

**WARRANT**  
**COMMONWEALTH OF MASSACHUSETTS**  
**COUNTY OF BERKSHIRE, SS.**  
**TOWN OF MONTEREY**

To: Julio Rodriguez, Constable of the Town of Monterey in the County of Berkshire,

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn inhabitants of said Town qualified to vote in the elections and Town affairs to meet in the Firehouse of the Monterey Fire Company Ltd. in said Town on Saturday, May 4, 2024, at 9:30 o'clock in the morning, then and there to act on the following articles:

**ARTICLE 1.** To hear and act on the reports of all Officers, Agents and Committees of the Town.

**ARTICLE 2.** To see if the Town will vote to fix the salaries as indicated below to be paid to elected officials for the period July 1, 2024, to June 30, 2025, pursuant to the provisions of Chapter 41, Section 108, of the General Laws, or take any other action relative thereto.

Select Board Chair	\$5,616.00
Select Board 2 <sup>nd</sup>	\$5,616.00
Select Board 3 <sup>rd</sup>	\$5,616.00
Assessors Chair	\$1,812.72
Assessors 2 <sup>nd</sup>	\$1,812.72
Assessors 3 <sup>rd</sup>	\$1,812.72
Board of Health Chair	\$416.00
Board of Health 2 <sup>nd</sup>	\$416.00
Board of Health 3 <sup>rd</sup>	\$416.00
Constable	\$1.00
Moderator	\$390.79
Tax Collector	\$28,969.56
Tree Warden	\$4,160.00

**ARTICLE 3.** To see if the Town will raise and appropriate certain sums of money, including appropriation and transfers from available funds, to defray charges and expenses of the Town, including salaries of certain Town Officers and employees, debt and interest, and provide for a Reserve Fund for the ensuing year, or raise, appropriate or transfer any other sum of money.

		5/6/23 ATM	3/2/24 STM & Internal Transfers			
ACCT	DESCRIPTION	FY24 APPROVED	FY24 REVISIONS	FY25 REQUESTED	\$ Change Increase (Decrease)	% Change Increase (Decrease)
100	<b>GENERAL GOVERNMENT</b>					
114	Moderator	375.76	0.00	390.79	15.03	4.00%
115	Constable	739.06	0.00	1.00	(738.06)	(99.86%)
122	Select Board Elected	16,200.00	0.00	16,848.00	648.00	4.00%
122	Select Board Expenses	4,400.00	0.00	4,400.00	0.00	0.00%
122	Select Board Secretary	4,500.00	0.00	0.00	(4,500.00)	(100.00%)
122	Grant writing wages	5,000.00	0.00	7,500.00	2,500.00	50.00%
122	Grant writing expenses	250.00	0.00	250.00	0.00	0.00%
122	CART (Communication Access Real Time Translation)	2,300.00	0.00	2,820.00	520.00	22.61%
123	Town Administrator	80,808.30	0.00	84,040.63	3,232.33	4.00%

123	Town Administrator Expenses	3,000.00	0.00	3,000.00	0.00	0.00%
120	Office Assistant Wages	8,456.40	0.00	16,139.20	7,682.80	90.85%
120	Office Assistant Procurement, Training & Expenses	250.00	0.00	250.00	0.00	0.00%
131	Finance Committee Expenses	500.00	0.00	500.00	0.00	0.00%
131	Finance Committee Clerk	1.00	0.00	1.00	0.00	0.00%
132	Town Reserve Fund	30,000.00	(824.00)	30,000.00	824.00	2.82%
135	Town Accountant Services	39,300.00	0.00	40,800.00	1,500.00	3.82%
135	Accounting/Treasurer Software	6,950.00	0.00	7,230.00	280.00	4.03%
135	Annual Audit	17,500.00	0.00	1,000.00	(16,500.00)	(94.29%)
135	GASB75	2,750.00	0.00	2,750.00	0.00	0.00%
141	Assessors Elected	5,229.00	0.00	5,438.16	209.16	4.00%
141	Principal Assessor Salary	47,443.09	0.00	49,340.81	1,897.72	4.00%
141	Assistant to the Principal Assessor	1.00	0.00	1.00	0.00	0.00%
141	Assessors Clerk Wages	11,469.12	0.00	12,301.20	832.08	7.25%
141	Assessors Expenses	20,900.00	0.00	11,411.00	(9,489.00)	(45.40%)
141	Assessors Software	13,750.00	0.00	20,818.00	7,068.00	51.40%
145	Treasurer Services	39,750.00	0.00	40,950.00	1,200.00	3.02%
145	Treasurer Expenses	7,200.00	0.00	7,600.00	400.00	5.56%
146	Tax Collector Elected Salary	27,855.35	0.00	28,969.56	1,114.21	4.00%
146	Tax Collector Expenses	5,900.00	0.00	6,550.00	650.00	11.02%
146	Tax Collector Software	8,200.00	0.00	8,250.00	50.00	0.61%
151	Legal Fees & Expenses	21,500.00	0.00	21,500.00	0.00	0.00%
152	Human Resources Consulting	4,000.00	0.00	11,000.00	7,000.00	175.00%
154	Meeting Warrants Printing & Postage	2,700.00	1,300.00	3,000.00	(1,000.00)	(25.00%)
155	IT expenses	12,500.00	10,000.00	28,000.00	5,500.00	24.44%
155	Broadband Services (town hall)	2,000.00	0.00	2,000.00	0.00	0.00%
158	Tax Title Legal Services	5,000.00	0.00	2,500.00	(2,500.00)	(50.00%)
160	Town Clerk Wages	17,916.00	0.00	23,036.00	5,120.00	28.58%
160	Town Clerk Expenses	5,400.00	0.00	8,110.00	2,710.00	50.19%
162	Election	6,850.00	0.00	9,784.00	2,934.00	42.83%
163	Annual Street List/Census Expenses	750.00	0.00	750.00	0.00	0.00%
171	Conservation Comm.	1,500.00	0.00	1,500.00	0.00	0.00%
171	Conservation Commission Agent Wages	14,000.00	0.00	14,560.00	560.00	4.00%
175	Planning Board expenses	1,400.00	824.00	3,200.00	976.00	43.88%
175	Planning Board Clerk	0.00	0.00	0.00	0.00	N/A
175	BRPC Assessment	932.21	0.00	955.52	23.31	2.50%
176	Board of Appeals expenses	250.00	0.00	100.00	(150.00)	(60.00%)
176	Board of Appeals Clerk	1.00	0.00	1.00	0.00	0.00%
192	Town Offices	42,400.00	0.00	37,550.00	(4,850.00)	(11.44%)
195	Town Report	1,200.00	0.00	1,200.00	0.00	0.00%
	<b>Subtotal</b>	<b>551,277.29</b>	<b>11,300.00</b>	<b>578,296.88</b>	<b>15,719.59</b>	<b>2.79%</b>

