

REPORT ON THE SPECIAL TOWN MEETING

Town of Monterey, November 6, 2021

On November 6, 2021, 106 people qualified to vote at town meeting gathered in the PAVILION BEHIND THE FIREHOUSE, of the Monterey Fire Co. LTD in the Town of Monterey at 1:00 p.m. Proceeding to the articles of this meeting, the following actions were taken on the following articles.

ARTICLE 1. To see if the Town will vote to transfer the sum of \$91,500 or any other sum from Free Cash to pay for the remaining costs the grant did not cover to replace the SCBA (self-contained breathing apparatus) for the Monterey Fire Department, or take any other action relative thereto.
VOTE: YES-UNANIMOUS

ARTICLE 2. To see if the Town will vote to amend Section 5 of the Departmental Revolving Fund by establishing the following two new revolving funds, or take any other action relative thereto.

<u>A</u> Revolving Fund	<u>B</u> Department, Board, Agency or Officer Authorized to Spend from Fund	<u>C</u> Fees, Charges or Other Receipts Credited to Fund	<u>D</u> Program or Activity Expenses Payable from Fund	<u>E</u> Restrictions or Conditions on Expenses Payable from Fund	<u>F</u> Other Requirements/Reports	<u>G</u> Fiscal Years
Conservation - Wetlands Protection Act	Conservation Commission	Fees and receipts related to wetlands protection and permitting other than NOI	Conservation Agent salary, advertisement and related expenses	Annual Expenditures not to exceed: \$15,000		Fiscal Year 2022 and subsequent years
Conservation - Scenic Mountains Act	Conservation Commission	Fees and receipts related to regulation and protection of property pursuant to MGL 131, §39A	Conservation Agent salary, advertisement and related expenses	Annual Expenditures not to exceed: \$500		Fiscal Year 2022 and subsequent years

Motion, second, discussion. Amendment as follows:

To see if the Town will vote to amend Section 5 of the Departmental Revolving Fund By-law by establishing the following two new revolving funds, or take any other action relative thereto: Motion to amend, second
VOTE: YES UNANIMOUS

ARTICLE 3. To see if the Town will vote to transfer from free cash the sum of \$300 or any other sum to pay for a FY21 town clerk bill submitted after the deadline to pay, or take any other action relative thereto.

This will require a 9/10 vote.

Motion, second, discussion, amendment as follows:

To see if the Town will vote to transfer from free cash the sum of \$300 or any other sum to pay for the FY21 town clerk bill, or take any other action relative thereto:
 Motion to amend, second
VOTE: YES UNANIMOUS

ARTICLE 4. To see if the Town will vote to transfer from Visiting Nurse Services the sum of \$2,400 or any other sum to a new account called Public Health Services, or take any other action relative thereto.

Motion, second, discussion

VOTE: YES UNANIMOUS

ARTICLE 5. To see if the Town will vote to transfer the sum of \$10,000, or any other sum, from Free Cash and appropriate said amount for the Select Board to use for an independent investigation of personnel issues, or take any other action relative thereto. Motion, second, discussion:

Table yes 48, no 51 motion to table fails

Call to stop discussion 2/3 vote needed passes with 75 yes and 22 no. Discussion ended
VOTE PASSES WITH 60 YES AND 35 NO.

ARTICLE 6. Citizen Petition. 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.

Motion, second, discussion:

MOTION TO AMEND RECALL ELECTION BYLAW

1. Replace the introduction with this:
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 herein; provided, however, that the General court may make clerical or editorial changes of form only to the bill. Motion to amend recall introduction passes.
YES 83, NO 3
2. SECTION 2: next to last line "with" needs to be added to "forth" so it reads "forthwith."
3. Motion to amend, second, majority YES vote
SECTION 5: the second line change "officer" to "office"
Motion to amend, second, majority YES vote.
4. SECTION 5: line before last add the word "months" after the first number (3)
Motion to amend, second, majority YES vote.
5. SECTION 2: third line after the word recall- should read: Within seven (7) days of receipt of the affidavit, the Town Clerk shall deliver to the voters.
Motion to amend, second, majority YES vote
6. SECTION 4: The second sentence, Unless the officer requests otherwise in writing, the town shall place the officer's name on the ballot without nomination. Motion to delete, second, YES 65, NO 9, second sentences will be deleted.
7. SECTION 4: Third sentence motion to amend and remove the word "other" second, majority Yes vote
8. SECTION 5: line before last change both three (3) months to six (6) months.
Motion, second, majority Yes vote.

Motion to table, second YES 24, NO 61 - article was not tabled.

Motion to call vote, second, majority YES vote ended discussion.

Motion to accept ARTICLE 6 with all the amendments, second, passes with a vote of YES 68, NO 11.

There being no further business to be brought before this Town Meeting, the Moderator entertained a motion, which was seconded to adjourn at 2:49 p.m.

VOTE: YES UNANIMOUS

Respectively submitted,

Terry L. Walker

Terry L. Walker

Town Clerk, Town of Monterey

