

**REPORT ON THE ANNUAL TOWN MEETING  
TOWN OF MONTEREY**

This is to certify that on Saturday, May 5, 2007, at 9:30 o'clock in the morning 98 inhabitants of Monterey qualified to vote in the elections and Town affairs met in the Firehouse of the Monterey Fire Company Ltd., and then and there acted as follows:  
The voters voted to waive the reading of the warrant at 9:32 A.M.

**ARTICLE 1.** 241 Voters of The Town brought in their votes to the election of officers of the Town on the official ballot provided by the Town Clerk for the following officers of the Town as the polls opened at 9:35AM and closed at 6:30PM:

Board of Appeals for five years	Robert Lazzarini	125*
	Susan Cooper	104
Board of Assessors for three years	Stanley Ross	202
Board of Health for three years	Robert Anelli	193
Cemetery Committee for three years	Steven Pullen	210
Constable for three years	Raymond W. Tryon	190
Finance Committee for three years	Maryellen Brown	200
Library Trustee for three years	William Marsh	186
Library Trustee for three years	C. "Mickey" Jervas	167
Moderator for one year	Mark J. J. Makuc	218
Park Commission for three years	Valerie Zantay	178
Park Commission for three years	Diana Piepho	158
Planning Board for five years	M. "Maggie" Leonard	201
Planning Board for five years	Brian Puntin	165
Planning Board for one year	Alan R. Salamon	183
Select Board for three years	Scott Jenssen	138*
	Stephen Rose	99
Tax Collector for three years	Anne Marie "Mari" Enoch	210
Town Treasurer for three years	Patricia Mielke	208
Tree Warden for one year	Roger C. Tryon	195

And to vote upon the following question: Shall the Town of Monterey be allowed to exempt from the provisions of Proposition 2 1/2 so called, the amount required to pay for the bond(s) issued for the building of a salt shed?

Yes 161    No 55

A customary moment of silence was celebrated in memory of Mrs. Anne Marie Makuc, who was a valued Librarian of the Town.

**ARTICLE 2.** The Town accepted the reports of all Officers, Agents and Committees of the Town by "Ayes have it".

**ARTICLE 3.** The Town voted to fix the salaries as indicated below to be paid to elected officials for the period July 1, 2007, to June 30, 2008, pursuant to the provisions of Chapter 41, Section 108, of the General Laws:

Select Board Chair \$4,250  
Select Board 2nd \$4,250  
Select Board 3rd \$4,250

Assessors Chair \$2,500  
Assessors 2nd \$2,500  
Assessors 3rd \$2,500

Board of Health Chair \$ 446  
Board of Health 2nd \$ 446  
Board of Health 3rd \$ 446

The vote was an affirmative “Ayes have it”.

**ARTICLE 4.** The Town raised and appropriated the following 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:

Account

**100 GENERAL GOVERNMENT**

114	Moderator	100.00
122	Select Board Elected	12,750.00
122	Select Board Secretary	0.00
122	Select Board Expenses	4,500.00
124	Temporary Employee	100.00
131	Finance Committee Expenses	500.00
132	Town Reserve Fund	20,000.00
135	Town Accountant Salary	13,721.00
135	Town Accountant Expenses	300.00
141	Assessors Elected	7,500.00
141	Asst. Assessor	30,530.00
141	Assessors Clerk Salary	7,000.00
141	Assessors Expenses	10,165.00
144	Assessors Computer	4,450.00
145	Treasurer Elected	11,703.00
145	Treasurer Expenses	2,340.00
145	Treasurers Tax Titles	2,000.00
146	Tax Collector Elected	14,593.00
146	Tax Collector Expenses	4,150.00
147	Tax Coll. Computer	4,500.00
148	Bank Charges	200.00
151	Town Counsel	8,500.00
158	Printing & Stationery	7,000.00
159	Inter-Departmental Secretary	37,340.00
160	Procurement Expenses	100.00
161	Town Clerk Elected	17,036.00
161	Town Clerk Expenses	4,650.00

162	Election Expenses	3,082.00
163	Registration	294.00
164	Bd. Registrars-Clerks	7,638.00
164	Registrars Expenses	2,176.00
165	Asst. Town Clerk	1,288.00
165	Asst. Town Clerk Expenses	1,121.00
171	Conservation Comm.	750.00
175	Planning Board Clerk	1,200.00
175	Planning Board expenses	3,795.00
176	Board of Appeals expenses	1,000.00
176	Board of Appeals Clerk	500.00
192	Meeting Hall	935.00
195	Town Report	1,500.00
196	Town Offices	30,000.00
197	Computer Software & Supplies	10,000.00
198	Accounting Software	5,800.00
	<b>Subtotal</b>	<b>296,807.00</b>

