

**ANNUAL TOWN MEETING
ARTICLES OF WARRANT
MAY 16, 2011**

The Annual Town Meeting was called to order at 7:21 p.m. by the Moderator Lucia M. Casey

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 9, 2011.

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

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.

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

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 and seconded to accept Articles 1 through 5 as written and recommended. Voted 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 2012 COMPENSATION PLAN**

GRADES	STEPS						
	1	2	3	4	5	6	7
M1	428.37	445.48	463.89	481.76	501.03	521.19	541.97
M2	466.92	485.56	504.99	525.17	546.18	568.01	590.71
M3	508.93	529.24	550.42	572.43	595.97	619.12	642.85
M4	554.73	576.91	599.96	623.93	648.89	674.85	701.85
M5	604.63	628.78	653.91	680.05	707.19	735.52	764.89
M6	659.02	685.41	712.74	741.20	770.89	801.71	833.77
M7	718.26	747.10	776.96	808.04	840.35	873.89	908.83
M8	782.98	814.08	846.83	880.72	915.93	952.55	990.21
M9	853.50	887.65	923.09	960.05	998.40	1038.35	1079.88
M10	930.29	967.53	1006.15	1046.34	1088.19	1131.70	1176.99
M11	1014.06	1054.59	1096.69	1140.58	1186.18	1233.65	1282.94
M12	1105.23	1149.47	1195.37	1243.21	1292.93	1344.63	1398.36
M13	1204.77	1248.46	1303.05	1355.13	1409.31	1465.67	1524.28
M14	1279.87	1331.06	1384.31	1439.68	1497.27	1557.15	1619.44
M15	1431.39	1488.61	1548.14	1610.00	1674.42	1741.33	1810.93
M16	1560.20	1622.57	1687.47	1754.95	1825.11	1898.12	1973.95

Motion made and seconded that the Town so vote to accept Article 6 as written and recommended. Voted 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, 2011, 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	\$51,762.00
Tax Collector	\$48,920.00
Town Clerk	\$48,920.00
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 and seconded that the Town so vote to accept Article 7 as written and recommended. Voted 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, 2011, as follows:

A. GENERAL BUDGET

APPROPRIATION	PERSONAL SERVICES	EXPENSES	TOTAL APPROPRIATION
113 Town Meeting	\$400.00	\$2,300.00	\$2,700.00
114 Town Moderator	\$400.00	\$0.00	\$400.00
122 Selectmen	\$117,087.00	\$2,875.00	\$119,962.00
123 Town Administrator	\$105,053.00	\$1,519.00	\$106,572.00
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	\$158,528.00	\$3,785.00	\$162,313.00
136 Annual Audit	\$0.00	\$37,500.00	\$37,500.00
137 Computer	\$0.00	\$57,997.00	\$57,997.00
141 Assessors	\$104,143.00	\$9,500.00	\$113,643.00
143 Tax Foreclosure	\$0.00	\$3,200.00	\$3,200.00
145 Town Treasurer	\$140,425.00	\$41,838.00	\$182,263.00
146 Tax Collector	\$93,226.00	\$19,675.00	\$112,901.00
151 Law Department	\$0.00	\$200,000.00	\$200,000.00
161 Town Clerk	\$93,637.00	\$1,900.00	\$95,537.00
162 Elec. & Regr.	\$3,500.00	\$22,400.00	\$25,900.00
171 Conservation Comm	\$27,485.00	\$1,560.00	\$29,045.00
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	\$863.00	\$2,263.00
192 Town Office	\$113,750.00	\$47,112.00	\$160,862.00
193 Town Hall	\$0.00	\$4,900.00	\$4,900.00
195 Town Reports	\$0.00	\$3,500.00	\$3,500.00
198 Insurance	\$0.00	3,027,251.00	3,027,251.00
199 FICA	\$0.00	\$375,000.00	\$375,000.00
205 Fire/Police Station	\$32,445.00	\$100,952.00	\$133,397.00
210 Police Department	\$2,369,155.00	\$179,912.00	\$2,549,067.00
215 E-911 Dispatch	\$342,954.00	\$6,369.00	\$349,323.00
220 Fire Department	\$1,539,406.00	\$81,300.00	\$1,620,706.00
241 Bldg. Insp./Zoning Agent	\$60,752.00	\$1,725.00	\$62,477.00
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	\$37,900.00	\$37,900.00
294 Tree Warden	\$500.00	\$11,065.00	\$11,565.00
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	\$746,264.00	\$43,080.00	\$789,344.00
423 Snow Removal	\$42,000.00	\$52,800.00	\$94,800.00
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	\$842,316.00	\$776,003.00	\$1,618,319.00
480 Vehicle Maint. Facility	\$105,652.00	\$333,670.00	\$439,322.00

