

**SPECIAL TOWN MEETING  
DECEMBER 7, 2020**

**The Special Town Meeting of the Town of Somerset was called to order at 6:01 p.m. by the Moderator Lucia Casey. The Moderator led the pledge of allegiance.**

**Article 1 :** To see if the Town will vote to amend the vote taken under Article 7A, of the August 3, 2020, Annual Town Meeting for the purpose of the General Budget for Fiscal Year 2021, the appropriation for which was originally voted as follows:

from taxation: \$25,287,666.00

by transferring and appropriating additional sums of money from available funds and by reducing the amount of money to be raised from taxation by an equivalent amount, or take any action relative thereto.

*The Advisory & Finance Committee unanimously recommends that the Town vote to amend its vote on Article 7A, of the August 3, 2020, Annual Town Meeting, for the purposes of the General Budget, as follows: By reducing the amount of money to be raised from taxation from \$25,287,666.00 to \$21,787,666.00, a decrease of \$3,500,000.00 by transferring the amount of \$2,500,000.00 from Free Cash and \$1,000,000.00 from Overlay Surplus. (Vote 8-0)*

**Motion:** A motion was made by Selectman McNamara and seconded by Selectman Moniz that the Town vote to amend its vote on Article 7A, of the August 3, 2020, Annual Town Meeting for the purposes of the General Budget for Fiscal Year 2021, as follows: by reducing the amount of money to be raised from taxation from \$25,287,666.00 to \$21,787,666.00 a decrease of \$3,500,000.00 and by transferring the amount of \$2,500,000.00 from Free Cash and transferring \$1,000,000.00 from Overlay Surplus for said purpose.

Discussion followed by Selectman McNamara and Selectman Lawless. A motion was made by Selectman Lawless and seconded from the floor to amend Article 1 to reduce the amount raised by taxation to \$21,000,000.00 (decrease of \$4,287,666.00 from original motion), \$1,000,000.00 from Overlay Surplus, \$2,500,000.00 from Free Cash and transfer \$787,666.00 from the Stabilization Account. Discussion followed by Brian Murphy, Town Administrator Richard Brown, Selectman Lawless and Lloyd Mendes. Hearing no further discussion, the Moderator called for the vote on the motion to amend. The Moderator notes to the body that this motion to amend requires a 2/3 vote to pass. The Moderator called for a standing counted vote. Total Votes – 204 Yes – 119, No – 85 The Moderator declared that the motion to amend failed as the 2/3 was not obtained. The Moderator opens the floor for discussion on the original motion and hearing none, she called for the vote of the body. The Moderator declared that the motion passed by a nearly unanimous vote.

**Article 2:** To see if the Town will vote to raise and appropriate, and / or transfer from available funds a sum of money to pay bills incurred in a prior fiscal year, or take any action relative thereto.

| APPROPRIATION          | PERSONAL SERVICES | Expenses           |
|------------------------|-------------------|--------------------|
| #114 Town Moderator    | \$250.00          |                    |
| #210 Police Department |                   | \$6,268.00         |
| #424 Street Lights     |                   | \$34,000.00        |
| <b>SUBTOTALS:</b>      | <b>\$250.00</b>   | <b>\$40,268.00</b> |

|                                 |
|---------------------------------|
| <b>GRAND TOTAL: \$40,518.00</b> |
|---------------------------------|

*The Advisory & Finance Committee unanimously recommends that the Town vote to appropriate the sum of \$40,518.00 for the purposes of this article and that said sum be transferred from Free Cash. (Vote 8-0)*

**This article was presented by Assistant Moderator, Arthur Frank, duly sworn in by the Town Clerk, due to a conflict with the Town Moderator. This article requires a 9/10 vote to pass.**

**Motion:** A motion was made by Selectman McNamara and seconded by Selectman Moniz that the Town vote to appropriate the sum of \$40,518.00 for the purposes of this article and that said sum be transferred from Free Cash. Discussion followed by Selectman McNamara. Hearing no further discussion, the Moderator called for the vote. Motion

carried by a unanimous vote.