## **200 PROTECTION, PERSONS & PROPERTY**

209	Constable	150.00
210	Police Chief Wages	49,500.00
210	Full Time Officer	37,658.00
210	Police Expenses	53,551.00
212	Police Rental Facilities	3,500.00
220	Fire Dept. Expenses	30,000.00
221	Berk. Cty. Sheriff Comm.	7,059.00
222	Fire Dept Compensation	54,590.00
240	Building Inspector	22,495.00
240	Building Inspector Expenses	1,900.00
240	Building Inspector Clerk	0.00
243	Plumbing and Gas Inspector	3,502.00
243	Plumbing/Gas Inspector Exp	720.00
244	Fire Inspector	2,500.00
245	Wiring Inspector	2,650.00
245	Wiring Inspector Expenses	650.00
247	Animal Inspector	800.00
292	Animal Control/Dog Officer	3,000.00
293	Animal Control Expenses	1,149.00
296	Tree Warden	5,970.00
	<b>Subtotal</b>	<b>281,344.00</b>

## **300 EDUCATION**

301	School Committee	1,200.00
310	Schools: Capital	180,742.00
310	Schools: Operating	808,853.00

	<b>Subtotal</b>	<b>990,795.00</b>
<b>400</b>	<b>PUBLIC WORKS &amp; FACILITIES</b>	
422	Highway Maintenance	141,363.00
422	Director Of Operations	60,000.00
422	D of Oper Snow Plow Bonus	0.00
422	Foreman	41,698.00
422	Hwy2Compensation	39,318.00
422	Hwy3Compensation	36,248.00
423	Salt and Sand	100,000.00
423	Overtime Supplies & Fuel	57,744.00
424	Public Lighting	3,000.00
425	Tree Removal	2,500.00
426	Tree Planting	0.00
427	Machinery &Tools	28,000.00
428	Town Garage	15,100.00
429	Highway Capital	65,000.00
430	Dam Inspection & Maint.	4,000.00
431	So. Berk. Waste District	3,129.00
433	Transfer Station	90,000.00
435	Household Hazardous Waste	1,600.00
436	Group Purchasing Regional	400.00
491	Cemetery Maintenance	500.00
491	Cemetery Lawn Care	18,000.00
495	Soldiers Graves	0.00
	<b>Subtotal</b>	<b>707,600.00</b>
<b>500</b>	<b>HUMAN SERVICES</b>	
510	Board of Health Salary	1,338.00
510	Board of Health Expenses	600.00
510	Board of Health Clerk	4,500.00
511	Sanitary Inspector	20,144.00
522	Visiting Nurse	3,200.00
523	Berkshire Mental Health	1,030.00
529	Community Health Program	1,250.00
531	Berkshire South Regional Community Center	2,500.00
541	Council on Aging	500.00
543	Veterans Benefits	100.00
	<b>Subtotal</b>	<b>35,162.00</b>
<b>600</b>	<b>CULTURE &amp; RECREATION</b>	
610	Library General	40,568.00
610	Library Maintenance	3,425.00
630	Park Commission	32,007.00
630	Parks Lawn maint cleanup	4,955.00

640	I love Monterey	500.00
641	Cultural Council	2,800.00
692	Memorial Day	1,500.00
	<b>Subtotal</b>	<b>85,755.00</b>

**700 DEBT SERVICE**

752	Debt Service	4,500.00
	<b>Subtotal</b>	<b>4,500.00</b>

**900 MISCELLANEOUS EXPENSES**

911	Berkshire County Retirement	64,285.00
911	State Bd. Of Retirement	0.00
913	Employment Security	6,320.00
914	Health & Life Insurance	79,650.00
915	FICA	8,264.00
945	Bonds & Insurance	56,175.00
	<b>Subtotal</b>	<b>214,694.00</b>

<b>Total Operating Expenses</b>	<b>2,616,657.00</b>
<b>Special Articles</b>	<b>235,285.00</b>
<b>Total</b>	<b>2,851,942.00</b>
<b>Permission to Borrow</b>	<b>320,000.00</b>

**Holds were placed on #164, 222, 292, 296, 310, 495, 531, 913.**

**164:** A request was made and approved by voice vote for the line to cover two Clerks.

**222:** The occasion was seized to thank and congratulate the Fire Company on saving the Moriarty home from a neighboring fire through teamwork of young and old.

**292:** A request was made, but not seconded, for this to be over two years. Mr. Storch noted that the town is not covering health care since fewer towns are served by this position. As to whether the health care would have been for the person or the position, the reply was that it was for the person.