510 Board of Health	\$47,786.00	\$1,500.00	\$49,286.00
522 Town Nurse	49,141.00	\$475.00	\$49,616.00
541 Council on Aging	\$80,610.00	\$5,715.00	\$86,325.00
542 Youth Organizations	\$1,000.00	\$0.00	\$1,000.00
543 Veterans Benefits	\$46,766.00	\$216,150.00	\$262,916.00
544 Graves Registration	\$425.00	\$1,300.00	\$1,725.00
610 Libraries	\$423,340.00	\$133,264.00	\$556,604.00
630 Playground & Rec.	\$58,236.00	\$5,115.00	\$63,351.00
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	\$63,650.00	\$63,650.00
710 Maturing Debt	\$0.00	\$865,063.00	\$865,063.00
753 Interest Appropriation	\$0.00	\$322,505.00	\$322,505.00
832 Contributory Retirement	\$0.00	\$2,343,247.00	\$2,343,247.00
TOTAL GENERAL GOVT.	\$7,803,657.00	\$9,762,926.00	\$17,566,583.00

	APPROVED FY 2011	PROPOSED FY 2012	INCREASE/ DECREASE
Personal Services	\$7,753,989.00	\$7,803,657.00	\$49,668.00
Operating Expenses	\$3,099,902.00	\$3,204,860.00	\$104,958.00
Fixed Expenses	\$11,488,341.00	\$6,558,066.00	(\$4,930,275.00)
TOTALS:	\$22,342,232.00	\$17,566,583.00	(\$4,775,649.00)

Motion made and seconded that the Town vote to amend line item 198 to adjust expenses from \$3,027,251.00 to \$6,809,817.00 and total appropriation to \$6,809,817.00. Discussion. Motion made and seconded to move the question. Voted by majority as declared by the moderator to move the question. Vote on motion to amend carries by standing vote: 216 in the affirmative, 51 in the negative.

Motion made and seconded that the Town vote to amend line item 199 to adjust expenses from \$375,000.00 to \$565,000.00 and total appropriation to \$565,000.00. Voted in the affirmative by majority vote as declared by the Moderator.

Motion made and seconded that the Town vote to amend line item 710 to adjust expenses from \$865,063.00 to \$1,115,063.00 and total appropriation to \$1,115,063.00. Voted in the affirmative by majority vote as declared by the Moderator.

Motion made and seconded that the Town vote to amend line item 753 to adjust expenses from \$322,505.00 to \$375,193.00 and total appropriation to \$375,193.00. Voted in the affirmative by majority vote as declared by the Moderator.

Motion made and seconded that the Town vote to amend line item 832 to adjust expenses from \$2,343,247.00 to \$2,943,247.00 and total appropriation to \$2,943,247.00. Voted in the affirmative by majority vote as declared by the Moderator.

Motion made and seconded that the Town vote to amend line item 610 to adjust Personal Services from \$423,340.00 to \$429,850.00 and total appropriation to \$563,114.00 for the purposes of funding Library open to the public hours on Sundays from to November to April. Voted nearly unanimous in the affirmative.

