

**TOWN OF SOMERSET, MA**  
**SPECIAL TOWN MEETING**  
**October 28, 2013**

**Article 1:** To see if the Town will vote pursuant to Massachusetts General Laws chapter 59, section 38H, to authorize the Board of Selectmen and the Board of Assessors to enter into a multi-year agreement with Brayton Point Energy, LLC, formerly known as Dominion Energy Brayton Point, LLC, concerning the assessment of real and personal property taxes for fiscal years 2012 through 2016, and to ratify and approve a "Payment in Lieu of Taxes Agreement" as negotiated with said Brayton Point Energy, LLC, or take any other action relative thereto.

**The Advisory & Finance Committee unanimously recommends approval.**

**Article 2:** To see if the Town will vote to authorize the Board of Selectmen to petition the General Court of Massachusetts to enact the following special legislation to create the combined, appointed position of Town Treasurer/Collector in place of the present, separate, elected positions of Town Treasurer and Town Collector, provided that the General Court may reasonably vary the form of the requested legislation within the scope of the general public objectives of the petition:

**An Act Relative to the Position of Appointed  
Treasurer/Collector in the Town of Somerset**

SECTION 1. Notwithstanding the provisions of section 1 of chapter 41 of the General Laws or any other general or special law to the contrary, the Office of Treasurer/Collector for the Town of Somerset is hereby established. The Treasurer/Collector shall have all the powers, perform all the duties, and be subject to the liabilities and penalties now or hereafter conferred and imposed by law on town Treasurers and town Collectors of Taxes. Said Treasurer/Collector shall be appointed for a term not to exceed three (3) years, and may be removed, by the Board of Selectmen of said Town. The Board of Selectmen may establish such qualifications for said office as deemed necessary and appropriate. A vacancy in such office shall be filled in a like manner for the unexpired portion of the term. The Board of Selectmen may establish an employment contract with the Treasurer/Collector for salary, fringe benefits, and other terms and conditions of employment.

SECTION 2. Notwithstanding the provisions of section 1 above, the incumbents, if any, in the offices of treasurer and collector upon the effective date of this act shall continue to hold said office(s) and to perform the duties thereof until the appointment of a Treasurer/Collector pursuant to the terms of this act.

SECTION 3. This act shall take effect upon its passage.

or take any other action relative thereto.

**The Advisory & Finance Committee unanimously recommends approval.**

**Article 3:** 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 as subsequently amended, by

changing the title of the following position under Grade 8 from “PPT – Coordinator-Council On Aging” to “PPT – Director-Council On-Aging”, or take any other action relative thereto.

**The Advisory & Finance Committee has no recommendation.**

**Article 4:** “To see if the Town will vote to adopt the following as the:  
Residency Requirement Bylaw

No person who’s principal residence is not within the Town of Somerset or a registered voter in the Town of Somerset shall be appointed to or serve on a board, commission or committee of the Town or any other board, commission or committee for which the appointment thereto is by a town board or officer. Any member of a town committee, board or commission who removes from the town shall be deemed to have vacated his/her office. Any person appointed to any town committee, board or commission; must be duly sworn in by the Somerset Town Clerk or any other state authorized authority within 30 days of the date of the appointment.”, as petitioned.

**The Advisory & Finance Committee unanimously does not recommend approval.**

**Article 5:** “To see if the town will vote to direct the Board of Selectman to appoint a committee to establish a recall review commission provision procedure for elected town officials and/or removal review commission provision procedure for appointed town officials to rescind, void, terminate, cancel and nullify any and all contract and or contract extension of any appointed town officials and separation of him or her immediately for cause, and to take all other necessary action in regard thereto, pursuant to the provisions of Massachusetts General Laws, Chapter 41, Section 2”, as petitioned.