**Article 3:** To see if the Town will vote to raise, appropriate, and / or transfer from available funds an additional sum of money for the following Town Departments, or take any other action relative thereto.

| APPROPRIATION          | PERSONAL SERVICES  |
|------------------------|--------------------|
| #161 Town Clerk        | \$5,250.00         |
| #210 Police Department | \$57,738.00        |
| <b>TOTALS:</b>         | <b>\$62,988.00</b> |

*The Advisory & Finance Committee unanimously recommends that the Town vote to appropriate the sum of \$62,988.00 for the purposes of this article and that said sum be transferred from Free Cash. (Vote 8-0)*

**Motion made by Selectman McNamara and seconded by Selectman Moniz that the Town vote to appropriate the sum of \$62,988.00 for the purposes of this article and that said sum be transferred from Free Cash. Discussion followed by Selectman McNamara. Hearing no further discussion, the Moderator called for the vote. Motion carried by a unanimous vote.**

**Article 4 :** 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 license

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 has no recommendation on this article.*

**Motion: A motion was made by Selectman McNamara and seconded by Selectman Moniz that the Town vote to accept and adopt Article 4 as written. Discussion followed by Selectman McNamara. Hearing no further discussion, the Moderator called for the vote. The motion carried by a unanimous 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 purchasing electronic polling software, including any incidental or 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 \$12,200.00 for the purpose of this article and that said sum be transferred from Free Cash. (Vote 8-0)*

**Motion made by Selectman Moniz and seconded from the floor that the Town vote to indefinitely postpone this article. Discussion followed by Selectman Moniz. Hearing no further discussion, the Moderator called for the vote. The Moderator declared that the motion carried by a majority voice vote.**

**Article 6:** To see if the Town will vote to accept the provisions of Massachusetts General Law, chapter 90, section 17c adopting a Fundamental Speed Law, so called, allowing the Board of Selectmen to establish a speed limit of twenty-five (25) miles per hour on any Town road in Somerset, MA, that is not a state highway, or take any action relative thereto.

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

**Motion: A motion was made by Selectman Moniz and seconded from the floor that the Town vote to indefinitely postpone this article. Discussion followed by Selectman Moniz. Hearing no further discussion the Moderator called for the vote. The Moderator declared that the motion carried by a unanimous voice vote.**

**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 organizing, and archiving all records of importance located in the Administration, Planning Board and Veterans Offices, including any incidental or related costs or expenses, or take any other action relative thereto.

*The Advisory & Finance Committee unanimously recommends that the Town vote to appropriate the sum of \$9,700.00 for the purposes of this article and that said sum be transferred from Free Cash. (Vote 8-0)*

**Motion: A motion was made by Selectman Moniz and seconded by Selectman McNamara that the Town vote to appropriate the sum of \$9,700.00 for the purpose of this article and that said sum be transferred from Free Cash. Discussion followed by Selectman Moniz. Hearing no further discussion, the Moderator called for the vote. The motion carried by a unanimous vote.**

**Article 8:** To see if the Town will vote to raise and appropriate, and / or transfer from available funds a sum of money to purchase two (2) police cruisers and associated equipment, for the Police Department including any incidental costs or expenses, or take any action related thereto.

*The Advisory & Finance unanimously recommends that the Town vote to appropriate the sum of \$104,000.00 for the purposes of this article and that said sum be transferred from Free Cash. (Vote 8-0)*

**Motion: A motion was made by Selectman Moniz and seconded by Selectman Lawless that the Town to appropriate the sum of \$104,000.00 for the purpose of this article as designated, and that said sum be transferred from Free Cash. Discussion followed by Selectman Moniz. Hearing no further discussion, the Moderator called for the vote. The motion carried by a unanimous vote.**

**Article 9:** To see if the Town will vote to raise and appropriate, and / or transfer from available funds a sum of money to purchase a SUV command vehicle and associated equipment for the Fire Department, including any incidental costs or expenses, or take any action related thereto.

