

Annual Town Meeting Minutes (Amended)
COMMONWEALTH OF MASSACHUSETTS
COUNTY OF BERKSHIRE, SS.
TOWN OF MONTEREY

May 6, 2023

The meeting began at 9:43 am and Town Clerk, Marie Ryan thanked the voters for allowing her to serve the community for the last 6 months as their Interim Town Clerk. She then read the following greeting:

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 6, 2023, at 9:30 o'clock in the morning, then and there to act on the following articles:

The Moderator began by explaining the use of the voting clickers for the meeting and allowed a trial question to use the clickers.

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

No action taken.

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, 2023, to June 30, 2024, pursuant to the provisions of Chapter 41, Section 108, of the General Laws, or take any other action relative thereto.

Select Board Chair	\$5,400
Select Board 2 nd	\$5,400
Select Board 3 rd	\$5,400
Assessors Chair	\$1,743
Assessors 2 nd	\$1,743
Assessors 3 rd	\$1,743
Board of Health Chair	\$ 400
Board of Health 2 nd	\$ 400
Board of Health 3 rd	\$ 400
Constable	\$736.06
Moderator	\$375.76
Tax Collector	\$27,855.35
Tree Warden	\$4,000

Motion made and seconded.

Yes – 58 No – 1

Motion Approved

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.

Motion made and seconded then there were holds placed on the following line items:

122	Grant Writing Wages	New	Shared Human Resource Director
120	Office Assistant Wages	132	Town Reserve Fund
135	GASB75	151	Legal Fees & Expenses
151	Litigation Fees & Expenses	155	IT Expenses
210	Full Time Officer 1	210	Full Time Officer 2
210	Part Time Officers	210	Police Expenses
220	Fire Equip & Maintenance	220	Fire Dept. Compensation
380	School Operating & Transportation	422	Highway Capital
433	Transfer Station Operations	New	Beach Monitor
700	F550 Truck	914	Health Insurance

Discussion on the holds:

122 Grant Writing Wages – Motion made and seconded to increase back to \$10,000.

Yes – 29 No – 35

Amendment Failed

New Shared Human Resource Director – Motion made to decrease to \$0 – no second

120 Office Assistant Wages – No discussion

132 Town Reserve Fund – Explanation that the fund is used as a contingency fund

135 GASB75 – Explanation that this is fund required for future Retirement costs

151 Legal Fees- Explanation that legal fees were increased and litigation decreased to zero because the two line items were combined into just Legal fees line item.

Motion made and seconded to amend to decrease by \$6000.

Yes – 9 No- 56

Amendment Failed

155 IT Expenses – Motion made and seconded to increase this line item to \$12,500.

Yes – 66 No -9

Motion Approved

210 Police Budget items discussed together – Explanation of the increase was due to ½ year salary versus the full year. No further discussion and no changes to the amount.

- 220 Fire Dept. Equip & Maintenance – No discussion
- 220 Fire Dept. Compensation – No discussion
- 380 School Operating & Transportation – No discussion
- 422 Highway Capital – No discussion
- 433 Transfer Station Operations – Motion made and seconded to decrease to \$90,000.
Yes – 78 No – 1
Motion Approved

New Beach Monitor – Explanation of position and hourly rate of pay. Motion made and seconded to call the question.

Yes – 47 No – 32

Motion failed – not 2/3rds majority needed to Pass

Motion made and seconded to change amount to zero.

Motion to call the question.

Yes – 70 No – 7

Motion Approved by 2/3rds Majority to vote on the amendment to decrease to zero.
Vote on the amendment to decrease to zero.

Yes – 23 No – 53

Motion Failed – amount stays as \$3,600 as recommended

700 F550 Truck – Motion made and seconded, to change description to Highway Truck.

Yes – 69 No- 2

Motion Approved

914 Health Insurance – Motion made and seconded to decrease amount to \$137,596.

Yes – 74 No- 1

Motion Approved

Motion made and seconded to approve Article 3 with the approved amendments as listed below:

Acct	Description	FY23	FY23	FY24	Increase/ Decrease
		5/1/21 ATM	10/15/22 & 1/21/23 STM & INTERNAL TRNFS		
		APPROVED	REVISIONS	REQUESTED	Increase (Decrease)
100	GENERAL GOVERNMENT				
114	Moderator	362.00	0.00	375.76	13.76
115	Constable	712.00	0.00	739.06	27.06

