

April 3, 2019

Greetings!

Please find attached the annual town meeting warrant which will be held at **9:30am on Saturday, May 4<sup>th</sup>** at the firehouse. We are again enclosing a letter with the warrant to clarify items that were changed or that we feel may need a little extra explanation.

The Finance Committee will hold their annual **informational meeting on Friday, April 26<sup>th</sup> at 7pm at the town hall** to review and answer any questions you may have prior to the town meeting on monetary articles/items.

We will again be using the services of CART (Communication Access Real Time Translation) for the deaf, late deafened and hard of hearing.

Article 3 - Budget items:

- Most elected officials and employees are receiving a 2% cost of living (COLA) increase, with the following exceptions: Town Counsel has requested a larger increase for the additional time anticipated for legal consultations, the Sergeant salary is increasing by \$3,000 over the next 2 years to bring it in line with other towns as per the hiring agreement, highway members 2 & 3 are receiving 2% but the figure is lower from FY19 as the persons in the positions are different, the elected Board of Health has declined the raise and the Town Clerk is receiving a 2% increase from the current salary (which was a lower amount than was originally budgeted for FY19 as there was \$1,000 built in which she will receive once certified (the \$1,000 has been removed for now as the certification may take 1-3 more years).
- Town Administrator, expenses and associated benefits (health insurance): Two members of the Finance Committee & one Selectman are recommending to fund these line items for 6 months should the proposed UMass study reveal that a Town Administrator is necessary. The remaining members of the Finance Committee and Select Board feel that if the study does recommend a Town Administrator then a special town meeting could be called rather than taxing the residents now on a position that may not be necessary or filled until 1 year from now. Removing the monies from today's proposed budget would save the town \$29,170. As stated last year when voters agreed to drop this line item to \$1 until a study could be performed, when voters approved Article 23 at the May 2015 Annual Town Meeting, the statute (MGL Chapter 41 §23A) stated that the Select Board "**may**" appoint a Town Administrator, etc.
- Health insurance premiums went down this year 2.38%. The reason for the increase to the line item is there is 1 proposed new position, 1 previously unbenefitted position and 1 currently unfilled position calculated into the figure.

Articles

**Article 13** – This is a proposed new stabilization fund which will be used to help purchase future fire department equipment and/or vehicles.

**Article 14** – This funds the retirement health insurance fund which has been severely underfunded for many years.

**Article 15** – This pays for the town's portion (50%) of the 5 retiree's Medex plans.

This budget is the best representation of the towns needs going forward. Total Free Cash being used is \$140,548, leaving us a balance of \$112,591 through June 30, 2019. **Free cash is money that the residents have already been taxed on.** Free Cash is the remaining monies from accounts that did not use their full allotment for the year added to the fees the town takes in for such things as dog licenses, building permits, transfer station stickers, etc.

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

To: Raymond W. Tryon, 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, 2019, 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, 2019, to June 30, 2020, pursuant to the provisions of Chapter 41, Section 108, of the General Laws, or take any other action relative thereto.

Select Board Chair	\$4,748
Select Board 2 <sup>nd</sup>	\$4,748
Select Board 3 <sup>rd</sup>	\$4,748
Assessors Chair	\$1,530
Assessors 2 <sup>nd</sup>	\$1,530
Assessors 3 <sup>rd</sup>	\$1,530
Board of Health Chair	\$ 433
Board of Health 2 <sup>nd</sup>	\$ 433
Board of Health 3 <sup>rd</sup>	\$ 433
Constable	\$ 650
Moderator	\$ 331
Tax Collector	\$24,488
Tree Warden	\$3,479

**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.

Account	Description	FY 19 APPROVED	FY20 REQUEST	Increase/ Decrease
100	<b>GENERAL GOVERNMENT</b>			
114	Moderator	324.00	331.00	7.00
115	Constable	637.00	650.00	13.00
120	Administrative Assistant Salary	48,254.00	49,598.00	1,344.00
	Administrative Assistant Procurement, Training & Expenses	3,000.00	3,000.00	0.00
122	Select Board Elected	13,965.00	14,244.00	279.00
122	Select Board Expenses	5,500.00	5,300.00	(200.00)
122	Grant writing wages	10,000.00	10,000.00	0.00
	Grant writing expenses	500.00	500.00	0.00
123	Town Administrator	1.00	17,500.00	17,499.00
123	Town Administrator Expenses	1.00	750.00	749.00
124	Temporary Employee	1,500.00	1,500.00	0.00
131	Finance Committee Expenses	150.00	500.00	350.00
131	Finance Committee Clerk	1,000.00	1.00	(999.00)
132	Town Reserve Fund	20,000.00	20,000.00	0.00
135	Town Accountant Services	15,000.00	28,043.00	13,043.00
135	Town Accountant Expenses	500.00	0.00	(500.00)