200	<b>PROTECTION, PERSONS &amp; PROPERTY</b>					
<b>ACCT</b>	<b>DESCRIPTION</b>	<b>FY24 APPROVED</b>	<b>FY24 REVISIONS</b>	<b>FY25 REQUESTED</b>	<b>\$ Change</b>	<b>% Change</b>
210	Current Police Chief Salary	88,322.38	0.00	91,855.28	3,532.90	4.00%
210	Full Time Officer 1	58,240.00	0.00	60,802.56	2,562.56	4.21%
210	Full Time Officer 2	58,240.00	0.00	60,802.56	2,562.56	4.40%
210	Part Time/Overtime Wages	52,175.80	0.00	54,471.04	2,295.24	4.40%

210	Police Expenses	41,990.00	0.00	43,100.00	1,110.00	2.64%
210	Police Rental Facilities	1,000.00	0.00	1,000.00	0.00	0.00%
220	Fire Dept Equipment & Maintenance	66,300.00	0.00	60,800.00	(5,500.00)	(8.30%)
220	Fire Dept Other Expenses	10,100.00	0.00	15,600.00	5,500.00	54.46%
220	Fire Dept Compensation	129,920.00	0.00	301,300.00	171,380.00	131.91%
220	Fire Hall Lease	17,000.00	0.00	50,000.00	33,000.00	194.12%
221	Fire Inspector Stipend	3,516.18	0.00	3,656.83	140.65	4.00%
222	Berk. Cty. Sheriff Comm.	11,858.00	0.00	12,213.51	355.51	3.00%
240	Building Inspector Wages	42,730.33	0.00	44,430.96	1,700.63	3.98%
240	Alternate Building Inspector Wages	1,000.00	0.00	1,000.00	0.00	0.00%
240	Building Inspector Expenses	8,532.00	0.00	9,132.00	600.00	7.03%
243	Plumbing /Gas Inspector Exp	100.00	0.00	100.00	0.00	0.00%
245	Wiring Inspector Expenses	100.00	0.00	100.00	0.00	0.00%
291	Southern Berkshire Regional Emergency Planning Committee Assessment	500.00	0.00	500.00	0.00	0.00%
292	Animal Control/Dog Officer	1.00	0.00	1.00	0.00	0.00%
292	Animal Control Expenses	500.00	0.00	500.00	0.00	0.00%
293	Animal Inspector	600.00	0.00	624.00	24.00	4.00%
294	Tree Warden Salary	4,000.00	0.00	4,160.00	160.00	4.00%
294	Tree Warden Expenses	49,000.00	0.00	49,000.00	0.00	0.00%
	<b>Subtotal</b>	<b>645,725.69</b>	<b>0.00</b>	<b>865,149.73</b>	<b>219,424.04</b>	<b>33.98%</b>

300	<b>EDUCATION</b>					
<b>ACCT</b>	<b>DESCRIPTION</b>	<b>FY24 APPROVED</b>	<b>FY24 REVISIONS</b>	<b>FY25 REQUESTED</b>	<b>\$ Change</b>	<b>% Change</b>
301	School Committee Stipend	1,612.01	1,074.64	1,676.49	(1,010.16)	(37.60%)
380	Schools: Capital	38,644.00	0.00	42,491.00	3,847.00	9.95%
380	Schools: Operating & Transportation	1,751,821.00	0.00	1,913,839.00	162,018.00	9.25%
380	Loan & Interest SBRSD bond	40,064.00	0.00	41,461.00	1,397.00	3.49%
	<b>Subtotal</b>	<b>1,832,141.01</b>	<b>1,074.64</b>	<b>1,999,467.49</b>	<b>166,251.84</b>	<b>9.07%</b>

400	<b>PUBLIC WORKS &amp; FACILITIES</b>					
<b>ACCT</b>	<b>DESCRIPTION</b>	<b>FY24 APPROVED</b>	<b>FY24 REVISIONS</b>	<b>FY25 REQUESTED</b>	<b>\$ Change</b>	<b>% Change</b>
422	Highway Operations	227,275.00	0.00	231,400.00	4,125.00	1.81%
422	Director Of Operations Salary	83,242.24	0.00	86,571.93	3,329.69	4.00%
422	Foreman Wages	60,552.00	0.00	62,974.08	2,422.08	4.00%
422	Hwy 2 Wages	57,420.00	0.00	59,716.80	2,296.80	4.00%
422	Hwy 3 Wages	55,332.00	0.00	57,545.28	2,213.28	4.00%
422	Hwy 4 Wages	53,244.00	0.00	45,601.92	(7,642.08)	(14.35%)
422	Temporary Highway Employee	1.00	0.00	1.00	0.00	0.00%
422	Hwy Overtime (not winter)	2,500.00	0.00	2,500.00	0.00	0.00%
422	OSHA updates & compliance	6,142.50	0.00	6,200.00	57.50	0.94%
422	Highway Capital (rename Road Maintenance)	142,000.00	0.00	142,000.00	0.00	0.00%
423	Snow & Ice, Salt & Sand, Winter Overtime (combined for FY25)	172,500.00	0.00	172,500.00	0.00	0.00%
424	Public Lighting	4,800.00	0.00	4,000.00	(800.00)	(16.67%)
425	Fuel	60,000.00	0.00	60,000.00	0.00	0.00%
430	Dam Inspection & Maint.	5,000.00	0.00	5,000.00	0.00	0.00%
433	Transfer Station Operations	90,000.00	41,000.00	129,352.85	(1,647.15)	(1.26%)
433	Transfer Station Part Time Employee Wages	39,573.48	0.00	39,949.91	376.43	0.95%

435	Group Purchasing Regional	2,900.00	0.00	1,500.00	(1,400.00)	(48.28%)
491	Cemetery Maintenance & Lawn Care	22,500.00	0.00	22,500.00	0.00	0.00%
491	Soldiers Graves	1,200.00	0.00	1,200.00	0.00	0.00%
	<b>Subtotal</b>	<b>1,086,182.22</b>	<b>41,000.00</b>	<b>1,130,513.77</b>	<b>3,331.55</b>	<b>0.30%</b>

500	<b>HUMAN SERVICES</b>					
ACCT	DESCRIPTION	FY24 APPROVED	FY24 REVISIONS	FY25 REQUESTED	\$ Change	% Change
510	Board of Health Elected Salary	1,200.00	0.00	1,248.00	48.00	4.00%
510	Board of Health Expenses	2,325.00	0.00	2,550.00	225.00	9.68%
510	Board of Health Clerk Stipend	1.00	0.00	0.00	(1.00)	(100.00%)
510	Sanitary Inspector Wages	23,113.33	0.00	24,037.86	924.53	4.00%
510	Public Health Services	2,400.00	0.00	2,400.00	0.00	0.00%
541	Council on Aging	4,422.00	0.00	4,422.00	0.00	0.00%
541	COA Outreach Coordinator Wages	10,498.16	0.00	10,137.24	(360.92)	(3.44%)
543	Veterans Benefits	5,000.00	0.00	5,000.00	0.00	0.00%
543	Veterans Assessment	6,525.80	0.00	7,783.65	1,257.85	19.28%
	<b>Subtotal</b>	<b>55,485.29</b>	<b>0.00</b>	<b>57,578.75</b>	<b>2,093.46</b>	<b>3.77%</b>