**296.** Asked why this was the only salary decrease, Ms. Gauthier noted that the Tree Warden cannot be paid a salary by law, that this is what he asked for and serves only for tree removal and planting.

**310.** Asked for an update on the school funding situation, there was much discussion of the 2001 agreement and the new guideline of the State that it must be passed each year, Sheffield's announced intention of utilizing a different system of apportionment of costs whereby Monterey would pay an additional \$70,000. It was noted that the Town would explore becoming its own district, that we have 90 students to pay for even though only 46 or 48 go to the regional school and ten are home schooled, that we pay \$12,000 per pupil now, and might be paying \$13-14,000 if the apportionment changes. The work of the School Committee was praised and clearly differentiated from the current problem. Valerie Spriggs of the Regional School presented charts and review of the budget.

**495.** There was a motion to raise and appropriate \$600.00 for Soldier's Graves. It was approved by a voice vote.

**531.** Eliza Crescentini reported on the many programs this will support at the Community Center in Great Barrington. She noted there were about 36 family memberships per year from Monterey and 74 current year-round members. The Center offers meetings and forums attended by Monterey residents, afterschool and “snow day” programs for working parents, and a bilingual summer camp for students. Middle School dances are also held there. They provided childcare for this Annual Meeting in Monterey. The budgeted item was approved by voice vote.

**913.** This item is increased by the fact that those who are let go by the Town seek unemployment and the insurance rate for the Town increases proportionately for a time.

There being no further discussion, the article was passed as whole by a voice vote: “Ayes have it”.

**ARTICLE 5.** The Town voted to raise and appropriate the sum of \$62,626 for the loan and interest on the Osh Kosh truck and Ford 550 truck with no discussion by a voice vote: “Ayes have it”

**ARTICLE 6.** The Town voted to raise and appropriate the sum of \$50,000 for the Stabilization Fund by a unanimous voice vote with no discussion.

..

**ARTICLE 7.** The Town voted to transfer the sum of \$10,000 from Overlay Surplus to the Reserve Fund with no discussion by a voice vote: “Ayes have it”.

**ARTICLE 8.** The Town voted to raise and appropriate the sum of \$46,050 for the loan and interest on the Town Hall addition with no discussion by a voice vote: “Ayes have it”

**ARTICLE 9.** The Town voted to raise and appropriate the sum of \$40,809 for the lease payment on the 2003 fire truck with no discussion by a voice vote: “Ayes have it”.

**ARTICLE 10.** The Town voted to raise and appropriate the sum of \$3200 for repairs and maintenance of the Bally Gally house on the former Wilson McLaughlin property with no discussion by a voice vote: “Ayes have it”

**ARTICLE 11.** The Town voted to raise and appropriate the sum of \$2000 for the Retiree Health and Life Insurance and to create a Stabilization Fund in said name with no discussion by a unanimous voice vote.

**ARTICLE 12.** The Town voted to appropriate the sum of \$5000 from the Receipts Reserve Septic Loan Fund for the Community Septic Loan Program with no discussion by a voice vote: “Ayes have it”

**ARTICLE 13.** The Town voted to appropriate the sum of \$320,000 for the building of a salt shed, and to authorize the Town Treasurer with the approval of the Select Board to borrow said amount. Explanation of this item involved the fact that this is the fifth and final year of a Federal mandate and allows us to borrow for this purpose if we cannot get a loan from the State. The shed cost would have to go out for bid, but this vote shows

good faith on the part of the Town. A picture of a possible plan with room to back into the shed and a lean-to on one side was presented. Discussion of the need for a secret ballot and the fact this vote and the ballot vote are for a debt exclusion and not an override was made. Much planning remains since the town owns ten acres at the site. The balloting results were:

YES 80 NO 12.

and the Motion to pass was approved by a greater than 2/3 majority.

**ARTICLE 14.** The Town voted to authorize and direct the Assessors to take \$50,000 from Free Cash to reduce the tax levy for the fiscal year beginning July 1, 2007 with no discussion by a voice vote: "Ayes have it"

**ARTICLE 15.** The Town voted to raise and appropriate the sum of \$2500 for Lakefest, with no discussion by a voice vote: "Ayes have it"

**ARTICLE 16.** The Town voted to raise and appropriate the sum of \$7,400 for the purchase of a new furnace for the Town Hall with no discussion by a voice vote: "Ayes have it"

**ARTICLE 17.** The Town voted to raise and appropriate the sum of \$5,700 for the purchase of a Mapping Program Link for the Board of Assessors after it was noted that this mapping function will be used mostly by boards other than the Assessors. The vote was made by a voice vote: "Ayes have it"

**ARTICLE 18.** The Town voted to allocate the sum of its required contribution to the Southern Berkshire Regional School District, in accordance with the regional agreement presently in effect, in accordance with Massachusetts General Laws Chapter 71, Section 16B. The article was passed with no discussion, unanimously.