135	Accounting/Treasurer Software	3,800.00	0.00	(3,800.00)
135	Annual Audit	18,500.00	18,500.00	0.00
	GASB75	0.00	2,750.00	2,750.00
141	Assessors Elected	4,500.00	4,590.00	90.00
141	Principal Assessor Salary	40,580.00	41,710.00	1,130.00
	Assistant to the Principal Assessor	7,800.00	7,800.00	0.00
141	Assessors Clerk Wages	9,319.00	9,579.00	260.00
141	Assessors Expenses	5,750.00	3,850.00	(1,900.00)
141	Assessors Software	18,159.00	13,842.00	(4,317.00)
145	Treasurer Services	15,000.00	28,043.00	13,043.00
145	Treasurer Postage & Mailing	5,500.00	1,600.00	(3,900.00)
146	Tax Collector Elected Salary	24,008.00	24,488.00	480.00
146	Tax Collector Expenses	4,350.00	4,350.00	0.00
146	Tax Collector Software	5,417.00	5,442.00	25.00
151	Town Counsel	12,182.00	13,426.00	1,244.00
151	Additional Counsel Expenses	1,500.00	500.00	(1,000.00)
154	Meeting Warrants Printing & Postage	1,100.00	1,100.00	0.00
155	Computer Software & Supplies	7,500.00	4,000.00	(3,500.00)
155	Broadband Services (town hall)	3,700.00	3,000.00	(700.00)
158	Tax Title Legal Services	1,500.00	1,500.00	0.00
160	Town Clerk Wages	19,360.00	20,221.00	861.00
160	Assistant Town Clerk Wages	2,500.00	3,406.00	906.00
160	Town Clerk Expenses	5,300.00	7,050.00	1,750.00
161	Registration	500.00	500.00	0.00
162	Election	3,000.00	4,400.00	1,400.00
163	Annual Street List/Census Wages	1,500.00	1,500.00	0.00
163	Annual Street List/Census Expenses	750.00	750.00	0.00
171	Conservation Comm.	1,000.00	1,500.00	500.00
175	Planning Board expenses	1,080.00	500.00	(580.00)
175	Planning Board Clerk	0.00	2,520.00	2,520.00
176	Board of Appeals expenses	500.00	250.00	(250.00)
176	Board of Appeals Clerk	1.00	1.00	0.00
192	Town Offices	35,000.00	37,275.00	2,275.00
195	Town Report	1,000.00	850.00	(150.00)
	CART (Communication Access Real Time Translation)	0.00	2,000.00	2,000.00
	Administrative Overtime	0.00	1,000.00	1,000.00
	<b>Subtotal</b>	<b>381,988.00</b>	<b>425,710.00</b>	<b>43,722.00</b>
200	<b>PROTECTION, PERSONS &amp; PROPERTY</b>			
210	Police Chief Salary	76,311.00	78,436.00	2,125.00
210	Sergeant Salary	56,591.00	59,591.00	3,000.00
210	Part Time Officer Wages	55,428.00	56,537.00	1,109.00
210	Police Expenses	29,742.00	31,242.00	1,500.00
210	Police Rental Facilities	1,000.00	1,000.00	0.00
220	Fire Dept Equipment & Maintenance	32,000.00	32,000.00	0.00
220	Fire Dept Calls	61,500.00	64,500.00	3,000.00
	Fire Dept Training	0.00	30,000.00	30,000.00
220	Fire Department Lease	47,000.00	17,000.00	(30,000.00)
221	Fire Inspector Stipend	3,000.00	3,060.00	60.00
222	Berk. Cty. Sheriff Comm.	10,229.00	10,536.00	307.00
240	Building Inspector Wages	30,125.00	26,527.00	(3,598.00)
	Alternate Building Inspector Wages	0.00	4,000.00	4,000.00
240	Building Inspector Expenses	7,000.00	7,000.00	0.00
243	Plumbing /Gas Inspector Exp	100.00	100.00	0.00
245	Wiring Inspector Expenses	100.00	100.00	0.00
291	Southern Berkshire Regional Emergency Planning Committee Assessment	500.00	500.00	0.00