*The Advisory & Finance Committee unanimously recommends that the Town vote to appropriate the sum of \$65,000.00 for the purpose of this article and that said sum be transferred from Free Cash. (Vote 8-0)*

**Motion: A motion was made by Selectman Lawless and seconded by Selectman Moniz that the Town vote to appropriate the sum of \$65,000.00 for the purpose of this article and that said sum be transferred from Free Cash. Discussion followed by Selectman Lawless. Hearing no further discussion, the Moderator called for the vote. The motion carried by a unanimous vote.**

**Article 10:** To see if the Town will vote to raise and appropriate, and / or transfer from available funds a sum of money to purchase a new air compressor system with enclosed fill station and associated equipment for the Fire Department, including any incidental costs or expenses, or take any action related thereto.

*The Advisory & Finance Committee unanimously recommends that the Town vote to appropriate the sum of \$65,000.00 for the purpose of this article and that said sum be transferred from Free Cash. (Vote 8-0)*

**Motion: A motion was made by Selectman Lawless and seconded by Selectman Moniz that the Town vote to appropriate the sum of \$65,000.00 for the purpose of this article and that said sum be transferred from Free Cash. Discussion followed by Selectman Lawless. Hearing no further discussion, the Moderator called for the vote. The motion carried by a unanimous voice vote.**

**Article 11:** To see if the Town will vote to raise and appropriate, and / or transfer from available funds a sum of money to purchase a Dump Truck with plow and associated equipment for the Highway Department, including any incidental costs or expenses, or take any action related thereto.

*The Advisory & Finance Committee unanimously recommends that the Town vote to appropriate the sum of \$155,000.00 for the purpose of this article and that said sum be transferred from Free Cash. (Vote 8-0)*

**Motion:** A motion was made by Selectman Lawless and seconded by Selectman Moniz that the Town vote to appropriate the sum of \$155,000.00 for the purpose of this article and that said sum be transferred from Free Cash. Discussion followed by Selectman Lawless. Hearing no further discussion, the Moderator called for the vote. The motion carried by a unanimous voice vote.

**Article 12:** To see if the Town will vote to raise and appropriate, and / or transfer from available funds a sum of money to purchase a Pickup Truck and associated equipment for the Highway Department, including any incidental costs or expenses, or take any action related thereto.

*The Advisory & Finance Committee unanimously recommends that the Town vote to appropriate the sum of \$45,000.00 for the purpose of this article and that said sum be transferred from Free Cash. (Vote 8-0)*

**Motion:** A motion was made by Selectman Lawless and seconded by Selectman Moniz that the Town vote to appropriate the sum of \$45,000.00 for the purpose of this article and that said sum be transferred from Free Cash. Discussion followed by Selectman Lawless. Hearing no further discussion, the Moderator called for the vote. The motion carried by a unanimous voice vote.

**Article 13:** 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 conducting “Hazardous Waste Cleanup Day”, or take any action relative thereto.

*The Advisory & Finance Committee unanimously recommends that the Town vote to appropriate the sum of \$10,000.00 for the purpose of this article and that said sum be transferred from Free Cash. (Vote 8-0)*

**Motion:** A motion was made by Selectman Lawless and seconded by Selectman Moniz that the Town vote to appropriate the sum of \$10,000.00 for the purpose of this article and that said sum be transferred from Free Cash. Discussion followed by Selectman Lawless. Hearing no further discussion, the Moderator called for the vote. The motion carried by a unanimous voice vote.

**Article 14:** To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise a parcel of Land with all buildings and improvements thereon located at 200 Main Street, containing 2 acres, more or less, being Assessor’s Parcel ID Map D-2, Lot 113, and being the premises described in a deed recorded with the Bristol County Registry of Deeds in Book 4592, Page 141, said parcel to be under the care, custody, control, and management of the Board of Selectmen for general municipal purposes and the purpose of leasing all or a portion of the property on such terms and conditions as the Board of Selectmen determine to be in the best interest of the Town; and further to raise and appropriate, and / or transfer from available funds a sum of money for said acquisition of property and structures thereon, including all costs incidental and related thereto, 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 that the Town vote to approve this article. (Vote 8-0)*

