredths (113.59) feet to a point. Thence southeasterly S65° 20'31"E a distance of one hundred eighty and zero hundredths (180.00) feet to the point of beginning. Said easement containing 9,706 square feet more or less.

The purpose of this grant of a construction and permanent slope easement is to grant to the Regional School District, its agents and assigns, the right to enter upon the above-described land of the Town within the easement area with men and equipment for the purpose of constructing and maintaining embankments and such related appurtenances as are reasonably required. This construction and slope easement shall specifically include the right to grade, remove trees, fill, topsoil, seed and maintain the same for purposes of stabilizing the soil, preventing erosion, improving the aesthetic aspects of the easement area and for doing anything necessary, useful and convenient for the enjoyment of the easement herein granted. This easement gives the Regional School District a non-exclusive right to use and

maintain the easement area. The easement shall at all times be deemed to be and shall be a continuing covenant running with the land and shall be binding upon and in favor of the successors and assigns of the respective parties. This easement is non-exclusive and the Town reserves all rights to cross said easement for ingress and egress and for such other uses as are not inconsistent with this grant of easement.

Motion made by Patrick O’Neil and seconded that the Town vote to accept Article 39 as written and recommended. (This article required a 2/3 vote.) Vote: Unanimous in the affirmative.

Article 40: 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 for the purpose of alternative energy generation through use of solar photovoltaic installations:

LOCATION #1 (land on Wilbur Avenue):

A certain parcel of land located north of Wilbur Avenue, Somerset, MA, containing approximately 27.72 acres, being that portion of Assessor’s Map A-9, Lot 229, shown as Lots “A” through “E” on a plan of land on file with the Somerset Town Clerk’s Office.

LOCATION #2 (former landfill):

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 April 29, 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.

Motion made on the floor and seconded to waive the reading of Article 40 by the moderator. Voted: Nearly unanimous in the affirmative. Motion made by Patrick O’Neil and seconded that the Town vote to accept Article 40 as written and recommended. Vote: Unanimous in the affirmative.

Article 41: To see if the Town will vote to accept Sutherland Drive as a town street, if and as laid out by the Board of Selectmen, and to take by eminent domain or acquire by any other lawful means any fee, easement, or other interest in land necessary therefor, no appropriation being required.

Motion made by Gary Simons and seconded that the Town vote to accept Article 41 as written and recommended by the Planning Board. Vote: Unanimous in the affirmative.

Article 42:

To see if the Town will vote to accept the following described drainage easements from Sutherland Properties, Inc.:

**Drainage Easement Map E-4 Lot 111
Sutherland Drive Somerset, Massachusetts**

A certain parcel of land situated in the Town of Somerset, Bristol County, Massachusetts, bounded and described as follows:

Beginning at a point at the northeasterly corner of the herein described premises;
Thence turning and running N87° - 15’ - 46” E by land now or formerly of Sutherland Properties, Inc a distance of 199.60 feet to a point;
Thence turning and running S21° - 57’ - 02” W a distance of 90.20 feet to a point;
Thence turning and running S75° - 55’ - 57” E by land now or formerly of Jacob W. Russell & Kimberly A. Gendreau a distance of 215.42 feet to a point;
Thence turning and running N10° - 47’ - 53” E by land now or formerly of Donald M. & Beatrice Parrot a distance of 128.77 feet to the point of beginning;

Containing 22,348± square feet of land.

The above parcel of land is on a plan entitled “Roadway Acceptance Plan Sutherland Drive Somerset, Massachusetts Assessors Map E-4” prepared for Sutherland Properties, Inc 1044 GAR Highway, Swansea, MA 02777 prepared by InSite Engineering Services, LLC dated November 14, 2011.

