

REPORT OF THE CONTINUATION OF THE
ANNUAL TOWN MEETING
TOWN OF MONTEREY, JUNE 12, 2021
COUNTY OF BERKSHIRE, SS.

On June 12, 2021, 89 people qualified to vote at Annual Town Meeting gathered in the pavilion behind the firehouse in the Town of Monterey at 9:30 a.m. Proceeding to the articles of this meeting, the following actions were taken on the following articles

Moderator Makuc volunteered to step down because he had signed citizens' petitions.
Motion to have Mark Makuc serve as moderator, second, discussion.
Majority vote to keep Mark Makuc as moderator. Yes 52 No 6.

AS REQUIRED BY LAW, ARTICLES 2 THROUGH 19 ARE REPRINTED EXACTLY AS SUBMITTED BY THE REGISTERED VOTERS WHO SIGNED THEM. THE INCLUSION OF THESE ARTICLES DOES NOT MEAN THEY ARE SUPPORTED BY THE SELECT BOARD OR BY THE FINANCE COMMITTEE.

ARTICLE 2: To see if the Town will vote to adopt the following: Monterey Town Charter: Please see attachment marked "Article 2" for full text.

Amendment: To see if the town will vote to require the Board of Selectmen to establish a Town Charter Committee made up of citizens to investigate and advise the Board of Selectmen to see if a proposed Town Charter is appropriate for Monterey.

Motion to table article failed not reaching a 2/3 yes vote.
Yes 45 No 32

Proposed amendment passes with a majority yes vote.
Yes 63
No 25

ARTICLE 3. To see if the Town will vote to adopt the following as a new Town Bylaw or to act or take any other action in relation thereto: Select board Chair Powers Defined: Please see attachment marked "Article 3" for full text.

Motion to table Article 3, second, tabled with a Unanimous yes vote.

ARTICLE 4. To see if the Town will vote to adopt the following Bylaw: Special Town Meetings: Please see attachment marked "Article 4" for full text.

Motion to table Article 4, second, tabled with a Unanimous yes vote

ARTICLE 5. To see if the Town will vote to adopt the following new Town Bylaw or to act or take any other action in relation thereto: Bylaw Enforcement: Please see attachment marked "Article 5" for full text.

Motion to table Article 5, second, tabled with a unanimous yes vote

ARTICLE 6. To see if the Town will vote to adopt the following new Town Bylaw or to act or take any other action in relation thereto: Town Employment & Employment Contracts: Please see attachment marked "Article 6" for full text.

Motion to table Article 6, second, tabled with majority yes vote:
Yes 61
No 3

ARTICLE 7. To see if the Town will vote to adopt the following new Town Bylaw or to act or take any other action in relation thereto: Procurement Contracts Competitive Bids Required over \$20,000: Please see attachment marked "Article 7" for full text.

No Motion, or second therefore Article 7 failed.

ARTICLE 8. To see if the Town will vote to adopt the following new Town Bylaw or to act or take any other action in relation thereto: Procurement Contracts: Please see attachment marked "Article 8" for full text.

No Motion, or second therefore Article 8 failed.

ARTICLE 9. To see if the Town will vote to adopt the following new Town Bylaw or to act or take any other action in relation thereto: Public Records/Procurement Contracts/Warrants: Please see attachment marked "Article 9" for full text.

Amendment to Read:

To instruct the Board of Selectmen to create a town policy regarding:

All public documents shall be posted via a link onto the town's website and shall be searchable and available to the public for viewing. All public procurement contracts shall be posted via a link onto the town's website and shall be searchable and available to the public for viewing. After signature by the Selectboard all warrants shall be posted onto the town's website and available to the public for viewing. All documents used in any board, committee, or commission meetings shall be posted via a link on the town website for public review along with the minutes. There shall be no charge for any public documents, town documents, requested by one town governmental body seeking documents from another town public body, department, committee, commission etc.

Amendment passed with a majority yes vote

Yes 54

No 14

ARTICLE 10. To see if the Town will vote to adopt the following new Town Bylaw or to act or take any other action in relation thereto: Residents' Bylaw Review Committee Please see attachment marked "Article 10" for full text.

The voters of Monterey hereby desire the formation of a bylaw review committee consisting of 5 members. Members would be initially appointed by the Board of Selectmen for a 1 year term. At the end of that year, the positions would be elected positions with staggered terms of three years. The Bylaw Review committee shall be tasked with reviewing the town's bylaws, proposing revisions and additions thereto, which revisions and additions shall be included on all warrants to be voted on at yearly annual Town Meetings. Amendment passes with a unanimous yes vote.