600	<b>CULTURE &amp; RECREATION</b>					
ACCT	DESCRIPTION	FY24 APPROVED	FY24 REVISIONS	FY25 REQUESTED	\$ Change	% Change
610	Library General	37,455.00	0.00	59,095.00	21,640.00	57.78%
610	Library Wages	64,565.00	0.00	67,825.00	3,260.00	5.05%
610	Library Maintenance	15,875.00	0.00	0.00	(15,875.00)	(100.00%)
630	Park Commission	20,604.00	0.00	4,973.00	(15,631.00)	(75.86%)
630	Lifeguard Payroll/Administrative fees	32,193.00	0.00	35,250.00	3,057.00	9.50%
630	Parks Lawn Maintenance	6,713.88	0.00	17,094.00	10,380.12	154.61%
650	Community Center Operations	16,800.00	3,332.00	22,433.00	2,301.00	11.43%
650	Community Center Administrative Staff	10,800.00	0.00	13,529.12	2,729.12	25.27%
675	Beach Monitor	3,600.00	0.00	3,726.00	126.00	3.50%
692	Memorial Day	2,000.00	0.00	2,000.00	0.00	0.00%
	<b>Subtotal</b>	<b>210,605.88</b>	<b>3,332.00</b>	<b>225,925.12</b>	<b>11,987.24</b>	<b>5.60%</b>

700	<b>DEBT SERVICE</b>					
ACCT	DESCRIPTION	FY24 APPROVED	FY24 REVISIONS	FY25 REQUESTED	\$ Change	% Change
700	Medical Rescue/Brush Fire Vehicle Principal & Interest	0.00	0.00	5,000.00	5,000.00	N/A
700	Highway Truck Principal	41,430.40	0.00	0.00	(41,430.40)	(100.00%)
700	Highway Truck Interest	2,569.60	0.00	5,636.14	3,066.54	119.34%
700	Tandem Axle Principal	50,000.05	0.00	25,000.00	(25,000.05)	(50.00%)
700	Tandem Axle Interest	6,814.95	0.00	4,672.63	(2,142.32)	(31.44%)
700	Library Loan Principal	100,000.00	0.00	70,950.00	(29,050.00)	(29.05%)
700	Library Loan Interest	35,000.00	0.00	32,085.75	(2,914.25)	(8.33%)
	<b>Subtotal</b>	<b>200,815.00</b>	<b>0.00</b>	<b>111,258.77</b>	<b>(89,556.23)</b>	<b>(44.60%)</b>

900	<b>MISCELLANEOUS EXPENSES</b>					
ACCT	DESCRIPTION	FY24 APPROVED	FY24 REVISIONS	FY25 REQUESTED	\$ Change	% Change
911	Berk. County Retirement	148,440.00	0.00	150,244.00	1,804.00	1.22%
913	Unemployment Insurance	5,000.00	0.00	1,000.00	(4,000.00)	(80.00%)
914	Health Insurance	137,596.00	0.00	148,414.65	10,818.65	7.86%

915	Life Insurance	300.00	0.00	300.00	0.00	0.00%
916	Medicare	17,033.63	0.00	17,460.00	426.37	2.50%
945	Bonds & Insurance	112,000.00	0.00	120,000.00	8,000.00	7.14%
	<b>Subtotal</b>	<b>420,369.63</b>	<b>0.00</b>	<b>437,418.65</b>	<b>17,049.02</b>	<b>4.06%</b>

ACCT	DESCRIPTION	FY24 APPROVED	FY24 REVISIONS	FY25 REQUESTED	\$ Change	% Change
	<b>Total Operating Expenses</b>	<b>5,002,602.01</b>	<b>56,706.64</b>	<b>5,405,609.17</b>	<b>346,300.52</b>	<b>6.84%</b>

**ARTICLE 4.** To see if the Town will vote to fix the maximum amount that may be spent during fiscal year 2025 beginning on July 1, 2024, and ending on June 30, 2025, for the revolving funds established in Town Bylaws for certain departments, boards, committees, agencies or officers in accordance with Massachusetts General Laws Chapter 44, Section 53E1/2 as follows, or take any other action relative thereto.

Revolving Fund	Department, Board, Agency or Officer Authorized to Spend from Fund	FY25 Spending Limit
Inspectional Services	Building Inspector	\$20,000
Board of Appeals	Zoning Board of Appeals	\$5,000
Composting Bins	Transfer Station	\$1,000
Building & Fire Inspection Education	Building Inspector	\$2,500
Conservation – Wetlands Protection Act	Conservation Commission	\$15,000
Conservation – Scenic Mountains Act	Conservation Commission	\$500
Community Center	Select Board and Community Center Administration	\$10,000
Bally Gally	Select Board and Director of Operations	\$10,000
Police Department – 911 Signs	Police Department	\$1,500
Council on Aging – Community Events	Council on Aging	\$2,500

*The Finance Committee supports this Article, 2-0.*

*The Select Board supports this Article, 3-0.*

**ARTICLE 5.** To see if the Town will vote to transfer the sum of \$17,500 or any other sum from the FY24 Audit operating line item approved at the May 2023 Annual Town Meeting to the FY25 Audit operating line item, or take any other action relative thereto.

*The Finance Committee supports this Article, 2-0.*

*The Select Board supports this Article, 3-0.*

**ARTICLE 6.** To see if the Town will amend the purpose of the appropriation approved by motion under Article 18 of Annual Town Meeting 5/6/23 from “to purchase, equip and outfit a Medical Rescue Sport Utility Vehicle (SUV) and to modify and equip the current Med 9 and Brush Truck” to “to purchase, equip and outfit a quick response vehicle for medical emergencies and brush fires, and to trade in or sell at auction the current Med 9 and Brush Truck,” or take any other action relative thereto.

*The Finance Committee supports this Article, 2-0.*

*The Select Board supports this Article, 3-0.*

**ARTICLE 7.** To see if the Town will vote to appropriate the sum of \$66,459.05 or any other sum from Free Cash to make additional principal payments (beyond the minimum required pay downs) on debt service as listed in the table below, or take any other action relative thereto.

Debt item	Additional principal pay down (Free Cash)
Highway truck (International)	\$ 29,642.40
Tandem axle (dump truck)	\$ 7,766.65
Library	\$ 29,050.00
<b>TOTAL</b>	<b>\$ 66,459.05</b>

*The Finance Committee supports this Article, 2-0.*

*The Select Board supports this Article, 3-0.*

**ARTICLE 8.** To see if the Town will vote to appropriate the sum of \$1,050,000 or any other sum to purchase, equip and outfit an engine tanker truck for the Fire Department and to authorize the Town Treasurer with the approval of the Select Board to borrow said amount, and to trade in or sell at auction the 2003 engine tanker truck, or take any other action relative thereto.