122	Select Board Elected	15,606.00	0.00	16,200.00	594.00
122	Select Board Expenses	4,400.00	0.00	4,400.00	0.00
122	Select Board Secretary	5,700.00	0.00	4,500.00	(1,200.00)
122	Grant writing wages	10,000.00	0.00	5,000.00	(5,000.00)
122	Grant writing expenses	500.00	0.00	250.00	(250.00)
122	CART (Communication Access Real Time Translation)	2,300.00	0.00	2,300.00	0.00
123	Town Administrator	77,850.00	0.00	80,808.30	2,958.30
123	Town Administrator Expenses	3,000.00	0.00	3,000.00	0.00
New	Shared Human Resource Director	0.00	0.00	4,000.00	4,000.00
120	Office Assistant Wages	8,456.40	0.00	8,456.40	0.00
120	Office Assistant Procurement, Training & Expenses	500.00	0.00	250.00	(250.00)
124	Temporary Employee	1.00	0.00	0.00	(1.00)
131	Finance Committee Expenses	500.00	0.00	500.00	0.00
131	Finance Committee Clerk	1.00	0.00	1.00	0.00
132	Town Reserve Fund	30,000.00	0.00	30,000.00	0.00
135	Town Accountant Services	38,400.00	0.00	39,300.00	900.00
135	Town Accountant Expenses	50.00	0.00	0.00	(50.00)
135	Accounting/Treasurer Software	5,960.00	0.00	6,950.00	990.00
135	Annual Audit	17,500.00	0.00	17,500.00	0.00
135	GASB75	2,750.00	0.00	2,750.00	0.00
141	Assessors Elected	5,031.00	0.00	5,229.00	198.00
141	Principal Assessor Salary	45,706.25	0.00	47,443.09	1,736.84
141	Assistant to the Principal Assessor	1.00	0.00	1.00	0.00
141	Assessors Clerk Wages	10,496.26	0.00	11,469.12	972.86
141	Assessors Expenses	4,225.00	4,262.77	20,900.00	12,412.23
141	Assessors Software	12,900.00	0.00	13,750.00	850.00
145	Treasurer Services	37,000.00	0.00	39,750.00	2,750.00
145	Treasurer Expenses	7,000.00	0.00	7,200.00	200.00
146	Tax Collector Elected Salary	26,835.00	0.00	27,855.35	1,020.35
146	Tax Collector Expenses	4,850.00	0.00	5,900.00	1,050.00
146	Tax Collector Software	5,757.00	0.00	8,200.00	2,443.00
151	Legal Fees & Expenses	19,000.00	0.00	21,500.00	2,500.00
151	Litigation Fees & Expenses	2,500.00	41,437.31	0.00	(43,937.31)
154	Meeting Warrants Printing & Postage	2,700.00	0.00	2,700.00	0.00
155	IT expenses	4,000.00	0.00	12,500.00	8,500.00
155	Broadband Services (town hall)	2,000.00	0.00	2,000.00	0.00
158	Tax Title Legal Services	5,000.00	0.00	5,000.00	0.00
160	Town Clerk Wages	27,384.52	0.00	17,916.00	(9,468.52)

160	Town Clerk Staff	5,187.00	0.00	0.00	(5,187.00)
160	Town Clerk Expenses	7,450.00	-1,500.00	5,400.00	(550.00)
162	Election	11,511.05	1,500.00	6,850.00	(6,161.05)
163	Annual Street List/Census Wages	1,500.00	0.00	0.00	(1,500.00)
163	Annual Street List/Census Expenses	750.00	0.00	750.00	0.00
171	Conservation Comm.	1,500.00	0.00	1,500.00	0.00
	Conservation Commission Agent Wages	0.00	5,250.00	14,000.00	8,750.00
175	Planning Board expenses	2,500.00	0.00	1,400.00	(1,100.00)
175	Planning Board Clerk	2,520.00	0.00	0.00	(2,520.00)
176	Board of Appeals expenses	250.00	0.00	250.00	0.00
176	Board of Appeals Clerk	1.00	0.00	1.00	0.00
192	Town Offices	43,400.00	8,500.00	42,400.00	(9,500.00)
195	Town Report	1,200.00	0.00	1,200.00	0.00
	Subtotal	524,703.48	59,450.08	550,345.07	-33,808.49
200	<i>PROTECTION, PERSONS & PROPERTY</i>				
210	Current Police Chief Salary	86,705.69	0.00	88,322.38	1,616.69
210	Sergeant Salary	33,135.00	0.00	0.00	(33,135.00)
210	Full Time Officer 1	26,100.00	0.00	58,240.00	32,140.00
210	Full Time Officer 2	26,100.00	0.00	58,240.00	32,140.00
210	Part Time Officers	53,025.00	0.00	52,175.80	(849.20)
210	Police Expenses	38,474.00	0.00	41,990.00	3,516.00
210	Police Rental Facilities	1,000.00	0.00	1,000.00	0.00
220	Fire Dept Equipment & Maintenance	30,000.00	35,000.00	66,300.00	1,300.00
220	Fire Dept Other Expenses	9,975.00		10,100.00	125.00
220	Fire Dept Compensation	129,920.00	-20,000.00	129,920.00	20,000.00
220	Fire Hall Lease	17,000.00	0.00	17,000.00	0.00
221	Fire Inspector Stipend	3,387.46	0.00	3,516.18	128.72
222	Berk. Cty. Sheriff Comm.	11,512.41	0.00	11,858.00	345.59
240	Building Inspector Wages	33,784.82	5,409.00	42,730.33	3,536.51
240	Alternate Building Inspector Wages	1,000.00	0.00	1,000.00	0.00
240	Building Inspector Expenses	8,532.00	0.00	8,532.00	0.00
243	Plumbing /Gas Inspector Exp	100.00	0.00	100.00	0.00
245	Wiring Inspector Expenses	100.00	0.00	100.00	0.00
291	Southern Berkshire Regional Emergency Planning Committee Assessment	500.00	0.00	500.00	0.00
292	Animal Control/Dog Officer	1.00	0.00	1.00	0.00
292	Animal Control Expenses	500.00	0.00	500.00	0.00
293	Animal Inspector	934.20	0.00	600.00	(334.20)
294	Tree Warden Salary	3,673.00	0.00	4,000.00	327.00
294	Tree Warden Expenses	43,000.00	0.00	49,000.00	6,000.00
	Subtotal	558,459.58	20,409.00	645,725.70	66,857.12