292	Animal Control/Dog Officer	1.00	1.00	0.00
292	Animal Control Expenses	500.00	500.00	0.00
293	Animal Inspector	900.00	900.00	0.00
294	Tree Warden Salary	3,410.00	3,479.00	69.00
294	Tree Warden Expenses	26,000.00	35,000.00	9,000.00
	<b>Subtotal</b>	<b>441,437.00</b>	<b>462,009.00</b>	<b>20,572.00</b>
300	<b>EDUCATION</b>			
301	School Committee Stipend	1,298.00	1,500.00	202.00
380	Schools: Capital	42,252.00	43,393.00	1,141.00
310	Schools: Operating & Transportation	1,525,963.00	1,603,258.00	77,295.00
	Loan & Interest SBRSD bond	32,180.00	45,510.00	13,330.00
	<b>Subtotal</b>	<b>1,601,693.00</b>	<b>1,693,661.00</b>	<b>91,968.00</b>
400	<b>PUBLIC WORKS &amp; FACILITIES</b>			
422	Highway Operations	170,000.00	160,800.00	(9,200.00)
422	Director Of Operations Salary	70,358.00	72,317.00	1,959.00
422	Foreman Wages	53,884.00	55,385.00	1,501.00
422	Hwy 2 Wages	50,809.00	50,197.00	(612.00)
422	Hwy 3 Wages	48,837.00	47,034.00	(1,803.00)
NEW	Hwy 4 Wages	0.00	38,776.00	38,776.00
422	Temporary Highway Employee	1,500.00	0.00	(1,500.00)
422	Hwy Overtime (not winter)	1,500.00	2,000.00	500.00
422	Machinery & Tools	40,000.00	30,000.00	(10,000.00)
422	Highway Capital	115,000.00	115,000.00	0.00
423	Snow & Ice, Salt & Sand	150,000.00	150,000.00	0.00
423	Winter Overtime	22,500.00	22,500.00	0.00
424	Public Lighting	3,100.00	3,800.00	700.00
425	Fuel	25,000.00	20,000.00	(5,000.00)
430	Dam Inspection & Maint.	5,800.00	5,800.00	0.00
431	So. Berk. Waste District	3,600.00	0.00	(3,600.00)
432	Household Hazardous Waste	1,086.00	0.00	(1,086.00)
433	Transfer Station Operations	75,000.00	73,300.00	(1,700.00)
433	Transfer Station Part Time Employee Wages	37,469.00	41,107.00	3,638.00
435	Group Purchasing Regional	700.00	1,000.00	300.00
491	Cemetery Maintenance & Lawn Care	25,500.00	25,500.00	0.00
491	Soldiers Graves	1,250.00	1,250.00	0.00
	<b>Subtotal</b>	<b>902,893.00</b>	<b>915,766.00</b>	<b>12,873.00</b>
500	<b>HUMAN SERVICES</b>			
510	Board of Health Elected Salary	1,299.00	1,299.00	0.00
510	Board of Health Expenses	200.00	1,450.00	1,250.00
510	Board of Health Clerk Stipend	4,970.00	5,108.00	138.00
510	Sanitary Inspector Wages	19,768.00	20,319.00	551.00
510	Visiting Nurse	2,184.00	2,184.00	0.00
541	Council on Aging	3,215.00	3,862.00	647.00
543	Veterans Benefits	5,000.00	5,000.00	0.00
545	Berkshire South Regional Community Center	1,500.00	1,500.00	0.00
545	Community Health Program	1,250.00	1,000.00	(250.00)
545	Berkshire Mental Health (The Brien Center)	752.00	752.00	0.00
	<b>Subtotal</b>	<b>40,138.00</b>	<b>42,474.00</b>	<b>2,336.00</b>
600	<b>CULTURE &amp; RECREATION</b>			
610	Library General	30,933.00	31,973.00	1,040.00
610	Library Wages	38,070.00	37,608.00	(462.00)
610	Library Maintenance	5,800.00	7,100.00	1,300.00
630	Park Commission	21,808.00	17,800.00	(4,008.00)
630	Lifeguard			
630	Payroll/Administrative fees	19,146.00	20,104.00	958.00
630	Parks Lawn maint., spring/fall clean up	6,500.00	6,500.00	0.00
650	Community Center Administrative Staff	3,750.00	4,009.00	259.00