ARTICLE 11. To see if the Town will vote to adopt the following Bylaw: Section 1: Please see attachment marked "Article 11" for full text.
No motion, no second, article 11 failed

ARTICLE 12. To see if the Town will vote to adopt the following new Town Bylaw or to act or take any other action in relation thereto: Conservation Commission Pay: Please see attachment marked "Article 12" for full text.
Motion, second, article 12 failed with Yes 16 and No 31.

ARTICLE 13. To see if the Town will vote to adopt the following new Town Bylaw or to act or take any other action in relation thereto: Finance Committee Pay: Please see attachment marked "Article 13" for full text.
Motion, second article 13 failed with a majority No vote

ARTICLE 14. To see if the Town will vote to adopt the following Bylaw: Select Board Membership: Please see attachment marked "Article 14" for full text.
Called question Yes 41 No 3
Motion, second, article 14 failed with a majority No vote

Motion to table Article 15, 16, 17,18,19,23, and 24
Second, all articles tabled with a majority yes vote
Yes 25, No 8

ARTICLE 15. To see if the Town will vote to adopt the following as additions to the Town Bylaw Article II, Section 3 or to act or take any other action in relation thereto: Please see attachment marked "Article 15" for full text.

ARTICLE 16. To see if the Town will vote to adopt the following Bylaw: Selectboard Meeting Times/Recording: Please see attachment marked "Article 16" for full text.

ARTICLE 17. To see if the Town will vote to adopt the following changes to Town Bylaw or to act or take any other action in relation thereto: Section 18 Quarterly Meeting: Please see attachment marked "Article 17" for full text.

ARTICLE 18. To see if the Town will vote to adopt the following Bylaw: Public Comment: Please see attachment marked "Article 18" for full text.

ARTICLE 19. To see if the Town will vote to adopt the following new Town Bylaw or to act or take any other action in relation thereto: Monterey Code of Ethics: Please see attachment marked "Article 19" for full text.

ARTICLE 23. To see if the Town will vote to approve amending by-law Article II, Section 3. Finance Committee by the addition of the following language: The Select Board shall work cooperatively with the Finance Committee in the budgetary process, but the Select Board shall be responsible for the preparation and submission of the budget to the town meeting in the warrant. Any differences between the Select Board's and the Finance Committee's recommendations to the town meeting shall be noted on the warrant. *The Select Board supports this article.*

ARTICLE 24. To see if the Town will vote to approve the addition of an Article X to the by-laws, thereby authorizing recall elections in accordance with the following procedures:

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 petition by filing with the town clerk an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for recall. The town clerk shall thereupon deliver to the voters making such affidavit sufficient number of copies of petition sheets in blank demanding such recall and removal, each bearing the town clerk's signature and official seal. The petition blanks shall be addressed to the Select Board, dated, and shall contain the names of all persons to whom they are issued, 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) days after filing the affidavit and 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 forthwith submit the petition sheets to the board of registrars of voters, which within five (5) working days of receipt of the recall petition sheets shall forth verify the number of signatures which are the names of registered voters of the town.

SECTION 3. If the total recall petition sheets shall be found and certified by the board of registrars of voters to be sufficient, the certified petition shall be submitted forthwith with the certificate of the town clerk to the Select Board. The Select Board shall 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) 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 60 nor more than 90 days after receipt of the certified petition. However, if any other town election is scheduled to occur within 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.

SECTION 4. An officer sought to be recalled may be a candidate to succeed the officer in an election to be held to fill the vacancy. Unless the officer requests otherwise in writing, the town shall place the officer's name on the ballot without nomination. The nomination of other 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 provided in this act. If not re-elected in the recall election, the incumbent shall be considered removed from office immediately and the office vacant. No recall petition may be filed against an officer within the first three (3) of their term of office or within three (3) 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 candidates nominated as herein before provided. 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 received the highest number of votes in the special election to fill the vacancy 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, nor any action taken relative thereto.

The Select Board supports this article.

There being no further business to be brought before this Town Meeting, the Moderator entertained a motion, which was seconded to adjourn at 12:55 p.m.

Respectively submitted,


Terry Walker
Town Clerk, Town of Monterey