**Motion:** A motion was made by Mr. Richard Peirce that the Town vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise a parcel of land with all buildings and improvements thereon located at 200 Main Street, Somerset, MA, as more particularly described in Article 14, for general municipal purposes and the purpose of leasing all or a portion of the property on such terms and conditions as the Board of Selectmen determine to be in the best interest of the Town; and further to appropriate the sum of \$445,000.00 for the purpose of the article and that the sum be raised as follows: Transfer of \$348,000.00 from the Sale of Realty Fund (Chapter 44, Section 63), \$58,000.00 from the Reserved for Land Acquisition Fund and \$39,000.00 from Grants to the Town from the Taunton Wild and Scenic River Stewardship Council, collectively totaling \$445,000.00. The motion was seconded by Selectman McNamara. Discussion followed by Mr. Peirce, Michael McDonald, Paul Buchanan. Mr. Buchanan made a motion that the Town vote to indefinitely postpone Article 14. There were several seconds from the floor. The Moderator opened the floor for discussion on the motion of indefinite postponement. Discussion followed by Mr. Peirce, Lloyd Mendes, Donna Desrosiers, Jessica Machado, Todd Costa, Linda D’Allaire, Joshua Furtado, Selectman McNamara, Elizabeth Elmasian, John Larsen, Victor Machado. A motion was made by Victor Machado and seconded by several from the floor to move

**the question. The motion carried by a nearly unanimous vote. The motion carried by a majority vote as declared by the Moderator.**

**Article 15:** To see if the Town will vote to: Contribute an amount not less than \$10,000.00 to the non-profit group Save Our Bay Brayton Point to assist with their efforts to educate the citizens of Somerset on the environmental impacts to the Taunton River and the residents of Somerset from the business operating at One Brayton Point Road. The fund will help in our fight for the protection of clean water and clean air in the Brayton Point neighborhood and the greater community. Or to take any other action in relation thereto.

*The Advisory & Finance Committee unanimously recommends that the Town vote to appropriate the sum of \$10,000.00 for the purposes of this article and that said sum be transferred from Free Cash. (Vote 8-0)*

**Motion: A motion was made by Jeff Kardel that the Town appropriate \$10,000.00 to fund Save Our Bay Brayton Point as described in the article. The motion was seconded by several from the floor and Selectman Moniz. Discussion followed by Mr. Kardel, Lloyd Mendes, Selectman Moniz. A motion was made by Selectman Moniz and seconded from several on the floor to move the question. The motion carried by a unanimous vote. The Moderator called for a vote of Article 14 as written. The motion carried by a majority vote.**

**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 replacing a boiler at the Somerset Middle School, 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 \$62,000.00 for the purpose of this article and that said sum be transferred from Free Cash. (Vote 8-0)*

**Motion: A motion was made by School Committee member Christopher Godet and seconded by Victor Machado that the Town vote to appropriate the sum of \$62,000.00 for the purpose of this article and that said sum be transferred from Free Cash. Discussion followed by Mr. Godet. Hearing no further discussion, the Moderator called for the vote. The motion carried by a unanimous vote.**

**Article 17:** 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 the School Buildings, including design and engineering costs and any incidental and related costs or expenses, said money to be expended as the School Committee 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 School Committee 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 \$250,000.00 for the purposes of this article and that said sum be transferred from Free Cash. (Vote 8-0)*

**Motion: A motion was made by School Committee member Christopher Godet and seconded by Selectman Moniz that the Town vote to appropriate the sum of \$250,000.00 for the purpose of this article and that said sum be transferred from Free Cash, and that repairs and improvements are undertaken consistent with the article and on such further terms and conditions as the School Committee deems necessary. Discussion followed by Mr. Godet and Jessica Machado. Hearing no further discussion, the Moderator called for the vote. The motion carried by a unanimous vote.**

**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 resurfacing the roof at South Elementary School, 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 \$125,000.00 for the purpose of this article and that said sum be transferred from Free Cash. (Vote 8-0)*