692	Memorial Day	2,000.00	2,000.00	0.00
699	Cultural Council	3,000.00	3,000.00	0.00
	<b>Subtotal</b>	<b>131,007.00</b>	<b>130,094.00</b>	<b>(913.00)</b>
700	<b>DEBT SERVICE</b>			
	Community Septic Loan Program	4,898.00	4,898.00	0.00
700	Highway Grader	39,856.00	39,104.00	(752.00)
700	Highway F550 Truck	26,497.00	25,927.00	(570.00)
700	Fire Truck	113,000.00	110,400.00	(2,600.00)
700	Transfer Station	57,250.00	55,800.00	(1,450.00)
700	Library Loan	20,000.00	125,298.00	105,298.00
	<b>Subtotal</b>	<b>261,501.00</b>	<b>356,529.00</b>	<b>95,028.00</b>
900	<b>MISCELLANEOUS EXPENSES</b>			
911	Berk. County Retirement	124,352.00	112,107.00	(12,245.00)
913	Unemployment Insurance	1,000.00	14,040.00	13,040.00
914	Health Insurance	151,000.00	180,156.00	29,156.00
915	Life Insurance	490.00	350.00	(140.00)
916	Medicare	12,750.00	13,260.00	510.00
945	Bonds & Insurance	70,338.00	72,000.00	1,662.00
	<b>Subtotal</b>	<b>359,930.00</b>	<b>391,913.00</b>	<b>31,983.00</b>
	<b>Total Operating Expenses</b>	<b>4,120,587.00</b>	<b>4,418,156.00</b>	<b>297,569.00</b>
	<b>Total of Special Articles (not including borrowing, use of free cash or stabilization)</b>	<b>139,750.00</b>	<b>0.00</b>	<b>(139,750.00)</b>
	<b>Total</b>	<b>4,260,337.00</b>	<b>4,418,156.00</b>	<b>157,819.00</b>
	<b>Proposed change to budget</b>		<b>3.7%</b>	

**ARTICLE 4.** To see if the Town will vote to amend the Regional Agreement Establishing the Southern Berkshire Regional School District as restated effective as of July 1, 2011 as shown on the attached proposed Amendment to Regional Agreement, by deleting the introductory paragraph and subparagraphs a. through h., inclusive, of Section 4 APPORTIONMENT OF COSTS, and replacing that introductory paragraph and those deleted subparagraphs with a new introductory paragraph and new subparagraphs a. through h. of Section 4 APPORTIONMENT OF COSTS.

**ARTICLE 5.** To see if the Town will vote to raise and appropriate an additional sum of \$6,907 or any other sum for FY19 to pay for additional monies assessed to the town for unemployment insurance, or take any other action relative thereto.

**ARTICLE 6.** To see if the Town will vote to appropriate the sum of \$6,000 or any other sum from free cash to pay for a study by the UMass Collins Center to determine if a Town Administrator is necessary, or take any other action relative thereto.  
*The Select Board and Finance Committee support approving this article.*

**ARTICLE 7.** To see if the Town will vote to appropriate the sum of \$6,048 or any other sum from free cash to hire an Outreach Worker for the Council on Aging, or take any other action relative thereto.  
*The Select Board and Finance Committee support approving this article.*

**ARTICLE 8.** To see if the Town will vote to appropriate the sum of \$5,000 or any other sum from Free Cash for the purpose of purchasing new computer equipment for the cruiser for the Police Department, or take any other action relative thereto.  
*The Select Board and Finance Committee support approving this article.*

**ARTICLE 9.** To see if the Town will vote to appropriate the sum of \$10,000 or any other sum from Free Cash for the purpose of purchasing new thermal imaging equipment for the Fire Department, or take any other action relative thereto.  
*The Select Board and Finance Committee support approving this article.*

**ARTICLE 10.** To see if the Town will vote to appropriate the sum of \$8,500 or any other sum from Free Cash for the purpose of replacing the furnace at the Highway Department, or take any other action relative thereto.  
*The Select Board and Finance Committee support approving this article.*

*The Select Board and Finance Committee support approving this article.*

**ARTICLE 11.** To see if the Town will vote to appropriate the sum of \$140,000 from the Stabilization Fund for the purpose of purchasing and outfitting a F550 truck for the Highway Department, and to authorize the Select Board to donate the current 2011 F550 to the fire department and trade in or sell at auction the 2000 F550 or take any other action relative thereto. **(2/3 vote required)**  
*The Select Board and Finance Committee support approving this article.*