**The Advisory & Finance Committee unanimously recommends indefinite postponement.**

**Article 6:** To see if the Town will vote to reduce by four hundred thirty-six thousand, three hundred six dollars (\$436,306.00) the Town’s appropriation for the Somerset School Department’s Fiscal Year 2014 operating budget, as voted under Article 8B of the May 20, 2013, Annual Town Meeting in the original amount of eighteen million, two hundred nineteen thousand, nine hundred ten dollars (\$18,219,910.00), so that after said reduction the said appropriation for Fiscal Year 2014 will total seventeen million, seven hundred eighty-three thousand, six hundred four dollars (\$17,783,604.00), or take any other action relative thereto.

**The Advisory & Finance Committee unanimously recommends approval to reduce by \$420,484 the Town’s appropriation for the Somerset School K-8 FY2014 operating budget to \$17,799,426.**

**Article 7:** To see if the Town of will vote pursuant to M.G.L. c. 44, sec. 64, to raise, appropriate and/or transfer a sum of money for the purpose of paying the following late bills for the Somerset School Department, totaling two hundred ninety-nine thousand, one dollar and fifty-three cents (\$299,001.53):

GENERAL	
Allied Waste	\$204.60
Collaborative for Educational Services	\$500.00
Commonwealth of Mass	\$300.00
Direct Energy Services, LLC	\$18,257.58
Empowering Writers, LLC	\$984.17
Fisher Bus, Inc.	\$1,520.00
Fisher Bus, Inc.	\$17,005.87
Fisher Bus, Inc.	\$77.50

Fisher Bus, Inc.	\$3,253.19
Fisher Bus, Inc.	\$1,705.97
Houghton Mifflin Harcourt	\$10,724.03
MB Bark LLC	\$8,025.00
Mechanical Air Controls, Inc.	\$28,389.43
Murphy, Hesse, Toomey & Lehane	\$3,591.85
National Grid	\$14,254.57
Somerset, Water #1797	\$7,293.93
Somerset, Water BF #5610	\$676.08
Tyler Technologies, Inc.	\$6,086.50
Tyler Technologies, Inc.	\$1,325.93
<b>Total:</b>	<b>\$124,176.20</b>
<b>PROFESSIONAL DEVELOPMENT</b>	
Collaborative	\$2,250.00
East Bay Educational	\$1,500.00
MAPHERD	\$80.00
Massmate	\$100.00
<b>Total:</b>	<b>\$3,930.00</b>
<b>SPED</b>	
Darowski, Erin	\$87.12
Fisher Bus	\$158,472.70
ICCD	\$3,100.00
Lima, Michael	\$348.65
Lopes, Debra	\$134.64
School Specialty	\$216.60
Super Duper	\$184.60
Transit Services	\$1,057.05
Trembley	\$1,374.12
YCN	\$1,280.11
<b>Total:</b>	<b>\$166,255.59</b>
St Vincent's Home Corp	\$1,098.98
St Vincent's Home Corp	\$861.30
St Vincent's Home Corp	\$180.00
Kim Yorke/Transportation Reim	\$465.25
Kim Yorke/Transportation Reim	\$409.42
The May Institute	\$980.00
Timothy D. Horton, PhD	\$285.00
Bradley Hospital	\$359.79
<b>Total:</b>	<b>\$4,639.74</b>
<b>GRAND TOTAL:</b>	<b>\$299,001.53</b>

or take any other action relative thereto.

**The Advisory & Finance Committee unanimously recommends approval and said sum be transferred from reduction to Somerset School K-8 FY2014 operating budget in Article 6.**

**Article 8:** To see if the Town will vote pursuant to M.G.L. c. 44, sec. 64, to raise, appropriate and/or transfer a sum of money for the purpose of paying a Fiscal Year 2013 deficit in the Somerset School Department's School Lunch Program in the amount of one hundred thirty-seven thousand, three hundred four dollars (\$137,304.00), or take any other action relative thereto.

