

Special Town Meeting February 8, 2025

The Special Town Meeting was called to order at 10:08 a.m. by the Town Moderator Lucia Casey at the Somerset Berkley Regional High School Performing Arts Center as called for by the Warrant, duly posted as required by Massachusetts General Laws followed by announcements and the Pledge of Allegiance, led by the Moderator.

Article 1: To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation in the form set forth below, authorizing the Board acting as the Town's Licensing Authority to issue one (1) additional off premises wine and malt beverages license to the establishment located at 2756 County Street, in Somerset, MA; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court within the scope of the general public objectives of the petition, and to authorize the Board of Selectmen to approve such amendments.

AN ACT AUTHORIZING THE TOWN OF SOMERSET TO GRANT ADDITIONAL LICENSES FOR THE SALE OF ALCOHOLIC BEVERAGES TO BE DRUNK OFF THE PREMISES.

Be it enacted by the Senate and House of Representative in General Court assembled, and by the authority of the same as follows:

Section 1. Notwithstanding section 17 of chapter 138 of the General Laws relative to the number of licenses that may be granted in the Town of Somerset, the licensing authority of the Town of Somerset may grant one (1) license for the sale of retail of wine and malt beverages to be drunk off the premises under section 12 of said chapter 138, to establishment located at 2756 County Street, in Somerset, MA.

The license shall comply with such requirements and conditions as the licensing authority shall deem appropriate. The license shall be subject to all requirements of said chapter 138, except said section 17 relative to the number of licenses that may be granted. The license shall be nontransferable to any other location, but a license granted under this act may be reissued to a new applicant at the same location, if the applicant files with the licensing authority a letter from the Department of Revenue indicating that the license is in good standing with the department and that all applicable taxes have been paid. The licenses shall be subject to all other provisions of said chapter 138.

Section 2. If a license granted under this act is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority which may then grant the license to a new applicant within the same location under the same terms and conditions as specified in this act.

Section 3. This act shall take effect upon its passage.
Or take any action relative thereto.

The Advisory & Finance Committee by a majority recommends approval of this article. (6-1 abstain)

Motion Article 1: A motion was made by Selectman Vaught and seconded by Selectman Souza that the Town vote to accept and adopt Article 1 as written. Discussion followed by Selectman Vaught. Hearing no further discussion, the Moderator called for the vote on Article 1 as written. The Moderator declared that Article 1 carried by a majority voice vote.

****A motion was made by Selectman Souza to move article 12 to the next position seconded by Selectman Vaught. The Moderator called for a vote. The Moderator called for a voice vote. The Moderator declared this motion passed by a majority in favor.****

Article 12: Banning of community water fluoridation in Somerset, MA To instruct the Board of Selectmen to petition the State Legislature for a Home Rule Exemption to Massachusetts Flouridation Law Chapter 111, Section 8c., so that the Town of Somerset, MA, could put into place an ordinance banning Community Water Flouridation.

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

Motion Article 12: A Motion was made by Elizabeth Paskowski – 347 North Street, to accept article 12 as written seconded by the floor. Discussion followed ???, Jessica Machado- 91 Washington Ave and Amy Rigtrup-100 Pocasset St.

Motion was made to move the question by Amy Rigtrup- 100 Pocasset St. and seconded by the floor. Moderator called for a standing vote on motion. The vote totals Yes- 198, No- 133. Moderator declared the motion passed. Moderator called for a standing vote on Article 12. The vote totals 154 in the affirmative and 192 in the negative. Moderator declared article 12 did not pass.

****A motion was made by Selectman Souza to move article 13 to the next position seconded by Selectman Vaught. Discussion followed by Selectman Smith, Victor Machado-119 Desmond Ave., Jessica Machado- 91 Washington Ave and Selectman Souza. Hearing no further discussion The Moderator called for a vote. The Moderator called for a standing vote. Vote totals 215 in favor and 124 opposed. The Moderator declared this motion passed.****

Article 13 To see is the Town will vote to have its elected Town Clerk become a appointed Town Clerk.