Motion made and seconded that the Town vote to accept Article 8A as amended and that the sum of \$22,448,347.00 for the purposes of Article 8A of the Annual Town Meeting Warrant of May 16, 2011. The Advisory and Finance Committee recommends that the amount of \$800,000.00 be transferred from Undesignated Surplus, the amount of \$9,030.00 be transferred from the Municipal Waterways Improvement and Maintenance Fund, and the amount of \$21,639,317.00 be raised by taxation for the purposes of Article 8A. Voted nearly unanimous in the affirmative to accept Article 8A as motioned and monies raised as recommended by the Advisory & Finance Committee.

**APPROPRIATION
8B: School Department**

PERSONAL SERVICES	OPERATING EXPENSES	FIXED EXPENSES	TOTAL APPROPRIATION
\$12,257,590.00	\$5,583,928.00	4,950,254.00	\$22,791,772.00

Motion made and seconded that the Town vote to amend fixed expenses to \$0 and total appropriation to \$17,841,518.00. Voted by majority vote in the affirmative as declared by the Moderator.

Motion made and seconded that the Town vote to accept Article 8B as amended and the sum of \$17,841,518.00 for purposes of Article 8B of the Annual Town Meeting Warrant of May 16, 2011 Voted by majority vote in the affirmative as declared by the Moderator. Motion made and seconded that the amount of \$17,841,518.00 be raised by Taxation for the purpose of Article 8B as recommended by the Advisory & Finance Committee. Voted by majority in the affirmative.

Motion made and seconded to revisit the school department budget. Motion fails by majority vote.

APPROPRIATION
8C: Water Department

PERSONAL SERVICES	OPERATING EXPENSES	TOTAL APPROPRIATION
\$ 846,502.00	\$ 2,598,899.00	\$ 3,445,401.00

Motion made and seconded that the Town vote to accept Article 8C and the sum of \$3,445,401.00 for purposes of Article 8C of the Annual Town Meeting Warrant of May 16, 2011, and that said sum be raised as follows: \$3,360,401.00 from Water Enterprise Receipts, and \$85,000.00 from Retained Earnings in the Water Enterprise Fund. Voted unanimous in the affirmative.

Motion made and seconded not to revisit Article 8A, 8B, & 8C. Voted nearly 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 and seconded to accept Article 9 as written and recommended and that the sum of \$200,000.00 for purposes of Article 9 of the Annual Town Meeting Warrant of May 16, 2011, be raised by taxation. Voted 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 and seconded that the Town vote to accept Article 10 as written and recommended and the sum of \$8,100.00 for purposes of Article 10 of the Annual Town Meeting Warrant of May 16, 2011, be raised by taxation. Voted unanimous in the affirmative.

Motion made and seconded that the Town vote to move Articles 26 and 27 to be heard out of order. Voted nearly unanimous in the affirmative.

Article 26: To see if the Town of Somerset will vote to approve the establishment by the Somerset Berkley Regional School District of a Stabilization Fund in accordance with M.G.L. chapter 71, section 16G1/2.

Motion made and seconded that the Town vote to accept Article 26 as written and recommended by the Advisory & Finance Committee . Voted unanimous in the affirmative.

Article 27: To see if the Town will vote pursuant to M.G.L. chapter 71, section 52, to compensate the elected members of the Somerset Berkley Regional School Committee for serving on the Committee in the amount of \$1,500.00 per year.

Motion made and seconded that the Town vote to accept Article 27 as written and recommended by the Advisory & Finance Committee. Motion made and seconded to amend Article 27 to read “in the amount of \$0 per year”. Discussion. Voted to defeat amendment of Article 27 by majority vote as declared by the Moderator. Motion made to move the question. Vote on motion to accept Article 27 nearly 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 and seconded that the Town vote to accept Article 11 as written and recommended and that sum of \$9,028,449.00 for purposes of Article 11 of the Annual Town Meeting Warrant of May 16, 2011, be raised by taxation. Voted nearly 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 and seconded that the Town vote to accept Article 12 and that the sum of \$1,270,813.00 for purposes of Article 12 of the Annual Town Meeting Warrant of May 16, 2011, be raised by taxation. Motion made and seconded that the total amount of this article be increased by \$1,500 for an annual stipend for the elected representative to the Diman Regional Vocational Technical High School Board. Discussion. Motion withdrawn. Voted 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.