**ARTICLE 12.** To see if the Town will vote to appropriate the sum of \$30,000 or any other sum from Free Cash for the Bridges, Roads and Culverts Stabilization Fund, or take any other action relative thereto. *The Select Board and Finance Committee support approving this article.*

**ARTICLE 13.** To see if the Town will vote to appropriate the sum of \$15,000 or any other sum from Free Cash for the Fire Department and to create a Stabilization Fund in said name; or take any other action relative thereto. *The Select Board and Finance Committee support approving this article.*

**ARTICLE 14.** 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 a Stabilization Fund for the Retiree Health and Life Insurance, or take any other action relative thereto. *The Select Board and Finance Committee support approving this article.*

**ARTICLE 15.** To see if the Town will vote to appropriate the sum of \$11,000 or any other sum from the Group Health Life Stabilization Fund for the Retiree Group Health/Life Insurance Benefit, or take any other action relative thereto. **(2/3 vote required)** *The Select Board and Finance Committee support approving this article.*

**ARTICLE 16.** 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 capital improvements on the fire company property, or take any other action relative thereto. *The Select Board and Finance Committee support approving this article.*

**ARTICLE 17.** To see if the Town will vote to rescind the remaining unissued amount from the May 5, 2016 annual town meeting warrant ARTICLE 10 in the amount of \$52,000 for the unused portion of the authorization that was not borrowed by the Treasurer for the purchase of a fire truck, or take any other action relative thereto.

**ARTICLE 18.** To see if the Town will vote to rescind the remaining unissued amount from the May 8, 2015 town meeting warrant ARTICLE 1 in the amount of \$1,960,000 or any other sum for the unused portion of the authorization that was not borrowed by the Treasurer for the construction and installation of a regional broadband network, or take any other action relative thereto.

**ARTICLE 19. CITIZEN PETITION** To see if the Town will vote to raise and appropriate the sum of \$30,000 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.

**ARTICLE 20.** To see if the Town will vote to authorize the Board of Selectmen to enter into a ten (10) year contract, commencing on July 1, 2020 with the qualified vendor selected by MassDEP through a competitive bid process for recycling processing services for the Town, subject to the Board of Selectmen's determination that the contract is in the best interests of the Town and subject to Town Meeting approval in the Spring of 2020 for funding these services, or take any other action relative thereto.

**ARTICLE 21.** To see if the Town will vote to enact Article XIX of the Town Bylaws, entitled "Stretch Energy Code" for the purpose of regulating the design and construction of buildings for the effective use of energy, pursuant to Appendix 115.AA of the Massachusetts Building Code, 780 CMR, the Stretch Energy Code, including future editions, amendments or modifications thereto, with an effective date of January 1, 2020 a copy of which is on file with the Town Clerk, or take any other action relative thereto.

**ARTICLE 22.** To see if the Town will vote to adopt the proposed zoning amendment to the Zoning By-Laws of the Town of Monterey for the purpose of creating a large solar overlay district. This district shall consist of a 10.7 acre parcel between the following boundaries: The easterly boundary shall be about 0 Green Park, the parcel behind the town hall. The westerly boundary of the district shall be Fox Hill Road and abutting 0 Fox Hill Road, northerly border shall be about 30 Fox Hill Rd and southerly shall be the Monterey Fire Department, 423 Main Rd, 427 Main Road and 431 Main Road. It is also referred to on tax map 108 034 as the former Golf Course on Fox Hill Road.:

The purpose of this article is to create a large solar overlay district. The large solar overlay district will be used for the generation of solar power with a minimum name plate of 250kW occupying at least one acre. The creation of a large solar overlay district qualifies the town of Monterey to enter the Green Communities program, while being sensitive to adjacent properties.

## 2.2. SPECIAL OR OVERLAY DISTRICTS

### 2.2.1 Wireless Telecommunications Overlay District (WTO)

1. This District include the property located in the Agricultural-Residential District, The lakeshore District and the Business District.

2. The Wireless Telecommunications Overlay District is an overlay district mapped over other districts. It modifies and, where there is inconsistency supersedes the regulations of such other districts. Except as so modified or superseded the regulations of the underlying district remain in effect.

### 2.2.2 Solar Photovoltaic Overlay District (SPOD)

1. This District includes the property located in the Agricultural -Residential District , the Lakeshore District and the Business District.

