

**ANNUAL TOWN MEETING
May 17, 2021
Somerset Berkley Regional High School**

The Annual Town Meeting was called to order at 6:00 pm by the Town Moderator, Lucia Casey. The Pledge of Allegiance was led by the Moderator and a moment of silence was observed for those deceased town employees over the past year.

Article 1: To choose all Town Officers as required by law, to be chosen by ballot.
The article has been taken care of in the election of April 12, 2021.

Article 2: To see if the Town will vote the following consent calendar of routine Annual Town Meeting Articles:

- A. To hear the report of the Town Officers and act thereon;
- B. To authorize the Collector to use the same means which a Treasurer may use when acting as Collector;
- C. To hear and act on the report of any Committee and choose any Committee the Town may think proper;
- D. 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.

The Advisory & Finance Committee unanimously recommends approval of this article. (5-0)

Motion: A motion was made by Selectman Lawless and seconded by Selectman Smith that the town vote to adopt Article 2 as written and recommended. No discussion followed. The Moderator declared Article 2 passed as written and recommended by a unanimous vote in the affirmative.

Article 3: To see if the Town will vote to establish expenditure limits for revolving funds for the Fiscal Year July 1, 2021 to June 30, 2022, under the provisions of Massachusetts General Law chapter 44, §53E½ as shown herein, or take any action relative thereto:

	Revolving Account	Spending Authority	Revenue Source	Allowed Expenses	Expenditure Limits	Year End Expenditure
A	Town Nursing Program	Board of Health	Fees charged for flu clinics and other fee programs	Medical Supplies for clinics and other departmental programs	\$80,000	Available for expenditure fiscal 2022
B	Vacant & Foreclosing Properties	Board of Health	Funds collected for the administration of Town of Somerset By-law concerning Vacant and Foreclosing Properties	Costs associated with administering the By-law and remediation & maintenance work per the By-law	\$20,000	Available for expenditure fiscal 2022
C	Library's Lost and/or Damaged Materials Program	Board of Library Trustees	Fees charged for Lost and or Damaged library materials	Costs associated with the replacement of lost or damaged library materials	\$2,000	Available for expenditure fiscal 2022
D	Hazardous Material	Board of Selectmen/Fire Department	Fees charged for disposal of Haz-Mat materials	Purchase of equipment or any Haz-Mat related expenses	\$10,000	Available for expenditure fiscal 2022
E	Emergency Medical Services	Fire Chief	Fees charged for Emergency Medical Services	Purchase of Emergency Medical Services equipment, emergency vehicle payments, and salaries/wages of Emergency Medical Services Personnel and any other costs associated with the operation of Emergency Medical Services	\$1,600,000	Available for expenditure fiscal 2022
F	Early Childhood Program	School Department	Receipts, Tuition and Enrollment Fees	Nurturing, care and education of young children enrolled in the program	\$75,000	Available for expenditure fiscal 2022
G	Creative Arts Program	School Department	Receipts, Tuition and Enrollment Fees	Nurturing, care and education of young children enrolled in the program	\$20,000	Available for expenditure fiscal 2022
H	School Choice	School Department	Receipts, Tuition and Enrollment Fees	Nurturing, care and education of young children enrolled in the program	\$200,000	Available for expenditure fiscal 2022
I	Before & After School Care	School Department	Receipts, Tuition and Enrollment Fees	Nurturing, care and education of young children enrolled in the program	\$25,000	Available for expenditure fiscal 2022
J	Use of School Property	School Department	Receipts and Fees	Facilities rentals and operations	\$30,000	Available for expenditure fiscal 2022
K	Technology Revolving Fund	School Department	Fees charged for technology insurance and devices	Technology insurance replacement parts or full device replacement	\$20,000	Available for expenditure fiscal 2022

The Advisory & Finance Committee unanimously recommends approval of this article. (5-0)

Motion: A motion was made by Selectman Lawless and seconded by Selectman Smith that the Town vote to adopt Article 3 as written. Discussion followed by Selectman Lawless. Hearing no further discussion, the Moderator called for the vote. The Moderator declared that Article 3 passed as written and recommended by a unanimous vote in the affirmative.

Article 4: To see if the Town will vote to establish the annual salaries of its elected officers commencing July 1, 2021, as follows, or take any action relative thereto:

Town Moderator	\$500.00
Board of Selectmen, Chairman	\$6,000.00
Board of Selectmen, (2 members-each)	\$6,000.00
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
Town Clerk	\$71,614.00
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

The Advisory & Financing Committee unanimously recommends approval of this article. (5-0)

Motion: A motion was made by Selectman Lawless and seconded by Selectman Smith that the Town vote to accept Article 4 as written. Discussion followed by Selectman Lawless. Hearing no further discussion, the Moderator called for the vote. The Moderator declared that Article 5 passed as written and recommended by a unanimous vote in the affirmative.

Article 5: To see if the Town will vote to raise and 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, 2021 as follows, or take any action relative thereto:

A. GENERAL BUDGET

APPROPRIATION	PERSONNEL SERVICES	EXPENSES	TOTAL APPROPRIATION
113 Town Meeting	\$0.00	\$0.00	\$0.00
114 Town Moderator	\$500.00	\$0.00	\$500.00
122 Selectmen	\$137,984.00	\$6,700.00	\$144,684.00
123 Town Administrator	\$170,393.00	\$16,400.00	\$186,793.00
124 Contingent	\$0.00	\$0.00	\$0.00
131 A & F Committee	\$3,350.00	\$300.00	\$3,650.00
132 Reserve Fund	0	\$150,000.00	\$150,000.00
135 Town Accountant/Finance Director	\$231,498.00	\$27,930.00	\$259,428.00
136 Annual Audit	\$0.00	\$43,000.00	\$43,000.00
137 Computer	\$0.00	\$139,000.00	\$139,000.00
141 Assessors	\$140,799.00	\$54,205.00	\$195,004.00
143 Tax Foreclosure	\$0.00	\$3,000.00	\$3,000.00
145 Town Treasurer/Tax Collector	\$309,781.00	\$62,700.00	\$372,481.00
151 Law Department	\$0.00	\$172,750.00	\$172,750.00
161 Town Clerk	\$146,736.00	\$6,950.00	\$153,686.00
162 Elec. & Regr.	\$21,700.00	\$31,200.00	\$52,900.00
171 Conservation Comm	\$0.00	\$0.00	\$0.00
175 Planning	\$83,950.00	\$3,150.00	\$87,100.00
176 Zoning Board of Appeals	\$3,025.00	\$4,550.00	\$7,575.00
181 Economic Dev. Comm.	\$0.00	\$0.00	\$0.00
184 Cable Advisory	\$0.00	\$0.00	\$0.00
192 Town Office	\$54,816.00	\$40,000.00	\$94,816.00
193 Old Town Hall	\$0.00	\$6,450.00	\$6,450.00
195 Town Reports	\$0.00	\$0.00	\$0.00
198 Insurance (Health - Gen. Govt: \$3,323,452.00) (Health - School Dept: \$4,676,549.00)	\$0.00	\$8,534,000.00	\$8,534,000.00
199 FICA-	\$0.00	\$405,000.00	\$405,000.00
205 Fire/Police Station	\$51,460.00	\$101,793.00	\$153,253.00
210 Police Department	\$3,234,970.00	\$182,500.00	\$3,417,470.00
215 E-911 Dispatch	\$487,307.00	\$9,500.00	\$496,807.00
220 Fire Department	\$1,921,179.00	\$116,185.00	\$2,037,364.00
241 Bldg. Insp./Zoning Agent	\$97,428.00	\$2,434.00	\$99,862.00
242 Gas & Plumbing	\$22,750.00	\$745.00	\$23,495.00
244 Sealer of Standards	\$3,300.00	\$0.00	\$3,300.00
245 Wiring Inspector	\$23,000.00	\$470.00	\$23,470.00