Motion made and seconded that the Town vote to accept Article 13 and that the sum of \$16,170.00 for purposes of Article 13 of the Annual Town Meeting Warrant of May 16, 2011, sum be raised by taxation. Voted unanimous in the affirmative.

Article 14: 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 2012 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 and seconded that the Town vote to accept Article 14 as written and recommended. Voted unanimous in the affirmative.

Article 15: 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 and seconded that the Town vote to accept Article 15 as written and recommended and that the sum of \$600,000.00 for purposes of Article 15 of the Annual Town Meeting Warrant of May 16, 2011, raised by Fire Department Emergency Medical Services offset receipts. Discussion. Motion made and seconded to move the question. Voted unanimous in the affirmative. Vote on motion to accept unanimous in the affirmative.

Article 16: 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 and seconded that the Town vote to accept Article 16 and that the sum of \$1,220,000.00 for purposes of Article 16 of the Annual Town Meeting Warrant of May 16, 2011, be raised as follows: \$555,000.00 from taxation, and \$665,000.00 from offset receipts. Voted unanimous in the affirmative.

Article 17: 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 2012 not to exceed \$45,000.00 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 and seconded that the Town vote to accept Article 17 as written and recommended. Voted unanimous in the affirmative.

Article 18: 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 2012 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 and seconded that the Town vote to accept Article 18 as written and recommended. Voted unanimous in the affirmative.

Article 19: To see if the Town will vote to authorize the Board of Selectmen, pursuant to M.G.L. chapter 44, section 53E1/2, to continue the revolving fund for the **Somerset Police Department**, such fund to be used to collect and disburse funds in connection with the conducting of employment examinations, to provide further that all fees and charges paid in connection with the examinations 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 2012 not to exceed \$10,000.00 to be used for the costs of purchasing and conducting said examinations, and for any purposes incidental thereto.

Motion made and seconded that the Town vote to accept Article 19 as written and recommended. Voted 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 2012 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 and seconded that the Town vote to accept Article 20 as written and recommended.

Voted unanimous in the affirmative.

Article 21: To see if the Town will vote to authorize the Board of Selectmen to establish, pursuant to the provisions of M.G.L. chapter 44, section 53E-1/2, a 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 2012 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 and seconded that the Town vote to accept Article 21 as written and recommended.

Voted 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 and seconded that the Town vote to accept Article 22 as written and recommended.

Voted 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 and seconded that the Town vote to accept Article 23 as written and recommended.

Voted 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 and seconded that the Town vote to accept Article 24 as written and recommended.

Voted 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 2012, or take any other action relative thereto.

Motion made and seconded that the Town vote to accept Article 25 as written and recommended.

Voted unanimous in the affirmative.

Article 26 and 27 acted on after Article 10

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 data collection on commercial, residential and personal property and review of all accounts in the Town of Somerset, as required to satisfy the Commonwealth of Massachusetts Department of Revenue re-certification requirements, and for any purposes incidental thereto.

Motion made and seconded that the Town vote to accept Article 28 as written and recommended and that the sum of \$250,000.00 for the purposes of Article 28 of the Annual Town Meeting of May 16, 2011, be raised by Taxations. Voted 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 hiring qualified consulting, expert and legal services to assist the Town on issues relating to valuation and taxation of current and former electric generating facilities.

Motion made and seconded that the Town vote to accept Article 29 as written and recommended and that the sum of \$50,000.00 for purposes of Article 29 of the Annual Town Meeting Warrant of May 16, 2011, be raised by taxation. Voted 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 and equipping a new Three Wheel Street Sweeper for the Highway Department, or take any action relative thereto.

Motion made and seconded that the Town vote to accept Article 30 as written and recommended and that the sum of \$164,120.00 for purposes of Article 30 of the Annual Town Meeting Warrant of May 16, 2011, be transferred from undesignated surplus.

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 a new walk-behind mower for the Highway Department, or take any action relative thereto.