**ARTICLE 19.** The Town voted 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, with no discussion other than the explanation that we need money for which we can be reimbursed each year, and this article was passed by a voice vote: "Ayes have it"

**ARTICLE 20.** The Town voted 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, 2007, 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 by a voice vote: "Ayes have it"

**ARTICLE 21.** The Town did not 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 because no positions were brought for consideration by the voters.

**ARTICLE 22.** The Town voted to adopt the provisions of MGL Chapter 59, Section 5K allowing for a "Senior Citizen Property Tax Work-Off Program" in the Town of Monterey, effective July 1, 2007. Discussion concerned the fact that the law creates the possibility of up to \$750 property tax workoff for a property owner over 60 years old working at minimum wage. Mr. Sylbert of the Select Board noted that the Town Treasurer is willing to supervise that program and that the Select Board will not be supervising it. The approval of this acceptance of State Law was by a voice vote: "Ayes have it"

**ARTICLE 23.** The Town voted to amend the current bylaws regarding no dogs allowed on the town beach or town park and that a first offense will result in a \$50 fine, a second offense will be a \$100 fine and any offense thereafter will be a \$200 fine. The discussion concerned the fact that fines are being increased but the Police have discretion on the issuance of fines for his offence. There was a vote to move the question which was approved by a vote of 65 yes and 6 no. The final vote on this article was by a voice vote: "Ayes have it".

**ARTICLE 24.** The Town voted, pursuant to the provisions of Section 4A of Chapter 40 and Section 59A of Chapter 48 of the Massachusetts General Laws, and to accept the provisions of Section 8G of Chapter 40 of the Massachusetts General Laws, to authorize the Board of Selectmen to enter into mutual aid agreements with other area governmental units for the provision of public health, public works, police, fire, animal control, inspectional services, emergency management and emergency medical services, in accordance with an intermunicipal mutual aid agreement to be entered into between the Town of Monterey and the governmental units. There was no discussion of this article and the article was passed by a voice vote: "Ayes have it"

**ARTICLE 25.** The Town did not vote to amend the bylaws of the Town by adding Section 1.1 to

**ARTICLE 1.** Town Meeting

Section 1.1 Minutes of Town Meeting

The minutes of the town meeting shall be kept by the Town Clerk and approved by the Town Moderator and a majority of the members of the Select Board.

After an initial attempt to pass over this article, motions made and withdrawn, the article was defeated through a motion to table and a vote of 43 yes and 11 no.

**ARTICLE 26.** The Town voted to pass over amending the zoning bylaws of the Town by adding the following:  
"Section II. Definitions \_\_\_\_



Common Driveway: A private roadway shall be considered a common driveway when said road is used to provide access to two or more building lots. A common driveway will begin where it accesses approved public ways and ends at the property line of the last lot being served.

#### Section VII. General Regulations

A private roadway shall be considered a common driveway when said road is used to provide access to two or more building lots. A common driveway will begin where it accesses approved public ways and ends at the property line of the last lot being served. All common driveways shall have a common driveway permit issued by the Planning board. Building Commissioner shall be enforcement officer of Common Driveway Bylaw. Common driveway permit applicant must obtain a permit for "Access to a Public Way" from the Highway Superintendent to determine the most appropriate location of "curb cut" on town road.

Approval of common driveway does not constitute acceptance of said common driveway as an approved town road. Common driveways do not constitute road frontage and all lots served by a common driveway must have such road frontage on an approved town road or an approved subdivision road as required by the Monterey Zoning Bylaws.

Approval of a common driveway permit does not constitute approval from the Conservation Commission under the Wetlands Protection Act or the Scenic Mountains Act. Each lot served by the common driveway must have a permanent access to the Common Driveway pursuant to an Easement Agreement. The Easement Agreement is to be recorded with the common driveway permit in the Southern Berkshire Registry of Deeds or with the Land Court where appropriate. Owners of all lots served by a common driveway shall be required to be members of a maintenance association whose purpose is to provide maintenance of the common driveway as required, which shall include but not limited to snow plowing, road maintenance, maintaining drainage structures and maintaining design specifications. This maintenance association must be created by a Maintenance Association Agreement. This Maintenance Association Agreement is to be recorded with the Southern Berkshire Registry of Deeds or Land Court where appropriate.

#### Design Standards of Common driveway serving two to four lots

Common driveways serving two to four lots shall have the following minimum construction standards.