291 Emergency Mgmt.	\$6,000.00	\$3,000.00	\$9,000.00
292 Dog Officer	\$0.00	\$64,543.00	\$64,543.00
294 Tree Warden	\$0.00	\$40,000.00	\$40,000.00
295 Harbor Master	\$4,000.00	\$5,030.00	\$9,030.00
296 Insect Pest Control	0.00	\$0.00	\$0.00
299 Inspector of Animals	\$0.00	\$0.00	\$0.00
420 Highway Department	\$742,411.00	\$125,829.00	\$868,240.00
423 Snow Removal	\$98,770.00	\$73,600.00	\$172,370.00
424 Street Lights	\$0.00	\$102,000.00	\$102,000.00
425 Traffic Signal Maint.	\$0.00	\$0.00	\$0.00
431 Landfill	\$0.00	\$0.00	\$0.00
480 Vehicle Maint. Facility	\$124,340.00	\$312,050.00	\$436,390.00
510 Board of Health/Conservation	\$110,974.00	\$11,500.00	\$122,474.00
522 Town Nurse	\$0.00	\$50,837.00	\$50,837.00
541 Council on Aging	\$99,917.00	\$48,110.00	\$148,027.00
543 Veterans Benefits	\$84,392.00	\$277,670.00	\$362,062.00
544 Graves Registration	\$750.00	\$2,500.00	\$3,250.00
610 Libraries	\$493,218.00	\$156,750.00	\$649,968.00
630 Playground & Rec.	\$121,380.00	\$4,450.00	\$125,830.00
633 Public Outdoor Facilities	\$0.00	\$0.00	\$0.00
691 Historical Comm.	\$0.00	\$350.00	\$350.00
692 Public Celebrations	\$0.00	\$6,000.00	\$6,000.00
693 Military Buildings/Groups	\$0.00	\$12,000.00	\$12,000.00
694 American Legion	\$0.00	\$0.00	\$0.00
695 VFW	\$0.00	\$0.00	\$0.00
696 Mun & Hist Bldgs.	\$0.00	\$31,300.00	\$31,300.00
710 Maturing Debt - General Government	\$0.00	\$365,000.00	\$365,000.00
710 Maturing Debt - School Department	\$0.00	\$0.00	\$0.00
753 Interest Appropriation General Government	\$0.00	\$19,000.00	\$19,000.00
753 Interest Appropriation School Department	\$0.00	\$0.00	\$0.00
832 Contributory Retirement	\$0.00	\$3,855,206.00	\$3,855,206.00
TOTAL GENERAL GOVT.	\$9,032,078.00	\$15,687,637.00	\$24,719,715.00

	Approved FY21	Proposed FY22	Increase/Decrease
Personnel Services	\$8,802,610.00	\$9,032,078.00	\$229,468.00
Expenses	\$2,723,729.00	\$2,914,431.00	\$190,702.00
Fixed Expenses	\$13,761,327.00	\$12,773,206.00	(\$988,121.00)
Totals:	\$25,287,666.00	\$24,719,715.00	(\$567,951.00)

The Advisory & Finance Committee unanimously recommends that the Town vote to appropriate the sum of \$24,719,715.00 for the purposes of this article and that said sum be raised from taxation. (5-0)

Motion: A motion was made by Selectman Lawless and seconded by Selectman Smith that the Town vote to appropriate the sum of \$24,719,715.00 for the fiscal year July 1, 2021, to June 30, 2022, for the purposes of funding the General Budget as designated and that said sum be raised from taxation. Discussion followed by Selectman Lawless and Selectman Smith. Hearing no further discussion, the Moderator called for the vote. The Moderator declared that Article 5 passed as written and recommended by a nearly unanimous vote in the affirmative.

APPROPRIATION

5B. School Dept. Budget	Approved FY21	Proposed FY22	Increase/Decrease
	\$21,779,009.00	\$21,835,000.00	\$55,991.00

The Advisory & Finance Committee unanimously recommends that the Town vote to appropriate the sum of \$21,835,000.00 for the purposes of this article and that said sum be raised from taxation. (5-0)

Motion: A motion was made by School Committee member Michael McDonald and seconded by Selectman Lawless that the Town vote to appropriate the sum of \$21,835,000.00 for the fiscal year July 1, 2021 to June 30, 2022, for the purposes of funding the Somerset Public School Department Budget as designated, and that said sum be raised from taxation. Discussion followed by School Committee member Shauna Geary who made a motion to amend by changing the sum from \$21,835,000.00 to \$21,805,000.00, reflecting a reduction of \$30,000.00. There was a second on the motion to amend by Victor Machado. Hearing no discussion on the motion to amend, the Moderator called for a vote on the amendment. The Moderator declared the motion to amend Article 5B carried by a nearly unanimous vote. Hearing no discussion on the motion as amended the Moderator called for a vote on the amended motion. The Moderator declared that Article 5B as amended passed by a nearly unanimous vote in the affirmative.

APPROPRIATION

5C. Water and Water Pollution Control Enterprise Operations

Personnel Services	Operating Expenses	TOTAL APPROPRIATION
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1. Water Dept.	\$1,039,300.00	\$2,345,410.00	\$3,384,710.00
2. Water Pollution Control Dept.	\$956,197.00	\$2,277,146.00	\$3,233,343.00
TOTAL			\$6,618,053.00

The Advisory & Finance Committee unanimously recommends that the Town vote to appropriate the sum of \$6,618,053.00 for the fiscal year July 1, 2021 to June 30, 2022, for the purposes of this article, and that said sum be raised from the Water & Sewer Enterprise Fund Receipts. (5-0)

Motion: A motion was made by W&S Commissioner Scott O'Brien and seconded by Joseph Bednarik that the Town vote to appropriate the sum of \$6,618,053.00 for the fiscal year July 1, 2021, to June 30, 2022, for the purposes of this article and that the sum of \$6,618,053.00 be raised from the Water and Sewer Enterprise Fund Receipts. Discussion followed by Commissioner O'Brien. Hearing no further discussion, the Moderator called for a vote. The Moderator declared that Article 5C passed as written and recommended by a nearly unanimous vote in the affirmative.

APPROPRIATION

5D. Fire Department SAFER Grant

Personnel Services	Operating Expenses	TOTAL APPROPRIATION
\$112,712.00	\$0.00	\$112,712.00

The Advisory & Finance Committee unanimously recommends that the Town vote to appropriate the sum of \$112,712.00 for the purposes of this article and that said sum be raised from taxation. (5-0)

Motion: A motion was made by Selectman Lawless and seconded by Selectman Smith that the Town vote to appropriate the sum of \$112,712.00 for the purpose of this article and that said sum be raised from taxation. Discussion followed by Selectman Lawless. Hearing no further discussion, the Moderator called for the vote. The Moderator declared that Article 5D passed as written and recommended by a unanimous vote in the affirmative.

Article 6: To see if the Town will vote to approve the Somerset Berkley Regional District Amended Regional Agreement as presented by the School Committee and dated April 27, 2021. Adoption of the Amended Agreement is subject to the approval by both member towns, as well as the Commissioner of Elementary and Secondary Education. Said Amended Regional Agreement is on file at the Somerset Town Clerk's Office, Superintendent of Schools Office and the Somerset Public Library as well as being posted on the Town's website and the District's website (www.somersetberkley.org), or take any action relative thereto.

The Advisory & Finance Committee will have a recommendation at Town Meeting. Chairman Michael Pasternak reported that the Advisory and Finance Committee unanimously recommends approval of this article.

Motion: A motion was made by Somerset/Berkley Regional School Committee member Julie Ramos-Gagliardi and seconded by Victor Machado that the Town vote to approve the Amended Regional Agreement for the Somerset Berkley Regional School District on file with the Town Clerk, as presented by the School Committee and dated April 27, 2021. Adoption of the Amended Regional Agreement is subject to the approval of both member towns, as well as the Commissioner of Elementary and Secondary Education. Discussion followed by Ms. Ramos Gagliardi that the motion be amended to change the date of April 27, 2021 to May 14, 2021. The motion to amend was seconded by Mr. Machado. Discussion on the amendment followed by Ms. Ramos-Gagliardi. Hearing no further discussion, the Moderator called for the vote. The motion to amend passed by a unanimous vote. Discussion followed on the Motion as amended by Ms. Ramos-Gagliardi. Hearing no further discussion on the article as amended, the Moderator called for the vote. The Moderator declared that Article 6 as amended passed by a nearly unanimous vote in the affirmative.

Article 7: To see if the Town will vote to raise and appropriate, and/or transfer from available funds a sum of money for the purpose of paying the Town's share of the operating and capital expenses of the Somerset Berkley Regional School District, said amount having been assessed to the Treasurer of the Town of Somerset and with said assessment subject to the Town's approval of the Amended Agreement.