**The Advisory & Finance Committee unanimously does not recommend approval of this article. (7-0)
Mike Pasternak Advisory & Finance Committee Chair noted the miss print on the handout. A&F has no recommendation on this article.**

An Act Authorizing the Board of Selectmen of the town of Somerset to appoint the Town Clerk

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

Section 1. Notwithstanding the provisions of section 1 chapter 41 of the General Laws or any other general or special law, rule or regulation to the contrary, there shall be an appointed town clerk of the town of Somerset. The town clerk shall have all the powers, perform the duties and be subject to the liabilities and penalties now or hereafter conferred and imposed by law on town clerks. The town clerk

shall be appointed, for a term not exceed three years, and may be removed, after the opportunity for a hearing, by the board of selectmen of the town. The board of selectmen may establish an employment contract, subject to annual appropriation, with the town clerk for salary, fringe benefits, and other conditions of employment, including, but not limited to severance pay, reimbursement for expenses incurred in the performance of the duties of office, liability insurance, and conditions of discipline, termination, dismissal, reappointment, performance standards, and leave. A vacancy in the office of town clerk shall be filled in like manner for the then unexpired term thereof.

Section 2. Upon the effective date of this act, the elected office of town clerk shall be abolished and the term of the incumbent of such office terminated. Notwithstanding the foregoing, the elected incumbent holding the office of town clerk on the effective date of this act shall continue to hold said office and to perform the duties of that office until the expiration of the term for which the town clerk position was elected, unless he or she sooner vacates such office, or until a new town clerk is appointed by the board of selectmen in accordance with section 1 of this act.

Section 3. No contracts or liabilities in force on the effective date of this act shall be affected by the abolition of the elected office of town clerk or the creation of the appointed office and the appointed town clerk shall, in all respects, be the lawful successor of the office so abolished. All records, property and equipment of the offices of the elected town clerk shall be assigned to the office of the appointed town clerk.

Section 4. This act shall take effect upon its passage.

Motion Article 13: Motion was made by Selectman Smith and seconded by Selectman Vaught that the Town vote to authorize the Board of Selectmen to petition the General Court for special legislation entitled "An Act Authorizing the Board of Selectmen of the Town of Somerset to Appoint the Town Clerk" in the form set forth below, to make the position of Somerset Town Clerk an appointed position rather than an elected position; provide however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments of the bill before enactment by the General Court within the scope of the general public objectives of the petition, and to authorize the Board of Selectmen to approve such amendments, or take any other action relative thereto. Discussion followed by Selectman Smith, Brian Gerry 160 Sullivan Ave., Paul Cogley- 159 Main St., Michael McDonald- 36 Utah Ave, Kimberly Michaud- 222 Highland Ave, Victor Machado-119 Desmond Ave., Caitlin Hadala- 29 Scenic Drive, Caitlin Kosinski- 479 Kathleen Ave., Robert Taylor- 11 Woodland Drive, Jessica Machado- 91 Washington Ave., Cheryl Crossley-Simmons- 570 Main St.,???, Amy Rigtrup- 100 Pocasset St. and Mark Ullucci- 84 Keegan Ct.

Motion was made by Steven Moniz- 618 Brayton Point Rd. to move the question seconded by the floor. Moderator declared nearly unanimous vote in the affirmative.

Steven Moniz- 618 Brayton Point Rd. made a motion to have question be voted by ballot seconded by the floor. Moderator declares that the motion passes. Moderator called for a ballot vote. Vote totals 372 votes cast; 68- yes, 304 – no. Moderator declared article 13 did not pass.