Motion made and seconded that the Town vote to accept Article 31 as written and recommended and that the sum of \$5,950.00 for purposes of Article 31 of the Annual Town Meeting Warrant of May 16, 2011, be transferred from the Cemetery Trust Fund.

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 purchasing and equipping a new car for the Fire Chief, or take any action relative thereto.

Motion made and seconded that the Town vote to accept Article 32 as written and recommended and that the sum of \$30,000.00 for purposes of Article 32 of the Annual Town Meeting Warrant of May 16, 2011, be transferred from undesignated surplus.

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 purchasing and equipping two (2) new marked police cruisers, or take any action relative thereto.

Motion made and seconded that the Town vote to accept Article 33 and that the sum of \$64,000.00 for the purposes of Article 34 of the Annual Town Meeting of May 16, 2011, and that said sum be transferred and raised as follows: by transferring \$1,017.10 from Acct. #01-210-426-5880 (Article 29 of the May 2005 Annual Town Meeting), \$2,419.25 from Acct. #01-210-428-5880 (Article 29 of the May 2007 Annual Town Meeting), \$426.00 from Acct. #01-210-429-5880 (Article 23 of the May 2008 Annual Town Meeting), \$12,516.00 from Acct. #29-3560-669 (Insurance Reimbursement-Town), and \$47,621.65 from Undesignated Surplus. Voted nearly 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 purchasing three (3) new computers for the Police Department, or take any action relative thereto.

Motion made and seconded that the Town vote to accept Article 34 and to appropriate the sum of \$3,600.00 for the purposes of Article 34 of the Annual Town Meeting Warrant of May 16, 2011, and that said sum be transferred from Undesignated Surplus. Voted unanimous 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 purchasing and equipping a new ½ ton pick-up truck for the Water Pollution Control Department, or take any action relative thereto.

Motion made and seconded that the Town vote to accept Article 35 and that the sum of \$20,000.00 for purposes of Article 35 of the Annual Town Meeting Warrant of May 16, 2011, be transferred from undesignated surplus. Voted unanimous in the affirmative.

Article 36: To see if the Town will vote to appropriate \$232,000 for the purpose of design and replacement of the Middle School fire alarm system; and to determine how said sum shall be raised and appropriated or be transferred from the available funds in the Treasury.

Motion made and seconded to amend Article 36 that Town vote to appropriate the sum of \$335,000.00 for purposes of the design and replacement of the Middle School fire alarm system; and to transfer \$109,524.00 from the School Department Insurance Revolving Fund, and raise \$225,476.00 by taxation. Discussion. Voted by majority in the affirmative to amend. Motion made and seconded to accept Article 36 as amended. Voted nearly unanimous in the affirmative.

Article 37: To see if the Town will vote to accept the provisions of Massachusetts General Laws chapter 200A, section 9A, as most recently amended, which allow for the Town Treasurer to presume abandoned any funds held in the custody of the Town unless claimed within one (1) year after the date prescribed for payment or delivery, provided that the last instrument intended as payment shall bear upon its face the statement "void if not cashed within 1 year from date of issue", said provisions reading in their entirety as follows:

Section 9A. (a) In any city, town or district that accepts this section in the manner provided in section 4 of chapter 4, there shall be

an alternative procedure for disposing of abandoned funds held in the custody of the city, town or district as provided in this section.

(b) Any funds held in the custody of a city, town or district may be presumed by the city, town or district treasurer to be abandoned unless claimed by the corporation, organization, beneficiary or person entitled thereto within 1 year after the date prescribed for payment or delivery; provided, however, that the last instrument intended as payment shall bear upon its face the statement "void if not cashed within 1 year from date of issue". After the expiration of 1 year after the date of issue, the treasurer of a city, town or district may cause the financial institution upon which the instrument was drawn to stop payment on the instrument or otherwise cause the financial institution to decline payment on the instrument and any claims made beyond that date shall only be paid by the city, town or district through the issuance of a new instrument. The city, town or district and the financial institution shall not be liable for damages, consequential or otherwise, resulting from a refusal to honor an instrument of a city, town or district submitted for payment more than a year after its issuance.