APPROPRIATION

7. Somerset Berkley Regional School District

Approved FY21	Proposed FY 22	Increase / Decrease
\$8,698,992.00	\$10,096,542.00	\$1,397,550.00

The Advisory & Finance Committee unanimously recommends that the Town vote to appropriate the sum of \$10,096,542.00 for the purposes of this article and that said sum be raised from taxation. (5-0)

Motion: A motion was made by Somerset/Berkley Regional School Committee Member Richard Fenstermaker and seconded by Committee member that the Town vote to appropriate the sum of \$10,096,542.00 for the purpose of paying the Town's share of operating expenses (\$8,504,353.00) and capital expenses (\$1,592,189.00) for the Somerset Berkley Regional School District, said amount having been assessed to the Treasurer of the Town of Somerset and that said sum be raised from taxation and / or transfer from available funds. Discussion followed Mr. Fenstermaker, Selectman Lawless, State Representative Patricia Haddad of 250 Marble Street, Donald Setters of 917 Pleasant Street, Rene Driscoll of 48 Garden Ave, A&F Member Michael Pasternak, School Committee Member Julie Ramos Gagliardi, Steven Moniz of 718 Brayton Point Road, School Committee member Shauna Geary, and again by Steven Moniz who made a motion to move the question. The motion to move the question was seconded by several members of the voting body. The Moderator declared the motion to move the question passed by a nearly unanimous vote in the affirmative. The Moderator called for the vote on Article 7. The Moderator declared that Article 7 passed as written and recommended by a nearly unanimous vote in the affirmative.

Article 8: To see if the Town will vote to raise and appropriate, and/or transfer from available funds such sums 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, or take any action relative thereto:

APPROPRIATION

8. Greater Fall River Vocational Technical High School District

Approved FY21	Proposed FY22	Increase/Decrease
\$1,264,532.00	\$1,472,379.00	\$207,847.00

The Advisory & Finance Committee unanimously recommends that the Town vote to appropriate the sum of \$1,472,379.00 for the purpose of this article and that said sum be raised from taxation. (5-0)

Motion: A motion was made by Selectman Lawless and seconded by Scott O'Brien that the Town vote to appropriate the sum of \$1,472,379.00 for the purpose of funding the Town's assessment for the Greater Fall River Vocational Technical High School District and that said sum be raised from taxation. Discussion followed by Selectman Lawless. Hearing no further discussion, the Moderator called for the vote. The Moderator declared that Article 8 passed as written and recommended by a unanimous vote in the affirmative.

Article 9: To see if the Town will vote to raise and appropriate, and/or transfer from available funds such sums 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, or take any action relative thereto:

APPROPRIATION

9. Bristol County Agricultural School

Approved FY 21	Proposed FY22	Increase/Decrease
\$48,657.00	\$158,340.00	\$109,683.00

The Advisory & Finance Committee unanimously recommends that the Town vote to appropriate the sum of \$158,340.00 for the purpose of this article and that said sum be raised from taxation. (5-0)

Motion: A motion was made by Selectman Lawless and seconded by Selectman Smith that the Town vote to appropriate the sum of \$158,340.00 for the purpose of funding the Town's assessment for the Bristol County Agricultural School and that said sum be raised from taxation. Discussion followed by Selectman Lawless. Hearing no further discussion, the Moderator called for the vote. The Moderator declared that Article 9 passed as written and recommended by a unanimous vote in the affirmative.

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

The Advisory & Finance Committee unanimously recommends that the Town vote to appropriate the sum of \$11,000.00 for the purpose of this article and that said sum be raised from taxation. (5-0)

Motion: A motion was made by Selectman Lawless and seconded by Selectman Smith that the Town vote to appropriate the sum of \$11,000.00 for the purpose of this article and that said sum be raised from taxation. Discussion followed by Selectman Lawless. Hearing no further discussion, the Moderator called for the vote. The Moderator declared that Article 10 passed as written and recommended by a unanimous vote in the affirmative.

Article 11: To see if the Town will vote to raise and 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 funds raised by taxation or transferred from available funds in the Treasury, or take any action relative thereto.

The Advisory & Finance Committee unanimously recommends that the Town vote to appropriate the sum of \$1,800,000.00 for the purpose of this article and that the sum of \$850,000.00 be raised from "offset receipts" and that the sum of \$950,000.00 be raised from taxation. (5-0)

Motion: A motion was made by Selectman Lawless and seconded by Selectman Smith that the Town vote to appropriate the sum of \$1,800,000.00 for the purpose of this article and that the sum of \$850,000.00 be raised from "offset receipts" pursuant to MGL Chapter 44, section 53E, and that the sum of \$950,000.00 be raised from taxation. Discussion followed by Selectman Lawless. Hearing no further discussion, the Moderator called for the vote. The Moderator declared that Article 11 passed as written and recommended by a unanimous vote in the affirmative.

Article 12 : To see if the Town will vote to appropriate and transfer from the PEG Access and Cable-Related Special Revenue Fund a sum of money to be expended during the fiscal year commencing July 1, 2021, under the direction of the Board of Selectmen for necessary and expedient cable-related purposes consistent with the Town's license agreement, and further to authorize the Board of Selectmen to enter into agreements of up to ten years or such lesser terms as the Board of Selectmen shall determine to be in the best interest of the Town for the expenditure of such funds for the provision of PEG community access television services, or take any action relative thereto.

The Advisory & Finance Committee unanimously recommends approval of this article.

Motion: A motion was made by Selectman Lawless and seconded by Selectman Smith that the Town vote to appropriate from the PEG Access and Cable-Related Fund the sum of \$407,000.00, said funds to be expended during the fiscal year commencing July 1, 2021, under the direction of the Board of Selectmen for necessary and expedient cable-related purposes consistent with the Town's license agreement and to authorize the Board of Selectmen to enter into agreements of up to ten years or such lesser terms as the Board of Selectmen shall determine to be in the best interest of the Town for the expenditure of such funds as written. Discussion followed by Selectman Lawless. Hearing no further discussion, the Moderator called for the vote. The Moderator declared that Article 12 passed as written and recommended by a nearly unanimous vote in the

affirmative.

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

The Advisory & Finance Committee unanimously recommends that the Town vote to appropriate the sum of \$100,000.00 for the purpose of this article and that said sum be raised from taxation. (5-0)

Motion: A motion was made by Selectman Lawless and seconded by Selectman Smith that the Town vote to appropriate the sum of \$100,000.00 for the purposes of this article, and that said sum be raised from taxation.

Discussion followed by Selectman Lawless. Hearing no further discussion, the Moderator called for the vote.

The Moderator declared that Article 13 passed as written and recommended by a unanimous vote in the affirmative.

Article 14: To see if the Town will vote to authorize the Board of Selectmen, pursuant to the provisions of G.L. 44, § 21C, or any other enabling authority, to enter into a lease purchase financing agreement for the acquisition of a Class 1 Ambulance, and any equipment incidental thereto, for the Fire Department, such equipment as may be acquired through the issuance of debt pursuant to G.L. c 44, §7(1), the term of such agreement not to exceed five (5) years, being the useful life of the equipment as determined by the Board of Selectmen, subject to appropriation for the first year payment therefor, or take any action relative thereto.

The Advisory & Finance Committee recommends that the Town vote to appropriate the sum of \$60,000.00 for the purpose of this article and that said sum be transferred from the Fire Department's Emergency Medical Services Revolving Fund. (5-0)

Motion: A motion was made by Selectman Smith and seconded by Chief Jamison Barros that the Town vote to authorize the Board of Selectmen to enter into a five year lease purchase agreement for a Class 1 Ambulance for the Fire Department and to appropriate the sum of \$60,000.00 to pay for the first year of said agreement with said sum coming out of the Fire Department's Emergency Medical Services Revolving Fund. Discussion followed by Selectman Smith. Hearing no further discussion, the Moderator called for the vote. The Moderator declared that Article 14 passed as written and recommended by a unanimous vote in the affirmative.

Article 15: To see if the Town will vote to raise and appropriate, and / or transfer from available funds a sum of money for the purpose of purchasing six (6) complete sets of Turnout Gear (Personal Protective Equipment), for the Fire Department, including any incidental costs or expenses, or take any action relative thereto.

The Advisory & Finance Committee unanimously recommends that the Town vote to appropriate the sum of \$24,000.00 for the purpose of this article and that said sum be raised from taxation. (5-0)

Motion: A motion was made by Selectman Smith and seconded by Selectman Lawless that the Town vote to appropriate the sum of \$24,000.00 for the purpose of this article, and that said sum be raised from taxation.

Discussion followed by Selectman Smith. Hearing no further discussion, the Moderator called for the vote. The Moderator declared that Article 15 passed as written and recommended by a unanimous vote in the affirmative.

Article 16: To see if the Town will vote to raise and appropriate, and / or transfer from available funds a sum of money for the purpose of purchasing approximately six (6) Desktop Computers, for the Police Department, including any incidental costs or expenses, or take any action relative thereto.

The Advisory & Finance Committee unanimously recommends that the Town vote to appropriate the sum of \$6,000.00 for the purpose of this article and that said sum be raised from taxation. (5-0)

Motion: A motion was made by Selectman Smith and seconded by Chief Todd Costa that the Town vote to appropriate the sum of \$6,000.00 for the purpose of this article, and that said sum be raised from taxation.