****A motion was made by William Taylor- 65 Williamson Dr. to not reconsider articles 12 and 13, it was seconded by the floor. Moderator calls for a voice vote. Moderator declared unanimous vote in the affirmative.****

Article 2: 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 \$150,000.00 for the purpose of this article and that said sum be transferred from Free Cash. (7-0)

Motion Article 2: Motion was made by Selectman Smith and Seconded by Selectman Vaught that the Town vote to appropriate the sum of \$150,000.00 for the purposes of this article, and that said sum be transferred from Free Cash. Discussion followed by Selectman Smith. Hearing no further discussion, the Moderator called for the vote on Article 2 as written. The Moderator declared that Article 2 carried by a nearly unanimous voice vote.

Article 3: To see if the Town will vote to raise and appropriate, and/or transfer from available funds a sum of money to pay the following bills incurred in a prior fiscal year, or take any action relative thereto.

The Advisory & Finance Committee unanimously recommends that the Town vote to appropriate the sum of \$770.10 for the purpose of this article and that said sum be transferred from Free Cash. (7-0)

APPROPRIATION	EXPENSES
#151 Legal	\$708.00
#192 Town Office	\$28.02
#198	\$34.08
TOTAL	\$ 770.10

Motion Article 3: A motion was made by Selectman Smith and seconded by Selectman Vaught that the Town vote to appropriate the sum of \$770.10 for the purpose of paying bills of a prior year, as written in the article, and that said sum be transferred from Free Cash. Discussion followed by Selectman Smith. Hearing no further discussion, the Moderator called for the vote on Article 2 as written. Chair made the announcement that this is a late bill and requires a 9/10 vote. The Moderator declared that Article 2 carried by a unanimous voice vote.

Article 4: 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 and equipping a police cruiser for the Police Department, including any incidental costs or expenses, or take any action relative thereto.

The Advisory & Finance Committee by a majority recommends that the Town vote to appropriate the sum of \$40,000.00 for the purpose of this article and that said sum be transferred from Free Cash. (6-1)

Motion Article 4: A motion was made by Selectman Souza and seconded by Selectman Vaught that the Town vote to appropriate the sum of \$40,000.00 for the purpose as written in the article, and that said sum be transferred from Free Cash. Discussion followed by Selectman Souza, Maeghan Antunes- 30 Argyle Rd, Town Administrator Mark Ullucci, Selectman Souza, and Todd Costa 73 Windward Dr. Hearing no further discussion, the Moderator called for the vote on Article 4 as written. The Moderator declared that Article 2 carried by a unanimous voice vote.

Article 5: 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 training and education related expenses associated with Highway Department employees earning a Commercial Driver's License (CDL), 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 \$12,000.00 for the purpose of this article and that said sum be transferred from Free Cash. (7-0)

****Mike Pasternak Advisory & Finance Committee Chair noted the miss print on the handout. A&F has recommends that the Town vote to appropriate the sum of \$12,000.00 for the purpose of this article and that said sum be transferred from Free Cash. (6-1)***

Motion Article 5: A motion was made by Selectman Souza and seconded by Selectman Vaught that the Town vote to appropriate the sum of \$12,000.00 for the purpose as written in the article, and that said sum be transferred from Free Cash. Discussion followed by Selectman Souza, Patricia Steele- 180 Yankee Peddler Dr., Selectman Souza, Town Administrator Mark Ullucci, Christine Soares- 111 Calvin Ave., Rachel Levesque- 114 Thelma Ave., Christopher Beirola- 115 Roberge St., Jeffrey Kornegay- 501 Mohawk Rd., Todd Costa- 73 Windward Dr., Russell Souza 39 Karissa Lyn Ct., Victor Machado- -119 Desmond Ave., Patricia Steele- 180 Yankee Peddler Dr., Kathleen Souza- 130 Pocasset St., Cheryl Crossley-Simmons- 570 Main St., A&F committee chair Michael Pasternak, David Messier- Utah Ave. ???, and Edward Souza- 130 Pocasset St.

Motion was made by Edward Souza- 130 Pocasset St. and second by the floor to move the question. Moderator calls for a voice vote. Moderator declared nearly unanimous vote in the affirmative.

