

**SPECIAL TOWN MEETING
DECEMBER 6, 2021**

The Special Town meeting was called to order at 6:03 pm by the Moderator Lucia Casey. The Moderator lead the Pledge of Allegiance.

Article 1 : To see if the Town will vote to amend the vote taken under Article 5A, of the May 17, 2021, Annual Town Meeting for the purpose of the General Budget for Fiscal Year 2022, the appropriation for which was originally voted as follows:

from taxation: \$24,719,715.00

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 5A, of the May 17, 2021, Annual Town Meeting, for the purposes of the General Budget, as follows: by reducing the amount of money to be raised from taxation from \$24,719,715.00 to \$21,994,715.00 a decrease of \$2,725,000.00 and by transferring the amount of \$2,725,000.00 from Free Cash for said purpose. (Vote 6-0)

Motion Article 1: A motion was made by Selectman Lawless and seconded by Selectman Smith that the Town vote to amend its vote on Article 5A of the May 17, 2021, Annual Town Meeting for the purposes of the General Budget for Fiscal Year 2022, as follows: by reducing the amount of money to be raised from taxation from \$24,719,715.00 to \$21,994,715.00, a decrease of \$2,725,000.00, and by transferring the amount of \$2,725,000.00 from Free Cash. Discussion followed by Selectman Lawless. Hearing no further discussion, the Moderator called for the vote. The Moderator reminded the body that this article requires a 9/10 vote to pass. The motion carried by a unanimous voice 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 to pay bills incurred in a prior fiscal year, or take any action relative thereto.

APPROPRIATION	EXPENSES
#137 Computer	\$10,355.00
#420 Highway	\$95.25
TOTAL	\$10,450.25

The Advisory & Finance Committee unanimously recommends that the Town vote to appropriate the sum of \$10,450.25 for the purposes of this article and that said sum be transferred from Free Cash. (Vote 6-0)

Motion Article 2: A motion was made by Selectman Lawless and seconded by Selectman Smith that the Town vote to appropriate the sum of \$10,450.25 for the purposes of the 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 in the affirmative.

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	Expenses
#123 Town Administrator	\$16,500.00	\$12,000.00
#151 Legal		\$60,000.00
#215 E-911 Dispatch	\$18,500.00	
TOTALS:	\$35,000.00	\$72,000.00

The Advisory & Finance Committee unanimously recommends that the Town vote to appropriate the sum of \$107,000.00 for the purposes of this article and that said sum be transferred from Free Cash. (Vote 6-0)

Motion Article 3: A motion was made by Selectman Lawless that the Town vote to appropriate the

sum of \$107,000.00 for the purposes of this article and that said sum be transferred from Free Cash. Discussion followed by Selectman Lawless and Brian Gerry of 116 Sullivan Avenue. Mr. Gerry made a motion that the article be voted on after separating out #151 Legal out as separate article. There were several seconds from the floor. The Moderator stated that could be done and would designate #151 Legal in the amount of \$60,000.00 as Article 3A should the motion carry. Discussion followed by Mr. Gerry. Hearing no further discussion, the Moderator called for a vote on the motion to separate the article. Following a voice vote, the Moderator asked for a standing vote. The Moderator declared that the motion failed by a majority vote. The Moderator opened the floor for further discussion on Article 3 as written and recommended. Hearing no further discussion, the Moderator called for a vote on the original motion. The motion carried by a majority vote in the affirmative.

Article 4: To see if the Town will vote to raise, appropriate, and/ or transfer from available funds a sum of money for the purpose of repairing, renovating and maintaining the South Somerset Fire Station (Station 2) located at 658 Brayton Point Road in Somerset, MA, 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 \$70,000.00 for the purpose of this article and that said sum be transferred from Free Cash. (Vote 6-0)

Motion Article 4: A motion was made by Fire Chief Jamison Barros that the Town vote to indefinitely postpone Article 4. The motion was seconded by Selectman Smith and others on the floor. Discussion followed by Chief Barros. Hearing no further discussion, the Moderator called for the vote. The motion carried by a unanimous vote in the affirmative.

Article 5: To see if the Town will vote to raise, appropriate, and / or transfer from available funds a sum of money for the purpose of purchasing a utility vehicle and associated equipment for the Fire Department, 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 \$70,000.00 for the purpose of this article and that said sum be transferred from Free Cash. (Vote 6-0)

Motion Article 5: A motion was made by Fire Chief Jamison Barros that the Town vote to indefinitely postpone Article 5. The motion was seconded by Steven Moniz. Discussion followed by Chief Barros. Hearing no further discussion, the Moderator called for the vote. The motion carried by a unanimous vote in the affirmative.