Discussion followed by Selectman Smith. Hearing no further discussion, the Moderator called for the vote. The Moderator declared that Article 16 passed as written and recommended by a nearly unanimous vote in the affirmative.

Article 17: To see if the Town will vote to raise and appropriate, and / or transfer from available funds a sum of money for the purpose of purchasing two (2) Motorola APX 6500 Cruiser Radios , for the Police Department, including any incidental costs or expenses, or take any action relative thereto.

The Advisory & Finance Committee unanimously recommends that the Town vote to appropriate the sum of \$9,000.00 for the purpose of this article and that said sum be raised from taxation. (5-0)

Motion: A motion was made by Selectman Smith and seconded by Chief Todd Costa that the Town vote to indefinitely postpone this article. Discussion followed by Chief Costa. Hearing no further discussion the

Moderator called for a vote. The Moderator declared that Article 17 be indefinitely postponed by a unanimous vote in the affirmative.

Article 18: To see if the Town will vote to raise and appropriate, and / or transfer from available funds a sum of money for the purpose of purchasing sound meter equipment, for the Police Department, including any incidental costs or expenses, or take any action relative thereto.

The Advisory & Finance Committee unanimously recommends that the Town vote to appropriate the sum of \$10,350.00 for the purpose of this article and that said sum be raised from taxation. (5-0)

Motion: A motion was made by Selectman Smith and seconded by Selectman Lawless that the Town vote to appropriate the sum of \$10,350.00 for the purpose of this article, and that said sum be raised from taxation.

Discussion followed by Selectman Smith, Steven Moniz, Selectman Lawless, Chief Todd Costa, A&F member Robert Mullen, and Jessica Machado - 91 Washington Ave. A motion was made by Mrs. Machado and seconded from the floor to move the question. The motion to move the question passed by a unanimous vote. The Moderator called for the vote on the motion for Article 18. The Moderator declared that Article 18 passed as written and recommended by a nearly unanimous vote in the affirmative.

Article 19: To see if the Town will vote to raise and appropriate, and / or transfer from available funds a sum of money for the purpose of purchasing a Ferri Boom Mower, for the Highway Department, including any incidental costs or expenses, or take any action relative thereto.

The Advisory & Finance Committee unanimously recommends that the Town vote to appropriate the sum of \$31,300.00 for the purpose of this article and that said sum be raised from taxation. (5-0)

Motion: A motion was made by Selectman Smith and seconded by Selectman Lawless that the Town vote to appropriate the sum of \$31,300.00 for the purpose of this article, and that said sum be raised from taxation.

Discussion followed by Selectman Smith. Hearing no further discussion, the Moderator called for the vote. The Moderator declared that Article 19 passed as written and recommended by a nearly unanimous vote in the affirmative.

Article 20: To see if the Town will vote to raise and appropriate, and / or transfer from available funds a sum of money for the purpose of providing the Town's share to match a grant from the Dam and Seawall Repair or Removal Program for the repair and renovation of the existing Waterfront Park seawall located at 300 Main Street, Somerset, MA, or take any action relative thereto.

The Advisory & Finance Committee unanimously recommends approval of this article. (5-0)

Motion: A motion was made by Selectman Smith and seconded by Selectman Lawless that the Town vote to appropriate the sum of \$477,570.50 for the purpose of this article as designated, and that said sum be raised from taxation. Discussion followed by Selectman Smith, William Murphy – 343 Mohawk Road, and Harbor Master Robert Ganem. Hearing no further discussion, the Moderator called for the vote. The Moderator declared that Article 20 passed as written and recommended by a unanimous vote in the affirmative.

Article 21: To see if the Town will vote to raise and appropriate, and/or transfer from available funds a sum of money for the purpose of installing sidewalks on the east side (river side) along Riverside Avenue, from South Street to Marble Street and replacing the sidewalks on the west side along Riverside Avenue, from South Street to Marble Street, including any incidental and related costs or expenses, or take any action relative thereto.

The Advisory & Finance Committee unanimously recommends that the Town vote to appropriate the sum of \$400,000.00 for the purpose of this article and that said sum be raised from taxation. (5-0)

Motion: A motion was made by Selectman Smith and seconded by Selectman Lawless that the Town vote to appropriate the sum of \$400,000.00 for the purpose of installing replacing sidewalks and related improvements along a portion of Riverside Avenue from South Street to Marble Street as stated in the warrant, and that said sum be raised from taxation. Discussion followed by Selectman Smith, Barbara Smith – 147 Grove Avenue, Town Administrator Richard Brown, David Bucklin – 238 Old Colony Avenue, June Murphy – 177 Grove Avenue, Holly McNamara – 78 Harrington Lane, and Steven Moniz – 618 Brayton Point Road. A motion was made by Mr. Moniz and seconded by several on the floor to move the question. The Moderator called for a vote on the motion for Article 21. The Moderator declared that Article 21 passed as written and recommended by a majority vote in the affirmative (standing vote)

Article 22: To see if the Town will vote to transfer from the board or officer currently having care, custody and control for the purpose for which the property is currently held to the Board of Selectmen for the purpose of disposition by sale, lease or otherwise, the care, custody and control of the property and any improvements thereon shown on Assessors Map B-1 as Lot 139 and located at or near Slades Ferry Boulevard; and further to authorize the Board of Selectmen to sell, lease or otherwise dispose of all or a portion of said property pursuant to the provisions of G.L. Chapter 30B, Section 16, on such terms and conditions as the Board of Selectmen deems to be in the best interest of the Town; and further to authorize the Board of Selectmen to take such actions and execute such documents and agreements as are necessary to effectuate the purpose of this article; or take any action relative thereto.

The Advisory & Finance Committee unanimously recommends approval of this article. (5-0)

A motion was made by Christopher Godet and seconded by several on the floor to waive the reading of Article 22 by the Moderator. The motion carried by a nearly unanimous vote in the affirmative. The Moderator gave the body a few minutes to read the article.

Motion: A motion was made by Selectman Smith and seconded by Selectman Lawless that the Town vote to transfer the parcel of Town-owned land shown as Assessors Map B-1, Lot 139, and located at or near Slades Ferry Boulevard, to the Board of Selectmen for the purpose of disposition, and authorize the Board of Selectmen to sell, lease or otherwise dispose of said parcel consistent with the article and on such further terms and conditions as the Board of Selectmen deems necessary. Discussion followed by Mr. Smith. Hearing no further discussion, the Moderator reminded the body that this vote required a 2/3 vote. The Moderator, hearing no "No's" declared that Article 22 passed as written and recommended by a unanimous vote in the affirmative.



Article 23: To see if the Town will vote to raise and appropriate, and / or transfer from available funds a sum of money to be used for capital repairs and improvements of Town-owned buildings, including all costs incidental and related thereto, said money to be expended as the Board of Selectmen deems necessary; and further that such repairs and improvements shall be subject to all requirements of state and local procurement laws, and any other applicable laws and regulations; and further to authorize the Board of Selectmen to take such actions and execute such documents and agreements, including contracts in excess of three years, as are necessary to effectuate the purpose of this article, or take any action relative thereto.

The Advisory & Finance Committee unanimously recommends that the Town vote to appropriate the sum of \$350,000.00 for the purposes of this article and that said sum be raised from taxation.

Motion: A motion was made by Selectman Smith and seconded by Selectman Lawless that the Town vote to appropriate the sum of \$350,000.00 for the purpose of this article and that said sum be raised from Taxation, and that repairs and improvements are undertaken consistent with the article and on such further terms and conditions as the Board of Selectmen deems necessary. Discussion followed by Selectman Smith. Hearing no further discussion the Moderator called for the vote. The Moderator declared that Article 23 passed as written and recommended by a unanimous vote in the affirmative.

Article 24: To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, an amount of money to be expended under the direction of the School Building Committee for constructing and furnishing a new Somerset Middle School to be located at 1141 Brayton Avenue, Somerset, MA, including the payment of all costs incidental or related thereto, which school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years, and for which the Town may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"); and further to authorize the School Building Committee to execute all documents and agreement necessary to effectuate the purpose of this article. The Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town. Any grant that the Town may receive from the MSBA for the Project shall not exceed the lesser of (1) sixty-one and fifty-nine one hundredths percent (61.59%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; or take any other action relative thereto.

The Advisory & Finance Committee unanimously recommends that the Town vote to appropriate the sum of \$85,020,490.00 for the purposes of this article and that said sum be raised from taxation. (5-0) The Moderator noted that the recommendation was incorrect and that the words "and that said sum be raised by taxation" should be stricken.

