

## Monterey Town Administrator

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**From:** Brian Riley <BRiley@k-plaw.com>  
**Sent:** Monday, April 11, 2022 7:40 AM  
**To:** 'Steven Weisz'; Brian M. Maser  
**Cc:** 'Monterey Town Administrator'; 'Justin Makuc'; 'John F. Weingold'; 'clerk@montereyma.gov'  
**Subject:** Petitioned Article re: Lake Garfield Preservation District

Sorry this is such a moving target, but I have obtained further information from the Town Clerk. Terry informed me that the tax levy petition and Lake Garfield papers were stapled together and left in a mail box outside Town Hall. As we know, there was only page with signatures, the one with the tax levy petition, so there were no separate signatures associated with the Lake Garfield petition. As such, the Board of Voter Registrars certified the 11 signatures as pertaining only to the tax levy petition. Therefore, the tax levy petition is required to be included on the ATM warrant pursuant to G.L. c.39, §10. However, the Lake Garfield petition was not certified by the Registrars and does not comply with §10, and the Select Board is not required to place this on the warrant.

Brian

Brian W. Riley, Esq.

KP | LAW

101 Arch Street, 12th Floor

Boston, MA 02110

O: (617) 654 1722

F: (617) 654 1735

C: (617) 909 9084

[briley@k-plaw.com](mailto:briley@k-plaw.com)

[www.k-plaw.com](http://www.k-plaw.com)

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**From:** Brian Riley  
**Sent:** Friday, April 8, 2022 10:53 AM  
**To:** 'Steven Weisz' <steve@montereyma.gov>; Brian M. Maser <BMaser@k-plaw.com>  
**Cc:** 'Monterey Town Administrator' <admin@montereyma.gov>; 'Justin Makuc' <justinmakuc@gmail.com>; 'John F. Weingold' <johnweingold@gmail.com>  
**Subject:** RE: Town of Monterey Warrant

Hi, Steve. Brian Maser is planning to attend the Annual Town Meeting on May 7<sup>th</sup> (I have another ATM the same day).

Regarding the Bylaw Review Committee bylaw, the AG's only problem with the bylaw approved on Article 10 on last year's ATM warrant is that any proposed new bylaws or amendments shall be included on the ATM warrant; this infringes on the Select Board's statutory control of the warrant (under G.L. c.39, §10, the only articles that must be included are certified citizens' petitions). My suggested amendment to address the AG's ruling would be an article substantially as follows:

**Article \_\_\_\_.** To see if the Town will vote to amend the Bylaw Review Committee bylaw by deleting the last sentence and inserting in its place the following: "The Bylaw Review Committee shall be tasked with reviewing the town's bylaws and proposing revisions and additions thereto. The Select Board may include any or all of the Committee's proposals on an Annual Town Meeting warrant.