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

The Advisory & Finance Committee recommends by a majority that the Town vote to appropriate the sum of \$15,400.00 for the purpose of this article and that said sum be transferred from Free Cash. (Vote 4-2)

Motion Article 6: A motion was made by Selectman Smith and seconded by Selectman Lawless that the Town vote to appropriate the sum of \$15,400.00 for the purpose 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. The motion carried by a unanimous vote in the affirmative.

Article 7: To see if the Town will vote to amend its Consolidated Personnel By-law adopted at the May 19, 1986 Annual Town Meeting, as amended, by deleting the position of Assistant Town Treasurer under Table I (Wage & Salary Groups, General Government Positions) as appearing under Grade 2, and inserting under Grade 3 of said table the position of "C - Assistant Town Treasurer / Group Insurance Coordinator", or take any other action relative thereto.

The Advisory & Finance Committee unanimously recommends that the Town vote to approve this article. (Vote 6-0)

Motion Article 7: A motion was made by Selectman Smith and seconded by Selectman Lawless that the Town vote to amend Table 1 (Wage & Salary Groups – General Government Positions) of the Consolidated Personnel By-law as set forth in Article 7. Discussion followed by Selectman Smith. Hearing no further discussion, the Moderator called for the vote. The motion carried by a unanimous 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 organizing, archiving, and disposing of municipal records located at the Town Office, 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 \$12,000.00 for the purposes of this article and that said sum be transferred from Free Cash. (Vote 6-0)

Motion Article 8: A motion was made by Selectman Smith and seconded by Selectman Souza that the Town vote to appropriate the sum of \$12,000.00 for the purposes of this article and that said sum be transferred from Free Cash. Discussion followed by Selectman Souza. Hearing no further discussion, the Moderator called for the vote. The motion carried by a unanimous vote in the affirmative.

Article 9: To see if the Town will vote to transfer from the board or officer currently having care, custody, management 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, management and control of the property and any improvements thereon shown on Assessors Map A-9 , Lot 229 and located on the north side of Wilbur Avenue; and further to authorize the Board of Selectmen to rent, convey or otherwise dispose of all or a portion of said property pursuant to the provisions of G.L. c. 30B, sec. 16, for the primary purpose of agriculture use and otherwise 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 will have a recommendation at the Special Town Meeting. (Vote 6-0) Advisory & Finance Chair, Michael Pasternak declared that the Advisory & Finance Committee unanimously recommends that the Town vote to approve Article 9 as written.

Motion Article 9: 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 Assessor’s Map A-9, Lot 229, and located at or near Wilbur Avenue, Somerset, MA and authorize the Board of Selectmen to rent or sell such parcel consistent with the article and on such further terms and conditions as the Board of Selectmen deems necessary. Discussion followed by Selectman Smith, Lloyd Mendes – 46 Anawan Street, Paul Cogley – 159 Main Street, Steve Moniz – 619 Brayton Point Road, Selectman Smith, Denise St. Yves – 110 Cheryl Lane, Dennis Viveiros – 3096 Riverside Avenue, Richard Peirce – 15 Saddlebrook Terrace, and Robert Gaw – 119 Butternut Road who made a motion to move the question. The motion was seconded by Steven Moniz. The Moderator called for the vote to move the question. The motion carried by a nearly unanimous vote in the affirmative. The Moderator opened the floor to discussion on Article 9 as written. Hearing none, the Moderator called for a standing counted vote as this article requires a 2/3 vote to pass. Yes – 26, No – 57 with a total of 83 votes. The motion failed.

A motion was made by Richard Peirce and seconded by Steven Moniz and others on the floor that Article 9 not be revisited. Motion carried by a nearly 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 purpose of purchasing, installing, and equipping VADAR financial 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 \$13,520.00 for the purposes of this article and that said sum be transferred from Free Cash. (Vote 6-0)

Motion Article 10: A motion was made by Selectman Souza and seconded by Selectman Lawless that the Town vote to appropriate the sum of \$13,520.00 for the purpose of this article and that said sum be transferred from Free Cash. Discussion followed by Selectman Souza. Hearing no further discussion, the Moderator called for a vote. The motion carried by a unanimous vote in the affirmative.