**Requires secret ballot and 2/3rds vote.**

*The Finance Committee supports this Article, 2-0.*

*The Select Board supports this Article, 3-0.*

**ARTICLE 9.** To see if the Town will vote to appropriate the sum of \$60,000 or any other sum from Free Cash and \$130,000 or any other sum from the General Stabilization Fund to purchase and outfit a plow truck for the Highway Department, and to trade in or sell at auction the 2016 F-550, or take any other action relative thereto.

**Requires 2/3rds vote.**

*The Finance Committee supports this Article, 2-0.*

*The Select Board supports this Article, 3-0.*

**ARTICLE 10.** To see if the Town will vote to appropriate the sum of \$95,000 or any other sum from Free Cash to purchase and outfit a 1-ton truck for the Highway Department, and to trade in or sell at auction the 2018 Chevrolet 1-ton pickup truck, or take any other action relative thereto.

*The Finance Committee supports this Article, 2-0.*

*The Select Board supports this Article, 3-0.*

**ARTICLE 11.** To see if the Town will vote to appropriate the sum of \$70,122 or any other sum from Free Cash to pay for the Town's annual assessment to the Southern Berkshire Volunteer Ambulance, or take any other action relative thereto.

*The Finance Committee supports this Article, 2-0.*

*The Select Board supports this Article, 3-0.*

**ARTICLE 12.** To see if the Town will vote to appropriate the sum of \$30,000 or any other sum from Free Cash to be deposited in the Stabilization Fund for the Retiree Health and Life Insurance, or take any other action relative thereto.

*The Finance Committee supports this Article, 2-0.*

*The Select Board supports this Article, 3-0.*

**ARTICLE 13.** To see if the Town will vote to appropriate the sum of \$18,635 or any other sum from the Stabilization Fund for the Retiree Health and Life Insurance to the Retiree Group Health/Life Insurance Benefit, or take any other action relative thereto.

**Requires 2/3rds vote.**

*The Finance Committee supports this Article, 2-0.*

*The Select Board supports this Article, 3-0.*

**ARTICLE 14.** To see if the Town will vote to appropriate the sum of \$3,000 or any other sum from Free Cash to make a contribution to the Local Cultural Council, or take any other action relative thereto.

*The Finance Committee supports this Article, 2-0.*

*The Select Board supports this Article, 3-0.*

**ARTICLE 15.** To see if the Town will vote to appropriate the sum of \$30,000 or any other sum from Free Cash to pay for the non-chemical control of the invasive, aquatic weed Eurasian Watermilfoil and the hiring of a lake scientist to help determine the abundance and distribution of Eurasian Watermilfoil in Lake Garfield, or take any other action relative thereto.

*The Finance Committee supports this Article, 2-0.*

*The Select Board supports this Article, 3-0.*

**ARTICLE 16.** To see if the Town will vote to amend the Town bylaws by adopting a new Section 8 of Article I, to establish a regular date for Special Town Meeting, to read as follows, or take any other action relative thereto.

Section 8. Regular date for Special Town Meeting.

A Special Town Meeting shall be held on the first Saturday in November, except if the Select Board determines that no meeting is necessary.

**ARTICLE 17.** To see if the Town will vote to authorize and direct the Select Board to petition the General Court for a special act creating a recall election procedure for the Town of Monterey in the form set forth below; provided that the Legislature may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of this petition; or take any action relative thereto.

**SECTION 1.** Any holder of an elective town office may be recalled and removed from office by the registered voters of the town as provided herein.

**SECTION 2.** Thirty registered voters of the town may initiate a recall election by requesting from the Town Clerk and signing a form of affidavit containing the name of the officer sought to be recalled and a statement of the grounds for recall. The Town Clerk shall immediately forward the affidavit to the Board of Registrars for verification of signatures. If the affidavit is found to contain a sufficient number of signatures certified to be registered voters, the Town Clerk shall thereupon deliver to the first ten (10) registered voters signing such affidavit a sufficient number of copies of petition sheets in blank demanding such recall, each bearing the Town Clerk's signature and official seal. The petition sheets shall be addressed to the Select Board and dated. The Town Clerk shall fill out the top of each recall petition sheet stating the names of the first ten (10) voters who signed the affidavit, the name of the person whose recall is sought, the grounds of recall as stated in the initial affidavit, and shall demand the election of a successor to such office. A copy of the petition shall be entered in a record book to be kept in the office of the town clerk.

The recall petition(s) shall be returned and filed with the Town Clerk within twenty-one (21) calendar days from the date of delivery of the blank recall petition sheets. The petition sheets shall be signed by at least fifteen (15) percent of the registered voters of the Town as of the date the affidavit was filed with the Town Clerk. The number and street of each person's residence shall appear after their signature. The Town Clerk will submit the petition sheets to the Board of Registrars within five (5) business days of filing of the recall petition sheets and the Board shall within five (5) business days certify the number of signatures that are the names of registered voters of the town.

**SECTION 3.** If a sufficient number of the signatures on all recall petition sheets are certified by the Board of Registrars as registered voters, the petitions shall be submitted by the Town Clerk with the certificate of the Board of Registrars to the Select Board. The Select Board shall immediately give written notice of the receipt of the petition to the officer sought to be recalled. If the officer does not resign within five (5) calendar days of the date notice is given by the Select Board, then the Select Board shall promptly order an election to be held on a date fixed by the Select Board which is not less than sixty-four (64) nor more than ninety (90) days after receipt of the certified petition. However, if any other town election is scheduled to occur within one hundred (100) days after the date of receipt of the certified petition, the Select Board may postpone the holding of the recall election to the date of the other election and may include the question of recall on the ballot for that other election. If a vacancy occurs in the office after a recall election has been ordered, the election shall proceed as provided in this act, but only the ballots for the new candidates shall be counted.

**SECTION 4.** An officer sought to be recalled may be a candidate to succeed him- or herself at the recall election. The nomination of candidates, the publication of the warrant for the recall election, and the conduct of the nomination and publication, shall be in accordance with the law relating to elections, unless otherwise provided in this act. A majority of those voting at the recall election shall be sufficient to recall and remove such elected officer.

**SECTION 5.** The incumbent shall continue to perform the duties of the office until the recall election. If the incumbent is not recalled, the incumbent shall continue in office for the remainder of the unexpired term, subject to recall as before, except as otherwise provided in this act. If recalled but not re-elected in the recall election, the incumbent shall be considered removed from office upon the qualification of a successor who shall hold office for the remainder of the unexpired term. If the successor fails to qualify within five (5) business days after receiving notification of election, the incumbent shall be considered removed and the office declared vacant.

No recall petition may be filed against an officer within the first six (6) months of their term of office or within six (6) months of a recall election wherein the officer was not recalled and removed.



**SECTION 6.** Ballots used in a recall election shall contain the following propositions:

FOR the recall of (name of officer) \_\_\_\_\_

AGAINST the recall of (name of officer) \_\_\_\_\_

Next to each proposition there shall be a place to mark a vote.

Under the propositions shall appear the word "Candidates" and the direction "Vote for One", and beneath this the names of all candidates arranged alphabetically by surname. Next to the name of each candidate shall be a place to mark a vote.