(c) The treasurer of a city, town or district holding funds owed to a corporation, organization, beneficiary or person entitled thereto that are presumed to be abandoned under this section shall post a notice entitled "Notice of names of persons appearing to be owners of funds held by (insert city, town or district name), and deemed abandoned". The notice shall specify the names of those persons who appear from available information to be entitled to such funds, shall provide a description of the appropriate method for claiming the funds and shall state a deadline for those funds to be claimed; provided, however, that the deadline shall not be less than 60 days after the date the notice was either postmarked or first posted on a website as provided in this section. The treasurer of the city, town or district may post such notice using either of the following methods: (1) by mailing the notice by first class mail, postage prepaid, to the last known address of the beneficiary or person entitled thereto; or (2) if the city, town or district maintains an official website, by posting the notice conspicuously on the website for not less than 60 days. If the apparent owner fails to respond within 60 days after the mailing or posting of the notice, the treasurer shall cause a notice of the check to be published in a newspaper of general circulation, printed in English, in the county in which the city or town is located.

(d) In the event that funds appearing to be owed to a corporation, organization, beneficiary or person is \$100 or more and the deadline as provided in the notice has passed and no claim for the funds has been made, the treasurer shall cause an additional notice, in substantially the same form as aforementioned notice, to be published in a newspaper of general circulation in the county in which the city, town or district is located; provided, however, that the notice shall provide an extended deadline beyond which funds shall not be claimed and such deadline shall be at least 1 year from the date of publication of the notice.

(e) Once the final deadline has passed under subsection (d), the funds owed to the corporation, organization, beneficiary or person entitled thereto shall escheat to the city, town or district and the treasurer thereof shall record the funds as revenue in the General Fund of the city, town or district and the city, town or district shall be not be liable to the corporation, organization, beneficiary or person for payment of those funds or for the underlying liability for which the funds were originally intended. Upon escheat, the funds shall be available to the city, town or district's appropriating authority for appropriation for any other public purpose. In addition to the notices required in this section, the treasurer of the city, town or district may initiate any other notices or communications that are directed in good faith toward making final disbursement of the funds to the corporation, organization, beneficiary or person entitled thereto.

Prior to escheat of the funds, the treasurer of the city, town or district shall hear all claims on funds that may arise and if it is clear, based on a preponderance of the evidence available to the treasurer at the time the claim is made, that the claimant is entitled to disbursement of the funds, the treasurer shall disburse funds to the claimant upon receipt by the treasurer of a written indemnification agreement from the claimant wherein the claimant agrees to hold the city, town or district and the treasurer of the city, town or district harmless in the event it is later determined that the claimant was not entitled to receipt of the funds. If it is not clear, based on a preponderance of the evidence before the treasurer at the time of the claim that the claimant is entitled to disbursement of the funds, the treasurer shall segregate the funds into a separate, interest-bearing account and shall notify the claimant of such action within 10 days. A claimant affected by this action may appeal within 20 days after receiving notice thereof to the district, municipal or superior court in the county in which the city, town or district is located. The claimant shall have a trial de novo. A party adversely affected by a decree or order of the district, municipal or superior court may appeal to the appeals court or the supreme judicial court within 20 days from the date of the decree.

If the validity of the claim shall be determined in favor of the claimant or another party, the treasurer shall disburse funds in accordance with the order of the court, including interest accrued. If the validity of the claim is determined to be not in favor of the claimant or another party or if the treasurer does not receive notice that an appeal has been filed within 1 year from the date the claimant was notified that funds were being withheld, then the funds, plus accrued interest, shall escheat to the city, town or district in the manner provided in this section.

If the claimant is domiciled in another state or country and the city, town or district determines that there is no reasonable assurance that the claimant will actually receive the payment provided for in this section in substantially full value, the superior court, in its discretion or upon a petition by the city, town or district, may order that the city, town or district retain the funds.

Motion made and seconded to waive the reading of Article 37 by the moderator. Voted unanimous in the affirmative.

Motion made and seconded that the Town vote to accept Article 37 as written and recommended. Voted unanimous in the affirmative.