Article 11: To see if the Town will vote to amend the Revolving Funds By-law, adopted at the May 15, 2017 Annual Town Meeting, as amended, relative to the revolving account titled “Town Nursing Program” by inserting at the end of the Allowed Expenses column therein the language “, and wages and associated costs”, as shown in bold italics text below, pursuant to the provisions of G.L. c. 44, sec. 53E½, 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	The costs of purchasing medical supplies in conjunction with conducting flu clinics, rabies clinics and other departmental programs and for any purposes incidental thereto, <i>and wages and associated costs</i>	\$80,000	Available for expenditure fiscal 2021

The Advisory & Finance Committee unanimously recommends that the vote to approve this article. (Vote 6-0)

Motion Article 11: A motion was made by Selectman Souza and seconded by Selectman Smith that the Town vote to adopt the provisions of Article 11 as written in the warrant. Discussion followed by Selectman Souza. Hearing no further discussion, the Moderator called for the vote. The motion carried by a unanimous vote in the affirmative.

Article 12 : 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 repairing and renovating the ladies rest room at the Old Town Hall, located at 1480 County Street in Somerset, MA, 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 purposes of this article and that said sum be transferred from free Cash. (Vote 6-0)

Motion Article 12: A motion was made by Selectman Souza and seconded by Selectman Smith that the Town vote to appropriate the sum of \$50,000.00 for the purposes of this article and that said sum be transferred from Free Cash. Discussion followed by Selectman Souza, Denis St. Yves – 110 Cheryl Lane, Selectman Smith, Recreation Director Barry Fontaine, Christopher Godet – 70 Dawns Terrace, and A&F Chair Michael Pasternak. A motion was made by Christopher Godet to amend the article to delete “from free cash” and add “from Article 9 of the May 2021 Annual Town meeting Sundries Building & repair account #01-696-440-5850-1. There were several seconds from the floor. Discussion followed by Selectman Smith and Mr. Pasternak. Mr. Godet withdrew his motion to amend. The Moderator asked for the persons who seconded the article if they also wish to withdraw their second. All agreed. The Moderator opened the floor for discussion on the original motion. Hearing none, the Moderator called for the vote. The motion carried by a 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 for the purpose of purchasing sand to replenish the beach at Pierce Beach Park, located at South Street in Somerset, MA, 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 \$5,600.00 for the purpose of this article and that said sum be transferred from Free Cash. (Vote 6-0)

Motion Article 13:

Assignment: A motion was made by Selectman Souza and seconded by Selectman Smith that the Town vote to appropriate the sum of \$5,600.00 for the purpose of this article and that said sum be transferred from Free Cash. Discussion followed by Selectman Souza. Hearing no further discussion, the Moderator called for the vote. The motion carried by a unanimous vote in the affirmative.

Article 14: 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 at various 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 necessary to effectuate the purpose of this article; or take any action relative thereto.

The Advisory & Finance Committee 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 6-0)

Motion Article 14: A motion was made by School Committee Member Michael McDonald and seconded by Christopher Godet 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 the 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. McDonald and Selectman Smith. Hearing no further discussion, the Moderator called for the vote. The motion carried by a unanimous vote.

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 procuring engineering services, including design, procurement and construction administration, relative to capital repairs needed at the wastewater treatment plant, collection system, and sewage pumping stations, 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 \$500,000.00 for the purposes of this article and that said sum be transferred from the retained earnings in the Water & Sewer Enterprise Fund. (Vote 6-0)

Motion Article 15: A motion was made by Water & Sewer Commissioner Scott O'Brien and seconded by Steven Moniz and others on the floor that the Town vote to appropriate the sum of \$500,000.00 for the purposes written in the article and that said sum be transferred from the retained earnings in the Water & Sewer Enterprise Fund. Discussion followed by Commissioner O'Brien. Hearing no further discussion, the Moderator called for the vote. The motion carried by a nearly 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 procuring engineering services, including design, procurement, and construction administration, relative to capital improvements to the distribution system, storage tanks, reservoir, and water treatment plant, 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 \$1,500,000.00 for the purposes of this article and that said sum be transferred from the retained earnings in the Water & Sewer Enterprise Fund. (Vote 6-0)

Motion Article 16: A motion was made by Water & Sewer Commissioner Scott O'Brien and seconded from the floor that the Town vote to appropriate the sum of \$1,500,000.00 for the purposes written in the article and that said sum be transferred from the retained earnings in the Water & Sewer Enterprise Fund. Discussion followed by Commissioner O'Brien. The motion carried by a unanimous vote in the affirmative.

Article 17: To see if the Town will vote to: Contribute an amount not less than \$25,000 to the non-profit group Spirit of Somerset Inc. to assist with their efforts to fund the annual Sprit of Somerset Family Fun Day including but not limited to reimbursing the Town of Somerset for municipal services including but not limited to police, fire, highway and trash services for the Spirit of Somerset Family Fun Day which occurred on September 18, 2021 or for a similar future event. From 2001 to 2020 the Board of Selectmen have approved of use and funding of town services for the event. Services included Highway, Police and Fire. Also since 2010 the Board of Selectmen have approved the current trash company's donation of \$5000. The current Board of selectmen for 2021 has decided not the fund these items, which has put a financial burden on the event. We would hope that the citizens of Somerset would approve of this article.