300	EDUCATION				
301	School Committee Stipend	1,612.01	0.00	1,612.01	0.00
380	Schools: Capital	34,481.00	0.00	38,644.00	4,163.00
380	Schools: Operating & Transportation	1,785,365.00	0.00	1,751,821.00	(33,544.00)
380	Loan & Interest SBRSD bond	34,606.00	0.00	40,064.00	5,458.00
	Subtotal	1,856,064.01	0.00	1,832,141.01	-23,923.00
400	PUBLIC WORKS & FACILITIES				
422	Highway Operations	203,720.00	29,580.00	227,275.00	(6,025.00)
422	Director Of Operations Salary	80,194.84	0.00	83,242.24	3,047.40
422	Foreman Wages	57,065.00	0.00	60,552.00	3,487.00
422	Hwy 2 Wages	51,156.00	0.00	57,420.00	6,264.00
422	Hwy 3 Wages	44,432.64	0.00	55,332.00	10,899.36
422	Hwy 4 Wages	42,804.00	0.00	53,244.00	10,440.00
422	Temporary Highway Employee	1.00	0.00	1.00	0.00
422	Hwy Overtime (not winter)	2,500.00	0.00	2,500.00	0.00
422	OSHA updates & compliance	6,142.50	0.00	6,142.50	0.00
422	Highway Capital	137,500.00	-35,000.00	142,000.00	39,500.00
423	Snow & Ice, Salt & Sand	150,000.00	166.83	150,000.00	(166.83)
423	Winter Overtime	22,500.00	0.00	22,500.00	0.00
424	Public Lighting	4,800.00	0.00	4,800.00	0.00
425	Fuel	30,000.00	35,000.00	60,000.00	(5,000.00)
430	Dam Inspection & Maint.	5,000.00	0.00	5,000.00	0.00
433	Transfer Station Operations	89,900.00	125.00	90,000.00	12,636.00
433	Transfer Station Part Time Employee Wages	48,622.50	0.00	39,573.48	(9,049.02)
435	Group Purchasing Regional	1,870.00	0.00	2,900.00	1,030.00
491	Cemetery Maintenance & Lawn Care	22,500.00	9,539.83	22,500.00	(9,539.83)
491	Soldiers Graves	1,200.00	0.00	1,200.00	0.00
	Subtotal	1,001,908.48	39,411.66	1,086,182.22	44,862.08
500	HUMAN SERVICES				
510	Board of Health Elected Salary	1,272.00	0.00	1,200.00	(72.00)
510	Board of Health Expenses	2,550.00	0.00	2,325.00	(225.00)
510	Board of Health Clerk Stipend	1.00	0.00	1.00	0.00
510	Sanitary Inspector Wages	22,267.18	0.00	23,113.33	846.15
510	Public Health Services	2,400.00	0.00	2,400.00	0.00
541	Council on Aging	4,362.00	170.00	4,422.00	(110.00)
541	COA Outreach Coordinator Wages	9,750.96	0.00	10,498.16	747.20
543	Veterans Benefits	5,000.00	0.00	5,000.00	0.00
543	Veterans Assessment	5,063.75	0.00	6,525.80	1,462.05
175	BRPC Assessment	909.47	0.00	932.21	22.74
545	Community Health Program	1,000.00	0.00	0.00	(1,000.00)
	Subtotal	54,576.36	170.00	56,417.50	1,671.14