If a majority of the votes cast on the recall question is in the affirmative, then the candidate who receives the highest number of votes shall be elected. If a majority of the votes on the question is in the negative, the ballots for candidates to fill the potential vacancy need not be counted, unless the officer who is the subject of the recall has previously resigned from office under Section 3.

**SECTION 7.** This act shall take effect upon its passage.

**ARTICLE 18.** To see if the Town will vote to authorize the Select Board to petition the Legislature to enact a special act entitled "**AN ACT ESTABLISHING THE LAKE GARFIELD PRESERVATION DISTRICT IN THE TOWN OF MONTEREY**"; a copy of which has been provided to the Select Board, is on file with the Town Clerk, and is attached hereto and made a part of this Warrant; provided that the Legislature may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of this petition; or take any action relative thereto.

AN ACT ESTABLISHING THE LAKE GARFIELD PRESERVATION DISTRICT IN THE TOWN OF MONTEREY.

*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.** There is hereby established within the town of Monterey the Lake Garfield Restoration/ Preservation District which shall be bounded and described as follows:

- A. General Boundaries. The land situated in the Town of Monterey and located to the north of Main Road (Route 23), east of Tyringham Road, and south of Hupi Road.
- B. Actual Boundaries. The general boundaries of the District described in Section 1(A) above are guidelines only. The actual District boundaries shall include the land within the Town of Monterey and which parcels either:
  - (1) Abut directly on the shoreline of Lake Garfield; or
  - (2) Have a recorded private right of access to land on the shoreline of Lake Garfield that affords a proprietor with access to Lake Garfield for swimming, boating or other lake recreational activities at a location where members of the general public may lawfully be excluded from such use. All property owned by the Town is excluded from the District.

The actual boundaries of the District shall include several parcels outside of the general boundaries set forth in subsection A and may also exclude several parcels lying within the general boundaries.

**SECTION 2.** Membership in the District shall consist of the proprietors from time to time of one or more separately assessed parcels of lands lying within the District boundaries as set forth in Section 1. For the purposes of this act, "proprietor" shall include natural persons and other entities who are the owners of record of parcels within the actual boundaries of the District and are empowered to own real estate in the Commonwealth including, but not limited to, corporations, partnerships, realty trusts and federal, state and local governmental units. "Proprietor" shall also include a mortgagee of record in possession of any one or more separately assessed parcels and persons or entities who jointly own one or more separately assessed parcels. Persons or entities that jointly own a separately assessed parcel within the District shall collectively constitute a single proprietor for the purposes of this act.

**SECTION 3.** The District, upon establishment in the manner hereafter set forth, shall have the following powers:

- (a) to repair, reconstruct, and maintain Lake Garfield;
- (b) to monitor, test and treat the water in the lake and to take such action as may be necessary or appropriate for the control of all nuisance flora and fauna;
- (c) to adopt an annual budget and to raise and appropriate money by assessment in an



amount necessary to carry out the purposes for which this District is formed;

(d) to sue and be sued in its own name, and to plead and be impleaded; provided, however, that neither the District nor any officer or employee thereof shall be liable in tort except as provided in chapter 258 of the General Laws; and provided further, that the District may indemnify its officers and employees to the extent provided in said chapter 258;

(e) to adopt by-laws for the regulation of its affairs in the conduct of its business, which by-laws shall be consistent with the powers conferred by this act and with applicable provisions of the General Laws;

(f) to accept by gift, transfer or purchase, the ownership of real property and interests in real property within the District including, but not limited to, the ownership of lake, beaches and common area property and to sell, transfer, mortgage and take such other action with regard to real property as is consistent with the powers conferred in this act;

(g) to procure liability insurance against any loss or liability which may be sustained or incurred in the carrying out of the purposes of this act, including on all property and property interests owned by the District, in such amount and from such insurers as it deems desirable;

(h) to make and enter into any contracts and agreements necessary or incidental to the accomplishment of its purposes, subject to appropriation by the District, and including, but not limited to, contracts for legal and engineering services;

(i) to employ such persons, including consultant experts, as may be deemed appropriate by the District and to fix their compensation;

(j) to receive and accept from a federal agency, the commonwealth, a municipality, a regional board or commission, a charitable foundation, a private corporation, or an individual, grants, gifts, loans and advances for or in aid of the purposes of this District including, but not limited to, revenue-sharing funds and community development block grant funds;

(k) from time to time, to borrow money in order to carry out the purposes of this act to the extent permitted for districts under chapter 44 of the General Laws;

(l) to invest any funds not required for the immediate use of the District in such manner and to the extent permitted under the General Laws for the investment of such funds by the treasurer of a town;

(m) to enter upon the streets and ways within the District in order to carry out the purposes of this act;

(n) to manage, purchase, lease, control and supervise equipment, materials, services and facilities necessary or appropriate to accomplish the purposes of this act including, but not limited to, weed harvesting equipment, dredging apparatus, and lake draw-down facilities for either temporary or permanent water level control and recreational swimming and boating facilities;

(o) to initiate and coordinate research and surveys for the purpose of gathering data and to plan and implement projects on the lake, related shore lands, watershed and the drainage basins relating to the reclamation, enhancement, preservation and maintenance of the lake and the water quality in the lake;

(p) to reimburse proprietors and the Town of Monterey for the costs of establishing the District and for the costs of preliminary investigations and other activities of the District incurred within 1 year of the formation of the District including, but not limited to, costs for legal services, water testing, surveying, engineering costs, expenses for notification of proprietors and similar expenses; and

(q) to do all acts necessary or convenient to carry out the powers expressed or by necessary implication conferred upon the District by this act and that are not prohibited by the General Laws.

**SECTION 4.** Within 180 days after the effective date of this act, the selectmen of the town of Monterey shall call the initial meeting of the proprietors of the District. The board of assessors shall furnish the selectmen with its then current listing of all proprietors within the District. Upon receiving such list, the selectmen shall prepare and mail, postage prepaid, a notice to each proprietor, signed by the selectmen, setting forth a time and place of a meeting to occur within said 180-day period, but not less than 14 days from the date of mailing of the notice. The notice shall be in the form of a warrant specifying the matters upon which action shall be taken at the meeting and shall further clearly state that the purpose of the meeting is to consider the organization of the District. The selectmen shall, not later than 14 days prior to the date of such meeting, cause a copy of the notice to be posted in 1 or more public access locations within the town. At the initial meeting of the District, a selectman shall preside and shall call the meeting to order. The selectman shall determine whether or not a sufficient number of proprietors or

their proxies are present to constitute a quorum. For the purposes of the initial meeting a quorum shall be either a sufficient number of proprietors so that half or more of the aggregate assessed valuation of the property included in the district is represented or a majority of the total number of proprietors. A proprietor may be represented by a proxy. In the absence of a quorum, the meeting shall have no authority to act, but the selectmen may, in the manner above provided call additional meetings for the same purpose within such 180-day period.