The Moderator called for the vote on Article 5 as written. The Moderator declared that Article 5 carried by a nearly unanimous voice vote in the affirmative.

Article 6: To see if the Town will vote to amend Table I (Public Utility Positions - Wage & Salary Groups) as set forth in the Consolidated Personnel By-law adopted by the vote taken under Article 3 of the Annual Town Meeting of May 19, 1986, as last amended May 20, 2024, by deleting in its entirety the positions of "F- Water Department Plant Manager & Chief Operator" and "F- Water Pollution Control Plant Manager & Chief Operator" as appearing under "Grade B," and amending "Grade A" of said Table to add "F- Water Department Plant Manager & Chief Operator" and "F- Water Pollution Control Plant Manager & Chief Operator", such changes to be retroactive to July 1, 2024, or take any action relative thereto.

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

Motion Article 6: A motion was made by Water & Sewer Commissioner Steven Cadorette and seconded by Water & Sewer Commissioner Joseph Bednarik that the Town vote to approve the Consolidated Personnel By-law amendment as written in the article, and that said changes be retroactive to July 1, 2024. Discussion followed by Steven Cadorette. Hearing no further discussion, the Moderator called for the vote on Article 6 as written. The Moderator declared that Article 6 carried by a unanimous voice 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 making repairs to the Town's Wastewater Pumping Stations, and related design, engineering services, testing, construction, reconstruction and improvements, 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 \$50,000.00 for the purpose of this article and that said sum be transferred from retained earnings in the Water & Sewer Enterprise Fund. (7-0)

Motion Article 7: A motion was made by Water & Sewer Commissioner Joseph Bednarik and seconded by Steven Cadorette that the Town vote to appropriate the sum of \$50,000.00 for the purposes as written in the article, and that said sum be transferred from retained earnings in the Water & Sewer Enterprise Fund. Discussion followed by Joseph Bednarik and David Messier- ????. Hearing no further discussion, the Moderator called for the vote on Article 7 as written. The Moderator declares that Article 7 carried by a unanimous voice vote in the affirmative.

Article 8: 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 complying with United States Environmental Protection Agency and Massachusetts Department of Environmental Protection requirements associated with NPDES Permit No. MA0100676, including but not limited to the design, construction, reconstruction and improvement of the Wastewater Treatment Plant and associated infrastructure and related design, infrastructure evaluation and analysis of treatment options, 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 \$2,500,000.00 for the purpose of this article and that said sum be transferred from retained earnings in the Water & Sewer Enterprise Fund. (7-0)

Motion Article 8: A motion was made by Water & Sewer Commissioner Steven Cadorette and seconded by the floor that the Town vote to appropriate the sum of \$2,500,000.00 for the purposes as written in the article, and that said sum be transferred from retained earnings in the Water & Sewer Enterprise Fund. Discussion continued by Steve Cadorette, Edward Souza- 130 Pocasset St., Brian Gerry 160 Sullivan Ave, and Nichole McDonald- 30 Admirals way. Hearing no further discussion, the Moderator called for the vote on Article 8 as written. The Moderator declared that Article 8 carried by a unanimous voice vote in the affirmative.

Article 9: 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 making repairs to the Raw Water Pumping Station and the Water Treatment Plant Filter/Clarifiers, and associated infrastructure, and related design, engineering services, testing, construction, reconstruction and improvements, 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 \$350,000.00 for the purpose of this article and that said sum be transferred from retained earnings in the Water & Sewer Enterprise Fund. (7-0)

Motion Article 9: A motion was made by Water & Sewer Commissioner Robert Lima and seconded by the floor that the Town vote to appropriate the sum of \$350,000.00 for the purposes as written in the article, and that said sum be transferred from retained earnings in the Water & Sewer Enterprise Fund. Discussion continued by Robert Lima. Hearing no further discussion, the Moderator called for the vote on Article 9 as written. The Moderator declared that Article 9 carried by a unanimous voice 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 to be expended under the direction of the Somerset School Committee for the purposes of performing a feasibility study to assess the existing open classroom concept and to provide designer services, including conceptual designs and estimated construction costs, at the North Elementary School, located at 580 Whetstone Hill Road, Somerset, MA, including any incidental and/or costs or expenses, or take any action relative thereto.