Article 38: "To see if the Town will vote to amend Section 4.2.6(h) the Zoning Bylaws, Electric Generating Plant, by striking the word "Yes" and substituting thereof the word "No" provided however that this provision shall not affect any existing Electric Generating Plant which is in operation and has all permits and approvals required for legal operation as of May 1, 2011; and further provided that this provision shall not affect any solar, wind, or anaerobic digestion facility used to generate energy; and provided further that the Zoning Bylaws shall be amended in Section 6.9, Prohibited Uses, by inserting the following new paragraph:

No building, structure, or lot shall be used for a biomass, gasification, or plasma gasification electric generating facility, or other biomass, gasification, or plasma gasification facility not used to generate electricity, including but not limited to electric generating facilities or other facilities which utilize biomass power conversion technologies such as direct-firing, co-firing, gasification, plasma gasification, or other methods of combustion or cogeneration, using coal, syngas, and/or biomass fuels including but not limited to wood, stump grindings, paper cubes, brush, stumps, lumber ends and trimmings, wood pallets, bark, wood chips, shavings, slash and other wood; agricultural waste, food material and vegetative material or other organic-derived such as biogas or biodiesel; but not including wood stoves, boilers, or other equipment or facilities which burn wood for the heating of homes or businesses located in the Town; and further not

including any solid waste facility as defined in Massachusetts General Laws chapter 111 section 150A which is located in a locus zoned for industrial use.; or take any action relative thereto.”, as petitioned.

Motion made and seconded that the Town vote to accept Article 38 of the Annual Town Meeting Warrant of May 16, 2011. Discussion. Motion made to move the question. Voted in the affirmative by majority. Vote on motion to approve: (required 2/3 majority vote) 82 in the affirmative, 82 in the negative. Motion fails.

Motion made and seconded not to revisit Article 38. Voted unanimous in the affirmative.

Article 39: “To see if the Town will vote to rezone the parcel shown as Lot 202 on Somerset Assessors Map B-2 and B-3, listed with the address of 1606 Riverside Avenue and as having a total land area of 21.5 acres, and the parcel shown as Lot 203 on Somerset Assessors Map B-2 and B-3, listed with the address of Riverside Avenue and as having a total land area of 16.9 acres, both parcels presently zoned Industrial, so that both parcels shall be rezoned as Business; and further that the Town reprint the Map so said area shall be colored red to contain and reflect the changes authorized herein; or take any action relative thereto.”, as petitioned.

Motion made and seconded to indefinitely postpone Article 39 of the Annual Town Meeting Warrant of May 16, 2011. Voted nearly unanimous in the affirmative.

Article 40: “To see if the Town will vote to rezone a certain area of land as shown on the Zoning Map identified as “Official Zoning. Town of Somerset, Massachusetts. Map Adoption Date: May 19, 2008. Map Printing Date: April 2, 2008. Map Produced by the Town of Somerset Geographic Information System” (hereinafter called the “Map”) so that the Industrial District bounded in part by Prospect Street and Clifford M Holland Road and which includes portions of County Street and Riverside Avenue, and more particularly shown on a copy of the Map on file with the Town Clerk and showing the aforesaid area outlined in red and identified as “NEW BUSINESS DISTRICT,” shall be rezoned as a Business District; and further that the Town reprint the Map so said area shall be colored red to contain and reflect the changes authorized herein; or take any action relative thereto.”, as petitioned.

Motion made and seconded to indefinitely postpone Article 40 of the Annual Town Meeting Warrant of May 16, 2011. Voted nearly unanimous in the affirmative.

Article 41: “To see if the Town will vote to authorize the Board of Selectmen to appoint a five-person committee to oversee the preparation of a reuse plan for the site of the former NRG power plant, as recommended in the Town of Somerset Master Plan, to hold public hearings, and to submit a written report to the 2012 Annual Town Meeting; and furthermore to see if the Town will vote to authorize the Board of Selectmen to apply for grant funding and to appropriate, borrow, or transfer from available funds a sum or sums of money to prepare such a plan.; or take any action relative thereto.”, as petitioned

Motion made and seconded to indefinitely postpone Article 41 of the Annual Town Meeting Warrant of May 16, 2011. Motion withdrawn. Motion made and seconded to accept Article 41 as written. Voted unanimous in the affirmative.