600	CULTURE & RECREATION				
610	Library General	33,781.00	0.00	37,455.00	3,674.00
610	Library Wages	57,680.00	400.00	64,565.00	6,485.00
610	Library Maintenance	12,900.00	0.00	15,875.00	2,975.00
630	Park Commission	17,800.00	0.00	20,604.00	2,804.00
New	Beach Monitor	0.00	0.00	3,600.00	3,600.00
630	Lifeguard Payroll/Administrative fees	24,135.00	0.00	32,193.00	8,058.00
630	Parks Lawn maint., spring/fall clean up	6,500.00	0.00	6,713.88	213.88
New	Community Center Operations	0.00	0.00	16,800.00	16,800.00
650	Community Center Administrative Staff	8,751.38	0.00	10,800.00	2,048.62
692	Memorial Day	2,000.00	0.00	2,000.00	0.00
	Subtotal	163,547.38	400.00	210,605.88	46,658.50
700	DEBT SERVICE				
700	Fire Truck	102,600.00	0.00	0.00	(102,600.00)
700	Transfer Station	51,450.00	0.00	0.00	(51,450.00)
700	Highway Truck	0.00	0.00	44,000.00	44,000.00
700	Tandem Axle	51,700.00	0.00	56,815.00	5,115.00
700	Library Loan	104,188.33	0.00	135,000.00	30,811.67
	Subtotal	309,938.33	0.00	235,815.00	(74,123.33)
900	MISCELLANEOUS EXPENSES				
911	Berk. County Retirement	136,228.00	0.00	148,440.00	12,212.00
913	Unemployment Insurance	15,000.00	-7,062.30	5,000.00	(2,937.70)
914	Health Insurance	158,689.23	-5,250.00	137,596.00	(15,843.23)
915	Life Insurance	300.00	0.00	300.00	0.00
916	Medicare	16,222.50	0.00	17,033.63	811.13
945	Bonds & Insurance	90,000.00	10,823.00	112,000.00	11,177.00
	Subtotal	416,439.73	-1,489.30	420,369.62	5,419.19
	Total Operating Expenses	4,885,637.35	118,351.44	5,037,602.00	33,613.21

Yes – 78 No – 2
Motion Approved

ARTICLE 4. To see if the town will vote to fix the maximum amount that may be spent during fiscal year 2024 beginning on July 1, 2023 for the revolving funds established in town by-laws 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	FY24 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

Motion made and seconded.

Yes – 73 No – 0

Motion Approved

ARTICLE 5. To see if the Town will vote to amend the following items of Section 5 of the Departmental Revolving Fund bylaw by amending three revolving funds, and creating a new Community Center revolving fund as follows:

<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	Advertisement and related expenses	Annual Expenditures not to exceed: \$15,000	Fund carryover balance not to exceed: \$25,000	Fiscal Year 2024 and subsequent years
Conservation – Scenic Mountains Act	Conservation Commission	Fees and receipts related to regulation and protection of property pursuant to MGL 131, §39A	Advertisement and related expenses	Annual Expenditures not to exceed: \$500	Fund carryover balance not to exceed: \$5,000	Fiscal Year 2024 and subsequent years
Community Center	Select Board and Community Center Administration	Fees charged by the Community Center for the use of the center	Operational Expenses in excess of regular operating budget	Annual Expenditures not to exceed: \$10,000	Fund carryover balance not to exceed: \$25,000	Fiscal Year 2024 and subsequent years
Bally Gally	Select Board and Director of Operations	Rental monies collected from Bally Gally	Expenses, supplies and contractual services to maintain and repair Bally Gally	Annual Expenditures not to exceed: \$10,000	Fund carryover balance not to exceed: \$50,000	Fiscal Year 2024 and subsequent years

Or take any other action relative thereto.

Motion made and seconded.

Yes – 75 No – 2

Motion Approved

ARTICLE 6. To see if the Town will vote to transfer the sum of \$6,400 from Shared HR Manager Article 35 approved at the May 2021 Annual Town Meeting and \$8,736 from Shared HR Manager Article 11 approved at the May 2022 Annual Town Meeting or any other sum to a new Shared Human Resources Director 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.

Motion made and seconded.

Yes – 71 No – 7

Motion Approved

ARTICLE 7. 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 Finance Committee supports this Article, 3-0.

The Select Board supports this Article, 3-0.

Motion made and seconded.

Yes – 68 No – 5

Motion Approved

ARTICLE 8. To see if the Town will vote to appropriate the sum of \$17,906 or any other sum from Free Cash for the Retiree Group Health/Life Insurance Benefit, or take any other action relative thereto.

The Finance Committee supports this Article, 3-0.

The Select Board supports this Article, 3-0.

