

Special Town Meeting December 3, 2018

The Special Town Meeting was called to order at 6:04 pm by the Town Moderator Lucia Casey. Mrs. Casey led the Pledge of Allegiance.

Article 1: To see if the Town will vote to amend the vote taken under Article 7A of the May 21, 2018, Annual Town Meeting for the purpose of the General Budget for Fiscal Year 2019, the appropriation for which was originally voted as follows:

from taxation: \$23,697,302.00

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.

The Advisory & Finance Committee unanimously recommends that the Town vote to transfer and appropriate the sum of \$3,750,000.00 for the purpose of this article and that said sum be transferred from Free Cash.

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 May 21, 2018, Annual Town Meeting for the purposes of the General Budget for Fiscal Year 2019, as follows: by reducing the amount of money to be raised from taxation from \$23,697,302.00 to \$19,947,302.00, a decrease of \$3,750,000.00, and by transferring the amount of \$3,750,000.00 from Free Cash for said purpose. Discussion followed by Selectman McNamara, Paul (?), and Town Accountant Joe Bolton. In the absence of further discussion the Moderator called for the vote.

Vote: Motion carried by a nearly unanimous vote as declared by the Moderator.

Article 2: To see if the Town will vote to raise and appropriate, and/or transfer from available funds additional sums of money to supplement the following appropriations previously voted under Article 7A at the Annual Town Meeting of May 21, 2018 for Fiscal Year 2019; or, take any action relative thereto:

APPROPRIATION	PERSONNEL SERVICES	EXPENSES
#145 Treasurer/Collector	\$3,989	
#161 Town Clerk	\$2,681	
#241 Building	\$260	
#510 Board of Health/Conservation	\$4,035	
#522 Town Nurse	(\$45,650)	\$45,650
#630 Recreation	\$260	
TOTALS:	(\$34,425)	\$45,650

The Advisory & Finance Committee unanimously recommends that the Town vote to appropriate the sum of \$11,225.00 for the purpose of this article and that said sum be transferred from Free Cash.

Motion: A motion was made by Selectman McNamara and seconded by Selectman Moniz that the Town vote to appropriate the sum of \$11,225.00 for the purposes of this article as designated, and that said sum be transferred from Free Cash. Discussion followed by Selectman McNamara. In the absence of further discussion, the Moderator called for the vote.

Vote: Motion carried by a unanimous vote as declared by the Moderator.

Article 3: To see if the Town will vote to raise and appropriate, and/or transfer from available funds a sum of money to purchase and install a gazebo, planters and bollards at Marchand Park, including all cost incidental or related thereto; or, take any action relative thereto.

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

Recommendation: Chairman Godet announced that the Advisory & Finance Committee by majority does not recommend passage of this article.

Motion: A motion was made by Selectman McNamara and seconded by Selectman Berube that the Town vote to appropriate the sum of \$20,000.00 for the purposes of this article as designated, and that said sum be transferred from Free Cash. Discussion followed by Selectman McNamara, Selectman Moniz, Christopher Godet, Allison Viana, Cory Huck, Allison Faunce Richards, Selectman Berube, Daniel Mendonca. Following discussion, Selectman McNamara made a motion to amend Article 3 to eliminate the gazebo and reduce amount to \$20,000. The motion to amend was seconded by Selectman Moniz. Discussion followed on the motion to amend by Roger Benevides, Kathleen Gunning, Paul Richards, and James Mullin. A motion was made by Selectman McNamara to move the question, seconded by Selectman Moniz. The motion to amend carried by a nearly unanimous vote as declared by the Moderator.

Vote: Motion on the article as amended to read “that the Town vote to appropriate the sum of \$10,000.00 to purchase and install planters and bollards at Marchand Park, including all costs incidental or related thereto; or take any action relative thereto carried by a nearly unanimous vote as declared by the Moderator.

Article 4: To see if the Town will vote to transfer from the board or officer currently having care, custody and control for the purpose for which the property is currently held to the Board of Selectmen for the purpose of disposition by sale, lease or otherwise, the care, custody and control of the property and any improvements thereon shown on Assessors Map B4 as Lot 100 and located at or near Brayton 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. Chapter 30B, Section 16, on such terms and conditions as the Board of Selectmen deems to be in the best interest of the Town; and further to authorize the Board of Selectmen to take such actions and execute such documents and agreements as are necessary to effectuate the purpose of this article; or, take any action relative thereto.