**Motion: Assignment: A motion was made by School Committee member Christopher Godet and seconded by School Committee member Michael McDonald that the Town vote to appropriate the sum of \$125,000.00 for the purpose of this article and that said sum be transferred from Free Cash. Discussion followed by Mr. Godet, David Messier and Allen Smith. Hearing no further discussion, the Moderator called for the vote. The motion carried by a unanimous vote.**

**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 mold remediation at the Middle School, and air quality testing,

and purchase of commercial dehumidification units at all the schools, 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 \$156,230.00 for the purposes of this article and that said sum be transferred from Free Cash. (Vote 8-0)*

**Motion:** A motion was made by School Committee member Christopher Godet and seconded by Selectman McNamara that the Town vote to appropriate the sum of \$156,230.00 for the purpose of this article and that said sum be transferred from Free Cash. Discussion followed Mr. Godet. Hearing no further discussion, the Moderator called for the vote. The motion carried by a unanimous vote.

**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 conducting a structural assessment of the hallway and gymnasium at Chace Elementary School , including any incidental and related costs or expenses, or take any action relative thereto.

*The Advisory & Finance Committee will have a recommendation at Town Meeting. The Advisory & Finance Committee unanimously recommended \$20,000.00 be appropriated for this article and that said sum be transferred from Free Cash.*

**Motion:** A motion was made by School Committee member Christopher Godet and seconded by School Committee member Shauna Geary that the Town vote to appropriate the sum of \$20,000.00 for the purpose of this article and that said sum be transferred from Free Cash. Discussion followed by Mr. David Messier, Mr. Dennis Viveiros, Atty. Mark Reisch. Hearing no further discussion, the Moderator called for the vote. The motion carried by a unanimous vote.

**Article 21:** To see if the Town will vote to amend the vote taken under Article 16, of the December 4, 2017, Special Town Meeting for the purpose of renaming the “Special Education Fund” the “Special Education Reserve Fund” so that the name of the fund is aligned with the statute authorizing it, or take any action relative thereto.

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

**Motion:** A motion was made by School Committee member Christopher Godet and seconded by Selectman Moniz that the Town vote to approve Article 21 as written. Discussion followed by Mr. Godet. Hearing no further discussion, the Moderator called for the vote. The motion carried by a unanimous vote.

**A motion was made by Christopher Godet and seconded by several, no reconsideration of Articles 1 – 21. Motion carried by a unanimous vote.**

**Article 22:** 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 hiring expert and legal services to assist the Town on issues relating to the valuation and taxation of existing and former electric and gas utilities and generating facilities, or take any action relative thereto.

*The Advisory & Finance Committee unanimously recommends that the Town vote to appropriate the sum of \$25,000.00 for the purpose of this article and that said sum be transferred from Free Cash. (Vote 8-0)*

**Motion:** A motion was made by Selectman Moniz and seconded by Selectman Lawless that the Town vote to appropriate the sum of \$25,000.00 for the purpose of this article and that said sum be transferred from Free Cash. Discussion followed by Selectman Moniz, David Messier and Selectman Lawless. Hearing no further discussion, the Moderator called for the vote. The motion carried by a unanimous vote.

**Article 23:** To see if the Town will vote to amend the vote taken under Article 23, of the December 4, 2017 Special Town Meeting which authorized design and engineering services for Alternate Power Generation, and modify the purpose allowed by such vote to include construction services and purchase of electric and / or hybrid vehicles, or take any action related thereto.

*The Advisory & Finance Committee unanimously recommends approval of this article. (Vote 8-0)*

**Motion:** A motion was made by Water & Sewer Commissioner Scott O’Brien and seconded by Selectman Moniz that the Town vote to approve Article 23 as written. Discussion followed by Mr. O’Brien. Hearing no further discussion, the Moderator called for the vote. The motion carried by a majority vote.

**Article 24:** 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 improvements to the water distribution and wastewater collection system in conjunction with the Almy Road culvert replacement project

including design, engineering, and construction, and including any incidental or related costs or expenses, or take any action related thereto.