**Drainage Easement Map E-4 Lot 112
Sutherland Drive Somerset, Massachusetts**

A certain parcel of land situated in the Town of Somerset, Bristol County, Massachusetts, bounded and described as follows:

Beginning at a point at the northeasterly corner of the herein described premises;
Thence turning and running N75° - 55’ - 57” W by land now or formerly of Sutherland Properties, Inc. a distance of 215.42 feet to a point;
Thence turning and running S8° - 46’ - 17” W a distance of 17.51 feet to a point;

Thence turning and running S19° - 18' 13" E a distance of 61.89 feet to a point;
Thence turning and running S77° - 37' - 03" E by land now or formerly of Gerald Carpenter, Jr. & Nevert Mazen a distance of 77.08 feet to a point;
Thence turning and running N60° - 27' - 30" E by land now or formerly of Manuel C. & Lucille Braga a distance of 19.43 feet to a point;
Thence turning and running S32° - 00' - 07" E by land now or formerly of Manuel C. & Lucille Braga a distance of 100.00 feet to a point;
Thence turning and running N57° - 59' - 53" E by land now or formerly of New England Telephone & Telegraph Company a distance of 100.00 feet to a point;
Thence turning and running N32° - 00' - 07" W by land now or formerly of Donald M. & Beatrice Parrot a distance of 73.25 feet to the point of beginning;

Containing 18,605± square feet of land.

The above parcel of land is on a plan entitled "Roadway Acceptance Plan Sutherland Drive, Somerset, Massachusetts Assessors Map E-4" prepared for Sutherland Properties, Inc 1044 GAR Highway, Swansea, MA 02777 prepared by InSite Engineering Services, LLC dated November 14, 2011.

**Drainage Easement Map E-4 Lot 113
Sutherland Drive, Somerset, Massachusetts**

A certain parcel of land situated in the Town of Somerset, Bristol County, Massachusetts, bounded and described as follows:

Beginning at a point at the northeasterly corner of the herein described premises;

Thence turning and running N77° - 37" - 03" W by land now or formerly of Jacob W. Russell & Kimberly A. Gendreau a distance of 77.08 feet to a point;
Thence turning and running S19° - 18' - 13" E a distance of 32.01 feet to a point;
Thence turning and running S60° - 27' - 30" W a distance of 136.86 feet to a point;
Thence turning and running S77° - 37' - 03" E by land now or formerly of Gerald Carpenter, Jr. & Nevert Mazen a distance of 77.08 feet to a point;
Thence turning and running S73° - 34' - 14" E by land now or formerly of Sutherland Properties, Inc. a distance of 27.82 feet to a point;
Thence turning and running N60° - 27' - 30" W by land now or formerly of Manuel C. & Lucille Braga a distance of 180.09 feet to the point of beginning;

Containing 4,224± square feet of land.

The above parcel of land is on a plan entitled "Roadway Acceptance Plan Sutherland Drive Somerset, Massachusetts Assessors Map E-4" prepared for Sutherland Properties, Inc 1044 GAR Highway, Swansea, MA 02777 prepared by InSite Engineering Services, LLC dated November 14, 2011.

**Drainage Easement Map E-4 LOT 114
Sutherland Drive, Somerset, Massachusetts**

A certain parcel of land situated in the Town of Somerset, Bristol County, Massachusetts, bounded and described as follows:

Beginning at a point at the northeasterly corner of the herein described premises;

Thence turning and running N73° - 34' - 14" W by land now or formerly of Gerald Carpenter, Jr. and Nevert Mazen a distance of 124.15 feet to a point in the easterly line of Sutherland Drive;
Thence turning and running southeasterly along Sutherland Drive and the arc of a curve (to the left) having a radius of 322.40' a distance of 24.51 feet;
Thence turning and running S73° - 34' - 14" E a distance of 90.65 feet to a point;
Thence turning and running N60° - 27' - 30" E a distance of 27.82 feet to the point of beginning;
Containing 2,152± square feet of land.