**SECTION 5.** The initial meeting of the District shall then proceed to the following order of business:

- (a) a selectman will call the meeting to order;
- (b) the selectman shall oversee the election of a moderator who shall be chosen by ballot;
- (c) certification by the moderator to the District meeting that a quorum is present, such initial quorum to consist of a majority of the proprietors of the District and who have been certified to by the assessor of the town of Monterey as being the current landowners for property located in the District; provided, however, that no person who has submitted an application for exclusion from the District pursuant to section 21 shall be eligible to vote;
- (d) the taking of a vote to determine whether or not the District established by this act shall be organized, which shall require an affirmative vote of two-thirds of the persons in attendance (in person or by proxy) and authorized to vote; provided, however, that no person who has submitted an application for exclusion from the District pursuant to section 21 shall be eligible to vote; provided further, if the vote shall be in the negative, the meeting shall thereupon terminate and adjourn but if the vote shall be in the affirmative, the meeting shall then proceed to consider the order of business set forth in clauses (e) to (i), inclusive;
- (e) the adoption of District by-laws and form of District seal;
- (f) the election of a clerk and treasurer who shall be proprietors of the District entitled to vote at District meetings. If the District shall so elect, one person may serve as both clerk and treasurer. If the District or the proprietors at subsequent meetings consider it advisable, they may also elect an assistant treasurer, who may also serve as clerk.
- (g) The election of members of the District Prudential Committee. The District Prudential Committee shall consist of 7 voting members, 6 of whom shall be proprietors of the District elected at the initial meeting. One voting member of the Prudential Committee shall be appointed by the selectmen of the Town of Monterey who shall either be a member of the board of selectmen or other registered voter in the Town of Monterey and shall serve at the pleasure of the selectmen. In addition to the 7 voting members of the Prudential Committee, there shall be one alternate Prudential Committee member, who shall be elected by the District and may vote in place of a member who is absent or in the event of a conflict. The 6 elected Prudential Committee members and alternate shall be chosen by election by the proprietors entitled to vote at District meetings. In addition to the 7 voting members of the Prudential Committee there shall be one non-voting member who is designated by the selectmen to serve as a community representative who shall represent the interests of residents in the Town who do not live in the District. The community representative shall serve at the pleasure of the selectmen. Another nonvoting member of the Prudential Committee may be designated by the United States Fish and Wildlife Service or its successor agency and shall serve at the pleasure of that agency.
- (h) the adoption of an initial budget for the remainder of the fiscal year and the appropriation of monies to be raised by taxation in support thereof; and
- (i) the consideration of such other business as shall be consistent with the power and authority conferred by this act.

The clerk shall prepare a certificate of the vote taken to organize the District and shall affix the form of seal thereto as adopted by the initial District meeting and shall obtain the endorsement of the selectman initially presiding at the meeting thereon. Such certificate shall be forwarded by the clerk to the Attorney General and to the Commissioner of Revenue within 30 days after adjournment of the meeting.

**SECTION 6.** Immediately upon its election at the initial meeting of the District and thereafter immediately following each annual meeting of the District, the Prudential Committee shall meet and:

- (a) elect a chairperson who shall preside at all meetings of the Prudential Committee; provided, however, that the chairperson shall appoint a vice chairperson who shall preside at meetings of the Prudential Committee in the absence of the chairperson or in the event of the chairperson's inability to act or because of a conflict of interest;
- (b) adopt rules for the general conduct of its business; and
- (c) conduct such other business and exercise the authority conferred by this act or by the by-laws of the District.

**SECTION 7.**

(a) Annual meetings of the District shall be held on the last Saturday in June or at such other time as the District shall establish from time to time in its by-laws. Annual and special meetings of the District shall be called by a warrant of the District Prudential Committee, notice of which shall be given at least 14 days before such meeting. The warrant shall be mailed first class, postage prepaid, to each proprietor of record in the District and a copy of the same shall be directed to a constable of the town or to some other person who shall forthwith give notice of such meeting in the manner prescribed by the by-laws, or, if no provision therefor shall exist in the by-laws, by a vote of the District or by posting in at least 2 public places within the District or by advertising in a newspaper of general circulation published in the town, if any, otherwise in a newspaper published in southern Berkshire County. The warrant for all District meetings shall state the time and place of holding the meeting and the subjects to be acted upon. The Prudential Committee shall insert in the warrant for the annual meeting all subjects the insertion of which shall be requested of them in writing by 10 or more proprietors of the District and in the warrant for a special meeting all subjects the insertion of which shall be requested of them in writing by 20 proprietors or by 10 per cent of the total number of proprietors within said District, whichever is less. The Prudential Committee shall call a special District meeting at its own request or upon the request in writing of 50 proprietors of the District or 20 per cent of the total number of proprietors of the District, whichever is less, and such meeting shall be held not later than 30 days after the receipt of such request and the Prudential Committee shall insert in the warrant all subjects the insertion of which shall be requested by the petition. No action shall be valid unless the subject matter thereof is contained in the warrant. Two or more District meetings for distinct purposes may be called by the same warrant. At every District meeting, a moderator shall be chosen by ballot who shall have the powers of a moderator at a town meeting.

(b) At the initial District meeting and at all subsequent annual and special meetings, voting by proprietors shall be governed by the requirements of this section. Persons or entities owning separately assessed parcels of land within the District shall be entitled to cast one vote for each separately assessed parcel on any matter or issue to be voted upon, notwithstanding the total number of parcels owned by such proprietor. Joint owners and entity proprietors shall designate, in writing to the clerk prior to the commencement of the meeting, one person who shall be authorized to vote on behalf of the proprietor of jointly-owned property or property owned by a corporation or other legal entity at such meeting. Such designated person shall be presumed qualified and authorized to represent the proprietor if such person shall be listed as record owner of the parcel or parcels or if such person shall, as evidenced by a public record maintained under the laws of the commonwealth, be listed as a partner, trustee, agent, officer or employee of a proprietor. A person owning any parcels together with his spouse shall not be required to furnish a written designation from his spouse and either shall be presumed to be qualified to vote but only one vote for each property owned shall be made. The authority of a person to cast a proxy vote on behalf of a proprietor shall be determined by the District by-laws. All proxies shall be tendered in writing prior to the commencement of a District meeting and shall clearly set forth the name and address of the proprietor entering the proxy, the name and address of the person authorized to exercise the proxy the signature of the proprietor designating the same and the date of execution. The District may, if it so elects, adopt in its by-laws requirements regarding the form of proxy, the duration of a proxy, and other requirements for the form of voting. The clerk shall retain all proxy votes.

**SECTION 8.** District meetings and meetings of the Prudential Committee shall be governed by sections 18-25 of chapter 30A of the General Laws except as otherwise provided in this act. Records of the District shall be governed by section 7(26) of chapter 4 and chapter 66 of the General Laws except as otherwise provided in this act.