Motion made and seconded.

Yes – 74 No – 2

Motion Approved

ARTICLE 9. 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, 3-0.

The Select Board supports this Article, 3-0.

Motion made and seconded.

Yes – 69 No – 4

Motion Approved

ARTICLE 10. To see if the Town will vote to appropriate the sum of \$3,000 or any other sum from Free Cash for the Town's share of grant to write an Open Space and Recreation Plan, or take any other action relative thereto.

The Finance Committee supports this Article, 3-0.

The Select Board supports this Article, 3-0.

Motion made and seconded.

Yes – 78 No – 2

Motion Approved

ARTICLE 11. To see if the Town will vote to appropriate the sum of \$5,700 or any other sum from Free Cash to purchase electronic voting equipment for elections, or take any other action relative thereto.

The Finance Committee supports this Article, 3-0.

The Select Board supports this Article, 3-0.

Motion made and seconded.

Yes – 38 No –44
Motion Failed

ARTICLE 12. To see if the Town will vote to appropriate the sum of \$10,000 during the current FY23, or any other sum from Free Cash to resurface the Greene Park baseball field, or take any other action relative thereto

The Finance Committee supports this Article, 2-1.

The Select Board supports this Article, 2-1.

Motion made and seconded.

Yes – 74 No – 6
Motion Approved

ARTICLE 13. To see if the Town will vote to appropriate the sum of \$64,920 or any other sum from Free Cash to purchase and outfit a new Police Cruiser and to trade in or sell at auction the 2016 Cruiser, or take any other action relative thereto.

The Finance Committee supports this Article, 2-1.

The Select Board supports this Article, 2-1.

Motion made and seconded.

Yes – 70 No – 14
Motion Approved

ARTICLE 14. To see if the Town will vote to appropriate the sum of \$25,621 or any other sum from Free Cash to purchase new radios for the Police Department, or take any other action relative thereto.

The Finance Committee supports this Article, 3-0.

The Select Board supports this Article, 3-0.

Motion made and seconded.

Yes – 71 No – 3
Motion Approved

ARTICLE 15. To see if the Town will vote to appropriate the sum of \$51,670 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, 3-0.

The Select Board supports this Article, 3-0.

Motion made and seconded.

Motion made and seconded to call the question.

Yes – 81 No – 2

Motion passed by 2/3rds majority vote to call the question.

Vote on Article 15:

Yes – 73 No – 2

Motion Approved.

ARTICLE 16. To see if the Town will vote to raise and appropriate the sum of \$49,600 or any other sum to pay for repairs and maintenance at Town Hall, or take any other action relative thereto.

The Finance Committee supports this Article, 3-0.

The Select Board supports this Article, 3-0.

Motion made and seconded to make the following amendments;

Delete “raise and”; and insert “from Free Cash” before “to pay for repairs.”

As written on Warrant: To see if the Town will vote to **raise and appropriate** the sum of \$49,600 or any other sum to pay for repairs and maintenance at Town Hall, or take any other action relative thereto.

Should be passed: To see if the Town will vote to **appropriate** the sum of \$49,600 **from Free Cash** to pay for repairs and maintenance at Town Hall.

Yes – 70 No – 4

Amendment Approved.

Motion made and seconded on the Article as amended;

Yes – 66 No – 5

Motion Approved as Amended

ARTICLE 17. 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 contingent upon the execution of a new lease agreement between the Town and the Company upon terms and conditions acceptable to the Select Board, or take any other action relative thereto.

The Finance Committee supports this Article, 2 - 0

The Select Board supports this Article, 3 - 0

Motion made to amend the article to insert the words “and the Fire Company” after Select Board.

Motion made and seconded to call the question.

Motion to Call the Question passed by 2/3rds Majority called by Moderator

Motion made and seconded to approve the amendment

Motion Failed for Amendment called by Moderator

Motion made and seconded to vote on Article 17 as written:

Motion Approved for Article 17 as written per Moderator

ARTICLE 18. To see if the Town will vote to appropriate the sum of \$129,000 or any other sum to purchase, equip and outfit a Medical Rescue Sport Utility Vehicle (SUV) and to modify and equip the current Med 9 and Brush Truck and to authorize the Town Treasurer with the approval of the Select Board to borrow said amount or take any other action relative thereto. (Requires Secret Ballot and 2/3 Vote)

The Finance Committee supports this Article, 3-0.

The Select Board supports this Article, 3-0.

Motion made and seconded.

Yes – 68 No – 8

Motion Approved

ARTICLE 19. To see if the Town will vote to appropriate the sum of \$52,000, or any other sum from Free Cash to pay for battery powered hydraulic rescue tools for the Fire Department, or take any other action relative thereto.

The Finance Committee supports this Article, 3-0.