The above parcel of land is on a plan entitled "Roadway Acceptance Plan Sutherland Drive Somerset, Massachusetts Assessors Map E-4" prepared for Sutherland Properties, Inc 1044 GAR Highway, Swansea, MA 02777 prepared by InSite Engineering Services, LLC dated November 14, 2011

Motion made on the floor to waive the reading of Article 42 by the moderator. Vote: Unanimous in the affirmative. Motion made by Gary Simons and seconded that the Town vote to accept Article 42 as written. Vote: Unanimous in the affirmative

Article 43: To see if the Town will accept Sections 3 to 7, inclusive, of Chapter 44B of the General Laws, otherwise known as the Massachusetts Community Preservation Act, by approving a surcharge on real property for the purposes permitted by said Act, including the acquisition, creation and preservation of open space, the acquisition, preservation, rehabilitation and restoration of historic resources, the acquisition, creation and preservation of land for recreational use, the acquisition, creation, preservation

and support of community housing, and the rehabilitation and restoration of such open space, land for recreational use and community housing that is acquired or created as provided under said Act; to determine the amount of such surcharge on real property as a percentage of the annual real estate tax levy against real property and the fiscal year in which such surcharge shall commence; to determine whether the Town will accept any of the exemptions from such surcharge permitted under Section 3(e) of said Act; or to take any other action relative thereto.

Due to a conflict with this article, Moderator Lucia Casey steps down from presenting this article to the voting body. The Moderator requests that Mr. Richard Peirce (former Town Moderator) step in to present Article 43.

Motion made by Matthew Aspden and seconded that the Town vote to accept Sections 3 to 7, inclusive, of Chapter 44B of the General Laws, otherwise known as the Massachusetts Community Preservation Act, by approving a surcharge on real property for the purposes permitted by said Act, including the acquisition, creation and preservation of open space, the acquisition, preservation, rehabilitation and restoration of historic resources, the acquisition, creation and preservation of land for recreational use, the acquisition, creation, preservation and support of community housing, and the rehabilitation and restoration of such open space, land for recreational use and community housing that is acquired or created as provided under said Act; that the amount of such surcharge on real property shall be one percent (1%) of the annual real estate tax levy against real property commencing in fiscal year 2014; and that the Town hereby accepts the following exemptions from such surcharge permitted under Section 3(e) of said Act: property owned and occupied as a domicile by any person who qualifies for low income housing or low or moderate income senior housing in the Town, as defined in Section 2 of said Act, \$100,000 of the value of each taxable parcel of residential real property. There is discussion on the floor. Motion made on the floor and seconded to indefinitely postpone Article 43. Discussion. Vote: Nearly unanimous in the negative on the motion of indefinite postponement. Discussion. Motion made on the floor to move the question, seconded on the floor, motion carries. The moderator asks the voting body for a standing vote on the motion to accept Article 43.

Vote: Affirmative – 84, Negative – 17, Motion carries.

Moderator Lucia Casey returns to present the remainder of the articles.

Article 44: To see if the Town will vote to amend Table I (Wage & Salary Groups) of the Consolidated Personnel By-law adopted at the May 19, 1986, Annual Town Meeting, and subsequently amended through December 7, 2009, by substituting the following Table I for the presently existing Table I:

Grade 1:

Grade 2: C – Clerk Typist I
C – Records & Accounts Clerk I

Grade 3: C – Library Assistant I

Grade 4: C – Clerk Typist II
F – Custodian
C – Records & Accounts Clerk II
C – Police Records Clerk
C – Floater
C – Library Technical Assistant I
C – Payroll Clerk

Grade 5: F – Custodian/Supervisor
C – Library Assistant II
C – Water Pollution Control- Office Supervisor/Secretary
C – Tax Collector’s Office – Clerk Cashier & Technical Support Coordinator
C – Senior Accounting Clerk
C – Veterans Agent Office Supervisor
C – Water Dept – Billings & Accounts Clerk/Secretary to Superintendent
C – Senior Floater
C – Clerk Typist II – Permits/Board of Health Office

Grade 6: C – Assistant to Tax Collector
C – Assistant Town Clerk
C – Public Safety Secretary/EMS Billing Coordinator
C – Water Dept. - Office Manager/Secretary to Board
F – Water Dept. – Maintenance Operator
F – Water Dept – Shift Operator
F – Meter Reader/Cross Connection Operator

Grade 7: C – Assistant Town Accountant
C – Administrative Secretary to Town Administrator
C – Health Agent/Conservation Agent