2. The Solar Photovoltaic Overlay District is an overlay district mapped over other districts. It modifies and, where there is inconsistency supersedes the regulations of such other districts. Except as so modified or superseded the regulations of the underlying district remain in effect.

**2.2.3 Large Solar Overlay District:** *(LSOD) This district shall consist of a 10.7 acre parcel between the following boundaries: The easterly boundary shall about 0 Green Park, the parcel behind the town hall. The westerly boundary of the district shall be Fox Hill Road and abutting 0 Fox Hill Road, northerly border shall about 30 Fox Hill Rd and southerly shall about the Monterey Fire Department, 423 Main Rd, 427 Main Road and 431 Main Road. It is also referred to on tax map 108 034 at the former Golf Course on Fox Hill Road. It modifies and, where there is inconsistency supersedes the regulations of such other districts. Except as so modified or superseded the regulations of the underlying district remain in effect.*

**Section 2.3** *Insert provided map of the property  
The LSOD will be shown on the Zoning Map of Monterey Massachusetts*

#### 7.8.2 Definitions

Large-Scale Ground-Mounted Solar Photovoltaic System (LGSPS):

A solar system that is structurally mounted on the ground and is not roof-mounted and has a minimum nameplate capacity greater than 30 kW and less than one megawatt or occupies more than 1/8 acre of land.

**A LGSPS requires both Site Plan Review and Special Permit unless it is within the LSOD.**

On-Site Solar Installation:

*Within the LSOD a solar system must have a minimum rated nameplate capacity of 250 kW and occupy an acre or more of land and is by right. A solar system in the LSOD may proceed without the need for a special permit, variance, amendment, waiver or other discretionary approval,*

Or take any other action relative thereto.

**ARTICLE 23.** To see if the town will vote to amend Article II, Section 11 of the Town Bylaws, to read: The town votes to establish a Council on Aging consisting of five to seven members, appointed by the Select Board for terms not to exceed four years for any member. The duties of said council shall be to:

- 1) Identify the total needs of the community's elderly population.
- 2) Educate the community and enlist support and participation of all citizens concerning those needs.
- 3) Design, promote or implement services to fill these needs or coordinate present existing services in the community.
- 4) Promote and support any other programs which are designed to assist elderly programs in the community.

Said Council on Aging shall cooperate with the Commonwealth of Massachusetts Commission on Aging and shall be cognizant of all state and federal legislation concerning funding, information exchange and program planning which exists for better community programming for the elderly. Said Council on Aging shall give an annual report to the Select Board with a copy of that report directed to the Commonwealth of Massachusetts Commission on Aging.

**ARTICLE 24.** To see if the Town will vote to accept, for the following boards, committees or commissions holding adjudicatory hearings in the Town, the provisions of M.G.L. c.39, §23D, which provide that a member of a board, committee, or commission holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to the member's absence from one session of such hearing, provided that certain conditions as established by said statute are met. The Boards and Committees affected are the Planning Board, Conservation Commission, Historical Commission, Zoning Board of Appeals, Board of Assessors and Select Board, or take any other action relative thereto.

**ARTICLE 25.** To see if the Town of Monterey will vote to approve the following bylaw banning recreational marijuana establishments. The by-law will be placed on a ballot for a vote in the Town of Monterey as follows:

Shall this Town of Monterey adopt the following bylaw:

The Town of Monterey prohibits all recreational marijuana establishments, including but not limited to recreational marijuana establishments for the cultivation, manufacturing, transportation, testing and/or retail sales of recreational marijuana.

Town Counsel's summary: The foregoing by-law would ban any recreational marijuana establishments in the Town of Monterey to the extent such a ban is allowed under the General Laws of Massachusetts, and particularly G.L. c. 94G, Section 3, including any marijuana establishments legalized in the future for recreational marijuana.  
or take any other action in relation thereto.

**ARTICLE 26.** 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 27.** To see if the Town will vote to allow the Treasurer to use available funds in the Treasury or, with the approval of the Select Board, to borrow money in anticipation of reimbursement by the Commonwealth of Massachusetts on account of Highway Capital Funds, in accordance with Massachusetts General Laws Chapter 44, Section 6A, and to issue notes therefore for a period not to exceed two years from this date, and the proceeds from such reimbursement shall be applied to discharge the loan, or take any other action relative thereto.