Motion: A motion was made by School Committee Member Michael McDonald that the Town appropriate the amount of Eighty-five million, twenty thousand, four hundred and ninety Dollars (\$85,020,490) for the purpose of paying costs of constructing and furnishing a new Somerset Middle School to be located at 1141 Brayton Avenue, Somerset, MA, including the payment of all costs incidental or related thereto (the "Project"), which school facility shall have an anticipated useful life as an educational facility for the instruction of school children for at least 50 years, and for which the Town may be eligible for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of the School Building Committee and further to authorize the School Building Committee to execute all documents and agreement necessary to effectuate the purpose of this vote. To meet this appropriation the Treasurer with the approval of the Selectmen, is authorized to borrow said amount under M.G.L. Chapter 44, or pursuant to any other enabling authority. The Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town; provided further that any grant that Town may receive from the MSBA for the Project shall not exceed the lesser of (1) sixty-one and fifty-nine one hundredths percent (61.59%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; provided that any appropriation hereunder shall be subject to and contingent upon an affirmative vote of the Town to exempt the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. Chapter 59, Section 21C (Proposition 2½); and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the Town and the MSBA. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount. Discussion followed by Mr. McDonald, Ray Jardin – 144 Dwelly Road, Joseph Fingliss – 121 Shand Court Circle, Brian Michaud – 222 Highview Avenue, Kate LePage – 94 Seymour Avenue, Robert Camara – 804 Lees River Avenue, Katherine Cantwell – 108 Fenno Court, Donald Setters – 917 Pleasant Street, Town Accountant Eric Kinsherf, William Baga – 10 Pleasant Street, William Murphy – 353 Mohawk Road, Brian Gerry – 116 Sullivan Avenue, Renee Driscoll – 48 Garden Avenue, Dennis Correia – 23 Susie Street, Raymond McDonald – 90 Yankee Peddler Drive, Melissa Terra – 102 Banville Avenue, Brian Murphy 121 Mount Hope Road, and Solomon Haddad – 2662 Riverside Avenue. A motion was made by Mr. Haddad to move the question. The Moderator called for the vote on the motion to move the question. The Moderator declared that the motion to move the question passed by a nearly unanimous vote on the affirmative. The Moderator called for a vote on the Motion on Article 24. The Moderator called that this vote be taken by a ballot as it requires a 2/3 vote to pass. Yes – 459, No – 134. The Moderator declared that the 2/3 vote was acquired and that Article 24 passed as written and recommended.

A motion was made by School Committee member Victor Machado that there be no reconsideration of Articles 1 through 24. The motion was seconded by several members of the voting body on the floor. The motion carried by a nearly unanimous vote in the affirmative, as declared by the Moderator.

Article 25: To see if the Town will vote, pursuant to the Community Preservation Program, to appropriate the total

sum of \$182,975.00, of which \$143,215.00 will come from the Community Preservation Housing Reserve Fund, and the remaining \$39,760.00 will come from the Community Preservation Budgeted Reserve Fund, for the Somerset Housing Authority to remove and replace decking on the twelve (12) original shared porches/balconies at the John F. Kennedy elderly development in Somerset, MA, including but not limited to demolition, site preparation, equipment, furnishings and any other incidental or related costs or expenses, or take any action relative thereto.

The Advisory & Finance Committee unanimously recommends approval of this article. (5-0)

Motion: A motion was made by Community Preservation Committee Member Timothy Turner and seconded from the floor that the Town vote to adopt Article 25, as written. Discussion followed by Mr. Turner. Hearing no further discussion, the Moderator called for the vote. The Moderator declared that Article 25 passed as written and recommended by a unanimous vote in the affirmative.

Article 26: To see if the Town will vote, pursuant to the Community Preservation Program, to appropriate the total sum of \$8,325.00 which will come from the Community Preservation Program Historic Resources Reserve Fund for the removal and replacement of the interior ceiling tiles and the repair of the stairs and stone buttresses at the front entrance of the historic LCPL John J. Van Gyzen IV Det. 1285 Marine Corps League building (former Hood Library) including any incidental and related costs or expenses, or take any action relative thereto.

The Advisory & Finance Committee unanimously recommends approval of this article. (5-0)

Motion: A motion was made by Community Preservation Committee Member Timothy Turner and seconded from the floor that the Town vote to adopt Article 26, as written. Discussion followed by Mr. Turner. Hearing no further discussion, the Moderator called for the vote. The Moderator declared that Article 26 passed as written and recommended by a unanimous vote in the affirmative.

Article 27: To see if the Town will vote, pursuant to the Community Preservation Program, to appropriate the total sum of \$117,000.00, of which \$27,181.00 will come from the Community Preservation Open Space Reserve and \$89,819.00 will come from the Community Preservation Program Budgeted Reserve Fund to construct an asphalt basketball court and tennis court at O'Neil Field, which is located in Somerset, MA, including but not limited to demolition, site preparation, equipment, furnishings and any other incidental and related costs or expenses, or take any action relative thereto.

The Advisory & Finance Committee unanimously recommends approval of this article. (5-0)

A motion was made and seconded from the floor to waive the reading of Article 27. The motion carried by a unanimous vote in the affirmative.

Motion: A motion was made by Nancy Thomas and seconded by several on the floor, that the Town vote to adopt Article 27, as written. Discussion followed by Nancy Thomas. Hearing no further discussion, the Moderator called for the vote. The Moderator declared that Article 27 passed as written and recommended by a unanimous vote in the affirmative.

Article 28: To see if the Town will vote, pursuant to the Community Preservation Program, to appropriate the total sum of \$50,000.00, of which \$18,856.00 will come from the Community Preservation Historical reserves and \$31,144.00 will come from the Budgeted Reserve Fund for the façade restoration and renovation at the historic Friends Meeting House which is located in Somerset, MA, including but not limited to demolition, site preparation, equipment, furnishings and any other incidental and related costs or expenses, or take any action relative thereto.

The Advisory & Finance Committee unanimously recommends approval of this article. (5-0)

Motion: A motion was made by Community Preservation Committee Member Timothy Turner and seconded from the floor that the Town vote to adopt Article 28, as written. Discussion followed by Mr. Turner and Mrs. Mary Ann McDonald – 32 Brook Street. Hearing no further discussion, the Moderator called for the vote. The Moderator declared that Article 28 passed as written and recommended by a unanimous vote in the affirmative.

Article 29: To see if the Town will vote, pursuant to the Community Preservation Program, to appropriate the total sum of \$35,000.00, of which \$20,087.00 will come from the Community Preservation Budget Reserve Fund and \$14,913.00 will come from the Community Preservation Budget Undesignated Reserve Fund to install the existing playground equipment from the former Wilbur School at O'Neil Field, in Somerset, MA, including but not limited to site preparation, equipment, furnishings and any other incidental and related costs or expenses, or take any action relative thereto.

The Advisory & Finance Committee unanimously recommends approval of this article. (5-0)

Motion: A motion was made by Community Preservation Committee Member Timothy Turner and seconded from the floor that the Town vote to adopt Article 29, as written. Discussion followed by Mr. Turner. Hearing no further discussion, the Moderator called for the vote. The Moderator declared that Article 29 passed as written and recommended by a unanimous vote in the affirmative.

Article 30: To see if the Town will vote, pursuant to the Community Preservation Program, to appropriate the total sum of \$13,000.00, which will come from the Community Preservation Program Undesignated Reserve Fund for the renovations and replacement of the existing backstop and fabric to the softball field at O'Neil Field, in Somerset, MA, including but not limited to demolition, site preparation, equipment, furnishings and any other incidental and related costs or expenses, or take any action relative thereto.

The Advisory & finance Committee unanimously recommends approval of this article. (5-0)

Motion: A motion was made by Community Preservation Committee Member Timothy Turner and seconded from the floor that the Town vote to adopt Article 30, as written. Discussion followed by Mr. Turner. Hearing no further discussion, the Moderator called for the vote. The Moderator declared that Article 30 passed as written and recommended by a unanimous vote in the affirmative.

Article 31: To see if the Town will vote, pursuant to the Community Preservation Program, to appropriate the total sum of \$9,500.00 which will come from the Community Preservation Budget Reserve Fund to replace the existing backstop and fabric on Field #1 at Ashton Field, in Somerset, MA, including but not limited to demolition, site

preparation, equipment, furnishings and any other incidental and related costs or expenses, or take any action relative thereto.

The Advisory & Finance Committee unanimously recommends approval of this article. (5-0)

Motion: A motion was made by Community Preservation Committee Member Timothy Turner and seconded from the floor that the Town vote to adopt Article 31, as written. Discussion followed by Mr. Turner. Hearing no further discussion, the Moderator called for the vote. The Moderator declared that Article 31 passed as written and recommended by a unanimous vote in the affirmative.