The Advisory & Finance Committee unanimously recommends that the Town vote to approve this article.

The Moderator reminded the body that this article requires a 2/3 vote.

Motion: A motion was made by Selectman McNamara and seconded by Selectman Berube that the Town vote to authorize the Board of Selectmen to sell and transfer the parcel of Town-owned land shown on Assessors Map B4 as Lot 100 and located at or near Brayton Avenue consistent with the article and on such further terms and conditions as the Board of Selectmen deems necessary. Discussion followed by Selectman McNamara, George Andes, A&F Member Dominic Raffa, Richard Fenstermaker, and Town Administrator Richard Brown. In the absence of further discussion, the Moderator called for the vote.

Vote: Motion carried by a unanimous vote.

Article 5: To see if the Town will vote to transfer from the Tax Title Custodian for tax title purposes, 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 C-7 as Lot 121 and located on or near Purington Street; and further to authorize the Board of Selectmen to rent, convey or otherwise dispose of all or a portion of said property on such terms and conditions as the Board of Selectmen deems to be in the best interest of the Town; and further to authorize the Board of Selectmen to take such actions and execute such documents and agreements as are necessary to effectuate the purpose of this article; or, take any action relative thereto.

The Advisory & Finance Committee unanimously recommends that the Town vote to approve this article.

The Moderator reminded the body that this article requires a 2/3 vote.

Motion: A motion was made by Selectman Moniz and seconded by Selectman Berube that the Town vote to authorize the Board of Selectmen to sell and transfer the parcel of Town-owned land shown on Assessors Map C-7 as Lot 121 and located at or near Purington Street consistent with the article and on such further terms and conditions as the Board of Selectmen deems necessary. Discussion followed by Selectman Moniz. In the absence of further discussion, the Moderator called for the vote.

Vote: Motion carried by a nearly unanimous vote.

Article 6: To see if the Town will vote to raise and appropriate, and/or transfer from available funds a sum of money to be used for capital repairs and improvements of Town-owned buildings, said money to be expended as the Board of Selectmen deems necessary; and further that such repairs and improvements shall be subject to all requirements of state and local procurement laws, and any other applicable laws and regulations; and further to authorize the Board of Selectmen to take such actions and execute such documents and agreements 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 Special Town Meeting.

Recommendation: Chairman Godet announced that the Advisory & Finance Committee recommends passage of this article by a majority vote.

Motion: A motion was made by Selectman Moniz and seconded by Mr. Berube that the Town vote to appropriate the sum of \$300,000.00 for the purposes 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 Board of Selectmen deems necessary. Discussion followed by Selectman Moniz, Anthony Kucikas, Michael McDonald, and Town Administrator Richard Brown. In the absence of further discussion, the Moderator called for a vote.

Vote: Motion carried by a unanimous vote.

Article 7: To see if the Town will vote to amend its “Non-Criminal Disposition By-law” adopted December 16, 1991, and most recently amended October 28, 2013, by inserting at the end of the first paragraph the words “Sanitary Regulations for Keeping Animals in the Town of Somerset adopted on September 12, 2018,

and amended from time to time”, and by adding at the end of the fifth paragraph the words “Sanitary Regulations for Keeping Animals in the Town of Somerset: penalties as provided therein”; 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 by Selectman Berube that the Town vote to amend its “Non-Criminal Disposition By-law”, as set forth in this article. Discussion followed by Selectman Moniz. In the absence of further discussion, the Moderator called for the vote.

Vote: Motion carried by a unanimous vote.

Article 8: To see if the Town will vote to accept Skylar Drive as a public way as laid out by the Board of Selectmen, and shown on a plan entitled, “Street Layout As-Built Plan” on file with the Town Clerk, and authorize the Board of Selectmen to acquire by gift, purchase and/or eminent domain, the fee to and/or easements in such way as shown on the aforesaid plan for all purposes for which public ways are used in the Town and any drainage, utility, access, or other related easements; or, take any action relative thereto.

The Planning Board recommends that the Town so vote.

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

Motion: A motion was made by Selectman Moniz and seconded by Selectman Berube that the Town vote to accept Skylar Drive as a public way, as set forth in this article. Discussion followed by Selectman Moniz. In the absence of further discussion the Moderator called for the vote.