The Select Board supports this Article, 3-0.

Motion made and seconded.

Yes – 70 No – 5

Motion Approved

ARTICLE 20. To see if the Town will vote to appropriate the sum of \$6,600, or any other sum from Free Cash to pay for new pagers for the Fire Department, or take any other action relative thereto.

The Finance Committee supports this Article, 3-0.

The Select Board supports this Article, 3-0.

Motion made and seconded.

Yes – 65 No – 5

Motion Approved

ARTICLE 21. To see if the Town will vote to appropriate the sum of \$10,000, or any other sum from Free Cash to pay for a replacement Master Stream Nozzle for Truck 172 for the Fire Department, or take any other action relative thereto.

The Finance Committee supports this Article, 3-0.

The Select Board supports this Article, 3-0.

Motion made and seconded.

Yes – 68 No – 2

Motion Approved

ARTICLE 22. To see if the Town will vote to appropriate the sum of \$50,000, 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, 3-0.

The Select Board supports this Article, 3-0.

Motion made and seconded.

Yes – 66 No – 9

Motion Approved

ARTICLE 23. To see if the Town will vote to appropriate \$1,863.19 from certified Free Cash to be expended in accordance with the Massachusetts State-Subdivision for Statewide opioid settlement funds, funds to be used to supplement and strengthen resources available to communities and families for substance use disorder prevention, harm reduction, treatment, and recovery, or take any other action relative thereto.

The Select Board supports this Article, 3-0.

Motion made and seconded.

Yes – 67 No – 1

Motion Approved

ARTICLE 24. To see if the Town will vote to transfer the remaining sum of \$29,854.86 from Article 25 approved at the May 2017 Annual Town Meeting for Highway Garage Siding & Painting to the general stabilization account, or take any other action relative thereto.

The Finance Committee supports this Article, 3-0.

The Select Board supports this Article, 3-0.

Motion made and seconded.

Yes – 60 No – 5

Motion Approved

ARTICLE 25. To see if the Town will vote to transfer the remaining sum of \$20,000 from article 8 of the December 2019 Special Town Meeting for Phase I of the Municipal Vulnerability Grant town's portion to the general stabilization account, or take any other action relative thereto.

The Finance Committee supports this Article, 3-0.

The Select Board supports this Article, 3-0.

Motion made and seconded.

Yes – 64 No – 2

Motion Approved

ARTICLE 26. To see if the Town will vote to authorize the Select Board to apply for, accept and expend a MassWorks Grant from the MassWorks Infrastructure Program up to the amount of \$1,000,000, and sum will be used for Safety Improvements on an approved town road in Monterey, or take any other action relative thereto.

The Select Board supports this article 3-0.

Motion made and seconded.

Yes – 65 No – 3

Motion Approved

ARTICLE 27: To see if the Town will vote to adopt a local option room occupancy excise as allowed by G.L. c64G, § 3A, and further to adopt a local excise rate of 6%, or to take any other action relative thereto.

Motion made and seconded.

Motion made and seconded to call the question.

Yes – 70 No – 2

Motion Approved by 2/3rds majority to call the question

Vote on Article 27:

Yes – 68 No – 9

Motion Approved

ARTICLE 28: To see if the Town will vote to adopt a local option community impact fee in the amount of 3% as allowed by G.L. c 64G, § 3D (a) as it applies to each transfer of occupancy of a “professionally managed unit,” which is defined as one of two or more short-term rental units in Monterey not located in a single- or two- or three-family dwelling that includes the operator’s (owner’s) primary residence. The impact fee applies to transfers of occupancies on or after July 1, 2023 for which a rental contract was entered into on or after January 1, 2023. It does not apply to occupancy for which the rental contract was entered into before January 1, 2023, or to take any other action relative thereto.

Motion made and seconded.

Yes – 63 No – 9

Motion Approved

ARTICLE 29: To see if the Town will vote to adopt a local option community impact fee in the amount of 3% as allowed by G.L. c 64G, § 3D(b) as it applies to short-term rental units in Monterey located within a two- or three-family dwelling that includes the operator’s (owner’s) primary residence. The impact fee applies only to transfers of occupancies on or after July 1, 2023 for which a contract was entered into on or after January 1, 2023, or to take any other action relative thereto.

Motion made and seconded.

Yes – 48 No – 8

Motion Approved

ARTICLE 30. To see if the Town will vote to amend Section 3.1 Table of Use Regulations in the Town zoning bylaws by updating them as follows:

Section 3.1 Table of use regulations

Section D. Recreational Uses

Camp and or Recreational Facility, Seasonal or year-round.

Lake Shore District

From Y (Permitted as of Right)

To BA (Special Permit/Board of Appeals), or take any other action relative thereto.