**ARTICLE 28.** To see if the Town will vote to authorize the Treasurer, with the approval of the Select Board, to borrow money from time to time in anticipation of the revenue of the financial year beginning July 1, 2019, in accordance with the provisions of Massachusetts General Laws Chapter 44, Section 4, and to issue a note or notes therefore, payable within one year, and to renew any note or notes as may be given for a period of less than one year, in accordance with General Laws Chapter 44, Section 17, or take any other action relative thereto.

**ARTICLE 29.** 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 Massachusetts General Laws Chapter 41, Section 4A, or take any other action relative thereto.

**ARTICLE 30.** 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, 2019, 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
- One member of the Board of Assessors for three years
- One member of the Board of Assessors for one year
- One member of the Board of Health for three years
- One member of the Cemetery Committee for three years
- One Constable for three years
- One member of the Finance Committee for three years
- Two Library Trustees for three years
- One Moderator for one year
- Two members of the Park Commission for three years
- One member of the Park Commission for two years
- One member of the Park Commission for one year
- Two members of the Planning Board for five years
- One member of the Planning Board for three years
- One member of the Select Board for three years
- One Tax Collector 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.

And to vote upon the following question:

Shall this Town of Monterey adopt the following bylaw?

The Town of Monterey prohibits all recreational marijuana establishments, including but not limited to recreational marijuana establishments for the cultivation, manufacturing, transportation, testing and/or retail sales of recreational marijuana.

Town Counsel's summary: The foregoing by-law would ban any recreational marijuana establishments in the Town of Monterey to the extent such a ban is allowed under the General Laws of Massachusetts, and particularly G.L. c. 94G, Section 3, including any marijuana establishments legalized in the future for recreational marijuana.

Yes \_\_\_\_\_ No \_\_\_\_\_

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 3rd day of April, 2019.

  
\_\_\_\_\_

  
\_\_\_\_\_

  
\_\_\_\_\_

MONTEREY SELECT BOARD

**A true copy attest.**

Pursuant to the within Warrant, I have this 5<sup>th</sup> day of April, 2019, notified and warned inhabitants of the Town of Monterey in accordance with the Town Bylaws and the General Laws of the Commonwealth of Massachusetts.

  
Raymond W. Tryon, Constable

Monterey Town Hall  
Monterey Transfer Station  
U.S. Post Office  
Monterey General Store  
Main Rd. at/near intersection of Swann Rd.  
Select Board file

## AMENDMENT TO REGIONAL AGREEMENT

### ESTABLISHING

#### THE SOUTHERN BERKSHIRE REGIONAL SCHOOL DISTRICT

The Regional Agreement Establishing the Southern Berkshire Regional School District as restated effective as of July 1, 2011, is amended by deleting the introductory paragraph and subparagraphs a. through h., inclusive, of Section 4 APPORTIONMENT OF COSTS, and replacing those deleted subparagraphs with a new introductory paragraph and new subparagraphs a. through h. of Section 4 APPORTIONMENT OF COSTS, inclusive, to read in their entirety as follows:

#### 4. APPORTIONMENT OF COSTS.

For the purpose of apportionment among Member Towns of the District, costs shall be classified as capital costs, operating costs, and transportation costs. (For purposes herein, costs apportioned among and assessed to the Member Towns shall not include any costs paid by third party sources as determined by the Regional School Committee, including but not limited to Chapter 70 state aid, Chapter 71 Regional Transportation Reimbursement, and Medicaid reimbursements.)

a. Capital costs shall include cost of site, construction, laying out playgrounds and athletic fields, original grading, original equipment, and other costs incurred to put a new school plant into operation. Capital costs shall also include interest on indebtedness incurred to meet these outlays and the expense incident to the preparation, issuing, and marketing of bonds and other obligations. All subsequent improvements to the school plant which would be capitalized according to generally accepted accounting practices shall be treated as capital costs.