Article 42: To see if the Town will vote to authorize the Board of Selectmen to request that the Commonwealth of Massachusetts convey to the Town of Somerset that portion of state-owned land located in the vicinity of and adjacent to Newhill Avenue, Slades Ferry Avenue, Brayton Avenue, Riverside Avenue, the Relocated Route Six, and the Taunton River not utilized in the layout and construction of the new Brightman Street Bridge and of those portions of Route 6 newly constructed in connection with said Bridge Project, being portions of Assessor’s Map B-1, Lots 3 and 122, together with any necessary easements related thereto, and to authorize further that the Board of Selectmen may enter into agreements with the Commonwealth of Massachusetts to accept said land and easements on behalf of the Town, subject to any additional authorizations required by law, or take any action relative thereto.

Motion made and seconded to accept Article 42 of the Annual Town Meeting Warrant of May 16, 2011, as written and recommended. Voted unanimous in the affirmative.

Article 43: To see if the Town will vote to amend its vote taken under Article 14 of the February 7, 2011, Special Town Meeting, to include additional land to be conveyed to the Town of Somerset by New England Power Company so that the parcel to be conveyed will be described as follows:

A certain parcel of land containing 13.497 acres, more or less, situated between Brayton Point Road and Lees River Avenue (but with no frontage on either road) in Somerset, MA, 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 and further described as follows:

Beginning at the southwestern corner of the Premises at a concrete bound set 4-24-2008 and being N53°52’23”W five hundred thirty-six and twenty four hundredths feet (536.24’) distant from the westerly sideline of Brayton Point Road, thence;

N 53°52’23”W a distance of one thousand five hundred forty-five and seventy-six hundredths feet (1545.76’) to a concrete bound set 4-24-2008, thence;

S 24°23’15”W a distance of two hundred forty-seven and thirty-four hundredths feet (247.34’), the previous two courses by land now or formerly of Myra Velozo Sonnenschein Picard, thence;

N 07°00'00"W a distance of one hundred fifty-five and nine tenths feet (155.90') to a point, thence;
N 10°07'15"E a distance of one hundred forty-two and seventy three hundredths feet (142.73'), the previous two courses by land now or formerly of New England Power Company, to a point, thence;
N 35°44'57"E a distance of three hundred eighty-six and seventy two hundredths feet (386.72') to a point, the previous two courses by land now or formerly of New England Power Co., thence;
S 54°15'03"E a distance of one hundred eighteen and eighty three hundredths feet (118.83') by land now or formerly G.A.R. Realty Trust to a drill hole set in stone wall found, thence;
S 53°55'21"E a distance of eight hundred sixteen and fifty-seven hundredths feet (816.57'), partly by stone wall, by land now or formerly G.A.R. Realty Trust and land now or formerly Eastgar Realty Trust to a drill hole set in a stone wall, thence;
S 53°59'43"E a distance of thirteen hundredths feet (0.13') to a point, thence;
S 37°52'01"E a distance of seven hundred eighty-four and eight tenths feet (784.80') to a point, the previous two courses by land now or formerly of Eastgar Realty Trust, thence;
S 43°42'50"W a distance of one hundred seventy-one and fifty-one hundredths feet (171.51') by land now or formerly Hodosh Realty Trust to the point of beginning.

Said lot contains 13.497 acres, more or less according to said plan.

Motion made and seconded to waive the reading of Article 43 by the Moderator. Voted unanimous in the affirmative.

Motion made and seconded to accept Article 43 of the Annual Town Meeting Warrant of May 16, 2011, as written and recommended. Voted unanimous in the affirmative.

A motion was made and seconded to dissolve the Annual Town Meeting of May 16, 2011 at 10:33 p.m. Unanimously voted in the affirmative.

Attendance: 329

A True Copy Attest:

Dolores Berge, Town Clerk