- Grade 8: PPT – Coordinator –Council on Aging
 F – Veterans Services Officer
 C – Assistant Treasurer/Group Insurance Coordinator
 C – Reference Librarian
 C – Childrens Librarian
 C – Administrative Assistant/Assistant Budget Director
- Grade 9: PPT – Building Inspector/Zoning Agent
 C – Recreation Director
 F – Highway & Sanitation Foreman
 C – Public Health Nurse Administrator
 C – Assistant Assessor/Clerk to Board
 C – Assistant to the Town Administrator/Assistant Personnel Director/Assistant Procurement Officer
 F – Vehicle Maintenance Foreman
 F – Water Department – Chief Operator
 F – Water Department – Distribution Systems Foreman
 F – Water Pollution Control – Collections Systems Foreman
 F – Water Pollution Control – Maintenance Supervisor
- Grade 10:
- Grade 11: S – Library Director
 S – Water Pollution Control – Chief Operator
 PPT – GIS Coordinator
- Grade 12: C – Town Accountant
- Grade 13:
- Grade 14: S – Superintendent of Streets & Sanitation
 S – Water Pollution Control Superintendent
 S – Water Department – Superintendent & Plant Manager
- Grade 15:
- Grade 16:

Motion made on the floor and seconded to waive the reading of Article 44 by the Moderator. Vote: Unanimous in the affirmative. Motion made by Arastou Mahjoory to amend Article 44 by inserting under Grade 11 – Principal Assessor. There is discussion on the floor. Vote on amendment of Article 44: Nearly unanimous in the affirmative. Motion made by Arastou Mahjoory and seconded that the Town vote to accept Article 44 as written, recommended and amended. Vote: Nearly unanimous in the affirmative.

Article 45: To see if the Town will vote to amend the Table I (Wage & Salary Groups) of the Consolidated Personnel By-law adopted at the May 19, 1986, Annual Town Meeting, and subsequently amended, by inserting the following position under Grade 14: “F – Finance Director/Accountant”, or take any action relative thereto.

Motion made by Arastou Mahjoory and seconded to accept Article 45 as written and recommended. Vote: Nearly unanimous in the affirmative.

Article 46: To see if the Town will vote to amend the Watershed Protection District provisions of the Somerset Zoning By-law by deleting the existing section 9.1.4.c. (“Prohibited Uses”) and replacing it with the following, which adds new subsections 5 through 17 to the existing language, as required by the Department of Environmental Protection:

c. Prohibited Uses

1. Outdoor storage of the following substances: salt, snow melting chemicals, or hazardous substances such as pesticides, herbicides, and water soluble and volatile chemical compounds. This prohibition shall include, without limitation, outdoor storage or materials containing or coated with such chemicals susceptible to being carried into surface or groundwater;
2. Storage of radioactive waste;
3. Underground storage tanks. Such uses where lawfully existing, may be continued but may not be expanded or altered without a special permit from the Zoning Board of Appeals, acting as the SPGA with respect to alterations of non-conforming uses (see sections 6.3 and 7.6);
4. Any animal feed lot, pasture or confinement area, or storage of manure, or drainage of such areas within 25 feet of the seasonal high water line of all water bodies and courses within the Watershed Protection District.

In accordance with 310 CMR 22.20C (1), the siting of the following new land uses within the Watershed Protection District shall be prohibited:

5. Land uses described in 310 CMR 22.20B(2);
6. Facilities that, through their acts or processes, generate, treat, store or dispose of hazardous wastes that are subject to M.G.L. c. 21C and 310 CMR 30.000, except for the following:
 - a. Very small quantity generators, as defined by 310 CMR 30.000;
 - b. Treatment works approved by the Department of Environmental Protection designed in accordance with 314 CMR 5.00 for the treatment of contaminated ground or surface waters;
7. Sand and gravel excavation operations;
8. Uncovered or uncontained storage of fertilizers;
9. Uncovered or uncontained storage of road or parking lot de-icing and sanding materials;
10. Storage or disposal of snow or ice removed from highways and streets outside the Watershed Protection District that contains deicing chemicals;
11. Uncovered or uncontained storage of manure;
12. Junk and salvage operations;
13. Motor vehicle repair operations;
14. Cemeteries (human and animal) and mausoleums;
15. Solid waste combustion facilities or handling facilities as defined in 310 CMR 16.00;
16. Land uses that result in rendering impervious of more than 15%, or more than 20% with artificial recharge, or 2500 square feet of any lot, whichever is greater; and
17. Commercial outdoor washing of vehicles, commercial car washes.