**SECTION 9.** At least 30 days prior to the annual District meeting the board of assessors of the town of Monterey shall prepare and forward to the Prudential Committee a true and complete alphabetical listing, with addresses, of the proprietors reflected in their records as of January 1 of that year, excluding the proprietors who have been granted exclusion from the District as of January 1 of that year, from the records maintained by the assessors pursuant to chapter 59 of the General Laws and other related provisions of the General Laws. A copy of such list shall be maintained in a manner accessible to the proprietors and the general public at all reasonable times by the Prudential Committee and the District clerk and shall be available for inspection at the annual meeting and any special meeting of the District. The board of assessors shall likewise maintain a list of proprietors in the District by separate list or special designation on their list of all assessed parcels.

**SECTION 10.** The District may, at meetings called therefor, raise money by assessment for the purposes set forth in this act but for none other.

**SECTION 11.** The fiscal year of the District shall be the same fiscal year as established by the General Laws for cities and towns.

**SECTION 12.** Quorum requirements for annual or special meetings of the District, other than at the initial meeting, shall be specified from time to time in the by-laws or if not so specified the quorum shall be one-third of the proprietors whether voting in person or by proxy. Unless otherwise specified in this act or in the by-laws of the District or otherwise required by General Law, all actions permitted to be taken at annual or special meetings of the District shall require a majority vote of those persons present at said meeting and entitled to vote, including those voting by proxy.

**SECTION 13.** At the first annual meeting of the District and at each annual meeting thereafter, the District shall elect in the manner provided for in its by-laws the members of the Prudential Committee, a clerk, and a treasurer (or clerk/treasurer) of the District. Upon their election, the Prudential Committee, clerk and treasurer shall serve for the terms set forth in the by-laws and until their successors shall have been elected at the next annual meeting of the District called for that purpose. Vacancies in the Prudential Committee due to resignation or other cause shall be filled at a special meeting called for that purpose by the remaining members of the Prudential Committee, which meeting shall occur within 30 days from the date of such vacancy. In the event that no member of the Prudential Committee shall remain in office due to resignation or otherwise, the selectmen of the town of Monterey may issue a warrant for a special meeting of the District to occur within said 30-day period and shall, in the interim, exercise the powers and duties of the Prudential Committee until the successors shall be elected at the special meeting.

**SECTION 14.** The Prudential Committee shall be responsible for the expenditure and shall expend, for the purposes prescribed by the District, the money raised and borrowed by the District and shall annually prepare a budget with advice from the treasurer and, in his absence, the assistant treasurer and shall submit such budget to the annual District meeting for its approval. Upon approval of the budget by the District which shall be deemed to constitute an appropriation for the expenses enumerated therein, the clerk of the District shall certify to the assessors of the town all the votes of the District relative thereto and all sums of money voted to be raised by taxation. The Prudential Committee shall vote annually to approve one or the other of the following procedures for assessment and collection of District taxes:

- a) The District taxes shall be assessed and collected in the same manner as town taxes, and shall be paid over to the District treasurer by the collector of the Town of Monterey. In this case, the assessors, treasurer and collector of the town of Monterey shall have the same powers and duties relative to the assessment, liens and collection and abatement or granting of exemptions relative to money voted by the District as they have and exercise relative to the assessment, liens and collection and abatement and granting of exemptions relative to town taxes and the sum so voted shall be assessed upon the assessed value of the land and buildings situated within the District or personal property situated thereon. Under this assessment procedure, the District shall include in its initial and in all subsequent annual appropriations, compensation for the town assessors and tax collector, pursuant to the provisions of section 108B of chapter 41 of the General Laws with respect to their duties and expenses hereunder.
- b) If the Prudential Committee votes to approve an alternate assessment procedure, it may hire its own assessors and collector. If so approved, the District assessors and

collector shall have the same powers and duties relative to the assessment, liens and collection and abatement or granting of exemptions relative to money voted by the District as the assessors and collectors of the Town of Monterey have and exercise relative to the assessment, liens and collection and abatement and granting of exemptions relative to town taxes. The sum approved by the District shall be assessed upon the assessed value of the land and buildings situated within the District or personal property situated thereon.

Under either procedure, the District shall use the same tax rate assessment process as required of all municipal governments, including approval of the assessed value of property by the board of assessors of the town of Monterey and approval of the assessment by the Massachusetts Department of Revenue.

**SECTION 15.** The District treasurer shall, in addition to any other powers and duties specified in this act, receive and take charge of all money belonging to the District and pay over and account for the same according to the order of the District or of its Prudential Committee. The assistant treasurer and the treasurer shall be the only persons authorized to pay any District bill; provided, however, that this provision shall not prohibit the treasurer or assistant treasurer from paying such bill by the use of bank treasurer's or cashier's check. The District treasurer shall further have the authority given to an auditor by section 51 of chapter 41 of the General Laws, and shall annually render a true account of his receipts and disbursements and a report of his official acts to the District. The treasurer and assistant treasurer shall give bond annually for the performance of his duties in a form approved by the Commissioner of Revenue and in such sum, which shall be not less than the amount established by said Commissioner, as shall be fixed by the Prudential Committee, with the costs of such bond to be paid by the District, and if either fails to give such bond within 10 days after his election or appointment, or if within 10 days after the expiration of the bond or a renewal of the bond either one fails to file a renewal thereof, the Prudential Committee shall declare that office vacant and the vacancy shall be filled by the Prudential Committee in the manner provided for the appointment of temporary town officers under section 40 of chapter 41 of the General Laws. Vacancies occurring in the office of treasurer or assistant treasurer for any other reason shall be filled by the Prudential Committee in a like manner.

**SECTION 16.** Unless otherwise provided by District by-law, the clerk shall, in addition to the other duties specified herein, take all minutes at District meetings and maintain a record of such minutes in the manner provided for the maintenance of records of minutes of town meetings. Vacancies occurring in the office of clerk shall be filled by the Prudential Committee by appointment in the same manner as provided for treasurer in section 15.

**SECTION 17.** Unless otherwise provided by District by-law, the Prudential Committee shall, in addition to the other duties specified herein, decide by majority vote on all contracts, expenditures, investments or any other actions necessary for carrying out the purposes of the District. No monies shall be drawn from the District treasury except upon signature of the District treasurer or assistant treasurer and upon prior authorization by the Prudential Committee to the extent required by District by-law. The Prudential Committee shall meet as necessary, but not less than quarterly in order to approve contracts, expenditures and investments or to take other actions necessary for carrying out the purposes of the District. The District treasurer shall submit to the Prudential Committee in a timely manner all contracts, bills, or other items requiring Prudential Committee approval. A quorum of the Prudential Committee shall be required at all meetings for the conduct of any business and shall consist of a majority of the total number of Prudential Committee voting members then constituted by the District.

**SECTION 18.** The District may, by majority vote, agree upon appropriate compensation for its officers and employees, including the Prudential Committee members, in the event that the District shall include in its budget appropriations for its employees or Prudential Committee members to perform duties with respect to the lake within the District.

**SECTION 19.** The town of Monterey shall not be obligated for any debts of the District nor shall it, by virtue of this act, be required to pay for any expenses of the District; provided, however, that nothing in this act shall preclude the acceptance of any enabling legislation permitting the expenditure of monies by the town on activities under the jurisdiction of the District.