Motion made and seconded.

Planning Board Chair Mr. Thomas Sawyer read a report from the Planning Board on their recommendation for this Article.

Yes – 69 No – 2

Motion Approved by 2/3rds Majority

ARTICLE 31. To see if the Town will vote to amend the Town Bylaws by adopting a new Article XX, Unreasonable Noise Bylaw, or take any action relative thereto.

§ XX-1. Unreasonable Noise Prohibited. It shall be unlawful for any person or persons to create, assist in creating, continue or allow to continue any unreasonable, excessive, unnecessary, or unusually loud noise which either annoys, disturbs, injures, or endangers the reasonable quiet, comfort, repose, or the health or safety of others within the Town of Monterey. Without limiting the general application of the foregoing sentence, the following acts are declared to be noises that violate this bylaw, but this enumeration shall not be exclusive:

- a) Radio, Musical Instruments, Television, and Public Address Systems. The playing of any radio, television set, amplified or musical instruments, loudspeakers, or other electronic sound producing devices, in such a manner or with volume at any time or place so as to annoy or disturb the reasonable quiet, comfort or repose of persons in any dwelling, or other type of residence, or in any office, school, church, or of any persons in the vicinity.
- b) Shouting, Whistling, and Chanting. Yelling, shouting, hooting, whistling, singing, chanting, or the making of any other loud noises at any time or place so as to annoy or disturb the reasonable quiet, comfort or repose of persons in any type of dwelling, or of any persons in the vicinity.
- c) Animal Noises. The keeping of any animal or bird which, by causing frequent or long continued noise, shall disturb the reasonable comfort or repose of any

person. This section shall not apply to farm animals, or animals serving any agricultural or farm-related purpose.

d) Devices to Attract Attention. The use of any drum or other instrument or device of any kind for the purpose of attracting attention by the creation of noise. This section shall not apply to any person who is a participant in a school band or duly licensed parade or who has been otherwise authorized to engage in such activity.

e) Construction and Home Maintenance Noise. The operation of vehicles, equipment, tools or machines used as a means of construction, maintenance, repair or demolition of a dwelling, building site, building, bridge, tower or road between the hours of 9:00 p.m. and 7:00 a.m., or the making of any such noise at any time or place so as to annoy or disturb the reasonable comfort or repose of persons in any dwelling, or other type of residence, or in any office, school, church or of any persons in the vicinity.

f) Excessive Motor Noise. The operation of any unreasonably noisy motor at any time.

§ XX-2. Exemptions. None of the terms or prohibitions of the previous section shall apply or be enforced against:

- a) Noise caused by any emergency vehicle or equipment while engaged in the performance of necessary emergency business.
- b) Noise caused by any necessary excavation in or repairs of bridges, streets, or highways, or any public utility installation by or on behalf of the Town, or any public utility or any agency of the Commonwealth of Massachusetts.
- c) Noise caused by agriculture, as defined by M.G.L. Chapter 128 Section 1A, including but not limited to the operation of farm equipment, sawmills, harvesting equipment, and noises from farm animals.
- d) Noise caused by lawful hunting or other lawful discharge of firearms.
- e) Noise caused by organized sports.
- f) Noise caused by snow removal or road sanding for private drives, roadways or other ways.
- g) Noise caused by operation of a generator to provide electricity to a dwelling, business, or other building during a grid power outage.
- h) Noise from activities which have been granted a special permit pursuant to Section 3 below.

§ XX-3. Application for Permit for Relief. Application for a permit for relief from this Bylaw on the basis of undue hardship may be made to the Select Board. There shall be no permit fee for said permit application. Permit applications shall be acted upon within fourteen (14) business days of permit filing with the Select Board; If the Select Board does not act upon the permit application within fourteen (14) business days, the permit shall be deemed approved. Any permit granted by the Select Board shall set forth all conditions pertaining to the specified noise and a reasonable time limit for its abatement.

§ XX-4. Penalties. This bylaw shall be enforced by the Monterey Police Department. Whoever violates this Bylaw shall be subject to enforcement action by non-criminal

disposition as provided in M.G.L. c. 40, §21D. The first violation of this Bylaw may be punished by a verbal or written warning. The second violation this Bylaw within 12 months after the first violation shall be punished by a fine of one hundred dollars (\$100.00). The third violation of this Bylaw within 12 months after the first violation shall be punished by a fine of two hundred dollars (\$200.00). All subsequent violations within 12 months after the first violation shall be punished by a fine of three hundred dollars (\$300.00). Each such act, which either continues or is repeated more than one-half (½) hour after issuance of a written notice of violation of this Bylaw shall be a separate offense and shall be prosecuted as a separate offense. If a violation occurs and the person or persons responsible are not the record owner of the property, the owner shall be notified in writing that the violation has occurred.

a) If a person or persons responsible for violations of this bylaw cannot be determined, the person in lawful custody and/or control of the premises, including but not limited to the owner, lessee or occupant of the property on which the activity is located, shall be deemed responsible for the violation.