Motion made on the floor and seconded to waive the reading of Article 46 by the Moderator.

Voted: unanimous in the affirmative

Motion made by Scott O'Brien and seconded that the Town vote to amend the Watershed Protection District provisions of the Somerset Zoning By-law as set forth in Article 46 and as recommended by the Planning Board. Vote: Unanimous in the affirmative.

Article 47: To see if the Town will vote amend the Zoning By-law of the Town of Somerset by adopting and adding thereto the following "Large-Scale Ground Mounted Solar Photovoltaic Installations By-law" as a new Section 11:

Section 11-LARGE-SCALE GROUND MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS

11.1 Purpose and Applicability

The purpose of this bylaw is to facilitate the creation of new Large-Scale Ground-Mounted Solar Photovoltaic Installations by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on environmental, scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such installations. The provisions set forth in this section shall apply to the construction, operation, repair, and/or removal of Large-Scale Ground-Mounted Solar Photovoltaic Installations greater than 250 kW on at least five (5) acres of land. Any installation qualifying as a Large-Scale Ground-Mounted Solar Photovoltaic Installation shall require Site Plan Review in accordance with Section 6.10 of the Zoning Bylaws of the Town of Somerset.

11.2 Definitions

Building Inspector:

The Inspector of Buildings charged with the enforcement of the zoning ordinance.

Building Permit:

A construction permit issued by the Building Inspector which provides evidence that the project is consistent with the state and federal building codes as well as local Zoning Bylaws, including those governing ground-mounted large-scale solar installations.

Designated Locations:

The locations designated by Town Meeting, in accordance with Massachusetts General Law chapter 40A, section 5, where ground-mounted large scale solar photovoltaic installations may be sited. Said locations are situated in the Large-Scale Ground-Mounted Solar Photovoltaic Overlay District, as hereinafter defined. The "underlying" districts are the Business District, Limited Business District, Industrial District, Light Industrial District and Residential District as shown on the Official Zoning Map, Town of Somerset, Massachusetts, adopted May 19, 2008.

Large-Scale Ground-Mounted Solar Photovoltaic Installation:

A solar system that is structurally mounted on the ground and is not roof-mounted, and has a minimum nameplate capacity greater than 250 kW and occupies at least five (5) acres of land.

On-Site Solar Installation:

A solar installation that is constructed at a location where other uses of the underlying property occur.

Rated Nameplate Capacity:

The maximum rated output of electric power production of the Electric system in Alternating Current (AC) or Direct Current (DC).

Site Plan Review:

Review by the Zoning Board of Appeals to determine conformance with Section 6.10 of the Zoning Bylaw.

Site Plan Review Authority:

For purposes of this bylaw, the Zoning Board of Appeals is the Site Plan Review Authority.

Solar Photovoltaic Array:

An arrangement of solar photovoltaic panels.

Zoning Enforcement Authority:

The Building Inspector is charged with enforcing the zoning ordinances or bylaws.

11.3 Overlay District

11.3.1 Establishment

The Large-Scale Ground-Mounted Solar Photovoltaic Installation Overlay District, hereinafter referred to as the “SPOD”, is an overlay district that is superimposed over the following underlying zoning districts as shown on the Official Zoning Map, Town of Somerset, Massachusetts, adopted May 19, 2008: Business District; Limited Business District; Industrial District; Light Industrial District; and, Residential District. As an overlay district, all rules of the underline district shall remain in full force and effect, except where the requirements of this section vary use or dimensional requirements otherwise set forth in the Zoning By-law, the terms and conditions of this section shall control.