Vote: 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 supplement appropriations for the Fire Department to provide local funding as necessary for the Town’s SAFER Grant; or, take any action relative thereto.

The Advisory & Finance Committee unanimously recommends that the Town vote to appropriate the sum of \$46,000.00 for the purpose of this article and that said sum be transferred from Free Cash.

Motion Assignment: Selectman Moniz

Madam Moderator, I move that the Town vote to appropriate the sum of \$46,000.00 for the purposes of this article and that said sum be transferred from Free Cash.

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 a new Backhoe for the Highway Department; 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.

Motion: A motion was made by Selectman Moniz and seconded by Selectman Berube that the Town vote to appropriate the sum of \$125,000.00 for the purposes of this article and that said sum be transferred from Free Cash. Discussion followed by Selectman Moniz, Mr. (?) Costa, Chief Jepson, Lloyd Mendes, and Selectman Moniz. In the absence of further discussion, the Moderator called for the vote.

Vote: The Moderator, uncertain of the voice vote, asked for a standing vote to determine majority. Following a standing and counted vote of the body, the Moderator declared the motion carried by majority vote having 96 in the affirmative and 14 in the negative.

Article 11: To see if the Town will vote to raise and appropriate, and/or transfer from available funds a sum of money for the purpose of storm water management and permitting for the Highway Department; or, take any action relative thereto.

The Advisory & Finance Committee unanimously recommends that the Town vote to appropriate the sum of \$38,000.00 for the purpose of this article and that said sum be transferred from Free Cash.

Motion: A motion was made by Selectman Berube and seconded by Selectman Moniz that the Town vote to appropriate the sum of \$38,000.00 for the purposes of this article and that said sum be transferred from Free Cash. Discussion followed by Selectman Berube. In the absence of further discussion, the Moderator called for the vote.

Vote: Motion carried by a unanimous vote.

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 paying amounts due under leases of various Town police cruisers, and for any costs incidental or related thereto; or, take any action relative 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.

Motion: A motion was made by Selectman Berube and seconded by Selectman Moniz that the Town vote to appropriate the sum of \$45,000.00 for the purposes of this article and that said sum be transferred from Free Cash. Discussion followed by Mr. Berube, Paul (?), and Chief McNeil. In the absence of further discussion, the Moderator called for the vote.

Vote: Motion carried by a unanimous 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 purchasing a vaccine refrigerator for the Town Nurse; or, take any action relative thereto.

The Advisory & Finance Committee unanimously recommends that the Town vote to appropriate the sum of \$2,385.00 for the purpose of this article and that said sum be transferred from Free Cash.

Motion: A motion was made by Selectman Berube and seconded by Selectman Moniz that the Town vote to appropriate the sum of \$2,385.00 for the purposes of this article and that said sum be transferred from Free Cash. Discussion followed by Selectman Berube. In the absence of further discussion, the Moderator called for the vote.

Motion carried by a unanimous vote.

Article 14: To see if the Town will vote to raise and appropriate, and/or transfer from available funds a sum of money to match an Economic Development Administration grant to provide upgrades and improvements to the Somerset Water and Wastewater Treatment Facilities; or, take any action relative thereto.

The Advisory & Finance Committee unanimously recommends that the Town vote to appropriate the sum of \$330,566.00 for the purposes of this article and that said sum be transferred from retained earnings in the Water and Sewer Enterprise Fund.

Motion: A motion was made by Water & Sewer Commissioner Scott O'Brien and seconded by Selectman Moniz that the Town vote to appropriate the sum of \$330,566.00 for the purposes of this article and that said sum be transferred from retained earnings in the Water and Sewer Enterprise Fund. Discussion followed by Commissioner O'Brien. In the absence of further discussion, the Moderator called for a vote.

Vote: Motion carried by a unanimous vote.

Article 15: To see if the Town will vote to amend its "Consolidated Personnel By-law" adopted May 19, 1986 and most recently amended on May 21, 2018, by deleting the titles of "F - Water Department Plant Manager & Chief Operator" and "F - Water Pollution Control Plant Manager and Chief Operator" and inserting in place thereof the titles of "S - Water Department Plant Manager & Chief Operator" and "S - Water Pollution Control Plant Manager and Chief Operator", respectively, appearing at Table I (Wage & Salary Groups) for Public Utility Positions Under Grade 4; or, take any action relative thereto.