§ XX-5. Severability. If any provision of this Bylaw is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the Bylaw shall not be invalidated.

Motion made and seconded to Table this Article.

Yes – 59 No – 12

Motion to Table Approved by 2/3rds Majority Vote

ARTICLE 32. To see if the Town will vote to amend the Town bylaws by adopting a new Article XXI, to establish a Department of Municipal Inspections, or take any action relative thereto.

§ XXI-1. Appointment of Director.

The town accepts the provisions of MGL c.43C, §§ 13 and 14, establishing a consolidated Department of Municipal Inspections, to include the Building Inspector/Zoning Enforcement Officer, Wiring Inspector. The Select Board shall appoint the Director of Municipal Inspections. The term of such Director shall be three years, subject to removal by vote of the Select Board.

§ XXI-2. Responsibilities of Department.

The Department of Municipal Inspection shall be responsible for:

- A. The coordination of inspectional functions carried out by any municipal officer or agent within the Department.
- B. Maintenance of all records relating to inspections in a central common index.
- C. A single application process, which would indicate all inspections which might be necessary, including, but not limited to, any inspections under the zoning bylaw and other local bylaws, the Building Code and Plumbing and Gas Codes and any other local inspections within the responsibilities of the officials in this Department, as may be otherwise authorized.

§ XXI-3. Supervisory Authority of Director.

All personnel performing inspection functions shall, when performing such inspection services, be subject to the administrative control and direction of the Director of Municipal Inspections, but not otherwise.

§ XXI-4. Recommendations for appointment of staff.

The appointment of offices and employees necessary to staff the Department shall be recommended to the Select Board by the Director of Municipal Inspections.

Motion made and seconded to amend this Article as follows:

In Article 32 “§ XXI-1. Appointment of Director”:

- Delete “to include the Building Inspector/Zoning Enforcement Officer, Wiring Inspector.” and insert it is place “to include the Building Inspector/Zoning Enforcement Officer and an alternate, Wiring Inspector and an alternate, and Plumbing/Gas Fitting Inspector and an alternate.”
- Insert “, who may be one of the inspectors” after “The Select Board shall appoint the Director of Municipal Inspections”.
- Insert “after notice and a hearing” after “subject to removal by vote of the Select Board”.

Section XX-1 of Article 32 with above amendments:

§ XX-1. Appointment of Director.

The town accepts the provisions of MGL c.43C, §§ 13 and 14, establishing a consolidated Department of Municipal Inspections, to include the Building Inspector/Zoning Enforcement Officer and an alternate, Wiring Inspector and an alternate, and Plumbing/Gas Fitting Inspector and an alternate. The Select Board shall appoint the Director of Municipal Inspections, who may be one of the inspectors. The term of such Director shall be three years, subject to removal by vote of the Select Board after notice and a hearing.

Yes – 47 No – 0

Motion to Amend Approved

Vote on the Article as amended:

Yes – 35 No – 4

Motion as Amended Approved

ARTICLE 33. To see if the Town will vote to authorize the Select Board to acquire by purchase, gift or eminent domain temporary easements and/ or rights in portions of the following parcels of land for the purposes of making certain road and bridge improvements for Curtis Road over the Konkapot River: Assessor’s Parcels 226-010, 226-009, 226-008, 231-007 for construction access; or to take any other action in relation thereto.

Motion made and seconded.

Yes – 45 No – 1

Motion Approved

ARTICLE 34. To see if the Town will vote to accept as a public way a portion of Curtis Road, as heretofore laid out by the Select Board and shown on "Monterey – 2023 Town Layout Relocation Plan," prepared for the Town of Monterey Massachusetts by GCG Associates, Inc, dated March 10, 2023, said plan on file with the Town Clerk, as authorized by the Select Board.

Motion made and seconded.

Yes – 46 No – 0

Motion Approved

ARTICLE 35. 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.

Motion made and seconded.

Yes – 42 No – 2

Motion Approved

ARTICLE 36. 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.

Motion made and seconded.

Yes – 40 No – 1

Motion Approved

ARTICLE 37. 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 9, 2023, 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 Appeals for five years

One member 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 Library Trustees for three years

One Moderator for one year

One member of the Park Commission for three years

One member of the Planning Board for five years

One member of the Select Board for three years

One Tree Warden for one year

Motion made and seconded to Adjourn at 1: 25 PM.

Respectfully submitted,

Christopher T. Andrews
Town Clerk

A handwritten signature in cursive script, appearing to read "Christopher T. Andrews".