**The Advisory & Finance Committee unanimously recommends approval and said sum be transferred from reduction to Somerset School K-8 FY2014 operating budget in Article 6.**

**Article 9:** To see if the Town will vote to amend the "Somerset Second-Hand Dealers and Collectors By-law" adopted under Article 7 of the February 25, 2013, Special Town Meeting by deleting the existing paragraph in section 7 of said By-law describing the contents of the "NOTICE" to be posted and substituting the following:

NOTICE: The sale or attempted sale of property to a second-hand dealer without consent of the property's owner is punishable under this by-law by a civil or criminal penalty of \$100 for the first violation, \$200 for a second violation, or \$300 for a third or subsequent violation, in addition to and not in lieu of any applicable penalties under the criminal laws of Commonwealth of Massachusetts for violation of said laws. The penalties provided hereunder will apply both to the person selling or attempting to sell such property and to any second-hand dealer who purchases such property having reason to know it is being sold without the consent of the property's owner. Don't sell property without the consent of the property's owner!

and to amend said By-law further by deleting the existing Section 9 thereof and inserting in its place the following:

9. a. Violation of any provision of this by-law may be prosecuted as a criminal matter, through civil administrative procedures, or by non-criminal disposition pursuant to Massachusetts General Laws chapter 40, section 21D.
- b. Whoever violates any provision of this by-law shall be fined or assessed a civil penalty in the amount of \$100 for a first violation, \$200 for a second violation, or \$300 for a third or subsequent violation. Such penalty shall be in addition to any penalties provided under the criminal laws of the Commonwealth of Massachusetts for violation of said laws.
- c. In addition to such fines or penalties, the Board of Selectmen may after notice and hearing suspend, revoke or modify any license issued by it hereunder whenever it has reasonable cause to believe that the licensee has violated the terms, conditions, laws, by-law, and regulations pertaining to such license, including this by-law.

**The Advisory & Finance Committee recommends approval by majority.**

**Article 10:** To see if the Town will vote to amend the Non-Criminal Disposition By-law adopted by the December 16, 1991, Special Town Meeting and most recently amended at the May 16, 2011, Special Town Meeting, by inserting in the second paragraph the words "Somerset Second-Hand Dealers and Collectors By-law, as adopted on February 25, 2013, and October 28, 2013, and amended from time to time", and by adding in the fifth paragraph the words, "Somerset Second-Hand Dealers and Collectors By-law: penalties as provided therein".

**The Advisory & Finance Committee has no recommendation.**

**Article 11:** To see if the Town will vote to raise, appropriate, and/or transfer from available funds additional sums of money for the following Town Departments, Accounts or purposes:

APPROPRIATION	PERSONAL SERVICES	TOTAL
#146 Tax Collector	\$2,927.00	\$2,927.00
#161 Town Clerk	\$2,927.00	\$2,927.00
<b>TOTALS:</b>	<b>\$5,854.00</b>	<b>\$5,854.00</b>

**The Advisory & Finance Committee unanimously recommends approval.**

**Article 12:** To see if the Town will vote to raise, appropriate, and/or transfer from available funds a sum of money in addition to the amount previously appropriated under Article 12 of the May 20, 2013, Annual Town Meeting for the purpose of supplementing the Diman Regional Vocational Technical High School assessment for the current (2013-2014) fiscal year, or take any other action relative thereto.

**The Advisory & Finance Committee unanimously recommends approval.**

**Article 13:** To see if the Town will vote to raise, appropriate, and/or transfer from available funds a sum of money to be added to the Unemployment Compensation Fund, or take any other action relative thereto.

**The Advisory & Finance Committee unanimously recommends approval.**

**Article 14:** 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 a late bill incurred during Fiscal Year 2013 by the Treasurer's Department, or take any other action relative thereto.

**The Advisory & Finance Committee unanimously recommends approval.**

**Article 15:** To see if the Town will vote pursuant to Massachusetts General Laws chapter 41, section 2, to decrease the number of members of the Somerset School Committee (K through 8) from five (5) to three (3), and to take any other necessary action in regard thereto pursuant to said section.

**The Advisory & Finance Committee unanimously does not recommend approval.**