**SECTION 20.** If a person sustains bodily injury or property damage by reason of defect or want of

repair for an activity performed by the District, claims for such injury or damage shall be governed by chapter 258 of the General Laws.

**SECTION 21.** The Prudential Committee, at a meeting called therefor, may annex adjacent territory if, in the judgment of the Prudential Committee, the property has legal access to the lake in the District and a majority of the Prudential Committee members vote to expand the boundaries of the District. If a person requests to be included in the District, after a petition for exclusion was granted, such person shall pay a fee in an amount to be determined by the Prudential Committee based on the annual assessment for the years during which the person was excluded from the District.

The Prudential Committee also may, on the petition of any person, exclude the person's parcel from the District; provided, however, that such exclusion shall not be granted by the District if the parcel of the petitioner is directly abutting Lake Garfield; and provided further, that the petitioner shall agree to release all proprietary rights to access the lake and the beaches in the District. The petition for exclusion shall be filed with the District Prudential Committee not later than the date set for the filing of petitions for the insertion of articles in the warrant of the District meeting at which the petition is to be acted upon and shall state the petitioner's reason for seeking exclusion. An application for exclusion from the District may be filed with the board of selectmen for the town of Monterey prior to the initial meeting for the creation of the District as set forth in section 5 and any such application shall be provided to the Prudential Committee for vote after creation of the District. The Prudential Committee shall cause an appropriate article to be inserted in the warrant for the meeting, shall examine the reasons stated and shall report its findings, with recommendations to the meeting. No property shall be subject to a tax assessed on account of the activities of the District if, in the judgment of the Prudential Committee, after a hearing, due notice of which shall be given, such property is so situated that it does not benefit from the activities of the District. A petitioner aggrieved by the action of the Prudential Committee or by the action of the proprietors of the District on his petition may appeal to the superior court sitting within the county in which the District is located for a remedy. Upon such appeal, the court shall, if the reason set forth by the petitioner is found to lie within the intent of this section, grant the exclusion. The grant of exclusion shall exempt the property and estate of the petitioner from the District and from any tax levied by reason of an appropriation made by the District after the filing of the petition with the Prudential Committee.

**SECTION 22.** The District shall establish an overlay account and a reserve fund as contemplated for towns under the provisions of section 25 of chapter 59 of the General Laws and section 5C of chapter 40 of the General Laws, except that in the initial fiscal year of the operation of the District, the assessors for the town of Monterey, may add to the amount to be assessed, a sum voted by the District equal to not more than 20 per cent thereof for these purposes and subject to the remaining limitations set forth in said section 25 of said chapter 59. The District may establish and maintain a stabilization fund under section 5B of chapter 40 of the General Laws. The District shall further be subject to an audit of its accounts in the manner provided in section 40 of chapter 44 of the General Laws.

**SECTION 23.** By a petition in writing addressed to the Prudential Committee and signed by a majority of the proprietors of the District who are entitled to vote at the most recent District meeting prior to the filing of the petition, such petitioners may request that the District be disbanded on the basis that there is no further need for its existence. A three-quarters affirmative vote of all proprietors shall be necessary to disband the District. Notwithstanding the foregoing provision, the District shall not be disbanded if, at the time of such vote, there are outstanding obligations with respect to which insufficient appropriated funds or surplus funds exist in the District treasury for the purpose of satisfying those obligations. If sufficient funds shall be determined to exist at the meeting to accomplish the payment of all outstanding obligations, action necessary to effectuate such payment and effectuate disbanding shall be taken forthwith by the Prudential Committee. In the event there shall exist in the District treasury surplus funds remaining after the payment of all outstanding obligations, such funds shall be distributed by the Prudential Committee to the proprietors within the District based upon the percentage that the most recent assessed valuation of the land for each District property owner shall bear to the total or aggregate assessed valuation of the land lying within the District. No such distribution of surplus shall be made by the Prudential Committee until it shall have first published once a week for 3 successive weeks in a newspaper of at least weekly publication of general circulation within southern Berkshire County, a notice of intent to disband the District which shall afford reasonable notice to all creditors and possible claimants against the District of the intended action. Further, within 10 days after an affirmative vote to disband,

the District clerk shall file with the clerk of the town of Monterey, with the Secretary of the Commonwealth and with the Commissioner of Revenue an attested copy of the petition and a certified copy of the District vote. The Select Board of the Town of Monterey shall undertake all actions necessary under this Section 23 upon the failure of the Prudential Committee to act as required hereunder. Upon completion of the aforesaid actions and upon the expiration of 6 months after the date of the meeting and vote, the District shall cease to exist.

**SECTION 24.** If the first meeting of the District shall not be held within 1 year after the effective date of this act, this act shall cease to be operative.

**SECTION 25.** This act shall take effect upon its passage.

**ARTICLE 19.** To see if the Town will vote pursuant to G.L. c. 268A, section 21A, to authorize commissions or boards to appoint members to any office or position under the supervision of such commission or board, or take any other action relative thereto.

**ARTICLE 20.** To see if the Town will vote to authorize any Town board to appoint any member thereof to another office or position for the term provided by law (if any), otherwise for the term not to exceed one year, and to fix the salary and compensation in accordance with G.L. c. 41, § 4A, or take any other action relative thereto.

**ARTICLE 21. CITIZENS PETITION.** To see if the Town supports the refrigeration of the ice rink at the firehouse pavilion. If so we will explore funding through grants, private contributions and Town matching "in kind" support.

**ARTICLE 22.** In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn inhabitants of said Town qualified to vote in the elections and Town affairs to meet in the Monterey Grange 291, Town Hall, 435 Main Road in said Town on **Tuesday, May 7, 2024, starting at 12:00 o'clock p.m.** and then and there to vote their ballots for the election of the following Town officers:

- One member of the Board of Appeals for five years
- Two members of the Bylaw Review Committee for three years
- One member of the Board of Assessors for three years
- One member of the Board of Health for three years
- One member of the Cemetery Committee for three years
- One member of the Finance Committee for three years
- One member of the Finance Committee for one year
- Two members of the Library Trustees for three years
- One Moderator for one year
- Two members of the Park Commission for three years
- Two members of the Planning Board for five years
- One member of the Select Board for three years
- One Tree Warden for one year

All of the above will be voted upon an official ballot provided at the election place by the Town Clerk and Election officers.

The polls will be open at 12:00 noon and remain open until 7:00 o'clock p.m. in the evening.

Hereof fail not and make return of this Warrant with your doings thereon to the Clerk of said Town at or before the time of said meeting.

Given under our hands this            day of April, 2024.

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Justin Makuc, Chair

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Susan Cooper

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Frank Abbott

MONTEREY SELECT BOARD

**A true copy attest.**

Pursuant to the within Warrant, I have this            day of April, 2024, notified and warned inhabitants of the Town of Monterey in accordance with the Town Bylaws and the General Laws of the Commonwealth of Massachusetts.

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Julio Rodriguez, Constable

Monterey U.S. Post Office  
Monterey Town Hall  
Main Road at/near intersection of Swann Road  
Monterey Transfer Station  
Monterey Library  
Monterey Community Center  
Select Board file