*The Advisory & Finance Committee unanimously recommends that the Town vote to appropriate the sum of \$75,000.00 for the purposes of this article and that said sum be transferred from the retained earnings in the Water & Sewer Enterprise Fund. (Vote 8-0)*

**Motion:** A motion was made by Water & Sewer Commissioner Roger Benevides and seconded by Water & Sewer Commissioner Joseph Bednarik 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 the retained earnings in the Water & Sewer Enterprise Fund. Discussion followed by Mr. Benevides and Mr. Lawless. The motion carried by a unanimous vote.

**Article 25 :** To see if the Town will vote to create a Sewer Department Stabilization Fund, for the purpose of funding the rehabilitation of the Sewer Treatment Plant including any design, engineering, construction, and any incidental or related costs or expenses, or take any action related thereto.

*The Advisory & Finance Committee unanimously recommends that the Town vote to approve this article. (Vote 8-0)*

**Motion:** A motion was made by Water & Sewer Commissioner Joseph Bednarik and seconded by Commissioner Benevides that the Town vote to establish a Sewer Department Stabilization Fund, as set forth in Article 25. Discussion followed by Mr. Bednarik, Joseph Fingliss. A motion was made by Christopher Godet and seconded by Selectman Moniz to move the question. The motion carried by a unanimous vote. The Moderator reminds the body that this article requires a 2/3 vote and called for a standing counted vote. Total Votes – 116, Yes – 53, No – 63 Motion failed.

**Article 26:** 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 engineering improvements to the Somerset Reservoir Dam, including any incidental or related costs or expenses, or take any action related thereto.

*The Advisory & Finance Committee unanimously recommends that the Town vote to appropriate the sum of \$62,500.00 for the purposes of this article and that said sum be transferred from the retained earnings in the Water & Sewer Enterprise Fund.*

**Motion:** A motion was made by Water & Sewer Commissioner Joseph Bednarik and seconded by Commissioner Scott O'Brien that the Town vote to appropriate the sum of \$62,500.00 for the purpose of this article and that said sum be transferred from retained earnings in the Water and Sewer Enterprise Fund. Discussion followed by Commissioner Bednarik and Jessica Machado. Hearing no further discussion, the Moderator called for the vote. The motion carried by a majority vote.

**Article 27:** To see if the Town will vote to adopt the “Stretch Energy Code” set forth in the State Building Code at 780 CMR 115.AA (i.e. Appendix 115.AA) including amendments or modifications thereto, with an effective date of January 1, 2022, and to amend the Town of Somerset General By-laws by inserting a new section entitled “Stretch Energy Code” as set forth below:

- § 1. Definitions
- § 2. Purpose
- § 3. Applicability
- § 4. Stretch Code

#### § 1. Definitions

**International Energy Conservation Code (IECC)** The International Energy Conservation Code (IECC) is a building code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency, and is updated on a three-year cycle. The baseline energy conservation requirements of the MA State Building Code are the IECC with Massachusetts amendments, as approved by the Board of Building Regulations and Standards

**Stretch Energy Code** Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA of the Massachusetts building code, the Stretch Energy Code is an appendix to the Massachusetts building code, based on further amendments to the International Energy Conservation Code (IECC) to improve the energy efficiency of buildings built to this code.

#### § 2.Purpose

The purpose of 780 CMR 115.AA is to provide a more energy efficient alternative to the Base Energy Code applicable to the relevant sections of the building code for new buildings.

#### § 3. Applicability

This code applies to residential and commercial buildings, buildings not included in this scope shall comply with 780 CMR 115.AA, as indicated.

#### § 4. Stretch Code

The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA, including any future editions, amendments or modification, is therein incorporated by reference into the Town of Somerset General Bylaws.

The Stretch Code is enforceable by the Building Commissioner and effective as of January 1, 2022.

Or take any other action relative thereto.