11.3.2 Applicability

a. This section applies to Large-Scale Ground-Mounted Solar Photovoltaic Installations greater than 250 kW that occupy at least 5 acres of land proposed to be constructed in Somerset. This Section also pertains to physical modifications that materially alter the type, configuration, or size of these installations or related equipment. Such facilities located in the SPOD are subject to Site Plan Review and the Standards and Requirements contained herein. Site Plan Review will also be required if there are any physical modifications that materially alter the type, configuration, or size of these installations or related equipment.

b. Municipal facilities owned, operated by, or developed for and on behalf of the Town of Somerset are allowed as-of-right without Site Plan Review, but must meet the other requirements of this Section.

c. Smaller scale ground- or building-mounted solar electric installations which are an accessory structure to an existing residential or non-residential use do not need to comply with this Section, but require a building permit and must comply with the other provisions of Somerset’s Zoning Bylaws as applicable.

11.4 General Requirements for all Large-Scale Ground-Mounted Solar Photovoltaic Installations

The following requirements are common to all solar installations to be sited in designated locations:

11.4.1 Compliance with Laws, Ordinances and Regulations

The construction and operation of all Large-Scale Ground-Mounted Solar Photovoltaic Installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a solar installation shall be constructed in accordance with the State Building Code.

11.4.2 Building Permit and Building Inspection

No Large-Scale Ground-Mounted Solar Photovoltaic Installation shall be constructed, installed or modified as provided in this section without first obtaining a building permit.

11.4.3 Fees

An application for review hereunder by the Zoning Board of Appeals shall be accompanied by the fee required for Planned Development Review. Also, the application for Building Permit shall be accompanied by the applicable fee required for such permit.

11.5 Site Plan Review

Large-Scale Ground-Mounted Solar Photovoltaic Installations shall undergo Site Plan Review in accordance herewith by the Zoning Board of Appeals prior to construction, installation or modification as provided in this Section and shall also meet the requirements of this section. Municipal facilities are not subject to Site Plan Review, but must meet other requirements of this Section including but not limited to the Design and Performance Standards.

11.5.1 General

All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts.

11.5.2 Required Documents

The project applicant shall provide the following documents in addition to or in coordination with those required for Site Plan Review.

a. Site Plan. The Site Plan must include the following:

- (i) Property lines and physical features, including roads and topography, for the project site;
- (ii) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures including their height;
- (iii) Locations of wetlands, Priority Habitat Areas defined by the Natural Heritage & Endangered Species Program (NHESP);
- (iv) Locations of Floodplains or inundation areas for moderate or high hazard dams;
- (v) Locations of Priority Heritage Landscapes and local or National Historic Districts;
- (vi) A list of any hazardous materials proposed to be located on the site in excess of household quantities and a plan to prevent their release to the environment as appropriate;
- (vii) Blueprints or drawings of the solar installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures;
- (viii) One or three line electrical diagram detailing the solar installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over current devices.
- (ix) Documentation of the major system components to be used, including the electric generating components, transmission systems, mounting system, inverter, etc.;
- (x) Name, address, and contact information for proposed system installer;
- (xi) Name, address, phone number and signature of the project applicant, as well as all co-applicants or property owners, if any;
- (xii) The name, contact information and signature of any agents representing the project applicant;
- (xiii) Fire protection measures;
- (xiv) Storm drainage, including means of ultimate disposal and calculations;
- (xv) Existing trees 10" caliper or better and existing tree/shrub masses; proposed planting, landscaping, and screening.

b. Site Control. The project applicant shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar installation.

c. Operation and Maintenance Plan. The project applicant shall submit a plan for the operation and maintenance of the Large-Scale Ground-Mounted Solar Photovoltaic Installation, which shall include measures for maintaining safe access to the installation, stormwater management (consistent with DEP's Stormwater Regulations and the Town of Somerset's Stormwater Regulations) and vegetation controls, as well as general procedures for operational maintenance of the installation.

d. Zoning. Zoning District designation for the parcel(s) of land comprising the project site.

e. Insurance. The project applicant shall provide proof of liability insurance.

f. Financial Surety. Description of financial surety that satisfies Section 11.11.3.