The Advisory & Finance Committee will have a recommendation at the Special Town Meeting. (Vote 6-0) Michael Pasternak, Chairman, announced that the Advisory 7 Finance committee voted unanimously not to recommend this article based on the Anti Aid Amendment.

Motion Article 17: A motion was made by David Berube and seconded by several from the floor that the Town vote to approve and appropriate the sum of \$7,955.46 for the purpose of the Town's 2022 annual Spirit of Somerset celebration, which includes \$2,415.46 for Highway services, \$4,840.00 for Police Detail, \$600.00 for Fire Detail and \$100.00 for permits, and that said sum be allocated from free cash. Discussion followed by Mr. Berube, Lloyd Mendes – 46 Anawan Street, Richard Profio – 94 Grove Avenue, Jeffrey Marques – 21 Jon Ester Road, Steven Moniz – 619 Brayton Point Road, Town Counsel Matthew Feher, Paul Cogley – 159 Main Street, Police Chief Todd Costa, Brian Gerry – 116 Sullivan Avenue, Ed Souza – 130 Pocassett Street, and Chairman Pasternak. A motion was made by Steven Moniz to move the question. There were several seconds from the floor. The motion to move the question carried by a nearly unanimous vote in the affirmative. The Moderator called for the vote on Article 17. After a voice vote, the Moderator called for a standing counted vote. Yes 35, No 41 (Total votes 76). The motion failed by a majority vote of the body.

Article 18: To see if the Town will vote to: Approve and appropriate the sum of \$13,000 for the fireworks for the town's annual Spirit of Somerset. The fireworks would include the display be shot off a said barge on the Taunton River on the date of the Spirit of Somerset. We would hope that the citizens of Somerset would approve this article.

The Advisory & Finance Committee will have a recommendation at the Special Town Meeting. (Vote 6-0) Chairman Michael Pasternak announced that the A&F Committee unanimously does not recommend approval of this article.

Motion Article 18: A motion was made by David Berube and seconded from the floor, that the Town vote to approve and appropriate \$13,000.00 for the purpose of the 2022 Town's Annual Spirit of Somerset Celebration, which includes \$5,000.00 for fireworks, \$6,000.00 for Barge service, \$242.00 for the Fall River Fire Detail, and \$1,758.00 for the Somerset Fire Department detail, and that said sum be transferred from Free Cash. Discussion followed by Mr. Berube, Lloyd Mendes – 46 Anawan Street and Richard Peirce – 15 Saddlebrook Terrace.

Following discussion regarding the motion, Mr. Berube requested that his 1st motion be rescinded. The Moderator stated that she also needed the person that seconded that motion to rescind the 2nd. The motion was rescinded. A new motion was presented by Mr. Berube that the Town vote to approve and appropriate \$13,000.00 for the purpose of the Town's Annual Spirit of Somerset Celebration, which includes \$5,000.00 for fireworks, \$6,000.00 for Barge service, \$242.00 for the Fall River Fire Detail, and \$1,758.00 for the Somerset Fire Department Detail, and that said sum be transferred from Free Cash. Discussion followed by Robert Gaw – 119 Butternut Road, A&F Chairman Michael Pasternak, Selectman Smith, Town Accountant Theresa Provencal, Ed Souza – 130 Pocassett Street, Police Chief Todd Costa, Anita Berube – 120 Lafayette Street, Jeffrey Marques – 21 Jon Ester Road, Town Counsel Matthew Feher, Selectman Smith, Chief Todd Costa, Michael Pasternak, Paul Cogley – 159 Main Street, and Robert Gaw – 119 Butternut Road. A motion was made by Mr. Gaw and seconded by several from the floor to move the question. Point of order was called for from the floor regarding exactly where the funding will be expended. It was explained that the \$13,000.00 will be expended for Fireworks for the Spirit of Somerset celebration (not the non-profit). The motion to move the question passed by a unanimous vote in the affirmative. The Moderator then called for a vote on the motion for Article 18. The motion carried by a nearly unanimous vote in the affirmative.

With all articles being acted on, the Moderator called for a motion to dissolve the Special Town Meeting of December 6, 2021 of the Town of Somerset. There were several motions and seconds on the floor. Motion carried by a unanimous vote in the affirmative.

Attendance: 113

A true copy attest;

Dolores Bence, CMMC
Town Clerk