Article 32: To see if the Town will vote to appropriate and/or reserve from the Community Preservation Fund FY22 estimated annual revenues the following amounts recommended by the Community Preservation Committee for Committee administrative purposes and other expenses in fiscal year 2022, reservations for each of the three purposes of the law in accord with G.L. c.44B, §6, and any other purposes recommended by the Committee, with each item to be considered a separate appropriation or reservation:

The Advisory & Finance Committee unanimously recommends approval of this article. (5-0)

Appropriations:

Committee Administrative Expenses: \$ 2,000.00

Reserves

Historic Resources Reserve:	\$ 34,198.00
Community Housing Reserve:	\$ 34,198.00
Open Space Reserve:	\$ 34,198.00
FY2022 Budgeted Reserve:	\$ 239,386.00

or take any action relative thereto.

Motion: A motion was made by Community Preservation Committee Member Timothy Turner and seconded from the floor that the Town vote to adopt Article 32, as written. Discussion followed by Mr. Turner. Hearing no further discussion, the Moderator called for the vote. The Moderator declared that Article 31 passed as written and recommended by a nearly unanimous vote in the affirmative.

Article 33: To see if the Town will vote to amend the Town of Somerset Noise Nuisance By-law, voted under Article 25 at the August 3, 2020, Annual Town Meeting, by deleting the existing Noise Nuisance By-law in its entirety, and by inserting in place thereof, the following Town of Somerset Noise Control By-law, or take any action relative thereto.

Noise Control Bylaw

1. Authority

This Bylaw is issued by the Town of Somerset pursuant to its authority under M.G.L. Chapter 40, Section 21 as reasonable and necessary for the protection of the health and welfare of the citizens of the Town of Somerset.

2. Purpose

The Town of Somerset hereby finds that excessive or unwarranted noise is a nuisance and a potential health hazard. Recognizing that people have a right to—and should be ensured—an environment free from excessive and unwarranted noise, the Town of Somerset establishes this Bylaw to protect, preserve, and promote the health, safety, welfare, and quality of life for its citizens.

The intention is not to restrict people's enjoyment of their home, property, or business but to ensure that the Town and its citizens are protected from intrusion of excessive noise generation by:

- i. Providing a mechanism for control, prevention and mitigation of noise through the establishment of maximum noise levels for lawful uses and activities,
- ii. Providing a venue for adjudication, arbitration, and if necessary, the imposition of penalties to preserve the character of our town.

Noise is hereby declared a nuisance if it:

- i. is excessive, unnecessary, prolonged, unusually loud, or unnatural in its time, place, and use, and constitutes an annoyance to a person of ordinary sensibility to sound; materially and substantially interferes with the ordinary comfort of life, and the reasonable use and enjoyment of property; or
- ii. fails to meet the standards or limitations set forth in this Bylaw.

Therefore, without limiting the generality of the foregoing

- i. No person owning, leasing, or controlling a source of sound shall willingly, negligently, or through failure to provide necessary equipment, service, or maintenance and/or failure to take necessary precautions, cause, allow, or permit excessive or unwarranted noise as described in this Bylaw.
- ii. This Bylaw shall apply to all sound originating within the limits of the Town of Somerset and is intended to be consistent in scope and application with relevant state and federal statutes and Town Bylaws.
- iii. All Town of Somerset departments and agencies shall, to the fullest extent consistent with federal and state laws and Town Bylaws, carry out their programs in such a manner as to comply with this Bylaw.
- iv. Provisions in this Bylaw shall not apply to any activity to the extent that the Bylaw has been preempted by state or federal law.

3. Prohibitions on Excessive or Unwarranted Noise

The activities set forth below are deemed to be sources of excessive or unwarranted noise, when not performed in accordance with the following standards:

- A. Construction/maintenance power equipment. Devices and equipment engaged in home construction (including site preparation and restoration), roof installation, building restoration, and activities and/or demolition shall be permitted for use only between the hours of 7:00 a.m. and 10:00 p.m., on weekdays and the hours of 8:00 am and 10:00 pm on weekends or legal holidays, or as otherwise allowed by a permit issued by the Somerset Board of Health for such activity.

EXCEPTIONS:

- i. Construction-related activity as specified in Section 3A, on days for which "Danger" or "Extreme Danger" heat conditions are forecast by the National Weather Service, may begin before 7:00 a.m., but not before 5:30 a.m.
- B. Residential trash collection: Vehicles permitted by the Somerset Board of Health, used for the collection of trash, rubbish, refuse, or debris are permitted to operate on any point of public or common right-of-way for vehicular traffic between the hours of 7:00 a.m. and 8:00 p.m.

EXCEPTIONS:

- i. Commercial trash collection may take place at any time within any area of the Town of Somerset's Industrial Zones or Commercial Zones under the Zoning Bylaw.
- C. Residential deliveries or pickups: Deliveries or pickups for residential purposes are permitted between 7:00 a.m. and 8:00 p.m., unless the noise level of such deliveries or pickup exceeds the standards and limitations set forth in Section 5 of this bylaw.

EXCEPTIONS:

- i. Commercial deliveries or pickups may take place at any time within any area of the Town of Somerset's Industrial Zones or Commercial Zones under the Zoning Bylaw.
- D. Domestic mechanical equipment. The outdoor use of domestic mechanical equipment such as, but not limited to, lawn mowers, leaf blowers, and power saws is permitted between the hours of 7:00 a.m. and 10:00 pm Monday through Saturday and on Sundays and legal holidays between 8:00 am and 10:00 pm.
- E. Fixed plant equipment fixed such as but not limited to air conditioners, pumps, fans, furnaces, compressors, engines, ventilation equipment, fuel/pipeline vents or blowdowns, and similar equipment is prohibited. As used herein, fixed shall mean any equipment mounted, secured, or fastened to the ground or to any building or structure, as well as any equipment that requires the assistance of motorized equipment to move or transport, shall comply with the standards and limitations set forth in Section 5 of this Bylaw.
- F. Radio, phonograph, musical instruments and television. The playing of radio, phonograph, television set, amplified or musical instruments, loudspeakers, tape recorder or other electronic sound producing devices, in such a manner or with volume at any time or place so as to annoy or disturb the reasonable quiet, comfort or repose of persons in any dwelling or other type of residence, or in any office or of any persons in the vicinity.
- G. Noises on public streets (other than from the normal operation of motor vehicles). The making of any loud noises on any public streets, between the hours of 10:00 pm and 7:00 am, or the making of any such noise at any time of place so as to annoy or disturb the reasonable quiet, comfort or repose of persons in any dwelling, or other type of residence, or in any office or of any persons in the vicinity.
- H. Noises on public streets (from the normal operation of motor vehicles). Noise from motor vehicles operating on public streets within the Town of Somerset shall conform to the standards set forth in the United States Environmental Protection Agency Regulations, 40 C.F.R. 202.20, Interstate Motor Carrier Operations Standards, as may be amended or superseded from time-to-time, and which currently reads as follows:

- (a) No motor carrier subject to these regulations shall operate any motor vehicle of a type to which this regulation is applicable which at any time or under any condition of the highway trade, load, acceleration or deceleration generates a sound level in excess of 86dB(A) measured on an open site with fast meter response at 50 feet from the centerline of lane of travel on highways with speed limits of 35 mph or less; or 90dB(A) measured on an open site with a fast meter response at 50 feet from the centerline of lane travel on highways with speed limits of more than 35 mph.
- (b) No motor carrier subject to these regulations shall operate any motor vehicle of a type to which this regulation is applicable which at any time or under any condition of highway grade, load, acceleration or deceleration generates a sound level in excess of 83 dB(A) measured on an open site with fast meter response at 50 feet from the centerline of lane of travel on highways with speed limits of 35 MPH or less; 87 dB(A) measured on an open site with fast meter response at fifty feet from the centerline of lane of travel on highways with speed limit of more than 35 mph.

4. Exemptions

The provisions of this Bylaw shall not apply to sounds emitted during or associated with any of the following:

- A. Police, fire, and civil and national defense activities, or training exercises by public safety personnel related to emergency activities
- B. Any bell or chime from any school, church, or government building
- C. Any events that are permitted by the Town, such as parades, public gatherings, or sporting events for which permits have been issued
- D. Noncommercial public speaking and public assembly activities, as guaranteed by state and federal constitutions
- E. Operation of any activity that is an ordinary or ancillary aspect of farming.
- F. Emergency work including but not limited to the operation of any mechanical device, apparatus, vehicle, or equipment used in connection with that emergency, but only to the extent necessary to respond to the emergency.
- G. Snow removal.
- H. Any activity to the extent that this Bylaw has been preempted by state or federal laws.