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

**A motion was made to waive the reading of this article by the Moderator by Christopher Godet and seconded from the floor, voted unanimous.**

**Motion: A motion was made by Selectman McNamara and seconded by Selectman Lawless that the Town vote to adopt the Stretch Energy Code set forth in the State Building Code at 780 CMR 115.AA as may be amended from time to time, and to amend the Town's General By-laws by adding a new section titled "Stretch Energy Code", as set forth in Article 27. Discussion followed by Selectman Moniz, Nicole McDonald, and Town Administrator Richard Brown. The motion failed by a majority vote.**

**Article 28:** To see if the Town will vote to amend the Town's Zoning By-Law, Section 2.0 Definition, by adding language to the Definition of Frontage so that as amended it will read as follows, with the bold underlined language inserted:

That portion of a lot fronting and having legal rights of access to a street to be measured continuously along one street line between side lot lines and their intersection with the street line, or in the case of a corner lot, to the point of intersection of street sidelines extended, **such access shall be located within the boundaries of the street frontage.** Frontage requirements for lots, at the end of cul-de-sacs, may be reduced to no less than 75% of the required linear minimum for the district which it is located as measured in a straight line from side lot lines where they intersect with the street.

or take any action thereto.

*The Planning Board unanimously recommends that the Town vote to approve this article.*

**Motion: A motion was made by Planning Board member Gary Simons and seconded by Selectman Moniz that the Town vote to amend the Town's Zoning By-law as set forth in Article 28. Discussion followed by Selectman Moniz, Mr. Costa, Keith Casey, Lloyd Mendes, Jessica Machado who made a motion to indefinitely postpone Article 28. The motion was seconded by several on the floor. Discussion on indefinite postponement followed by Todd Costa. Hearing no further discussion, the Moderator called for the vote. The motion carried by a majority vote.**

**Article 29:** To see if the Town will vote to amend the Town's Zoning By-law, Section 2.0 Definition, Lot Area so that as amended such definition shall read as follows, with the struck-through language deleted and the bold underlined language inserted:

Area within a lot including land over which easements have been granted but not including **tidelands** or any land within the limits of a street upon which such lot abuts, even if fee to such **land** ~~lot~~ is in the owner of the **land** ~~lot~~.

or take any action thereto.

*The Planning Board unanimously recommends that the Town vote to approve this article.*

**Motion: A motion was made by Planning Board member Gary Simons and seconded by Selectman Moniz that the Town vote to amend the Town's Zoning By-law as set forth in Article 29. Discussion followed by Mr. Simons, Mr. Buchanan, Nicole McDonald who made a motion to indefinitely postpone Article 29. The motion was 2<sup>nd</sup> by several on the floor. Hearing not further discussion on the motion to indefinitely postpone, the Moderator called for the vote. Motion to indefinitely carried by a majority vote.**

**Article 30:** To see if the Town will vote to amend the Town's Zoning By-law, Section 5.2 Table of Dimensional Requirements by adding language to Note 1 so that as amended such note shall read as follows, with the bold underlined language inserted:

A minimum side and rear yard requirement of 5 feet for **above ground swimming pool and** buildings not exceeding 120 square feet in gross floor area and 12 feet in height.

or take any action thereto.

*The Planning Board unanimously recommends that the Town vote to approve this article.*

**Motion: A motion was made by Planning Board member Gray Simons and seconded by Selectman Moniz that the Town vote to amend the Town's Zoning By-law as set forth in Article 30. Discussion followed by Mr. Simons. Hearing no further discussion the Moderator reminded the body that this motion must obtain a 2/3 vote to carry and called for a standing counted vote. Total votes – 105 Yes – 36 No – 99 Article 30 failed.**

**Article 31:** To see if the Town will vote pursuant to Massachusetts General Law chapter 40A, section 5 to amend the Somerset Zoning By-law and the Zoning Map which is a part thereof by rezoning the premises hereinafter described, whereby the zoning of said parcel would be changed from a "Residential District" to a "Business District", said parcel of land being bounded and described as follows:

Being the land located at and near 1624 GAR Highway in Somerset, Bristol County, Massachusetts, with all buildings and improvements thereon, if any, situated on the northerly side of Route 6 (GAR Highway), identified as Lot 1 on Assessor's Map B-8, and more particularly bounded and described as follows:

Beginning at a point that is 25.54 feet east of the Easterly side of Lees River Avenue;  
Thence running S 55° 30' 38" E a distance of 160.74 feet to a point;  
Thence running in the same direction a distance of 40 feet to a point for a corner;  
Thence turning and running N 34° 29' 22" E a distance of 57.62 feet to a point;  
Thence running in the same direction a distance of 195.00 feet to a point for a corner;  
Thence turning and running S 56° 30' 38" E a distance of 160 feet to a point for a corner;  
Thence turning and running S 34° 29' 22" W a distance of 295 feet to a point;  
Thence running in the same direction a distance of 10.25 feet to a point for a corner;  
Thence turning and running N 37° 18' 18" W a distance of 32.79 feet to a corner;  
Thence running in the same direction a distance of 135.64 feet to a point;  
Thence running in the same direction a distance of 42.11 feet to a point;  
Thence running in the same direction a distance of 142.33 feet a point of beginning.  
Containing 49,677 square feet of land, more or less.

Or take any action relative thereto.

*The Planning Board unanimously recommends that the Town vote to approve this article.*

**Motion: A motion was made by Attorney Thomas Killoran and seconded by Selectman Moniz that the Town vote to accept and adopt Article 31 as written. Discussion followed by Atty. Killoran, Shannon Nadeau, resident. Hearing no further discussion, the Moderator called for the vote, reminding the body that this article requires a 2/3 vote. The Moderator called for a standing counted vote. Total votes – 104 Yes - 12, No – 92. Article 31 failed.**

**Article 32:** To see if the Town will vote pursuant to Massachusetts General Law chapter 40A, section 5 to amend the Somerset Zoning By-law and the Zoning Map which is a part thereof by rezoning the premises hereinafter described, whereby the zoning of said parcel would be changed from a "Residential District" to a "Business District", said parcel of land being bounded and described as follows:

Being the land located at and near 861 Brayton Point Road in Somerset, Bristol County Massachusetts, with all buildings and improvements thereon, if any, situated on the easterly side of Brayton Point Road, identified as Lot 61 on Assessor's Map A-5, and more particularly being 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 46° 19' 32" E a distance of 133.30;  
Thence N 52° 43' 56" E a distance of 169.29  
Thence S 49° 26' 13" E a distance of 249.10;  
Thence S 40° 33' 47" E a distance of 12.00;  
Thence S 49° 26' 13" E a distance of 140.00;  
Thence S 05° 07' 40" W a distance of 190.00;  
Thence S 40° 10' 34" W a distance of 189.18  
Thence N 45° 17' 14" W a distance of 633.77;  
which is the point of beginning,  
having an area of 187,046 square feet of land, more or less or 4.3 acres

Or take any action relative thereto.

*The Planning Board unanimously recommends that the Town vote to approve this article.*

**Motion: A motion was made by Attorney Thomas Killoran and seconded from the floor**

**that the Town vote to indefinitely postpone Article 32. No discussion followed. Hearing no discussion, the Moderator called for a vote. The motion failed by a majority vote. Hearing no motion on Article 32 as written, the Moderator declared Article 32 as failed.**

**A motion was made by Christopher Godet and seconded from several on the floor no reconsideration of Articles 22 to 32. Motion carried by a unanimous vote.**

**With all articles of the Special Town Meeting of December 27 having been acted on, the Moderator called for a motion to dissolve. A motion was made at 9:38 pm by Selectman Moniz and seconded by several on the floor to dissolve the December 7, 2020, Special Town Meeting of the Town of Somerset. The motion carried by a unanimous vote.**

**Attendance: 234**

**I, Dolores Berge, Town Clerk of the Town of Somerset, hereby certify that the above action was taken on the Articles of the December 7, 2020, Special Town Meeting, as duly posted.**

**A true copy attest;**

**Dolores Berge, CMMC  
Town Clerkl**