- 1) Fourteen (14) foot minimum width of travel way plus two feet additional on each side for shoulders.
- 2) Maximum length is 600 feet from access to public way to property line of last lot served.
- 3) Common driveway will have 12" of 1  $\frac{1}{2}$ " processed gravel as a sub-base.
- 4) Average grade of 10% or less and shall not exceed 12% at any point.
- 5) Signage/Lot & House numbers
- 6) Staging area 40 feet in length by 20 wide at street line

#### Common Driveways serving five to eight lots

Common Driveways serving five to eight lots shall have the following construction standards.

- 1) Sixteen (16) foot minimum width of travel way plus two feet additional on each side for shoulders.
- 2) Maximum length is 1200 feet.
- 3) Common driveway will have 12" of 1" processed gravel as a sub-base.
- 4) Average grade of 10% or less and shall not exceed 12% at any point.
- 5) Signage/Lot & House numbers
- 6) Staging area 40 feet in length by 20 wide at street line
- 7) Cul-de-sac measurements

Design Standard of Common driveway serving nine lots or more

Any common driveway serving nine lots or more shall be designed in accordance with Monterey Subdivision Standards IV, V and VI.

#### Additional Requirements

The common driveway shall be sufficiently constructed for access to a building lot before issuance of any building permit for a structure on that lot. The Building Commissioner may, at his discretion, request a review of the common driveway by the Highway Superintendent prior to issuance of a building permit. This is to ensure that the driveway has been constructed according to the common driveway permit specifications and provides safe access to the property for all emergency vehicles.

No certificate of occupancy shall be issued for a residence served by a common driveway until the Planning Board certifies in writing that the common driveway has been completed in accordance with the standards of this section.

Applicant shall submit 5 copies and a check for \$75 to the Planning Board. Application shall include adequate drawings and information such as, but not limited to, engineer calculations, topographic map of proposed driveway, as well as drawings showing proposed driveway grades, drainage and driveway construction details. The Planning Board will distribute copies to the Conservation Commission, the Building Commissioner, the Fire Chief, and the Highway Superintendent for review and comment. Final Decision When deciding whether or not to grant the driveway permit, the planning board shall consider:

- 1) The safety of the common driveway as designed for normal use.
- 2) The safety of the intersection with the town way.
- 3) The adequacy of the legal requirements for maintenance and access.
- 4) The adequacy of the of the common Driveway to provide access to vehicles carrying materials that
  - 1) are potentially hazardous if spilled, such as home heating oil.
- 5) The environmental impact on wetlands and water resource areas.
- 6) The adequacy of the common driveway to provide access to emergency vehicles, fire trucks,
  - 2) ambulances, police vehicles, etc.
- 7) The adequacy of the common driveway to provide for the needs of prospective occupants of the lots."

The move to pass over this article, requested by the Planning Board was unanimous.

**ARTICLE 27.** The Town voted to amend the zoning bylaws of the Town by deleting Section VII.C 3 and, in substitution thereof, insert the following:

“Section VII.C. Non-municipal Educational or Religious Use,

3. Setback – two hundred foot (200’) buffer surrounding the property to be kept undeveloped except for entrance and exit roadways, driveways and walkways, measured from the boundary of any abutter, but excluding roadlines where both sides of the road are owned by the same non-municipal educational or religious institution.”

The oral report by the Planning Board was as follows: This amendment to our Zoning Bylaws specifically addresses Gould Farm and its difficulties since it owns both sides of the road and they would require a variance each time they develop a project. It would also cover projects by Keswick.

After discussion of possible unintended consequences and original intent of this part of the Zoning Bylaws, the question was called by a vote of 49 yes and 1 no. The vote to approve this change to the Bylaws was by a vote of 31 yes and 15 no. The article was passed.

**ARTICLE 28.** The Town did not vote to accept the following Citizen Petition:

To see if the Town will vote to direct the Select Board to direct the Police Chief to have a Town Police person that is on duty direct traffic to protect pedestrians in the area of the Monterey General Store on weekends and holidays from the beginning of Memorial Day weekend until the end of Labor Day weekend and Columbus Day weekend from the hours of 8:30am until 11:00am. After much discussion, it was noted that this is a parking problem, not a policing problem. The Police Chief noted that we cannot easily use the officer on duty to direct traffic since we do not have cell coverage there but only radio. The counted vote on this article was 14 yes and 36 no. The motion failed.

There being no further business brought to the Town Meeting, a motion to adjourn was entertained and passed unanimously at 1:25PM. The polls continued open until 6:30PM.

Respectfully submitted,

Barbara B. Swann, Town Clerk