The Advisory & Finance Committee by a majority does not recommend approval of this article. (6-1)

Motion Article 10: A motion was made by Somerset School Committee Chair Jennifer Ashley and Seconded by Somerset School Committee Member Victor Machado move that the Town vote to appropriate the sum of \$70,000.00 for the purposes as written in the article, and that said sum be transferred from Free Cash. Discussion followed by Jennifer Ashley, Brian Michaud- 222 High view Ave., ???, Kevin Callahan- 135 Grove Ave., Lloyd Mendes- 46 Anawan St., A&F Chair Mike Pasternak, A&F Member Gregory O'Donnell, Jessica Machado- 91 Washington Ave., Edward Souza- 130 Pocasset St., Paul Cogley- 159 Main St., Amy Rigtrup- 100 Pocasset St., Kathryn Cantwell- 108 Feno Ct., Natalie Thomas- 134 Valley Rd., Patricia Steele- 180 Yankee Peddler Dr., and Christine Soares- 111 Calvin Ave.

A Motion was made to call the question by Christine Soares- 111 Calvin Ave. and seconded by the floor.

The Moderator called for a vote on the motion. The Moderator declared the motion carried by a nearly unanimous voice vote.

The Moderator called for a vote on Article 10 as written. Moderator called for a standing vote on Article 10. The vote totals 104 in the affirmative and 47 in the negative. Moderator declared article 10 passed.

Article 11: To see if the Town will vote to raise and appropriate, borrow, and/or transfer from available funds, a sum of money to be expended under the direction of the Somerset School Committee for the purposes of performing a feasibility and schematic design study to assess a window/door replacement project at the North Elementary School, located at 580 Whetstone Hill Road, Somerset,

MA, and at the South Elementary School, located at 700 Read Street, Somerset, MA, including any incidental and/or related costs or expenses, for which feasibility and schematic design study the Town may be eligible for a grant from the Massachusetts School Building Authority (“MSBA”). The MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in connection with the feasibility study and schematic design in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town; or take any action related thereto.

The Advisory & Finance Committee by a majority recommends that the Town vote to appropriate the sum of \$75,000.00 for the purpose of this article and that said sum be transferred from retained earnings in the Water & Sewer Enterprise Fund. (6-1)

Motion Article 11: A motion was made by Somerset School Committee Chair Jennifer Ashley and Seconded by Somerset School Committee Member Victor Machado move that the Town vote to appropriate the sum of \$75,000.00 for the purposes as written in the article, and for which Somerset may be eligible for a grant from the Massachusetts School Building Authority (“MSBA”), and that said sum be transferred from Free Cash and expended under the direction of Somerset School Committee. 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 costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town, and that the amount appropriated pursuant to this vote shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the Town and the MSBA. Discussion followed by Somerset School Committee Chair Jennifer Ashley, Denise Jordan- 159 Main St., Cheryl Crossley-Simmons- 570 Main St. and Richard Peirce 15 Saddlebrook Terr.

A Motion was made to call the question by Christine Soares- 111 Calvin Ave. and seconded by the floor.

The Moderator called for a vote on the motion. The Moderator declared the motion carried by a nearly unanimous voice vote.

The Moderator called for a vote on Article 11 as written. Moderator called for a standing vote on Article 11. The vote totals 117 in the affirmative and 6 in the negative. Moderator declared article 11 passed.

The Moderator entertained a motion to dissolve the Special Town Meeting of February 8 at 2:25 PM on February 8, 2025 all articles having been acted upon. The motion was so moved and seconded by several from the floor. The Moderator declared the meeting dissolved by a unanimous vote in the affirmative.

Attendance: 420

A true copy attest;

Caitlin Hadala,
Town Clerk