5. Measurement of Excessive or Unwarranted Noise

It shall be unlawful for any person to make or produce excessive or unwarranted noise. A determination that excessive or unwarranted noise is caused by a given noise source will be made in accordance with the following standards using the "Definitions" set forth in the Appendix to the Bylaw.

- A. Excessive or unwarranted noise, as used in this Bylaw, shall mean any of the following:

It shall be unlawful for any person or persons to create, assist in creating, continue or allow to continue, any excessive, unnecessary, or unusually loud noise which either annoys, disturbs, injures, or endangers the reasonable quiet, comfort, repose or the health or safety of others within the Town of Somerset. The Board of Health, the Police Department or any other town enforcement agency, shall utilize a certified sound measuring device to investigate noise complaints. Such sound measuring devices shall be maintained, calibrated and periodically certified per manufacturer recommendations. The following tables shall serve as a guide to enforcement officials for investigating complaints:

	Location Where Noise is Measured	Time Period	Maximum allowable Decibel Level above Ambient
Residential	Property line	7:00 am to 10:00 pm	65 decibels
Residential	Property line	10:00 pm to 7:00 am	55 decibels
Commercial	Property line	7:00 am to 10:00 pm	70 decibels

Type of Premises	Location Where Noise is Measured	Time Period	Maximum allowable Decibel Level
Commercial	Property line	10:00 pm to 7:00 am	60 decibels
Industrial	Property line	7:00 am to 10:00 pm	80 decibels
Industrial	Property line	10:00 pm to 7:00 am	70 decibels
Public premises	Property line or anywhere on public premises	8:00 am to 10:00 pm	75 decibels
Public premises	Property line or anywhere on public premises	10:00 pm to 8:00 am	60 decibels

- B. Determination of excessive or unwarranted noise originating from public property owned by the Town of Somerset or the Commonwealth of Massachusetts, shall be made at any location a passerby might lawfully occupy.
- C. Measurement of the noise source level shall be made over a time interval approximately equal to, but not to exceed, the duration of the noise source or noise event in question. For example, in the case of a continuous persistent stimulus, such as an air conditioning unit or machinery noise, an appropriate measurement duration should be at least 5 minutes. In the case of a transient, impulsive stimulus, such as a gas or steam blow-off or pile driver, the measurement interval needs to be shorter, matched to the duration of the noise stimulus.
- D. Noise level measurements made for the purpose of establishing compliance, or lack thereof, with this Bylaw may be submitted by a resident or business owner to any enforcing person, as specified in Section 6, which may be accepted or rejected and/or given weight as the enforcement officer deems appropriate. The Town of Somerset Board of Health may, at its discretion, consult qualified experts for the purpose of validating a complaint.
- E. Ambient baseline noise levels in the Town of Somerset may be measured by a qualified expert appointed by the Board of Health. If no such ambient baseline noise levels exist at the time a complaint is brought, or a site review is conducted, any person seeking relief under this Bylaw may submit ambient baseline measurements made in compliance with the conditions set forth in this section. The Town of Somerset Board of Health may, at its discretion, consult qualified experts for the purpose of validating a complaint.
- F. In no instance should any part of this Bylaw be interpreted so as to abrogate the power of the Board of Health pursuant to M.G.L. Chapter 111, Sections 31 and 122-125A, 310 CMR 7.00, and any other applicable law.

6. Enforcement and Penalties

The principal enforcement agencies for this Bylaw is the Town of Somerset Board of Health, Somerset Police Department or its designated agent. Any complaints or infractions should be reported to the Somerset Board of Health accordingly.

A. Any person who has witnessed a violation of this Bylaw may make a complaint to one of the enforcement officers designated above.

B. Upon receipt of a complaint brought under the terms and conditions of this Bylaw, the Board of Health or its designated agent may at its discretion, investigate the complaint, which may include convening a meeting with interested parties to attempt to resolve the matter. If the meeting does not result in resolution, either through inability to reach agreement or failure to participate by the party/parties involved, the Board of Health may take any and all actions as appropriate to enforce this Bylaw.

C. Any person who violates any provision of this Bylaw shall be subject to a fine of \$300 per violation at the discretion of the responding agency. The imposition of a penalty for any violation shall not excuse the violation or permit it to continue. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

D. Whoever violates any provision of this regulation may be penalized by a non-criminal disposition process as provided in MGL, chap. 40, s21D and the Town's non-criminal disposition by-law. If non-criminal disposition is elected, then the non-criminal fine for each such violation, if not otherwise specified shall be: \$300.00.

E. the Board of Health may enforce this by-law or enjoin violations thereof through any lawful process, which may include, but not limited to the issuance of cease and desist orders and/or orders to correct, and the election of one remedy by the Board of Health shall not preclude enforcement through any other lawful means.

7. Permitting of New Uses and Structures in Commercial and Industrial Zoning Districts

- A. No resident, property owner, or business owner or operator of any land or use in a Town of Somerset Commercial or Industrial Zoning District shall commence or cause to be commenced the construction of any structure or introduction of any land use unless it is first determined by the Board of Health the proposed use will not result in a source of excessive or unwarranted noise to be in conformance with the terms and conditions established under this Bylaw.
- B. Any application for a permit to the Town of Somerset for improvement to land in the Commercial or Industrial Zoning District, including but not limited to a building permit, occupancy permit, business permit, or special permit issued by Planning Board, Zoning Board of Appeals, or Board of Selectmen shall require a review by the Board of Health to determine compliance with this Bylaw.
 - i. This application must be made in writing, and shall include any and all information and data supporting the claim that the terms of this Bylaw will be met and maintained, as well as any other information which the Board of Health may reasonably require for this purpose.
- C. The Board of Health may conduct such inspections and measurements as are necessary to ensure the accuracy of any report submitted to ascertain compliance with this Bylaw. These may include on-site inspections by a noise or sound expert during specified periods of construction.
- D. The Board of Health may, at its discretion, impose any reasonable noise abatement or mitigation measures it believes to be necessary for the proposed building or use to meet with the terms and conditions of this Bylaw.
- E. No new or substantially modified structure as determined by the Building Inspector on land used or zoned as commercial or industrial shall be approved for construction unless the owner or developer of such land has demonstrated, in accordance with the terms and conditions delineated herein, that the completed structure and the activities associated with and on the same property as the structure, will comply with the provisions of this Bylaw when operation commences and will continue to comply.

8. Relationship to Other Laws

Nothing in this Bylaw shall be construed to restrict, amend, repeal, or otherwise limit the application or enforcement of existing federal, state, or Town of Somerset's laws.

9. Rules and Regulations

The Board of Health may promulgate, after public notice and hearing, rules and regulations to effectuate the purposes and intent of this Bylaw. However, failure by the Board of Health to promulgate such rules and regulations shall not act to suspend or invalidate the effect of this Bylaw.

10. Severability

If any section, paragraph or part of this Bylaw is for any reason declared invalid or unconstitutional by any court, every other section, paragraph, and part shall continue in full force.

APPENDIX

Definitions

A-weighted decibel (dBA)—refers to the nationally recognized standard for measured sound pressure level, normalized for the frequency-dependent relative loudness perceived by the human ear, and expressed in decibels relative to a reference pressure of 20 micropascals.

Absolute—a direct measurement in calibrated sound pressure level: Not comparative or relative in any way.

Ambient noise level (L_{eq})—the background noise level, or equivalent continuous noise level, measured in A-weighted decibels that is used as the reference level against which a new intrusive sound source may be compared. The Board of Health may, at its discretion, impose specific requirements as to the conditions under which the ambient noise level is to be established so as to insure its relevance and fairness to the quantification of the subject noise stimulus, including time duration and time of day.

Decibel (dB)—a logarithmic unit used in measuring the sound pressure level relative to a reference pressure of 20 micropascals.

Excessive—more than is necessary, normal, or desirable; immoderate

Noise—a sound.

Noise level—the property of broadband sound (that is, sound with multiple tones/frequencies, or a continuous band of frequencies) as measured in A-weighted decibels (dBA) with a sound level meter that meets or exceeds the requirement for a Type I or Type II sound-level meter as specified under American National Standards Institute (ANSI) Specification S1.4-1974 or its successor (ANSI, 1974/1983, S1.4), which is capable of making absolute measurements). For the purposes of characterizing the relative increase in sound pressure level caused by a noise under review, at its discretion the Board of Health may allow the presentation of measurements made by a more readily available instrument, such as a smartphone or tablet with a sound-pressure-meter application.

Octave band—a portion of the sound spectrum with the upper limit twice the frequency of the lower limit. Octave bands are named for their center frequency (geometric mean) of the band. Standard octave bands for sound level meters are defined by the American National Standards Institute (ANSI, 2009, S1.11).