11.6 Utility Notification

No Large-Scale Ground-Mounted Solar Photovoltaic Installation shall be constructed until evidence has been given to the Zoning Board of Appeals that the utility company that operates the electrical grid where the installation is to be located has been informed of the solar installation owner or operator's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

11.7 Dimensional Requirements

11.7.1 Setbacks

For Large-Scale Ground-Mounted Solar Photovoltaic Installations, front, side and rear setbacks shall be as follows:

a. Front yard: The front yard depth shall be at least 50 feet.

b. Side yard: Each side yard shall have a depth of at least 50 feet; provided, however, that where the lot abuts or is in a Residential district, the side yard shall not be less than 75 feet.

c. Rear yard: The rear yard depth shall not be less than 50 feet; provided, however, that where the lot

abuts or is in a Residential district, the rear yard shall not be less than 75 feet.

Every abutting property shall be visually screened from the project through any one or combination of the following: location; distance; plantings; existing vegetation; and/or fencing. Said screening is not required to exceed 6 feet in height and the Applicant shall demonstrate that the proposal provides visual screening.

11.7.2 Appurtenant Structures

All structures appurtenant to Large-Scale Ground-Mounted Solar Photovoltaic Installations shall be subject to reasonable regulations adopted by the Zoning Board after a public hearing concerning the bulk and height of structures, lot area, parking and building coverage requirements. All such appurtenant structures, including but not limited to equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be screened from view by vegetation and/or joined or clustered to avoid adverse visual impacts.

11.8 Design and Performance Standards

11.8.1 Lighting

Lighting of Large-Scale Ground-Mounted Solar Installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be shielded from abutting properties. Lighting of the Large-Scale Ground-Mounted Solar Photovoltaic Installations shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

11.8.2 Signage

Signs on Large-Scale Ground-Mounted Solar Photovoltaic Installations shall comply with Section 6.5 of the Zoning Bylaws. A sign consistent with the Town's sign bylaw shall be required to identify the owner and provide a 24-hour emergency contact phone number. Large-Scale Ground-Mounted Solar Photovoltaic Installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar installation.

11.8.3 Utility Connections

Electrical transformers or other utility interconnections shall be constructed as required by the utility provider and may be above ground only if necessary. Reasonable efforts shall be made to place all utility connections from the Large-Scale Ground-Mounted Solar Photovoltaic Installation underground (if feasible), depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider.

11.8.4 Roads

Access roads shall be constructed to minimize grading, removal of stone walls or trees and to minimize impacts to environmental or historic resources.

11.8.5 Control of Vegetation

Herbicides may not be used to control vegetation at the Large-Scale Ground-Mounted Solar Photovoltaic Installation. Mowing or the use of pervious pavers or geotextile materials underneath the solar array is a possible alternative.

11.8.6 Hazardous Materials

Hazardous materials stored, used, or generated on site shall not exceed the amount for a Very Small Quantity Generator of Hazardous Waste as defined by the DEP pursuant to Mass DEP regulations 310 CMR 30.000 and shall meet all requirements of the DEP including storage of hazardous materials in a building with an impervious floor that is not adjacent to any floor drains to prevent discharge to the outdoor environment. If hazardous materials are utilized within the solar equipment then impervious containment areas capable of controlling any release to the environment and to prevent potential contamination of groundwater are required.

11.9 Safety and Environmental Standards

11.9.1 Emergency Services

The Large-Scale Ground-Mounted Solar Photovoltaic Installation owner or operator shall provide a copy of the project summary, electrical schematic, and Site Plan to the Fire Chief and Police Chief. Upon request of the Fire Chief or Police Chief the owner or operator shall cooperate with local emergency services in developing an emergency response plan including the training of any municipal first responders. All means of shutting down the Large-Scale Ground-Mounted Solar Photovoltaic Installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

11.9.2 Land Clearing, Soil Erosion and Habitat Impacts

Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the Large-Scale Ground-Mounted Solar Photovoltaic Installation or as otherwise

prescribed by applicable laws, regulations, and bylaws.

11.10 Monitoring, Maintenance and Reporting

11.10.1 Solar Installation Conditions

The Large-Scale Ground-Mounted Solar Photovoltaic Installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and ensuring the integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Police Chief. The owner or operator shall be responsible for the cost of maintaining the solar installation and any access road(s), unless accepted as a public way.