b. The “Required Minimum Contributions” for the Member Towns and the “Required District Contribution” for the District as used herein shall be the “required local contribution” and the “required district contribution” respectively as those terms are defined and determined by the Department of Elementary and Secondary Education (hereinafter the “DESE”) in accordance with the Education Reform Act and its implementing regulations, as such statute and regulations may be amended from time to time. The ratio of each Member Town’s Required Minimum Contribution to the Required District Contribution in any applicable year is hereinafter referred to as the “Applicable Percentage.” For Fiscal Year 2013 (July 1 through June 30) and each Fiscal Year thereafter through Fiscal Year 2019 (July 1, 2018 through June 30, 2019, each Member Town’s respective share of the annual capital costs shall be calculated as follows: each Member Town’s respective share of the annual capital costs shall be calculated by multiplying total capital costs by the percentage that such Member Town’s Required Minimum Contribution bears to the District’s Required District Contribution for the applicable fiscal year. For Fiscal Year 2020 (July 1, 2019 through June 30, 2020) and each Fiscal Year thereafter, each Member Town’s respective share of the annual capital costs shall be calculated by multiplying total capital costs by the percentage share that such Member Town’s 5-year rolling average Required Minimum Contribution bears to the total of the District’s 5-year rolling average Required District Contribution. The 5-year rolling averages shall be calculated using the Required Minimum Contributions for the current and four fiscal years prior.

Examples: The years to be included to calculate the 5-year rolling average Required Minimum Contribution for FY20 and FY21 are:

FY20 – Fiscal Years 2016, 2017, 2018, 2019, 2020  
FY21 – Fiscal Years 2017, 2018, 2019, 2020, 2021

For each Member Town, the percentage share that such Member Town’s 5-year rolling average Required Minimum Contribution bears to the total of the District’s 5-year rolling average Required District Contribution is hereinafter referred to as the “Rolling Average Applicable Percentage”.

- c. The payments of respective shares of said capital costs of each of the Member Towns for each year shall be paid in two equal installments made by the respective town treasurers by checks payable to the District and delivered to the District not later than August 15<sup>th</sup> and March 15<sup>th</sup> of each fiscal year. In the event a different payment schedule is required in order to allow the District to meet its payment obligations under any bond issues or other financing facilities for capital costs (“Indebtedness Payment”), each Member Town shall make such payments of its respective share of said Indebtedness Payment no later than 15 days preceding the date on which such obligation is so payable by the District.
- d. Operating costs shall include all estimated expenses of the District except capital and transportation costs, including but not limited to salaries, administration expenses, wages, textbooks, supplies, additions to current equipment, repairs, maintenance and interest on temporary notes issued in anticipation of revenue to be earned by the District.
- e. For Fiscal Year 2013 and each Fiscal Year thereafter through Fiscal Year 2019 (July 1, 2018 through June 30, 2019), each Member Town's share of the total operating costs of the District schools in any fiscal year shall be calculated by multiplying the total operating budget by the Member Town's respective Applicable Percentage. For Fiscal Year 2020 (July 1, 2019 through June 30, 2020) and each Fiscal Year thereafter, each Member Town's annual respective share of the total operating costs of the District schools in any fiscal year shall be calculated in a two-step process as follows: First, each Member Town's respective share of the total Required Minimum Contribution shall be calculated by multiplying the Required District Contribution as shown in the District's budget for the applicable fiscal year by the Member Town's respective Applicable Percentage for that year. Second, the balance of each Member Town's respective share of the total operating costs of the District schools as shown in the District's budget for the applicable fiscal year in excess of the Required Minimum Contribution shall be calculated by multiplying the remaining balance of the total operating costs of the District schools as shown in the District's budget for the applicable fiscal year by such Member Town's Rolling Average Applicable Percentage.
- f. The District shall arrange for necessary transportation for pupils from all member towns attending the Regional District schools under provisions of applicable MGL and special acts.
- g. For Fiscal Year 2013 and each Fiscal Year thereafter through Fiscal Year 2019 (July 1, 2018 through June 30, 2019), each Member Town's share of the total transportation costs shall be calculated by multiplying the total transportation costs by the Member Town's respective Applicable Percentage. For Fiscal Year 2020 (July 1, 2019 through June 30, 2020) and each Fiscal Year thereafter, each Member Town's respective share of the annual transportation costs shall be calculated by multiplying total transportation costs of the District for that fiscal year by such Member Town's Rolling Average Applicable Percentage.
- h. Each Member Town shall make payment for its respective share of the District's estimated annual operating and transportation costs upon certification by the District treasurer as specified in section 8(b) below, such payment to be made by the respective town treasurer in four equal installments on the fifteenth day of August, November, February and May, by check payable to the District.

All other terms and provisions of the Regional Agreement Establishing the Southern Berkshire Regional School District as restated effective as of July 1, 2011, and including but not limited to subparagraphs i, and j of Section 4 APPORTIONMENT OF COSTS, remain in full force and effect in their entirety.