Relative—a term used to describe any measurement of a noise stimulus made with respect to a contemporaneous measurement of the ambient noise level, as defined below. A relative measurement is understood to be self-normalizing in that it quantifies the intrusive nature of a noise source in terms of a known, ordinary acceptable noise background level. Further, a relative measurement inherently compensates for measurement error or bias associated with a particular measurement device by automatically cancelling any such errors as they are common to measurement of noise stimulus and background. As such, it is imperative that any relative measurement be performed using measurements of noise stimulus and background by the same exact device, made within a reasonable time interval.

Tonal—a sharply narrowband, continuous-wave (CW) signal or acoustic stimulus, like a long whistle or whirring sound. Due to its very concentrated nature in frequency, a tonal acoustic disturbance tends to possess a much greater annoyance factor, or even cause physical discomfort, at much lower relative sound pressure levels than a broadband noise source.

REFERENCES

American National Standards Institute (ANSI). (1974/1983). American National Standard Specification for Sound Level Meters: ANSI S1.4A-1985 Amendment to ANSI S1.4-1983. Melville, NY: Acoustical Society of America.

American National Standards Institute (ANSI). (2009). *Specification for octave-band and fractional-octaveband analog and digital filters*. Melville, NH: Secretariat, Acoustical Society of America.

Berglund, B., Lindvall, T., & Schewela, D. (2000). *Guidelines for community noise*. Geneva, Switzerland: World Health Organization (WHO).

Massachusetts Department of Environmental Protection Noise Pollution Policy Interpretation (2017). See the related law, regulations, and policy: M.G.L. Chapter 111, Sections 142A-142M, and 310 CMR 7.00: Air Pollution Control.

<https://www.mass.gov/files/documents/2018/01/31/noise-interpretation.pdf>

World Health Organization (WHO) Guidelines for Community Noise (1999).

<https://www.who.int/docstore/peh/noise/guidelines2.1.html>

World Health Organization Guidelines for Community Noise (1999), Chapter: Adverse Health Effects of Noise.

<https://www.who.int/docstore/peh/noise/Comnoise-3.pdf>

World Health Organization Training Package for the Health Sector: Children and Noise, Children's Health and the Environment

<https://www.who.int/kebc/capacity/noise.pdf>

The Advisory & Finance Committee unanimously does not recommend approval of this article. (5-0)

Motion: A motion was made by Selectmen Smith and seconded by Selectman Lawless that the Town vote to adopt Article 33, as written. Discussion followed by Selectman Smith. A motion was made by Selectman Smith to amend the Noise Control By Law Section 3(d) by striking 7:00 am to 8:00 pm and Section 5 by striking the words "above ambient" on the chart. There was a second from the floor. Discussion followed by Timothy Turner and Lloyd Mendes. Hearing no further discussion, the Moderator called for the vote. The motion to amend Article 33 passed by a nearly unanimous vote in the affirmative. Discussion on Article 33 as amended followed by Selectman Smith, Lloyd Mendes – 46 Anawan Street, Nancy Thomas – 71 Ripley Street, Amy Rigtrup – 100 Pocasset Street, Kathy Souza – 130 Pocasset Street. A motion was made by Kathy Souza and seconded by Timothy Turner to move the question. The Moderator called for the vote on Article 33 as amended. After a voice vote, the Moderator asked for a standing counted vote. Yes – 110, No -20 The Moderator declared that Article 33 passed as amended by a majority vote in the affirmative.

Article 34: Now comes the undersigned Petitioners, who are all registered voters in the Town of Somerset, Massachusetts, and do hereby petition the Somerset Board of Selectmen to place on the next Annual Town Meeting Warrant, an Article seeking to amend the Slade's Ferry Crossing District section of the Somerset Zoning By-law to amend Article 9.5.6.C.4, which presently reads as follows:

4. *Not more than fifty percent (50%) of the total gross square footage of all buildings and structures can be in residential use as part of mixed-use building.*

And amending it to read as follows:

4. *Not more than fifty percent (50%) of the total gross square footage of the buildings and structures can be used for residential purposes as part of a mixed-use building, unless the SPGA*

determines that a greater percentage being designated for residential purposes is appropriate under the circumstances relating to the proposed development.

IN WITNESS WHEREOF, the said Petitioners have caused their hand and seal to be hereto affixed.

The Advisory & Finance Committee has no recommendation on this article.

The Planning Board by a majority recommends approval of this article. (4-1)

A motion was made by Christopher Godet and seconded from the floor to waive the reading of Article 34. The Moderator called for the vote. The motion to waive the reading passed by a unanimous vote in the affirmative.

Motion: A motion was made by Attorney Thomas Killoran that the Town vote to accept Article 34 as written.

There were several seconds from the floor. Discussion followed by Attorney Killoran, Steven DeCosta – 519 Riverside Avenue, Corey Clausen – 460 Riverside Avenue, Selectman Lawless, Jessica Machado – 91 Washington Avenue, Steven Cadorette (ZBA) – 35 Bodwell Street, Robert Gaw – 119 Butternut Road. A motion was made by Mr. Gaw to move the question. The motion was seconded by several members from the floor of the voting body. The Moderator declared the motion carried by a unanimous vote in the affirmative. The Moderator called for a standing counted vote as this article requires a 2/3 vote to pass. Yes – 106, No – 5 The Moderator declared that Article 34 passed as written by acquiring a 2/3 vote in the affirmative.

Article 35: Now comes Sherwood Building Co, Inc. a Massachusetts Corporation, having an address of 15 Court St. Taunton, MA 02780, and as owner of the real estate hereinafter described, does hereby petition the Somerset Board of Selectmen to place on the Annual Town Meeting Warrant, an article seeking to rezone the premises hereinafter described, whereby the zoning of said parcel would be changed from a "Residential District" to a "Business District", all as is defined by the Somerset Zoning By-Law, said parcel of land being bounded and described as follows:

The land, together with all buildings and improvements thereon, in Somerset, Bristol County, Massachusetts, being bounded and described as follows:

Being shown as Map 5A lot 61 on that certain plan of land entitled "PLAN OF LAND 'WILBUR SCHOOL' 861 BRAYTON POINT ROAD SOMERSET, MA PREPARED FOR SHERWOOD BUILDING CO. DATE: 8-30-19 SCALE: 1" = 30', as the same is recorded with the Bristol County, Fall River District, Registry of Deeds in Plan Book 164, Page 20.

Said land is further bounded and described as follows:

BEGINNING AT THE NORTH WEST CORNER OF THE PARCEL BEING

DESCRIBED ALONG THE EASTERLY SIDELINE OF BRAYTON POINT ROAD;

THENCE N 46⁰ 19'32" E A DISTANCE OF 133.30';

THENCE N 52⁰ 43'56" E A DISTANCE OF 169.29';

THENCE S 49⁰ 26'13" E A DISTANCE OF 249.10';

THENCE S 40⁰ 33'47" W A DISTANCE OF 12.00';

THENCES S 49⁰26'13" E A DISTANCE OF 82.50';

THENCE N 40⁰ 33'47" E A DISTANCE OF 12.00';

THENCE S 49⁰26'13" E A DISTANCE OF 140.00';

THENCE S 05⁰ 07'40" W A DISTANCE OF 190.00';

THENCE S 40⁰10'34" W A DISTANCE OF 189.18';

THENCE N 45⁰17'14" W A DISTANCE OF 633.77';

WHICH IS THE POINT OF BEGINNING,

HAVING AN AREA OF 187,046 +/- SQUARE FEET OR 4.3 ACRES

IN WITNESS WHEREOF, the said Alex Stylos, President has caused his seal to be hereto affixed and these presents to be signed, acknowledged, and delivered in the name of Sherwood Building Co., Inc. hereto duly authorized, this 11 day of March, in the year TWO THOUSAND TWENTY ONE.

The Advisory & Finance Committee has no recommendation on this article.

The Planning Board has no recommendation on this article.

A motion was made by Christopher Godet and seconded by Dolores Bence to waive the reading of Article 35.

The Moderator declared the motion to waive the reading passed by a unanimous vote in the affirmative.

Motion: A motion was made by Planning Board Member Gary Simons and seconded by several members on the floor of the voting body to indefinitely postpone Article 35. The Moderator declared that the motion to indefinitely postpone Article 35 passed by a unanimous vote in the affirmative.

All business of the Annual Town Meeting of the Town of Somerset on May 17, 2021, the Moderator called for a vote to dissolve the meeting at 11:08 pm. The motion was so moved and seconded by several members of the on the floor of the voting body. The motion passed by a unanimous vote in the affirmative.

A true copy attest;

**Dolores Bence, CMMC
Town Clerk**