11.10.2 Modifications

All material modifications to a Large-Scale Ground-Mounted Solar Photovoltaic Installation made after issuance of the required building permit shall require approval by the Zoning Board of Appeals.

11.10.3 Annual Reporting

The owner or operator of the installation shall submit an Annual Report on the anniversary date of the issuance of the Building Permit demonstrating and certifying compliance with the submissions hereunder as approved or modified by the Zoning Board of Appeals and the requirements of the Zoning Bylaw. The annual report shall also provide information on the maintenance completed during the course of the year and the amount of electricity generated by the facility. The report shall be submitted to the Zoning Board of Appeals, Fire Chief, Police Chief and Building Inspector.

11.11 Abandonment or Decommissioning

11.11.1 Removal Requirements

Any Large-Scale Ground-Mounted Solar Photovoltaic Installation which has reached the end of its useful life or has been abandoned consistent with Section 11.11.2 shall be removed. The owner or operator shall physically remove the installation no more than 180 days after the date of discontinued operations. The owner or operator shall notify the Zoning Board of Appeals by certified mail of the proposed date of discontinued operations and plans for removal.

Decommissioning shall consist of:

- a. Physical removal of all Large-Scale Ground-Mounted Solar Photovoltaic Installations, structures, equipment, security barriers and transmission lines from the site.
- b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- c. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Site Plan Review Authority may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

11.11.2 Abandonment

Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the Large-Scale Ground-Mounted Solar Photovoltaic Installation shall be considered abandoned when it fails to operate for more than one year without the written consent of the Zoning Board of Appeals. If the owner or operator of the Large-Scale Ground-Mounted Solar Photovoltaic Installation fails to remove the installation in accordance with the requirements of this section within 180 days of abandonment or the proposed date of decommissioning, the town may enter the property and physically remove the installation at the owner's expense.

11.11.3 Financial Surety

Proponents of Large-Scale Ground-Mounted Solar Photovoltaic projects shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the town must remove the installation and remediate the landscape, in an amount and form determined to be reasonable to the Site Plan Review Authority, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent. Such surety will not be required for municipally- or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

Motion made on the floor and seconded to waive the reading of Article 47 by the Moderator. Vote: Unanimous in the affirmative.

Motion made by James O'Rourke and seconded on the floor to accept article 47 as written and recommended by the Planning Board, to amend the Zoning By-law of the Town of Somerset by adding as a new Section 11 thereto the "Large Scale Ground Mounted Solar Photovoltaic Installations". (This article requires a 2/3 vote.) Vote: Unanimous in the affirmative.

Article 48: "To see if the town will vote to petition Congress to approve US HJ Res. 88 introduced by Hon. James McGovern, D-MA. This legislation begins the process of amending the Constitution

of the United States of America. If passed and ratified, the amendment would end the legal status of corporations as persons, and stop the current practice of unlimited independent congressional campaign funding with money that comes from undisclosed sources.

HJ RES. 88

Section 1. We the people who ordain and establish this Constitution intend the rights protected by this Constitution to be the rights of natural persons.

Section 2. The words people, person, or citizen as used in this Constitution do not include corporations, limited liability companies or other corporate entities established by the laws of any State, the United States, or any foreign state, and such corporate entities are subject to such regulation as the people, through their elected State and Federal representatives, deem reasonable and are otherwise consistent with the powers of Congress and the States under this Constitution.

Section 3. Nothing contained herein shall be construed to limit the people's rights of freedom of speech, freedom of the press, free exercise of religion, freedom of association and all such other rights of the people, which rights are inalienable." (as petitioned)

Motion made on the floor and seconded to waive the reading of Article 48 by the Moderator. Vote: Unanimous in the affirmative. Motion made by Shirley Dennison and seconded on the floor to accept Article 48 as written. Vote: Unanimous in the affirmative.

Motion made on the floor and seconded to adjourn the Annual Town Meeting of the Town of Somerset at 9:50 p.m. Vote: Unanimous in the affirmative.

Attendance: 160

A true copy attest:

Dolores Berge, Town Clerk