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

Motion: A motion was made by Water & Sewer Commissioner Scott O'Brien and seconded by Robert Lima that the Town to amend Table I (Wage & Salary Group), of the Consolidated Personnel By-law, by amending said table in accordance with the provisions set forth in this article. Discussion followed by Commissioner O'Brien. In the absence of further discussion, the Moderator called for the vote.

Vote: Motion carried by a unanimous vote.

Article 16: To see if the Town will vote to amend its "Consolidated Personnel By-law" adopted May 19, 1986, and most recently amended May 21, 2018, by amending Table II entitled "FY2019 Compensation Plan Public Utility Positions (Water & Sewer)" by deleting the row corresponding to Grade M4 in its entirety and inserting in place thereof the following; or, take any other action relative thereto:

M4	1,178.00	1,266.00	1,355.00	1,443.00	1,531.00	1,648.00	1,708.00	1,796.00	1,885.00
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The Advisory & Finance Committee unanimously recommends that the vote to approve this article.

Motion: A motion was made by Water & Sewer Commissioner Scott O'Brien and seconded by Robert Lima that the Town to amend Table II (FY2019 Compensation Plan Public Utility Positions) (Water & Sewer), of the Consolidated Personnel By-law, by amending said table in accordance with the provisions set forth in this article.

Article 17: To see if the Town will vote to raise and appropriate, and/or transfer from available funds a sum of money for the purpose of installing heating and air conditioner (HVAC) units at Chace Street Elementary

School, South Elementary School and/or Somerset Middle School, including all cost incidental or related thereto; or, take any action relative thereto.

The Advisory & Finance Committee unanimously recommends that the vote to appropriate the sum of \$200,000.00 for the purposes of this article and that said sum be transferred from Free Cash.

Motion: A motion was made by School Committeewoman Melissa Terra and seconded by Victor Machado that the Town vote to indefinitely postpone Article 17. No discussion followed. In the absence of discussion, the Moderator called for the vote.

Vote: 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 upgrading school security equipment at public school buildings; or, take any action relative thereto.

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

Motion: A motion was made by School Committeewoman Melissa Terra and seconded by Victor Machado that the Town vote to indefinitely postpone Article 18. No discussion followed. In the absence of discussion, the Moderator called for the vote.

Vote: Motion carried by a unanimous vote.

Article 19: To see if the Town will vote to authorize the Board of Selectmen to grant to Timothy Cabral, his successors and assigns, the perpetual right and easement to construct, repair, replace, renew, operate and forever maintain a sewer "line(s)" or "pipe (s)", conduits and their appurtenances, with all valves and connections over, under, and through a certain real estate owned by the Town of Somerset and being identified as Lot 159 on Assessor's Map C-1. The Easement area is more fully delineated as follows:

Beginning at a point in the northerly line of Luther Avenue, said point being the southwest corner of the easement to be described at the southwest corner of land now or formerly of the Town of Somerset, Map C-1 Lot 159 so called "The Chase Preserve" and the POINT OF BEGINNING:

Thence running N 22⁰27'52" E a distance of 136.01 feet to a corner;

Thence running S 67⁰26'54" E a distance of 20.00 feet to a corner;

Thence running S 22⁰27'52" W a distance of 135.98 feet to a corner;

Thence running N 67⁰32'08" W a distance of 20.00 feet to a corner and to the POINT OF BEGINNING.

The above described tract of land/Easement Area contains an area of 2,720 square feet more or less

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

A motion was made by Christopher Godet to waive the reading of Article 19 by the Moderator. Hearing several seconds, the Moderator called for a vote on motion to waive the reading. The motion carried by a unanimous vote.

Motion: A motion was made by Attorney Thomas Killoran that the Town vote to accept Article 19 as written. There were several seconds from the floor of the voting body. Discussion followed by Attorney Killoran, Christopher Godet, Lloyd Mendes, Timothy Turner, and Harold Gracia. In the absence of further discussion, the Moderator called for the vote.

Vote: Motion carried by a unanimous vote.

A Motion to dissolve the STM made by Selectman Moniz and seconded by Selectman Berube at 7:26 pm. Motion carried by a unanimous vote

Attendance: 145

A true copy attest;

Dolores Berge, Town Clerk